URIBE'S POSSIBLE THIRD TERM AND CONFLICT RESOLUTION IN COLOMBIA

Latin America Report N°31 – 18 December 2009

International Crisis Group
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EXECUTIVE SUMMARY

Colombia's efforts to resolve its half-century armed conflict and growing tensions with neighbours will be shaped by the decision on whether to change the constitution to enable President Álvaro Uribe to seek a second re-election in May 2010. This issue has dominated Colombian politics for over a year. Most appear to back a third term, seeing Uribe as the only politician with the credibility and capacity to maintain security gains and broaden economic well-being after August, when his mandate ends. His supporters believe he has demonstrated strong leadership in times of escalating regional tensions, especially with Venezuela and Ecuador. Others fear another change in the constitution and four more years of Uribe's rule will further weaken democratic judicial and legislative institutions and essential checks and balances. They warn that the process of enabling a second consecutive re-election has been plagued by irregularities and allegations of corruption and that a third term could result in continuation of a too narrow security strategy focused on elusive final military defeat of the insurgent FARC and ELN.

To enable Uribe's second re-election, a new constitutional amendment must be approved by referendum. A law governing such a referendum was adopted on 1 September 2009. The Constitutional Court is reviewing the new law with respect to both procedures and constitutionality. Its decision whether Uribe can stand for a third term is expected to come only weeks or even days before the March 2010 legislative elections. If the referendum is authorised, passage requires participation by a quarter of the electorate of about 29 million voters and a majority of affirmative votes. Uribe would then have to win re-election in the general poll. The president has avoided publicly discussing a third term but has hinted at standing in 2010 to ensure continuation of his political project, in particular the security policy.

After more than seven years in power, including re-election in 2006 with the benefit of a constitutional amendment that allowed him to stand again, Uribe's flagship security policy geared at defeating the insurgent FARC and ELN continues to be strongly supported by broad sectors in the country. However, the security environment is changing, as new illegal armed groups (NIAGs) emerge, some paramilitaries persist, the insurgents adapt to government military strategies, and efforts to combat drug trafficking that funds the insurgency and other armed groups achieve partial results but no breakthrough. Thus, the current security approach needs to be reviewed and adjusted by whomever sits in the presidential office for the next four years.

Uribe or any new president will need to broaden the strategy to address non-military aspects of the security agenda, including the root causes of the protracted conflict. These challenges include combating rural alienation through more effective development programs, strengthening the protection of human rights and developing a political framework for resolving the conflict. The new president must likewise repair battered relations with Venezuela and Ecuador, which have been characterised by worrying diplomatic stand-offs and sabre-rattling in recent times.

In addition to its effect on national security policy and conflict resolution, Colombians must be alert to the potential impact of a twelve-year presidency on the institutional structures that underpin their democracy. A third consecutive term would further increase the broad powers of the president to appoint – or influence the appointment of – the heads of supervisory and control institutions. Weakened checks and balances could affect citizens' rights and encourage official corruption. Confrontation and deep distrust between the executive and the Supreme Court risk delegitimising state action as a whole.

In the run-up to the March and May 2010 congressional and presidential elections, the government and other institutional and political actors should work together to reduce political polarisation and uncertainty. They also need to ensure the independence and guarantee the full and free functioning of oversight and electoral institutions, including the public prosecutor, the National Electoral

Council (CNE), the ombudsman, the comptroller general, the national registry office, and the central bank board. The separation of power among the executive, judiciary and legislative branches must be upheld so as to reduce the possibility of accumulation of excessive powers in the executive, and the constitutional independence of the new attorney general has to be respected.

Bogotá/Brussels, 18 December 2009

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I. INTRODUCTION

The proposed second re-election of President Álvaro Uribe in May 2010 has been driving Colombian politics for over a year. In September 2008, close to four million citizens backed a petition for a referendum on a second presidential re-election; one year later Congress approved the referendum bill. For the constitutional amendment to be enacted that would allow Uribe to stand for a third term, the Constitutional Court must still approve the law, and the referendum must pass with a 50-per-cent-plus-one majority of the votes and participation by at least a quarter of the total electorate of about 29 million. Even this could be difficult in a country with a tradition of low voter turnout. Uribe would still have to decide to stand and then win the subsequent election.

The pro-Uribe camp is convinced that only he can ensure continuation of the current security policy, which has made significant headway against the Revolutionary Armed Forces of Colombia (FARC) and National Liberation Army (ELN) insurgents, and achieve their military defeat. Similarly, many are concerned about switching leaders in the midst of growing tensions with Colombia's neighbours, particularly Venezuela and Ecuador. Recent polls suggest that the majority of the electorate supports both a change in the constitution to permit a third term and the re-election of Uribe.

At the same time, there is growing concern that a second consecutive Uribe re-election would limit the possibility to incorporate necessary non-military elements into a more comprehensive conflict resolution strategy; and that it would further upset the checks and balances of the political system and weaken its democratic legitimacy. The power of the executive branch would increase, as it is the president who directly chooses, or indirectly influences, the appointments of the heads of several public oversight and powerful state institutions.[1]

Despite Uribe's pledges on gaining the presidency in 2002 to act decisively against clientelism and partisan politicking, his administration has pressed for the appointment of supporters to such positions. Institutional erosion has been exacerbated by an escalating confrontation between the government and sectors of the judicial branch of governance, in particular the Supreme Court. The administration and allied legislators have repeatedly accused the court of administering politicised and unfair justice. Conversely, the court has reiterated its independence, enshrined in the 1991 constitution, and warned against state intelligence agencies' harassment of judges.[2]

Political uncertainty is increasing in the run-up to the March 2010 legislative and May 2010 presidential elections. In the event that the Constitutional Court rejects the referendum law or the referendum itself fails, the unity of the fragile and opportunistic pro-government coalition in Congress, as well as the selection of a single "Uribista" presidential candidate, might be jeopardised. The two main opposition forces, the Liberal and the Polo Democrático Alternativo (PDA) parties, held primaries on 27 September 2009 to choose their candidates. However, both face the challenge of smoothing over deep internal differences and creating a broad alliance to successfully challenge the pro-Uribe coalition and the presidential candidacy of Uribe or any successor in the Uribista camp.

[1] The terms of the attorney general, public prosecutor and ombudsman are limited to four years; the term of the head of the national registry office is five years; the terms of the judges of the constitutional court, the supreme court and the state council (Consejo de Estado) are limited to eight years; the terms of the members of the electoral council are limited to four years.

[2] The concern on harassment of judges was reaffirmed last month in the report of the independent UN Committee Against Torture. See "Examen de los informes presentados por los estados partes en virtud del Articulo 19 de la Convencion", unedited version, CAT/C/COL/CO/4, 19 November 2009, para. 14.

II. WHY THE PUSH FOR A THIRD TERM?

Third-term advocates believe another four years is needed to consolidate Uribe's political and security achievements. His long-term political project is described as the virtuous combination of increased security, investor confidence and social cohesion; with continued improvements in security and the ensuing stability, investors are encouraged to create the jobs and wealth needed for development.[3] It is said re-election is the only way to ensure the long-term sustainability of recent security gains, final defeat of the insurgents and the consequent peace dividends. In addition, growing tensions with Venezuela and Ecuador have strengthened the view among broad sectors close to the government that Colombia is alone in the region in the fight against drug trafficking and terrorism. Those tensions have increased as a result of negative reaction across Latin America to the country's new defence cooperation agreement (DCA) with the U.S.[4] Since late July 2009, they have been used to rally patriotic fervour in support of the government, with allies describing Uribe as the only man able to face the foreign threats.[5]

Uribe's strategy to neutralise and defeat the insurgents by military means is widely supported by large parts of the upper-middle and middle classes in urban areas, as well as by entrepreneurs and landowners. Equally important in electoral terms, many among the rural and working classes also support the president and his security policies,[6] seeing him as a worthy adversary to the FARC, an insurgent group that most rural Colombians perceive as a predator.[7] Uribe is also widely seen as embodying a model of political restoration of the country based on conservative and traditional values.[8]

This solid political base is combined with the appeal of Uribe's origins as a successful regional politician (governor of Antioquia department) and his outspoken and colloquial style of addressing the common man, which runs against the negative perceptions many Colombians have of past presidents and the traditional centralism of Bogotá politics.[9] Those supporting a third term also include members of the powerful national industrial and financial elite, public contractors, and local and regional real-estate dealers, as well as agro-industry and mining entrepreneurs.

The business interests of all these individuals have undoubtedly benefited from the security gains of the Uribe era. Their support is based on the assumption that a third term would guarantee the status quo and maintain – or even increase – their regional power.[10] While most of this group are involved in private sector economic activities, some members of the regional economic and political elites depend on close personal relationships with the government to obtain permits or public contracts.[11] Critics have pointed out that the 2010 re-election push also reflects the interests of local and regional networks that in some cases may be involved in dubious or even criminal dealings.[12]

Staunch Uribe allies and third-term supporters charge that opponents of a second consecutive presidential re-election are a minority with little connection to "the people".

[3] Crisis Group interviews, U party congressman, pro-Uribe politician and pro-Uribe think tank representative, Bogotá, 29 July and 20-21 August 2009.

[4] Markus Schultze-Kraft, "U.S. sends wrong messages to Latin America", Reuters (UK), 24 August 2009.

[5] Crisis Group interviews, U party congressman, pro-Uribe politician and pro-Uribe think tank representative, Bogotá, 29 July and 20-21 August 2009. A few days before the 28 August UNASUR meeting, U party Senator Armando Benedetti paid for billboards in Bogotá's busiest avenues criticising the Ecuadorian and Venezuelan presidents.

[6] However, the intelligentsia is progressively turning against Uribe.

[7] Support for the FARC is almost non-existent in cities. Millions of Colombians at home and abroad have marched several times to denounce the FARC. Crisis Group interview, political/security analyst, Chía, 16 July 2009.

[8] Crisis Group interview, political and conflict analyst, Bogotá, 14 July 2009. See "Reflexiones acerca del conflicto y posconflicto en Colombia", in Markus Schultze-Kraft, *Pacificación y poder civil en Centroamérica. Las relaciones cívico-militares en El Salvador, Guatemala y Nicaragua* (Bogotá, 2005), pp. 421-447.

[9] Uribe prefers to run government affairs from distant municipalities during his weekly community councils (*consejos comunitarios*). These have been criticised as a populist instrument that weakens regional and local governance by bypassing elected officials. Crisis Group interview, political analyst, Bogotá, 8 July 2009.

[10] At least six companies and investment groups donated COP 660 million ($330,000) to the promoters of the referendum. Lina Marín, "Las empresas que aportaron al proyecto de referendo para la reelección podrían ser corresponsables en violación de topes", Lasillavacia.com, 23 March 2009. See Section IV.A. below.

[11] Crisis Group interview, political and conflict analyst, Bogotá, 14 July 2009.

[12] Ibid. A Colombian academic and political analyst has coined the term "hybrid powers" to describe the alliances of legal and illegal political, economic and social regional powers in Colombia. Claudia López, "Pirotecnia internacional y reelección nacional", *El Tiempo*, 3 August 2009.

They argue that the opposition is largely made up of newspaper and magazine editors and columnists, as well as Bogotá-based political foes, who fail to grasp the demands and expectations of the common citizen. An influential former presidential adviser claimed that opposing a new term backed by the people goes against Article 23 of the Inter-American Convention on Human Rights.[13] In the same vein, supporters and Uribe himself have stated that Colombian democracy has evolved from the rule of law (*Estado de derecho*) to the "superior" stage of the "rule of popular will" (*Estado de opinión*). Vaguely defined, this concept proposes that state institutions should adapt and respond to public opinion and that public opinion – as reflected in opinion polls – is in effect "sovereign".[14]

A. SECURITY AT THE HEART OF THE RE-ELECTION DRIVE

1. Security and presidential re-election

Uribe's supporters place concern over the continuation of security policy at the heart of the re-election drive. Since taking office on 7 August 2002, President Uribe has focused government policy on the military struggle against illegal armed groups, particularly the FARC, and the demobilisation and reintegration of United Self-Defence Forces of Colombia (AUC) paramilitaries.[15] He has done this through his flagship democratic security policy (DSP), from 2003 to 2006, and subsequently its successor, the democratic security consolidation policy (DSCP). The emphasis on security and the expansion of law and order and the state's presence across the country were key elements in his landslide re-election in 2006.[16]

In the run-up to the 2010 general elections, Uribe's allies and large parts of the population continue to see the FARC as the main threat to Colombia's democracy and economic well-being. Before Uribe took office in 2002, the FARC was able to disrupt elections through blockades in whole regions of the country and attacks on polling stations and voters in large rural areas in the east and south.[17] Uribe supporters fear election of a new president, no matter how closely aligned, would bring discontinuity and improvisation on security matters, as in the administrations of Ernesto Samper (1994-1998) and Andrés Pastrana (1998-2002). The armed forces' primary aim is to sustain the current military strategy, high defence and security spending and its enhanced technological and operational capability.[18]

The government military offensive has substantially reduced the insurgents' capacity to threaten large urban and economic centres.[19] Progress has clearly been made in containing the insurgents and pushing them out of many regions where they previously were strong. Numerous blows have been dealt to FARC leadership and core units, especially since 2007;[20] the campaign to promote individual defection and reintegration of rebel fighters has removed over 15,000 from the conflict.[21] By continuing to hit rebel units, promoting defections, disrupting their support and supply networks and cutting their weak political lifelines, the government seeks to splinter the FARC, further isolate its leadership and destroy its

[13] José Obdulio Gaviria, "Antirreeleccionistas: las razones de la sinrazón", *Ahora*, August 2009. Article 23 states that every citizen has the right and opportunity "to take part in the conduct of public affairs, directly or through freely chosen representatives".

[14] In a "rule of the popular will" regime, checks and balances would presumably come from a balance between representative democracy and vigorous use of participatory democracy mechanisms in which political parties more clearly align with the "popular will". Crisis Group interviews, U party congressman and pro-Uribe think tank representative, Bogotá, 29 July and 21 August 2009. However, Crisis Group was unable to get a clear answer from these and other sources on how Colombia's legal framework, which already contains elements of participatory democracy, should be adapted to integrate the "rule of the popular will theory"; how the "rule of law" and institutional mediation via parties would be strengthened; or how the "popular will" would respect the rights of minorities.

[15] For discussion on the DSP and DSCP, see "Democratic Security Policy", national defence ministry, 2003; "Democratic Security Consolidation Policy", national defence ministry, 2006; Crisis Group Latin America Reports N°6, *Colombia: President Uribe's Democratic Security Policy*, 13 November 2003, and N°30, *Ending Colombia's FARC Conflict: Dealing the Right Card*, 26 March 2009, pp. 21-24.

[16] The good economic performance of the first Uribe administration after the crisis of the late 1990s and early 2000s also played a role in his re-election in 2006. Crisis Group Latin America Report N°17, *Uribe's Re-election: Can the EU Help Colombia Develop a More Balanced Strategy?*, 8 June 2006. For discussion on the questioned legality of the 2004 amendment, see Section III.B below.

[17] Crisis Group interviews, national police analysts, pro-Uribe politician and pro-Uribe think tank representative, Bogotá, 4, 20 and 21 August 2009.

[18] Crisis Group interview, defence ministry official, Bogotá, 9 July 2009.

[19] Crisis Group Report, *Ending Colombia's FARC Conflict*, op. cit.; Crisis Group Latin America Briefing N°17, *Colombia: Making Military Progress Pay Off*, 29 April 2008; and Crisis Group Report N°14, *Colombia: Presidential Politics and Peace Prospects*, 16 June 2005.

[20] For the security forces' successes against the FARC, see Crisis Group Report, *Ending Colombia's FARC Conflict*, op. cit.

[21] Since Uribe took office in August 2002, at least 13,015 FARC and 2,742 ELN members have deserted; from 1 January to 7 September 2009, 1,610 FARC and 379 ELN fighters have deserted. See statistics at www.mindefensa. gov.co.

internal cohesion. It hopes some factions will surrender and accept prosecution under the Justice and Peace Law, while the government armed forces neutralise the most radical ones.[22]

In March 2009, after almost seven years of the DSP and DSCP, the defence ministry began implementing the "strategic leap" (*salto estratégico*), with the aim of consolidating strategic gains and achieving final victory.[23] The plan includes the creation of "joint operation theatres" (*teatros de operaciones conjuntas*), in which coordinated offensives would be conducted by all branches of the security forces (army, navy, air force and police) in remote regions to which the insurgents have withdrawn and where they still retain a relatively strong military presence. Each joint operation theatre would adapt its strategy to specific regional conditions in order to disrupt and dismantle the structures of the illegal armed groups.[24]

In addition, the government developed the Integrated Action Doctrine (DAI) to implement joint military-civilian programs in conflict regions, mostly for provision of basic services and building infrastructure. It includes setting up Coordination Centres for Integral Action (*Centros de Coordinación de Acción Integral*, CCAI) and Comprehensive Fusion Centres (*Centros de Fusión Integral*) to permanently recover areas previously controlled by the insurgents. The major criticism from Colombian and international civil society organisations is not of the effort to extend state agencies but of the security forces' pre-eminence, the limited presence of the ombudsman's and attorney general's offices and lack of sustainable commitment by line ministries.[25]

Still, many observers believe that Uribe's security policy has been built around the too narrowly conceived idea that terrorist acts by the FARC and the drug trafficking that fuels its military struggle are the main threats to the country's security;[26] they fear that four more years of such a strategy will achieve little. A broader strategy is needed, given that the FARC and ELN have adopted an approach of protracted resistance, demonstrating they still have the capacity to adapt to a changing security environment and gain new recruits mostly among the rural poor – some of them children who are forcibly recruited.[27] Furthermore, drug trafficking continues to fuel the activities of not only the FARC but also parts of the smaller ELN, as well as organised crime, paramilitary successors and new illegal armed groups (NIAGs).[28]

[22] Crisis Group interview, defence ministry official, Bogotá, 9 July 2009; Crisis Group Report, *Ending Colombia's FARC Conflict*, op. cit.; and Briefing, *Making Military Progress Pay Off*, op. cit.

[23] "MinDefensa explicó el 'salto estratégico' para continuar ofensiva contra las Farc", presidency press communiqué, 31 March 2009.

[24] The first operation theatre was the Caribbean. Others are being gradually implemented in critical regions, including the Nudo de Paramillo mountain range (southern Córdoba and northern Antioquia departments), Catatumbo region (Norte Santander department), Cauca and Nariño departments and the Pato and Guayabero river basins (western Meta department). Crisis Group interviews, defence ministry officials, Bogotá, 9 and 27 July 2009.

[25] The CCAIs are the entities, managed by the presidential aid agency Acción Social, that seek to coordinate the measures to recover (or incorporate for the first time) areas previously controlled by the insurgency. Crisis Group Report, *Ending Colombia's FARC Conflict*, op. cit., pp. 25-26. The fusion centres, set up with contributions from the defence ministry and U.S. cooperation, are to build basic infrastructure, initiate development projects and promote eradication of coca crops. Three currently operate: La Macarena region (western Meta department, since 2008), Montes de María mountain range (Bolívar and Sucre departments, in early 2009) and Lower Cauca region (northern Antioquia, in July 2009). Crisis Group interviews, defence ministry and Antioquia governor's office officials, Bogotá and Medellín, 9, 22 and 30 July 2009. For a critical view on the security forces' excessive role in the CCAI and fusion centres and failure to strengthen local governance, see Crisis Group Report, *Ending Colombia's FARC Conflict*, op. cit., p. 26.

[26] Crisis Group interview, political/security analyst, Bogotá, 15 July 2009.

[27] Crisis Group Briefing, *Moving Forward with the ELN?*, and Report, *Ending Colombia's FARC Conflict*, both op. cit. The FARC increased attacks against security forces in the first half of 2009, particularly in "black March" and May (celebration of the rebel group's anniversary). These have mainly been ambushes, sniper attacks and mines, as well as low intensity terrorism against civilian targets, particularly businesses that resist extortion. In mid-2009, a councilman was kidnapped in Garzón (Huila) and another in San José del Guaviare (Guaviare). FARC units have also carried out "armed strikes" (illegal roadblocks and curfews) in Arauca, Caquetá and Norte de Santander departments throughout the year. According to defence ministry sources, none of the recent attacks have endangered the main regional economic activities or put the security forces on the defensive. Attempts by the FARC's 51st front to launch an offensive in the Sumapaz mountain range (south of Bogotá) were quickly neutralised. Crisis Group interviews, defence ministry officials, Bogotá, 9 and 27 July 2009. In late August, the police reportedly dismantled a cell of the FARC's Antonio Nariño urban front that was planning terrorist attacks in Bogotá against high officials, including the president, and pro-Uribe politicians. On 1 October, at least 30 members of FARC commander Alfonso Cano's security detachment were reportedly killed in an airstrike on a camp in the mountains of Tolima department.

[28] It is estimated that in 2008 the FARC still obtained some $500 million-$600 million in proceeds from drug trafficking. There are also indications that the FARC has become more active in the trafficking of cocaine outside of Colombia, especially in Panama, expanding its role in the transnational

Many of the groups have survived by establishing regional alliances. To an extent, their endurance has also been made possible by the state's persisting lack of institutional investment in extending its presence in rural areas and in rigorously upholding human rights.[29]

Uribe's government has not given priority or explored seriously alternative paths to peace with the FARC and ELN, nor developed a comprehensive political, social and economic strategy to end the conflict with the insurgents.[30] Indications are that should he continue at the helm for four more years, alternative paths to peace with the FARC and ELN could well not be explored seriously or even blocked.

A comprehensive strategy to resolve the conflict should be built on three equally important pillars: a security policy focused on both military action and citizen security and respectful of human rights and international humanitarian law; an institutional and governance component that expands the civilian state presence across the country (public administration, tax collection, justice, basic social services, economic and physical infrastructure, as well as licit and properly regulated markets), strengthens the rule of law and addresses deep-seated problems of social inequity, poverty and access to land, especially in rural Colombia; and a political component, generically understood as "non-military", aiming to create a broad political coalition among all democratic sectors based on a concerted effort to implement the other two pillars and thereby create the conditions for future peace and demobilisation negotiations with the insurgents.[31]

2. New internal security challenges

Any new president will have to review and adjust the DSCP and its corollary, the "strategic leap" so as to successfully address persisting or new threats against civilians in rural areas and urban centres.[32] Children, women, indigenous peoples and Afro-Colombian rural communities continue to be forcibly recruited[33] and displaced, threatened and massacred by insurgents, new paramilitary groups and NIAGs.[34] According to the Constitutional Court, one third of the country's 102 indigenous peoples are facing a humanitarian emergency caused by the internal conflict, grave violations of their individual and collective rights and violations of international humanitarian law.[35]

In northern, south-western and eastern Colombia, NIAGs not only traffic drugs but also use their armed power to coerce the population in the manner of the former AUC paramilitaries.[36] Social leaders, particularly those involved

drug-trafficking chain. Crisis Group Report, *Ending Colombia´s FARC Conflict*, op. cit., p. 12; Crisis Group interviews, San José (Costa Rica), 8 September 2009.

[29] Crisis Group Report, *Ending Colombia's FARC Conflict*; Briefing, *The Virtuous Twins*, both op. cit.

[30] A similar warning regarding the first re-election was in Crisis Group Report, *Presidential Politics and Peace Prospects*, op. cit. Uribe's second term has not produced a successful conflict resolution strategy with regards to the FARC and the ELN, though a half-hearted effort was made with the ELN. See Crisis Group Latin America Briefing N°16, *Colombia: Moving Forward with the ELN?*, 11 October 2007 and Crisis Group Report, *Ending Colombia's FARC Conflict*, op. cit.

[31] For more detail on the comprehensive conflict resolution strategy, see Crisis Group Report, *Uribe's Re-election*, op. cit.; see also Markus Schultze-Kraft, "Erica: imperativo en resolución del conflicto armado en Colombia", *UN Periódico* (Colombia), 10 July 2009, and "La estrategia de resolución integral del conflicto armado y la construcción democrática del poder y del orden en Colombia", *Coyuntura*, August/December 2009, pp. 11-14. Crisis Group plans to release a policy report on conflict resolution strategy for the next president in mid-2010.

[32] Crisis Group interview, political/security analyst, Chía, 16 July 2009.

[33] Forcible recruitment, including from indigenous communities, is mainly of children between twelve and fifteen (and even younger) in rural districts (*vereda*) of Meta, Guaviare, Putumayo, Caquetá, Arauca and Vaupés departments (eastern Orinoco plains and southern Amazonian jungle). Half the child combatants are in FARC. "Ejército de niños", *Cambio*, 9 July 2009.

[34] The highest IDP rates are in areas where military operations against illegal groups have increased: south-western Meta and northern Caquetá departments, the Pacific coast, the Catatumbo region and the Sierra Nevada of Santa Marta mountain range. Crisis Group interview, NGO representative, Bogotá, 28 July 2009. Crisis Group Report, *Ending Colombia's FARC Conflict*, and Briefing, *The Virtuous Twins*, both op. cit.

[35] "Auto 004", Constitutional Court, 26 January 2009. After visiting Colombia in July 2009, the UN Special Rapporteur for human rights and fundamental freedoms of indigenous people, James Anaya, described the situation as "extremely serious and a cause of great concern". Though not the only indigenous people under threat, the situation of the Awás in western Nariño department is particularly worrying. Their leaders have reported death threats, anti-personnel landmines, forcible recruitment of children and forcible displacement by the FARC and NIAGs. Over 40 Awás have been killed in 2009, including the February massacre of at least eight by the FARC in Barbacoas (Nariño), the alleged extrajudicial killing by soldiers of Gonzalo Rodríguez on 23 May and the 25 August massacre of twelve Awás by unidentified men in military fatigues. Though Unidad Indígena del Pueblo Awá (Unity of Indigenous Awa People, UNIPA) and human rights defenders initially asked judicial authorities to investigate possible army involvement in the massacre (Rodríguez's wife was among the killed), investigations have linked the massacre to an internal community dispute.

[36] According to the Nuevo Arco Iris Foundation (NGO/think tank), some 82 NIAGs operate in 25 departments and 141

in land restitution for IDPs and defending human rights, continue to be targeted by paramilitary successor organisations and NIAGs.[37] Defence ministry officials believe the "strategic leap" can prevent and roll back the spread of emerging NIAGs and new paramilitary groups. They highlight as successes the arrests of several leaders and many more rank and file, as well as the containment of some of these groups since 2007. However, a recently published independent study, which has been questioned by the government, argues that these groups have increased their attacks and are already active in 293 of the country's 1,100 municipalities.[38] U.S. State Department officials have acknowledged privately the numbers of NIAG members could now be somewhere between 5,000 and 10,000.[39]

Moreover, alliances between some members of the security forces and drug-trafficking organisations and NIAGs persist in some areas. Several measures by the defence ministry to fight corruption and prevent human rights and international humanitarian law violations by security forces have been welcome but have proved insufficient to fully disrupt those links.[40]

There have been calls for increased attention to citizen security, insofar as the DSCP mainly focuses on terrorism, counterinsurgency and counternarcotics.[41] Despite the overall reduction of violence indicators between 2002 and 2008,[42] there has been a worrying rise in the perception of insecurity in urban and rural areas. Three quarters of the estimated 45 million population live in urban centres. Reports of muggings, burglaries, extortion, and the presence of criminal gangs have increased in big cities. In addition, especially in the large cities, homicide rates have risen again, with Medellín and Cali recording the steepest increases.[43] Farmers' representatives have drawn attention to the recent increase in farm holdups, rustling, and other types of rural crimes. This has coincided with rising unemployment, persisting high poverty and economic problems that affect small farmers and peasants.[44]

The debate between government and opposition regarding violence statistics and the security environment is far from settled;[45] and the lack of unified criteria and indicators for measuring security progress between the various government and state entities affects the accuracy of the information and risks distorting the picture. A recent study on DSCP achievements in 2006-2008 shows that the defence ministry's 2007 annual report to Congress included violence and conflict-related indicators substantially different from the ones presented in 2008.[46] Critics say the study confirms that some violence indicators, for example internal forced displacement, show worsening trends.

The disrupting and dismantling of urban and rural clandestine illegal networks demands improved intelligence and counter-intelligence. However, the professionalism and legitimacy of the state intelligence services have been repeatedly questioned. In particular the Administrative Security Department (DAS) – the service assigned to the presidency – but also other intelligence agencies have been involved in scandals of illegal wiretapping and surveillance of political opponents, journalists and high court judges.[47]

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municipalities, ranging from small criminal outfits to big army-style organisations with command and control, such as the "Rastrojos" of Luis and Javier Calle (the "Comba brothers"), the "Popular Revolutionary Anticommunist Army" (ERPAC) of Pedro Oliveira ("Cuchillo") in the Orinoco plains and the "Gaitanista Self-defence Forces of Colombia" (AGC) of captured Daniel Rendón ("Don Mario"). Crisis Group interviews, political and political/security analysts, Bogotá, 8 and 15 July 2009.

[37] Crisis Group interviews, political analyst and NGO representatives, Bogotá, 8, 27 and 28 July 2009.

[38] "2009 ¿El declive de la Seguridad Democrática?", Corporación Nuevo Arco Iris, 30 November 2009. Government officials have taken issue with the report arguing that it has serious methodological inaccuracies and, among other issues, that it classifies all types of illegal armed groups and other criminal organisations as "neo-paramilitaries", regardless of the illegal activity in which they are engaged.

[39] Crisis Group interview, Washington DC, 23 November 2009.

[40] The defence ministry published a document with a detailed account of all measures taken to uphold human rights and international humanitarian law. "Avances en el cumplimiento de las 15 medidas adoptadas por el Ministerio de Defensa Nacional: noviembre 2008 – mayo 2009", June 2009. But abuses by security force members continue. Crisis Group interview, journalist, Medellín, 21 July 2009.

[41] Crisis Group interview, urban/citizen security expert, Bogotá, 14 July 2009; "¡Inseguridad!", *Cambio*, 20 August 2009.

[42] Crisis Group Briefing, *The Virtuous Twins*, op. cit., p. 4; "Indicadores socre derechos humanos y DIH en Colombia: año 2008", Observatorio del Programa Presidencial de Derechos Humanos y DIH, 30 March 2009.

[43] 6,833 violent deaths were recorded in the first half of 2008, and 7,410 during the same period in 2009. "¡Inseguridad!", op. cit.; "Seguridad urbana en Colombia, enero – marzo 2009", Fundación Seguridad y Democracia, 10 August 2009.

[44] See interview with the president, Society of Colombian Farmers (SAC), Rafael Mejía, in "Baja rentabilidad, azote del productor rural", *Agricultura de las Américas*, July 2009.

[45] For a detailed discussion on the ongoing debate regarding security indicators, see Crisis Group Briefing, *The Virtuous Twins*, op. cit.

[46] Adolfo Atehortúa and Diana M. Rojas, "La Política de Consolidación de la Seguridad Democrática: balance 2006-2008", *Análisis Político* no. 66, May-August 2009, pp. 59-80.

[47] See Section III.B below.

A weak link in the security strategy has been the absence of a border cooperation and protection policy, as first highlighted by Crisis Group in 2004.[48] If security consolidation and "strategic leap" efforts are to be effective, more consistent government action is needed to disrupt and dismantle trans-border drugs and arms trafficking, logistics supply lines, support networks and sanctuaries of illegal armed groups.[49] Such a policy has to be coordinated with the neighbouring countries. Though this is happening to a degree with Brazil, Peru and Panama, the Uribe government has been unable to build working partnerships with Ecuador and Venezuela.[50] These countries' borders are the most economically active, but also the ones with the largest illicit activities carried out by Colombian illegal armed groups and numerous Colombian and other drug-trafficking and criminal organisations.[51]

3. Regional challenges

More challenges to Colombia's international relations are likely to emerge in the 2010-2014 period, making conflict resolution ever more elusive and diplomatic assistance essential.[52] Uribe's democratic credentials could be damaged among the country's allies, especially the U.S. and the EU, if he insists on changing the rules for his own political benefit.[53] His international standing would be damaged by the inevitable comparisons with increasingly autocratic tendencies in other Latin American countries where efforts are being made to extend presidential terms, in particular Venezuela. In June 2009, President Obama praised Uribe's leadership but intimated that two presidential terms were enough.[54]

The late September 2009 announcement on resumption of relations with Ecuador after a year and a half offers some hope that the bilateral security and border development cooperation agenda can be taken up again.[55] But badly damaged ties have hindered such cooperation with Venezuela. Colombia's reluctance to openly discuss the DCA signed with the U.S. on 30 October 2009 and Venezuela's escalation of bellicose rhetoric and recent weapons purchases from Russia fuel fears of an arms race.[56] Without rapprochement, possibly with Brazil's

[48] Crisis Group Latin America Report Nº9, *Colombia's Borders: The Weak Link in Uribe's Security Policy*, 23 September 2004.
[49] Crisis Group Report, *Ending Colombia's FARC Conflict*, op. cit., pp. 9-11.
[50] The 1 March 2008 attack by security forces on a FARC camp in Ecuador triggered the most serious political crisis in the Andean region in years. Diplomatic relations were severed, and tensions with Venezuela mounted as President Hugo Chávez backed Ecuador. In late July/early August 2009, Colombian sources leaked sensitive information on alleged cooperation between Ecuadoran and Venezuelan officials and the FARC. Chávez vehemently objected to the new U.S.-Colombia Defence Cooperation Agreement (DCA), which allows American troops access to military bases in Colombia. The DCA also provoked strong opposition from other regional leaders at Union of South American Nations (UNASUR) summits in August and September 2009. In late September, the Colombian and Ecuadorian foreign ministers held talks in New York aimed at restoring diplomatic ties. These were suspended after an Ecuadoran judge in Sucumbíos province pressed charges against former and active senior Colombian government and security officials for the bombing raid. While the judge suspended the arrest warrants on 4 November, the judicial investigation has not concluded. Relations with Venezuela have further deteriorated, as reported in Crisis Group Latin America Briefing N°22, *Venezuela: Accelerating the Bolivarian Revolution*, 5 November 2009.
[51] Crisis Group interviews, political and conflict analyst and security expert, Bogotá, 14 and 27 July 2009.
[52] Colombia will likely be unable to end its internal armed conflict without some regional support. Ecuador and Venezuela have progressively become havens for the FARC and the smaller ELN. Similarly, insurgents, NIAGs and criminal organisations take advantage of the long and porous borders to smuggle weapons, move chemical precursors for drug processing into Colombia and export refined cocaine to the U.S. and Europe.
[53] Crisis Group interviews, senior U.S. State Department officials and former British ambassador to Colombia, Washington DC and Bogotá, 23 and 30 November 2009.
[54] On 29 June 2009, Presidents Obama and Uribe met in Washington. While Obama praised Uribe's leadership and popular support after seven years in office, he also noted that the first U.S. president, George Washington, set an example for his country's democracy by not seeking a third term. EU High Representative for the Common Foreign and Security Policy Javier Solana expressed concern for deterioration of Colombia's liberal and representative democratic system if Uribe sought a third term. "Europa recomienda a Uribe no buscar más reelecciones", *El Espectador*, 21 September 2009.
[55] Tensions began to subside when Uribe apologised to Ecuador in late August. This may have been the consequence of intense lobbying by economic sectors hurt in the crisis, Uribe's problems with the referendum and President Correa's own internal difficulties and attempts to dissociate himself from the bellicose rhetoric of Chávez. Crisis Group interview, foreign policy expert, Bogotá, 20 August 2009. Colombia also used the offices of Nariño department Governor Antonio Navarro (PDA) to approach the Ecuadorian president in September 2009. "Gobernador de Nariño habló con Correa y Uribe para normalizar relaciones", *El Comercio* (Quito), 13 September 2009.
[56] President Chávez recently secured a $2.2 billion deal with Russia for 92 T-72 tanks, three Kilo-class submarines and an unspecified number of 90-km range missiles, anti-aircraft rocket systems, armoured vehicles and attack helicopters. In his 23 September speech at the 64th UN General Assembly, Uribe criticised the arms race in the region and countries that did not cooperate against terrorism and drug trafficking – the motive for the DCA. Chávez has said the U.S. presence poses a threat to the Venezuelan "revolutionary" process and has ordered his government to break ties with Colombia, including replacing imports worth an estimated $7 billion in

help within the framework of the Union of South American Nations (UNASUR),[57] serious transnational security, counter-drug and counter-terrorism issues cannot be meaningfully addressed.[58]

III. UNDERMINING DEMOCRATIC INSTITUTIONS

A. CHECKS AND BALANCES

In December 2004, Congress passed a constitutional amendment sought by Uribe allowing a sitting president to run once for re-election. Despite concerns voiced by some academic and opposition sectors about the consequences for the system of democratic checks and balances contained in the 1991 constitution, a broad majority backed the reform as necessary and legitimate. A second Uribe term was seen as essential to ensure continuation of important policies, particularly the DSP.[59] In October 2005, the Constitutional Court approved the constitutional amendment on the grounds that it had not altered the foundations of the rule of law and the social obligations of the state enshrined in the 1991 constitution (*Estado social de derecho*).[60]

A majority of Colombians again seem prepared to amend the constitution a second time to favour the same sitting president. In this context, political observers are urging them to remain alert on the potential impact of a twelve-year presidency on the institutional structures that underpin their democracy. The new amendment could further upset the balance between the three branches of government in favour of the executive. A number of the delegates who wrote the 1991 constitution have expressed concern that a president elected for three consecutive terms might condition appointment of many senior public officials on their political sympathy, with possible implications over time for increasing autocracy.[61] Posts in question include the board of directors of the central bank (Banco de la República), attorney general, public prosecutor, comptroller general, Superior Council of the Judiciary (Consejo Superior de la Judicatura), members of the National Elec-

2008. Tension escalated in late October 2009 when Defence Minister Gabriel Silva said that planes loaded with drugs for the U.S. and Central America take off from Venezuela. Venezuela complained of Colombian DAS espionage on its territory and alleged that eight young Colombians murdered by an unidentified armed group in the border state of Táchira on 24 October were paramilitaries. The Colombian press disclosed information that pointed to clandestine activities by Venezuelan intelligence in Colombia. "Se calienta clima de 'guerra fría' entre Colombia y Venezuela", *El Tiempo*, 1 November 2009. In early November, Venezuela closed border crossings near Cúcuta (Norte de Santander department) after two members of the National Guard were murdered, allegedly by an unidentified Colombian illegal armed group. On 5 November, it announced deployment of 15,000 soldiers to the border to increase security, combat drug-trafficking and root out paramilitaries. Colombia asked Spain to examine the monitoring and verification mechanisms along the border; Madrid has not yet officially responded. Violent protests by Colombian informal traders (fuel merchants and other tradesmen) broke out after the National Guard blocked the bridge linking Villa del Rosario (close to Cúcuta) and the Venezuelan town of San Antonio (Táchira state). On 11 November, Colombia sent a diplomatic protest note to the UN Security Council after Chávez ordered the Venezuelan military to prepare for a possible armed conflict.

[57] The 28 August 2009 UNASUR Bariloche Summit agreed to devise a multilateral strategy to fight drug trafficking, illicit arms trafficking, terrorism and other transnational criminal activities in the region. UNASUR's South-American Council for the Fight against Drug Trafficking was charged to draw up an action plan.

[58] With an annual potential production of about 430 tons of cocaine in 2008, according to the UN Office on Drugs and Crime (UNODC), Colombia produces over half the world's cocaine. While the UN figures are questioned, drug-trafficking profits undoubtedly continue to fuel the illegal armed groups, including the FARC.

[59] Crisis Group interview, financial analyst, Bogotá, 13 July 2009.

[60] The Constitutional Court ruling of 20 October 2005 (as well as seventeen rulings on presidential re-election) was not unanimous (the vote was 6-3). In his first term, Uribe influenced the appointment of heads of checks and balances institutions who served during his second term, including Attorney General Mario Iguarán and Ombudsman Volmar Pérez. During his second term, he has appointed Public Prosecutor Alejandro Ordóñez (who would continue in a third term) and the majority of the six directors of the central bank board. (Uribe could appoint all directors in three consecutive terms.)

[61] In early July, twenty ex-delegates noted that the 1991 constitution has been modified 28 times in eighteen years and warned that a president in office for twelve consecutive years could dismantle the democratic system. "Constituyentes de 1991 cierran filas contra la segunda reelección", *El Tiempo*, 6 July 2009.

toral Council (CNE), ombudsman and Constitutional Court justices, as well as the promotion of high-ranking officers of the security forces.[62]

However, the president cannot appoint or influence directly appointments of the 23 Supreme Court judges, whom the court appoints itself for eight years from lists of more than five candidates sent by the administrative chamber of the Superior Council of the Judiciary (Consejo Superior de la Judicatura). Thus, even a third term would have no direct impact on the Supreme Court's composition.[63]

Uribe's supporters insist that Colombia has a healthy democracy with a clear separation of powers that cannot be equated to an autocratic regime. The strong nature of Uribe's presidency does not amount to traditional caudillo-style leadership seen in other Latin American countries. Even during a third term, he would still be subject to democratic checks, not the omnipotent head of state the opposition portrays. Moreover, influential social sectors, including the Catholic Church, big industrialists and the media, are free to criticise the government and oppose a third term without having to fear government censorship or pressure.[64]

Those same sources contend that the legislature reflects the political system's pluralistic nature. The pro-government coalition in Congress has a majority, but the opposition Liberal Party and the Polo Democrático Alternativo (PDA) regularly influence debates on legislative initiatives.[65] Uribe, it is argued, has been unable to rely fully on the support of the government coalition. Despite his high approval ratings, parties and legislators have shown independence by voting against his wishes. Examples include the election of the directive boards in the Senate and the House of Representatives in July 2009[66] and the election of the members of the CNE in 2006.[67]

In fact, the risk of undermining checks and balances is more complex than either camp suggests. The attorney general is picked by the Supreme Court from a list of candidates drawn up by the president (the high court recently rejected the list and has yet to appoint a new attorney general);[68] the public prosecutor is appointed by the Senate from candidates chosen by the president and the Supreme Court and the State Council (Consejo de Estado);[69] the ombudsman is picked by the House of Representatives from three candidates selected by the president;[70] the comptroller general is elected by the Congress from candidates submitted by the Constitutional Court, the Supreme Court and the State Council;[71] the jurisdictional disciplinary chamber of the Superior Council of the Judiciary is made up of seven magistrates elected by Congress from lists drawn up by the government;[72] the nine members of the CNE are elected by the political parties in Congress;[73] and three of the nine Constitu-

[62] Crisis Group interview, judicial sector expert and journalist, Bogotá, 29 July and 20 August 2009.
[63] There is the possibility of indirect influence, due to the fact that all members of the Superior Council of the Judiciary are presidential nominees.
[64] Crisis Group interviews, political expert and U party congressman and pro-Uribe politician, Medellín and Bogotá, 21, 29 July and 20 August 2009.
[65] Crisis Group interview, U party congressman, pro-Uribe politician and pro-Uribe think tank representative, Bogotá, 29 July, 20 and 21 August 2009.
[66] See Section IV.A below.
[67] In the election of the CNE, Cambio Radical joined the opposition Liberal party to win four seats; Alas-Equipo Colombia and Colombia Democrática formed an alliance with the left-wing opposition PDA party to win one seat; other pro-Uribe parties won four seats altogether. CNE President Oscar Giraldo is considered a supporter of Uribe.
[68] The attorney general's office is charged with investigating and prosecuting criminal offences. The attorney general is appointed for four years (non-extendable) by the Supreme Court from a list of three candidates submitted by the president. Article 249 of the 1991 constitution. See this section below.
[69] The public prosecutor's office protects the public and collective interests of society, supervises surveillance and investigation of the conduct of public servants and elected officials, upholds and promotes human rights and defends judicial order, the treasury and fundamental rights by monitoring interventions of administrative and judicial officials. The public prosecutor is appointed by the Senate for four years (extendable once for four years) from a list of three candidates proposed by the president, the Supreme Court and the State Council (Consejo de Estado). Articles 276-277 of the 1991 constitution.
[70] The ombudsman, charged with promoting human rights, is appointed for four years. Ibid, Articles 281-282.
[71] The comptroller general, charged with holding accountable public officials responsible for managing the treasury and assets, is appointed by Congress for four years (non-extendable) from candidates proposed by the Constitutional Court, the Supreme Court and the State Council (each proposing one candidate). Ibid, Articles 267-268.
[72] The Superior Council of the Judiciary oversees the careers of judicial branch officials and lawyers and examines and disciplines their conduct. The administrative chamber has six magistrates elected for eight years by the Supreme Court (two), Constitutional Court (one) and State Council (three); the jurisdictional disciplinary chamber has seven elected for eight years. Congress picks the candidates from lists of three sent by the government. Ibid, Articles 254-256.
[73] The CNE is in charge of overseeing the electoral process, appointing the national registrar and ensuring that political parties and movements respect the law. Congress selects the nine members for four years, based on the proportion of seats won by the parties or coalitions of parties (*cifra repartidora*). Ibid, Articles 264-265.

tional Court judges are appointed by the executive.[74] Senate approval is required for all presidential promotions of generals and admirals.[75]

There is also concern over the constant interference of the executive in congressional decisions, especially with regard to selection of candidates for public oversight institutions. For instance, Public Prosecutor Alejandro Ordóñez, who started his tenure in January 2009 and is considered to be close to the president, has been criticised for defending the government and its allies politically by questioning decisions of the Supreme Court and the attorney general's office. Nonetheless, Ordóñez has tried, unsuccessfully, to mediate between the president and the high court.[76] It is also suggested that under Óscar Giraldo, the CNE has favoured the government and increased political uncertainty by delaying for one year its decision on the alleged irregular financing of the re-election referendum.[77] Comptroller General Julio Turbay has been criticised for being an ineffective watchdog.[78] Ombudsman Volmar Pérez has been accused by some of failing to protect and defend the human rights of vulnerable communities for political reasons.[79]

Selection of the new attorney general has raised particular concerns about the future of checks and balances. Mario Iguarán ended his term on 31 July 2009, and on 17 September, the Supreme Court rejected the list of three candidates, two months after President Uribe submitted it – which prompted the president to exert public pressure on the high court by refusing to withdraw the list. All three nominees were refused on the grounds that they did not meet the standards of ethics and criminal law expertise; the court also turned down a new nominee submitted by the government in mid-October. The government contends the nominees met the minimum criteria in the constitution, but they are perceived as being too closely aligned to Uribe to allow confidence in their independence should he win re-election in 2010.[80] The question of independence is of paramount importance, as the new attorney general will have to investigate and possibly prosecute sensitive cases, including extrajudicial executions by members of the security forces and illegal wiretapping by the DAS intelligence service.[81]

B. CONFRONTATION BETWEEN THE BRANCHES OF GOVERNMENT

The political debate over a third term has exacerbated tensions between the Supreme Court and the government, and among various parts of Uribe's governing coalition in Congress. At the beginning of Uribe's second term, tensions increased between the Supreme Court and the government, following the court's ruling that some 19,000 demobilised AUC paramilitaries could not be pardoned on the basis of categorising their crimes as political offences.[82] The confrontation between the two

[74] The Constitutional Court is the watchdog of the constitution and fundamental rights enshrined in it. Its judges are appointed for eight years (non extendable). The Senate appoints them from lists of three submitted by the president, the Supreme Court and the State Council (Consejo de Estado). Ibid, Articles 239, 241. The three put forward by Uribe are Jorge Pretelt, Mauricio González and María Victoria Calle. Crisis Group interview, legislative agenda expert, Bogotá, 18 August 2009.

[75] Articles 173 and 189 of the 1991 constitution.

[76] Crisis Group interview, political/security analyst, Bogotá, 15 July 2009. See Section III.B below.

[77] See Section IV.A below.

[78] Crisis Group interviews, legislative agenda expert and journalist, Bogotá, 18 and 20 August 2009. "Quién controla al Contralor", *Cambio*, 17 September 2009.

[79] Crisis Group Briefing, *The Virtuous Twins*, op. cit., pp. 11-12.

[80] The nominees for attorney general are Virginia Uribe, Juan Angel Palacio and Camilo Ospina. Uribe (no relation) was President Uribe's lawyer when governor of Antioquia department. Palacio was a State Council magistrate; he is reportedly a friend of Interior Minister Fabio Valencia and was recently investigated for corruption by the high courts. Ospina has been questioned for closeness to the president. He has been juridical adviser to the presidency, defence minister and ambassador to the Organisation of American States (OAS). "¿De bolsillo?", *Cambio*, 9 July 2009. Crisis Group interview, foreign expert, Bogotá, 20 August 2009. "Qué sigue tras devolución de terna a la Fiscalía", Semana.com, 17 September 2009. Palacio resigned in October and was replaced by State Council Magistrate Marco Antonio Velilla, a commercial law expert. In late November, Virginia Uribe resigned, and the government is currently looking for another female candidate to replace her.

[81] Crisis Group interviews, foreign commentator and journalist, Bogotá, 20 August 2009; Rafael Pardo, "Terna de amigos", *Cambio*, 9 July 2009. See Section III.B below.

[82] Law 975 (25 July 2005), better known as the Justice and Peace Law (JPL), is the legal framework for demobilising and reinserting members of irregular armed groups. After promulgation, the Constitutional Court revised it in May 2006 to ensure a better balance between the ex-combatant benefits and victims' rights to truth, justice and reparations. Over 3,700 of 32,000 former AUC paramilitaries came forward to be judged under the JPL, seeking reduced prison sentences (maximum eight years) for voluntarily confessing all crimes committed while in an illegal armed group and handing over all ill-gotten assets to the National Reparation Fund. Given the nature of their offences, some 19,000 rank-and-file demobilised AUC paramilitaries decided not to be prosecuted under the JPL, so ended in legal limbo. The government argued that their crimes could be classified as political offences, so they could be pardoned. The Supreme Court rejected this and classified their conduct as "aggravated conspiracy to commit crimes", an offence for which no legal benefits are

branches reached unprecedented heights in October 2006, when the Supreme Court and the attorney general's office began investigating and prosecuting close political allies of the government for collusion with paramilitaries and accepting bribes (*cohecho*) to pass legislation.

In what has come to be known as the "para-politics" scandal, the Supreme Court and the attorney general's office have been untangling the network of criminal links between politicians and AUC paramilitary chiefs. Judicial investigators have revealed that between 2001 and 2006, a number of politicians, including members of Congress and locally elected officials, entered into pacts with several AUC commanders to, in their words, defend the political, economic and social status quo and destroy the insurgents.[83] On 19 October 2009, the attorney general's office reopened an investigation of Vice President Francisco Santos for alleged ties to paramilitary groups; a previous investigation had been halted in late 2008 for lack of evidence. Santos has rejected the charges as a conspiracy of extradited paramilitaries and their imprisoned allies against the Uribe administration.[84]

Similar judicial investigations have been mired in controversy, as most of the 85 legislators under investigation or already sentenced and in jail belong to the pro-Uribe coalition in Congress.[85] Tensions have flared regularly as Uribe and judges have quarrelled in public.[86]

The so-called "Yidis-politics" affair is another sensitive political scandal. The Supreme Court questioned the legality of Uribe's 2006 re-election after convicting former Conservative party Congresswoman Yidis Medina and two male members of Congress for bribery (*cohecho*). The scandal broke in April 2008, when Medina confessed that she had been bribed to vote for the 2004 re-election amendment, allegedly by former Interior Minister Sabas Pretelt and current Health Minister Diego Palacio. The court has not prosecuted the ministers, as the attorney general's investigation continues.[87] After sentencing Medina, the Supreme Court asked the Constitutional Court to review its ruling to allow presidential re-election in 2006. The ensuing institutional crisis, in which Uribe publicly criticised the "selective justice" of Supreme Court judges, somewhat subsided after the Constitutional Court declined on the grounds that it cannot take up a legally settled matter.[88] In March 2009, recently appointed Public Prosecutor Alejandro Ordóñez con-

permitted. To resolve the impasse, Congress passed a law in June 2009 to apply the "principle of opportunity" (*principio de oportunidad*), which provides that in some circumstances it may be more beneficial to the justice system not to prosecute. The 19,000 could have charges dropped if they cooperate with the authorities. See Crisis Group Latin America Reports N°16, *Colombia: Towards Peace and Justice?*, 14 March 2006, and N°29, *Correcting Course: Victims and the Justice and Peace Law in Colombia*, 30 October 2008.

[83] The methodology of the initial Supreme Court inquiry was criticised. It compared election turnouts and areas where paramilitary influence was strong to determine possible collusion with politicians. For more on the investigation of the 2002 legislative elections in regions under paramilitary influence, see León Valencia and Claudia López, *Parapolítica. La ruta de expansion paramilitar y los acuerdos politicos* (Bogotá, 2007). For critical reviews of the book, see Libardo Botero (et al.), *Parapolítica: verdades y mentiras* (Bogotá, 2008) and Libardo Botero, "Los pelos de punta", *Ahora*, August 2009.

[84] While human rights defenders say the attorney general's office previously failed to thoroughly investigate the accusations of former paramilitary commander Salvatore Mancuso against Santos, many question them, and Mancuso subsequently retracted them. Santos may have had contacts with the paramilitaries as a journalist in the mid-1990s, but he was then one of Colombia's most active advocates for peace and opponents of kidnapping. "La arremetida", *Semana*, 25 October 2009.

[85] More than 300 regional and local elected officials in 25 of the 32 departments have also been under judicial scrutiny for alleged links to paramilitary groups.

[86] In early 2008, President Uribe sued Supreme Court judge César Valencia for defamation after the judge declined to retract his statement that Uribe had inquired about his cousin, former Senator Mario Uribe, who was under investigation in the "para-politics" scandal. Press reports revealed a 23 April 2008 meeting in the presidential palace between Uribe's legal and press secretaries and demobilised paramilitaries and their lawyers. The latter claimed to have information about a Supreme Court plot to destabilise the government. Though the information proved groundless, Uribe continued to criticise the Supreme Court's methods, and the court accused him of trying to obstruct the investigation. A source close to the case claimed the executive-judiciary tensions are partly the result of a plot devised by paramilitary chiefs that supposedly failed in its primary objective to prevent their extradition to the U.S. but did sow discord between the branches of government. Crisis Group interview, political expert, Bogotá, 29 August 2009. "Archivan caso Del Castillo", *El Espectador*, 9 July 2009.

[87] Medina was sentenced to 47 months in prison. Former congressmen Teodolindo Avendaño and Iván Díaz were sentenced to eight and six years, respectively, in mid-2009. The Supreme Court found Avendaño guilty of bribery and Díaz of pressuring Medina to change her vote. President Uribe has claimed that his "government persuades; but does not bribe consciences". "'El Gobierno persuade; no presiona ni compra conciencias': Uribe", Press communiqué of the presidency, 19 April 2008.

[88] Palacio also asked the House of Representatives' accusation commission to investigate alleged links of Supreme Court judges with Italian drug trafficker Giorgio Sale and shady businessman Asencio Reyes. "Gobierno contraataca a Corte Suprema con denuncia a sus magistrados", *El Tiempo*, 28 June 2008.

troversially cleared Pretelt and Palacio of any wrongdoing in the affair.[89]

Allegations of underhand government methods to assure legislators' approval of the 2004 presidential re-election amendment resurfaced in June 2009 with the "Cuello-politics" affair. Former Superintendent of Public Notaries Manuel Cuello reportedly gave the Supreme Court a list of over 30 members of the 2002-2006 Congress whose close friends or associates received public notary posts. He alleged the appointments followed the instructions of senior Uribe administration officials.[90] Despite government claims that the positions were assigned on merit and questioning of Cuello's credibility,[91] the Supreme Court opened judicial investigations that produced an indictment and arrest warrant against Senator Alirio Villamizar (Conservative party) in early September.[92]

The Supreme Court also shares responsibility for escalating tensions.[93] It has issued rulings that could be interpreted as politicised and using their timing and the media to advance its own political agenda.[94] An over four-month delay in rejecting the list of three nominees for attorney general has contributed to institutional instability.[95] The court's "para-politics" investigation procedures have been criticised by Public Prosecutor Alejandro Ordóñez as lacking rigour and objectivity;[96] and there have been accusations that its jurisprudence is adjusted to political circumstances.[97] Scandals involving close allies of the president have been investigated extensively, while the "FARC-politics" cases – involving allegations of illegal associations between the FARC and politicians, including some of Uribe's fiercest detractors, Senators Piedad Córdoba, Gloria Inés Ramírez and Wilson Borja

[89] Outgoing Public Prosecutor Edgardo Maya left his successor, Alejandro Ordóñez, a completed investigation and judgement that both ministers should be dismissed and forbidden to perform any public function for ten and thirteen years respectively. However, Ordóñez announced a new investigation, then absolved the ministers, saying there was not enough evidence to continue the investigation. "Sabas Pretelt y Diego Palacio, absueltos por la 'Yidispolítica'", *El País* (Cali), 17 March 2009. PDA Congressman Germán Navas asked the Supreme Court to investigate Ordóñez's decision. Crisis Group interview, PDA congressman, Bogotá, 25 August 2009.

[90] "Lo que he entregado a la Corte es claro y contundente", *Semana*, 5 July 2009.

[91] In April 2008, former Superintendent Cuello was sentenced to eight years for bribing notaries in the Atlantic coast region. "Condenan a ocho años de prisión a Cuello Baute", *El Espectador*, 9 April 2008.

[92] During a raid ordered by the Supreme Court at Villamizar's residence in August 2009, investigators found about COP 730 million ($360,000) of undeclared money and various lists. Investigators are trying to determine whether the money corresponds to bribes Villamizar allegedly received. He was soon arrested for alleged misappropriation (*concusión*) and illicit enrichment, amid charges by officials that he had demanded a share of their salaries.

[93] Crisis Group interview, judicial sector expert, Bogotá, 29 July 2009. "La Corte, el referendo y el fiscal", op. cit.

[94] Many judicial sector experts believe Medina's conviction is weak. The court has argued that Medina incriminated herself, so it was required to act. Crisis Group interviews, judicial sector expert and Supreme Court judge, Bogotá, 29 July and 3 August 2009. Hugo García, "'Sin Uribe, cualquier cosa puede pasar'", *El Espectador*, 22 August 2009. Judicial posts are perceived to be often launching pads for political careers or refuges for politicians (eg, Supreme Court President Augusto Ibañez stood for Congress in 2006; ex-senator and former presidential candidate Carlos Gaviria was a Constitutional Court judge in the 1990s).

[95] If the Supreme Court deemed the three unfit for the post, it should have rejected them sooner. "La Corte, el referendo y el fiscal", op. cit. After Palacio's resignation and the inclusion of Velilla on the list, the court has continued to veto the nominees. "La hora de escoger", *El Tiempo*, 22 October 2009.

[96] In 2007, President Uribe publicly accused the Supreme Court auxiliary judge and chief investigator, Iván Velázquez, of offering benefits to witnesses in exchange for testimony against close Uribe associates and Uribe himself. Crisis Group interview, political expert, Bogotá, 29 August 2009. According to press sources, Public Prosecutor Alejandro Ordóñez questioned the "informal interviews" of the auxiliary judges and investigators regarding the "para-politics" scandal. He said the procedures did not conform to the criminal code (*Código de Procedimiento Penal*). The Supreme Court is said to have a "mother dossier" (*expediente madre*) in which all extra-procedural testimony and evidence is kept confidential from the defendants. José Manuel Acevedo, "Procurador vs. Corte Suprema", *Cambio*, 23 July 2009. However, a judicial sector expert argued that the new oral accusatory system allows the auxiliary judges to interview possible witnesses in order to reconstruct the truth. A Supreme Court judge told Crisis Group the "mother dossier" does not exist. The court regularly receives denunciations from citizens. The standard procedure requires that when they cannot be dismissed, they are kept on stand-by until substantiated by witnesses and solid evidence. Crisis Group interviews, judicial sector expert and Supreme Court judge, Bogotá, 29 July and 3 August 2009. "Críticas de Ordóñez son absurdas: Corte S.", *El Espectador*, 15 July 2009.

[97] In September 2009, the Supreme Court decided to continue still open cases of senators and congressmen involved in the "para-politics" scandal who had resigned to be tried by the attorney general's office. 44 of 85 had turned to that office, arguing absence of appeal mechanisms from the high court. The court's decision was controversial and by a 5-4 vote. Reportedly, the court believed the attorney general's office was giving lenient sentences to some accused. "Así renuncien, la Corte los seguirá investigando", *El Espectador*, 2 September 2009. "Una doctrina acertada", *El Espectador*, 7 September 2009.

– have been hastily shelved without formal criminal investigation or prosecution.[98]

High court sources claim that the debate should focus on the infiltration of political institutions by criminal and violent organisations and how politicians have become the intermediaries of criminal interests.[99] The Supreme Court has been forced to close the initial inquiries into the "FARC-politics" scandal, they say, because the government failed to produce solid evidence. Further information the court needs reportedly is not available because it has been classified "top secret" for reasons of national security.[100]

The Uribe administration has been mired in scandals over illegal DAS wiretapping of high court judges and government critics.[101] Uribe has claimed these scandals are part of a plot against his government but announced plans to close the DAS by the end of 2009 and create a new state intelligence agency.[102] However, monitoring of the judges already began in 2004, under ex-Director Jorge Noguera, suggesting, a Supreme Court judge said, it was a plan to use intelligence to encroach upon other government branches, not a reckless, paranoid reaction of rogue officers.[103]

Members of the Supreme Court received serious death threats in August 2009, prompting the defence ministry to strengthen their protection.[104] In addition, the systematic attacks on its decisions by senior officials and legislators may have the effect of encouraging defiance against judicial authority at regional and local levels. Reportedly, the decisions of regional judges are increasingly being questioned as biased by local political and economic elites.[105]

[98] Crisis Group interview, pro-Uribe think tank representative, Bogotá, 21 August 2009.

[99] Crisis Group interviews, Constitutional Court and Supreme Court judges, Bogotá, 3 August 2009. "'Lo que hay que reformar es el Congreso', afirma Vicepresidente de la Corte Suprema", *El Tiempo*, 11 September 2009.

[100] Crisis Group interview, Supreme Court judge, Bogotá, 3 August 2009.

[101] After initially blaming corrupt agents threatening state security, DAS Director Felipe Muñoz dismissed or accepted the resignations of over 30 top deputies and agents in February 2009. The attorney general's office has opened investigations on former DAS directors, deputy directors and intelligence and counter-intelligence officers who allegedly ordered or knew about the illegal activity. See Crisis Group Briefing, *The Virtuous Twins*, op. cit., p. 7. Ex-DAS undercover agents have allegedly continued illegal phone taps on opposition politicians, high court judges, journalists and, recently, legislators opposed to the re-election referendum bill. "Increíble ... siguen 'chuzando'", *Semana*, 20 August 2009. In September, the attorney general's office admitted its electronic surveillance team illegally tapped Supreme Court Auxiliary Judge Iván Velásquez.

[102] Uribe's decision to close the DAS came shortly after the U.S. State Department warned on 11 September that the continued allegations of illegal eavesdropping on government opponents and critics by the DAS were "troubling and unacceptable". "'Escándalo busca hacerle daño al Gobierno': Uribe", Terra.com, 24 October 2008.

[103] Crisis Group interview, Bogotá, 3 August 2009.

[104] "Magistrados de la Suprema Corte de Colombia denuncian amenazas de muerte", EFE, 21 August 2009.

[105] Crisis Group interview, Supreme Court judge, Bogotá, 3 August 2009.

IV. GROWING POLITICAL UNCERTAINTY

A. THE RE-ELECTION REFERENDUM

Many question the legality of the re-election referendum law of 1 September 2009. Several irregularities were allegedly committed by the Colombia First Association (Asociación Colombia Primero),[106] the civil society group that led the signature-gathering initiative and submitted the proposal to Congress on 10 September 2008.

The question the pro-referendum campaign put to citizens for their signature was badly worded,[107] leading the House of Representatives to initially approve the referendum bill as allowing a Uribe third term in 2014, rather than 2010. Attempts by the lower chamber to change the question so that Uribe could stand in the earlier election were hindered by protests, led in part by indigenous groups in the south west and in part by people who had lost their savings in illegal pyramid schemes that shook the government in the second half of 2008.[108] In protest at the government's harsh measures to deal with that situation, two pro-Uribe congressmen from the southern department of Putumayo, Miriam Paredes and Orlando Guerra, left a lower house session, leading to the defeat, 17-16, of the proposal to change the referendum question.[109]

The national registry office refused to issue a certificate for the campaign, because the referendum promoters had submitted the bill to Congress without the paperwork to support funding, which exceeded the legal limits. The CNE, which verifies accounts, has not made any decision on the issue. As the initiative stalled in the House of Representatives, the government stepped in, calling an extraordinary session the night of 16 December 2008, the last day of the congressional sessions, during which the bill was passed. This prompted an opposition congressman, Germán Navas (PDA), to file a breach of legal duty (*prevaricato*) suit in the Supreme Court against the 86 legislators who voted for the bill.[110] The case sparked a new standoff between the Supreme Court and the executive.

The promoters of the re-election campaign have cited the political affiliation of National Registrar Carlos Ariel Sánchez (Liberal party) as his real motive for not issuing the required certificate on the campaign's funding. Moreover, Uribe supporters believe the $167,500 legal cap on the financing of referendum petitions is unreasonably low, as robust infrastructure is needed to gather signatures. If the cap was exceeded, they say, it was a relatively minor administrative rather than criminal mistake for which the CNE should issue a fine but not worry about the funding certificate. If, on the other hand, it believes that funds were illegally raised, it should hand

[106] According to former senator and U party secretary Luis Guillermo Giraldo, who led the Colombia First Association, "it is not that the president needs four more years, but [Colombians] need the president for four more years". "'No es que el Presidente necesite de cuatro años más, sino que nosotros necesitamos cuatro años más de él'", *Semana*, 6 June 2008.

[107] It read: "He who has carried out the functions of the presidency of the republic for two complete constitutional terms will be allowed to be elected for another term" (*Quien haya ejercido la Presidencia de la República por dos periodos constitucionales, podrá ser elegido por otro periodo*). Crisis Group translation.

[108] The Uribe administration came under pressure from different social sectors, including a 45-day strike of judicial workers unions in September-October (prompting the declaration of a "state of internal disorder" to avoid the stalling of judicial proceedings nationwide); strikes of sugarcane cutters demanding better working and living conditions; and marches of indigenous peoples in the south, demanding fulfilment of agreements to buy land for their communities. The government was forced to declare a "social emergency" (*emergencia social*) on 17 November 2008, after a series of illegal pyramid investment schemes went bust, leaving thousands in southern and central Colombia in dire economic conditions. Many of the schemes are suspected to have been used for money laundering. Their directors, including David Murcia Guzmán and his associates of DMG Holding, are being prosecuted for illegally receiving money (*captación illegal de dineros*) and money laundering.

[109] Los siete grandes errores", *Semana*, 26 July 2009.

[110] The congressmen allegedly breached their legal duties by providing misleading fundraising accounts to the national registry office that the CNE failed to certify. The funding limits in Law 134 (1994) were exceeded. Over COP 2 billion ($1 million) was collected, but the promoters declared only COP 700 million ($350,000) for tax purposes. This exceeds the legal cap on referendum petitions, set at COP 335 million ($167,500). The Colombia First Association promoters argued that COP 142 million ($71,000) was donated by individuals, and over COP 1,907 billion ($953,500) was borrowed from donors by by the association, which would appear to amount to a loan from itself. Crisis Group interview, PDA congressman, Bogotá, 25 August 2009. The list of donors for the signature initiative is in "Los financiadores del referendo que busca la reelección", *Semana*, 2 December 2008. On 12 November 2009, a group of associate judges (*conjueces*), called in by the CNE in October 2009 to examine the referendum initiative after the CNE magistrates were unable to rule on the matter, declared that the referendum initiative was not valid as it exceeded the legal caps on financing. CNE Magistrate Juan Pablo Cepero immediately rejected the decision and stated that that the associate judges had no legal authority to approve or reject the referendum initiative. "'Decisión de los conjueces podría ser revocada por la sala plena del CNE', dice su Vicepresidente", *El Tiempo*, 13 November 2009.

the case to judicial authorities.[111] Referendum supporters call Congressman Navas's accusations unsubstantiated, saying the 86 members of congress who voted for the bill in the extraordinary session of December 2008 did not breach their duties because they had no reason not to assume the initiative was legal in the absence of any negative CNE finding on the funding certificate.[112]

Some senators, supported by Interior Minister Fabio Valencia, justified the modification of the House of Representatives' original text to allow for re-election in 2010 by arguing that they were entitled to interpret the true spirit of the popular will when requesting the referendum. On 19 May 2009, the Senate passed the bill, 62-5, in a heated session during which 26 opposition senators (PDA and Liberal) walked out in protest.[113]

Despite delays in both chambers and infighting among pro-Uribe legislators,[114] the government obtained its coalition's approval of a text by the conciliation commissions of the House of Representatives and the Senate. On 18 August, 30 legislators (fourteen members of congress, sixteen senators) out of 50 approved the Senate's text. A day later, while opposition deputies walked out, the Senate approved the law, 56-2 (of a total of 102 senators); On 1 September, the House of Representatives passed it 85-5 (out of a total of 166 members of congress).[115]

The opposition attributed the pro-government coalition's discipline in the last leg of the process to corruption and pork-barrel measures.[116] Accusations came as the Supreme Court was launching the investigation against legislators involved in the "Cuello-politics" scandal.[117] Liberal party presidential candidate Rafael Pardo denounced the referendum bill as illegal, because the congressmen who voted to reconcile the texts were "ineligible" (*inhabilitados*) to do so while the Supreme Court was conducting its preliminary investigation.[118] Before the conciliation commissions agreed on the new text, Congressman Odín Sánchez (U party) said that he would vote favourably if the government were to pay more attention to his department.[119] Congressman Jorge Rozo publicly denounced an official of the National Vocational Training Service (SENA) for offering him benefits in exchange for his vote. SENA Director Darío Montoya rejected the accusation.[120]

[111] Crisis Group interview, pro-Uribe think tank representative, Bogotá, 21 August 2009. On 21 September 2009, almost a year after submitting the accounts, the head of Colombia First Association, Luis Guillermo Giraldo, asked the CNE to accept corrected accounts for the signatures campaign. Allegedly, these would explain the errors in the first set. "¿Corregir las cuentas del referendo?", *El Espectador*, 22 September 2009.

[112] According to CNE Magistrate Juan Pablo Cepero, the CNE funding certificate is not necessary to endorse the gathering of signatures. However, the CNE has failed to rule on the issue because judges disagree among themselves. Former public prosecutor Edgardo Maya recently said a funding certificate is a legal requirement, and in fact such a certificate had been produced in the past for the gathering of signatures for the referendum regarding life sentences for child abuse. "'Otra reelección destrozaría la Constitución'", *El Espectador*, 6 September 2009. Crisis Group interviews, U party congressman, pro-Uribe think tank representative and PDA congressman, Bogotá, 29 July, 21 and 25 August 2009.

[113] Twelve Cambio Radical senators ignored the orders of their party director, Germán Vargas, and voted for the referendum bill. Three pro-Uribe senators were absent; five voted against. "Así aprobaron el referendo", *Semana*, 25 May 2009.

[114] The reconciliation of texts was delayed after U party director and former peace commissioner Luis Carlos Restrepo recused House of Representatives Chairman Germán Varón (Cambio Radical) on the grounds of prejudice against the 2010 re-election. Varón's preference for a third Uribe term in 2014 was interpreted as an attempt to strengthen the presidential candidacy of Germán Vargas, president of Cambio Radical and a one-time close Uribe ally. The infighting in the pro-Uribe coalition resulted in its loss of the directive boards in both chambers on 20 July 2009. The House is currently presided over by Edgar Gómez (Liberal party, ex-Convergencia Ciudadana) and the Senate by Javier Cáceres (Cambio Radical).

[115] "Falta la Cámara. Referendo pasa en el Senado", *El Tiempo*, 20 August 2009. From 25 August to 1 September, the House of Representatives was in session to deny one by one the ineligibility-to-vote requests (*inhabilidades*) of the congressmen accused of breach of legal duty by Congressman Navas. It also rejected the motion of Cambio Radical leader Vargas to declare five congressmen who had switched to the U party ineligible to vote. "Congreso dio vía libre a segunda reelección de Uribe", *El Tiempo*, 2 September 2009.

[116] The National Fund for Citizen Security and Coexistence (FONSECON) of the interior ministry disburses funds for building police stations and buying equipment needed by police units, but was allegedly used to pay COP 220 billion ($110 million) for investment projects in 52 municipalities. See interview with Rafael Pardo in Hugo García, "'Es un proceso de corrupción'", *El Espectador*, 30 August 2009. "Enfrentamiento por prebendas de reelección", *El Periódico*, 25 August 2009.

[117] See Section III above.

[118] Pardo accused thirteen congressmen on the conciliation commission of breach of legal duty. Pro-Uribe congressmen claimed he committed slander. "Nueva denuncia por prevaricato tensiona ambiente en Congreso", *El Tiempo*, 27 August 2009.

[119] Allegedly, Chocó department Governor Patricio Sánchez (Odín's brother) benefited from FONSECON funds to renovate the administrative building of the governor's office. "Apoyaré la conciliación del referendo, pero que el Gobierno le preste más atención al Chocó: Odín Sánchez", CM& TV news, 17 August 2009.

[120] "Denuncias salpican votación en Cámara", *El Mundo* (Medellín), 26 August 2009.

B. POLITICAL OPTIONS FOR 2010

Opinion polls show that Uribe, after more than seven years in office, continues to be Colombia's central political actor. According to an Ipsos-Napoleón Franco survey, his approval rating was about 68 per cent between May and September 2009. During the same period, about 66 per cent of those polled said they would vote in a re-election referendum; and at least 83 percent said they would vote "yes".[121]

Until the Constitutional Court rules on re-election, parties and their candidates will likely not engage much in serious policy debate. Pro-Uribe candidates look set to simply continue Uribe's policies, with an emphasis on the security strategy. Opposition candidates have not yet made a convincing case for political change in 2010 and what a persuasive policy alternative might be, especially with regards to ending the protracted armed conflicts with the FARC, the ELN, NIAGs and paramilitary successor groups, reintegrating former combatants and moving implementation of the Justice and Peace Law forward.

1. The pro-Uribe camp

After alienating some key allies during the re-election drive,[122] the pro-Uribe parties benefited from the June 2009 reform allowing members of Congress to change parties (*transfuguismo*). Between mid-July and mid-September 2009, members of Congress and elected officials were permitted to become "turncoats" without punishment. The measure weakened the party system introduced by the July 2003 political reform[123] but was even more successful in weakening former Uribe allies who opposed the idea of consecutive presidential re-election in 2010, particularly the Cambio Radical party. The U and Conservative parties, both staunch re-election supporters, added 31 legislators, while Cambio Radical lost four senators and six congressmen.[124]

Despite this apparent strengthening of the pro-Uribe parties, the coalition's internal cohesion is weak due to the absence of a shared ideological and programmatic agenda. It is held together almost exclusively by Uribe's demonstrated ability to secure landslide election victories, as well as hand out government and state bureaucracy posts to parties and individual legislators.[125] Uribe's absence in the 2010 election could fracture the coalition. A fragmented pro-Uribe camp would likely benefit the opposition in the legislative and presidential first rounds and produce uncertainty as to a battered coalition's ability to unite in the run-off.[126]

Meanwhile, the pending Constitutional Court ruling on the referendum law has put the campaigns of Uribe's would-be heirs on hold. Former Defence Minister Juan Manuel Santos (U party) and former Agriculture Minister Andrés Felipe Arias (Conservative party) led the September 2009 opinion polls among the pro-Uribe camp, each supported by 11 per cent in the event Uribe was not a candidate. They were followed by a former presidential candidate and ambassador, Noemí Sanín, with 7 per cent.[127] Santos and Arias have said they will not be candidates if the re-election referendum passes and Uribe decides to stand. Otherwise, Santos is likely to have the U party's full support. After enhancing his reputation as defence minister (2006-2009), many perceive him as one of the most credible contenders to carry on the democratic security policy. He has also benefited from his tough stance against Colombia's neighbours.[128]

The Conservative party's presidential primaries were postponed to March 2010, by which time the results of the Constitutional Court's review are expected to be known.[129] This has been interpreted as an attempt to hinder Arias's candidacy and favour the more experienced Sanín. Some commentators believe, however, that the

[121] "La gran encuesta 2010 – Medición 2", Ipsos-Napoleón Franco, 1 October 2009, available at www.semana.com.

[122] Besides the Cambio Radical party's departure from the pro-Uribe coalition, other close Uribe allies like Martha Lucía Ramírez and Gina Parody gave up Senate seats and left the U party, expressing concerns about the weakening of democratic institutions in the event of a third term. Ramírez is standing for president as the Conservative party candidate.

[123] The reform introduced by Legislative Act 01 of 2003 aimed at fighting political chicanery through stricter rules for the entry of political parties into Congress, prohibiting simultaneous membership in multiple parties and promoting regulations to foster party discipline. Crisis Group Report, *Uribe's Re-election*, op. cit., p. 2.

[124] The U party gained seven senators (from twenty to 27) and thirteen congressmen (33 to 47); the Conservative party won four senators (eighteen to 22) and seven congressmen (28 to 35). "Senadores en trasteo", *Semana*, 14 September 2009.

[125] Crisis Group interviews, political experts and legislative agenda expert, Bogotá, 8, 22 July and 18 August 2009.

[126] Crisis Group interview, political expert and NGO representative, Medellín and Bogotá, 22 and 28 July 2009.

[127] In May 2009, Santos led the polls with 19 per cent, followed by Arias (12 per cent) and Sanín (4 per cent). "La gran encuesta 2010 – Medición 2", op. cit.

[128] Santos was behind important successes against the FARC in 2007-2008, including the raid on Ecuadorian soil, which he justified as legitimate defence against a terrorist threat. He has been very critical of President Chávez, which could help him with the public. Crisis Group interviews, security expert and U party congressman, Bogotá, 27 and 29 July 2009.

[129] The Conservative party candidates who will stand in the primaries are Andrés Felipe Arias, José Galat, Alvaro Leyva and Noemí Sanín. Sanín has pledged to stand for office even if Uribe is a candidate.

decision seriously damaged the internal democratisation of one of Colombia's historic parties.[130] Moreover, Arias's candidacy has come under fire recently because he supported a policy that allotted some subsidies intended for small farmers to owners of large estates when he was agriculture minister.[131] The affair could also have an impact on Uribe's prospects, as more than 50 of the rich beneficiaries also helped finance his 2002 and 2006 campaigns and the signature initiative for the re-election referendum.[132]

The "turncoat" operation took its toll on the smaller pro-Uribe parties (many of which were previously hit by the "para-politics" scandals), who lost legislators to the U, Conservative and opposition Liberal parties. Convergencia Ciudadana lost four legislators and Alas-Equipo Colombia six.[133] The latter disintegrated after its Equipo Colombia members returned to the Conservative party, forcing Alas to continue independently.[134] But as the 2009 political reform did not raise the 2 per cent threshold to enter Congress, most of the smaller parties are likely to survive in 2010.[135]

In early October 2009, U party leader Luis Carlos Restrepo cited Santos's experience in the defence ministry as the necessary credential to continue the "Uribista" project should the referendum fail and the pro-Uribe camp have to field another candidate. However, it remains uncertain whether the pro-Uribe parties would be prepared to hold a cross-party primary and whether Santos or the winner of the Conservative party primary could unite a pro-Uribe multiparty coalition a mere few weeks before the May 2010 elections.

2. The opposition

After the "turncoat" operation, the Liberal party, the leading opposition force, kept its eighteen senators and added two congressmen (reaching 37), including House of Representatives Chairman Edgar Gómez (formerly Convergencia Ciudadana). At the municipal level, it lost 120 councilpersons but gained 500.[136] In the 27 September 2009 primaries, members chose the presidential candidate, Rafael Pardo,[137] and regional and local party directors. But with only some one million voting (half expectations), the party was not strengthened for 2010.[138] Pardo, who was Colombia's first civilian defence minister in the early 1990s under President Gaviria and improves the Liberals' standing especially on security issues, got 373,000 votes (37 per cent); September 2009 opinion polls indicated 7 per cent national support.[139] He immediately said his campaign will seek an alliance with opposition parties, independent movements and disgruntled Uribe supporters who oppose re-election. However, he will have a hard time building one capable of appealing to both the political centre and the left wing inside the Liberals.

Cambio Radical leader and presidential candidate Germán Vargas has claimed that his party has not become part of the opposition: it rejects a third term in 2010, but not Uribe himself. Reportedly, Vargas and his party back a third Uribe term in 2014. However, the president's supporters believe otherwise. Cambio Radical lost several members in the recent change of parties, and

[130] Ernesto Yamhure, "Decisiones erráticas e impolíticas", *El Espectador*, 27 August 2009.

[131] The Agro Ingreso Seguro (AIS) program was set up in 2006 to improve infrastructure and productivity of farmers. The government claims that over 316,000 families have benefited from COP 1.4 trillion ($700 million) in aid. But according to the press, a small group of large estate owners unduly benefited from non-reimbursable subsidies. "Riego de dineros públicos", *Cambio*, 24 September 2009.

[132] "El huracán AIS", *Semana*, 1 November 2009. According to a recent Invamer-Gallup poll, Uribe's approval rating dropped from 70 per cent in August 2009 to 64 per cent in November, partly due to the agricultural subsidies scandal. Hugh Bronstein, "Uribe popularity dips due to scandal in Colombia", Reuters, 6 November 2009.

[133] Convergencia Ciudadana dropped from seven to six senators and from ten to seven congressmen, including four new congressmen of Apertura Liberal (a party supported by Enilce López, a lottery entrepreneur on the Atlantic coast) and two from Alas Equipo Colombia. Alas Equipo Colombia dropped from five to two senators and from five to two congressmen. Other small pro-Uribe parties dropped from five to two senators and 26 to fifteen congressmen. "Senadores en trasteo", op. cit.

[134] Equipo Colombia was a splinter of the Conservative party in Antioquia department, led by Governor Luis Alfredo Ramos. Alas's electoral stronghold is the Cesar department and other regions of the Atlantic coast; Consuelo Araújo (former foreign minister under Uribe) will likely stand for Congress in 2010 under the party's banner. Crisis Group interview, Electoral Observation Mission (MOE) officials, Bogotá, 26 August 2009.

[135] Crisis Group interview, legislative agenda expert, Bogotá, 18 August 2009. Uribe's political operators set up a "spare" party, the Integración Nacional party (PIN), in early November 2009 to give additional electoral opportunities to political allies and win more seats in Congress. PIN now uses the legal representation (*personería jurídica*) of Convergencia Ciudadana in an attempt to wash away the latter's "para-politics" stigma. "Nace el 'partido colchón' de la U", *Semana*, 14 September 2009. "Intercambio de camisetas", *Cambio*, 17 September 2009.

[136] "Intercambio de camisetas", op. cit.

[137] Losing candidates were Cecilia López, Alfonso Gómez, Héctor Rojas, Iván Marulanda, Aníbal Gaviria and Alfonso López.

[138] "Más que escoger candidatos", *El Espectador*, 20 September 2009.

[139] "La gran encuesta 2010 – Medición 2", op. cit. Pardo was also security adviser of President Virgilio Barco (1986-1990).

Vargas has low support in the polls (3 per cent in September 2009).[140] As parting company with Uribe has proven costly, he has been forced into alliance negotiations with the Liberal party[141] but has ruled out talks with the left-wing Polo Democrático Alternativo (PDA).

The PDA emerged largely unscathed from the "turncoat process", keeping all ten senators and eight congressmen. But the lack of enthusiasm in the primaries (445,000 votes cast) proved it is far from the 2.5 million votes its presidential candidate, Carlos Gaviria, obtained in 2006 – the best result ever for a left-wing candidate. This time, Senator Gustavo Petro (221,000 votes) defeated Gaviria (201,000) for the presidential nomination. Voter intention for Petro has increased from 4 per cent in May 2009 to 11 per cent in September.[142] Petro appealed to the PDA's grassroots and was critical of Gaviria's refusal to enter electoral alliances before the first round. Gaviria argued that such a move could risk the party's ideological identity. Petro and others in the PDA have warned that alliances that exclude non-left-wing forces would harm the party in the elections, as a move away from the political centre would scare voters.[143] Petro believes building a broad alliance with the Liberals and independent movements before the first round is the only formula for confronting Uribe and forcing a run-off.

It remains to be seen whether the party will reunite under Petro and his search for a broad coalition or its division will deepen. Its more radical wing may oppose alliances due to ideological differences.[144] The party's contacts with Presidents Hugo Chávez of Venezuela and Rafael Correa of Ecuador could cost votes at a time of heightened tensions with these two neighbours.[145] The PDA failed to criticise Chávez's recent offensive rhetoric, though Petro has called for it to do so as well as to condemn the armed struggle and FARC criminal activities.

3. Independent movements

Alternative and independent movements stand a good chance to win seats in the March 2010 congressional elections, if the pro-Uribe camp continues to be perceived as clientelist and interested primarily in pork-barrel deals. The growth of independent movements, such as those headed by three former Bogotá mayors, Enrique Peñalosa, Antanas Mockus and Luis Garzón (known as the "triplets", *trillizos*), and a former Medellín mayor, Sergio Fajardo, could be even bigger if Uribe does not stand and his camp fractures, since he has enjoyed support from independents and centrists in the cities who are not averse to voting for political outsiders.[146]

This has become evident with the remarkable results of the Verde party in the recent "turncoat" operation: 70 members of municipal councils joined it in Boyacá and Santander departments (where it was already strong) as well as in Tolima, Guajira, Antioquia, Arauca, Cundinamarca, Guaviare, Huila, Magdalena, Meta, Nariño, and Valle. In Bogotá it grew from one council member to five, and the "triplets" also joined the party.[147]

Similarly, Fajardo began campaigning in early 2008 by visiting both urban and rural communities. In an attempt to build a grassroots campaign, he has been to over 150 municipalities to discuss their problems and concerns. Polls showed his presidential support steady at 8 per cent between May and September 2009.[148] This relatively high score for an independent results from the popularity of his Medellín administration, non-traditional approach to politics and rejection of an "anti-Uribe" discourse.[149] He gathered 700,000 signatures, twice the legal require-

[140] Ibid.
[141] Germán Vargas used to be a member of the Liberal party. His grandfather was Liberal President Carlos Lleras.
[142] "La gran encuesta 2010 – Medición 2", op. cit.
[143] Crisis Group interview, security expert, Bogotá, 27 July 2009. See interview with Bogotá Councilman (PDA) Carlos de Roux in María Isabel Rueda, "¿Por qué el senador Dussán, presidente del Polo, habla como el dueño de los puestos del Alcalde?", *El Tiempo*, 13 July 2009.
[144] Two powerful party sectors backed Carlos Gaviria: the "radical-doctrinary" wing, made up of ex-militants of the traditional far-left Movimiento Obrero Independiente Revolucionario (MOIR) and the Communist party; and the "pragmatic-clientelistic" wing, led by Senators Ivan Moreno (heir of the National Popular Alliance, ANAPO, and brother of Bogotá Mayor Samuel Moreno) and former Senator and party director Jaime Dussán (closely linked to FECODE, the teachers union). A source said the PDA lost the opportunity to build a broad, modern left-wing party when its leadership was co-opted by the Left's most sectarian sectors. Crisis Group interview, NGO representative, Bogotá, 28 July 2009. Gaviria's supporters say the PDA is the most unified party. Crisis Group interviews, PDA member, congressman, Medellín, Bogotá, 21 July, 25 August 2009.
[145] Crisis Group interview, legislative agenda expert, Bogotá, 18 August 2009. Former PDA Director Dussán claimed the PDA answers only to the people. Norbey Quevedo, "Los cuadros del chavismo en Colombia", op. cit.
[146] Crisis Group interview, political/security analyst, Bogotá, 15 July 2009.
[147] The "triplets" have been widely recognised as behind Bogotá's recent modernisation without neglecting large social programs for the poor. They have struggled to set up a political platform promoting ethics, transparency and decency among officials. See Mockus interview in Cecilia Orozco, "'No le extrañe que icemos la bandera con la Constitución'", *El Espectador*, 6 September 2009. The party is not related to Ingrid Betancourt's Verde Oxígeno party that disappeared in 2005.
[148] "La gran encuesta 2010 – Medición 2", op. cit.
[149] Alvaro Forero, "Campaña presidencial: opinión vs. maquinaria", *El Espectador*, 13 July 2009.

ment, to support his candidacy and is backed by several civic groups and political movements, including the Indigenous Social Alliance (ASI),[150] and prominent congressional candidates.[151] Claiming he could not disappoint the hundreds of local leaders supporting his candidacy, however, Fajardo has refused to build a new independent political program with the Bogotá "triplets".[152] The divisions and individualism characteristic of the independent camp could undercut its electoral chances, since its candidates will be competing for the same small pool of votes.[153]

V. CONCLUSION

The drama over President Uribe's possible third term has many acts yet to go – the Constitutional Court's decision, the results of a referendum, Uribe's decision whether to stand, and an actual election. If Colombians decide that the challenges facing their country at present and Uribe's capacity to address them warrant changing the constitution to accommodate a third term – and if the process takes place in a democratic and transparent manner in accordance with the constitution – that is their choice, and the results should be respected.

Such a decision should be accompanied by a recognition that important questions of national security, strengthening of democratic institutions and conflict resolution will not wait and should not depend on whether Uribe remains in power. A broad national dialogue must emerge on how to ensure continuing military pressure on the FARC, ELN, new illegal armed groups and paramilitary successor organisations, while at the same time addressing a more comprehensive national security and conflict resolution agenda that rigorously upholds international standards of human rights and international humanitarian law, adapts to the evolving security challenges and protects the country's most vulnerable population more effectively, and reduces tensions with Venezuela and Ecuador. This agenda also has to include a non-military institutional and governance component that expands the civilian state presence across the country, strengthens the rule of law and addresses deep-seated problems of social inequity, poverty and access to land, especially in rural Colombia. At the same time, Colombians must remain alert to the potential impact of a third term on their political institutions and ensure that it does not increase the already dominant executive power, undercut democratic checks and balances, weaken government and oversight institutions, or facilitate government corruption.

Bogotá/Brussels, 18 December 2009

[150] The change from "indigenous" to "independent" in the ASI name has been controversial with members of the movement that opened spaces for the political representation of indigenous minorities. Indigenous Senator Jesús Piñacué claimed "Uribismo light" is trying to infiltrate the party, but its president, Alonso Tobón, said it needs to adapt to change in an increasingly urban, multicultural society. Hugo García, "De Alianza Indígena a Independiente", *El Espectador*, 18 July 2009.

[151] Prominent political figures supporting Fajardo include ex-Senator and FARC hostage Luis Eladio Pérez, ex-minister and ambassador Germán Bula and writer David Sánchez Juliao. See Fajardo interview in Cecilia Orozco, "'Nunca he evadido los problemas'", *El Espectador*, 20 September 2009.

[152] On 20 May 2009, former Mayors Fajardo, Mockus, Peñalosa and Garzón, and former Senator Martha Lucía Ramirez denounced as harmful to small parties a political reform bill that would have increased the congressional threshold from 2 to 3 per cent. Their alliance was short-lived, as Ramírez and Fajardo went separate ways. At the time, they were not affiliated with a party; all opposed corruption and cronyism and favoured good governance; none had a radical anti-Uribe discourse; and all wanted to maintain and improve the core of Uribe's democratic security policy.

[153] Crisis Group interview, legislative agenda expert, Bogotá, 18 August 2009.

APPENDIX A

MAP OF COLOMBIA

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APPENDIX B

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 130 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and made available simultaneously on the website, www.crisisgroup.org. Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

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Peacebuilding in Haiti: Including Haitians from Abroad, Latin America/Caribbean Report N°24, 14 December 2007 (also available in French)

Latin American Drugs I: Losing the Fight, Latin America Report N°25, 14 March 2008 (also available in Spanish)

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