

# Working Paper

Schweizerische Friedensstiftung  
Fondation suisse pour la paix  
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1 | 2003 KOFF - Series

Colombia: Conflict Analysis and Options for Peace-Building  
Assessing Possibilities for Further Swiss Contributions

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## K O F F – Series

### Colombia: Conflict Analysis and Options for Peacebuilding Assessing Possibilities for Further Swiss Contributions

Contributions from:

Dr. Marc W. Chernick  
Dr. Alejo Vargas Velasquez  
Mr. Martin Jelsma  
Ms. Robin Kirk  
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Editor:  
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# 1 Preface

## Center for Peacebuilding (KOFF)

Switzerland has pursued an active interest in Colombia for a number of years through the presence of Swiss non-governmental organizations (NGOs) and programs of government-sponsored humanitarian aid in the country. In an international context, it has played a significant role in accompanying the different negotiating processes throughout these years as a member of the Group of Facilitator Countries<sup>1</sup> and of the Group of Friendly Nations<sup>2</sup>.

At the request of the political division IV of the Swiss Department of Foreign Affairs (DFA), the Center for Peacebuilding (KOFF) has produced this report in order to facilitate an analysis of the current situation in Colombia with respect to the results of the various negotiation efforts and the potential perspectives for the promotion of peace. Four experts contributing to this report have presented their analyses of the conflict and its main actors. They have also addressed the conflict with respect to its impact on human rights and humanitarian law and have evaluated the Plan Colombia and the consequences of the problem of narcotics trafficking. An external reader has reviewed the texts and presented his own commentary. The texts themselves were written in the spring of 2002 and were subsequently discussed in a seminar which was attended by external specialists and internal experts of the DFA who examined the texts and explored the feasibility of certain recommendations.

This report contains a condensed version of the texts and includes reflections and recommendations which arose in the course of the seminar and in the process of editing the documents.

In pursuing its involvement in Colombia and in developing strategies for the promotion of peace in cooperation with other interested parties, Switzerland has sought ways to overcome the current impasse in the peace negotiations. As the depository nation of the Geneva Conventions, Switzerland has recently become a member of the United Nations. In this new role, it hopes to create synergies in the field of peace promotion which will have an impact in Colombia. It is now collaborating with a national and international network of actors and institutions which have gained expertise in dealing with complex processes of this type. The need for collaboration reflects the different levels of involvement of Switzerland in Colombia, including the official advisory role of the Swiss government, involvement by Swiss NGOs in the field of development, and the support of various civil society organizations and initiatives through the Swiss "solidarity" movement. In the course of their activities, Swiss actors have gained a profound knowledge of the situation and developed a formidable network of partners on all levels and on all sides. In this difficult stage of the peace process, Switzerland enjoys a high level of credibility and legitimacy in front of numerous Colombian actors.

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<sup>1</sup> The "Comision Facilitadora Internacional" was established to observe and support peace negotiations with the FARC and includes the following countries : Italy, Canada, Cuba, Spain, France, Mexico, Norway, Sweden, Switzerland, Venezuela.

<sup>2</sup> The "Grupo de Paises Amigos" accompanies the peace negotiations with the ELN and includes Cuba, France, Norway, Spain, and Switzerland.

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This credibility and confidence is a result of many years of work and is an important asset, which can and should be further built upon. For this reason, we believe that Switzerland can contribute to a negotiated settlement of the conflict by intensifying its support for the peace process, while focusing its efforts more clearly on a number of issues elaborated in this report.

To this end, the KOFF report on Colombia presents a critical analysis of both current and past strategies pursued in the peace process. While drawing attention to the need to correct certain negative aspects of the process, it develops a number of concrete proposals and policy recommendations which could contribute to the elaboration of a strategy resulting in a negotiated solution of the conflict.

The authors of the texts have developed a number of proposals which are included in their texts. The recommendations made at the end of the text are based upon these proposals.

In conclusion, we wish to thank the four authors: Ms. Robin Kirk of Human Rights Watch, Washington D.C.; Mr. Martin Jelsma of the Transnational Institute, Amsterdam; Professor Alejo Vargas of the National University, Bogotá; and Professor Mark Chernick of Georgetown University, Washington D.C. Mr. Vargas and Chernick took on the difficult task of addressing similar questions in order to achieve an approach to peace promotion from different perspectives.

We owe special appreciation to Mr. Adrien-Claude Zoller of the International Service for Human Rights, Geneva for his critical review and commentary on the authors' texts.

Furthermore we express our gratitude to Mr. Jonathan Sisson for his editorial contribution in translating the texts by KOFF and in producing the condensed versions of the authors' texts for this report.<sup>3</sup>

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<sup>3</sup> The complete text of the report is available under <http://www.swisspeace.org/koff/publications.htm>



## 2 Introduction

### Mô Bleeker Massard, Center for Peacebuilding (KOFF)

The situation in Colombia is extremely complex. The country is plagued by a violent social conflict which has lasted for more than 40 years and which is rooted in unjust social and economic structures. It is marked by on-going military confrontation which has resulted in grave and systematic violations of human rights and international humanitarian law, accompanied by the displacement of large segments of the population and the creation of millions of internally displaced persons and refugees. The number of internal military actors and the number of their forces under arms are growing more and more numerous: 1) The government armed forces, accounting for more than 50% of the total number of combatants in 2002; 2) The paramilitary structures, including the AUC (Autodefensas de Colombia) and the ACCU (Autodefensas Campesinas de Córdoba y Urabá), totalling some 14'000 combatants; and 3) The guerrilla organizations, including the FARC (Fuerzas Armadas Revolucionarias de Colombia) with some 20'000 soldiers and the ELN (Ejército Nacional de Colombia) with an estimated 8'000 combatants. In addition to this, there is the Plan Colombia and problems associated petroleum resources, narcotics trafficking, and regional security.

In 2001, Colombia distinguished itself by a truly disastrous record of political violence and disrespect for humanitarian norms: 3366 political assassinations, 735 disappearances, and 30'000 forced displacements which augment the number of internally displaced persons to more than two million among a population estimated at forty million.

The new president, Alvaro Uribe Velez, elected in mid 2002, has taken a hard line towards the insurgency and formulated a number of harsh security measures since his arrival in office. These have been issued as part of the so-called "doctrine of democratic security". Although initial contacts have been made with the AUC with respect to negotiations, all lines of communication with the FARC and the ELN have been broken. They are now being treated as terrorist organizations in full accordance with American "anti-terrorist measures". Furthermore, on August 8, 2002, the Uribe government declared a formal state of emergency, a step which was widely criticized both within the country and without. Decree 2202 gives the military special powers and restricts the exercise of political and civil rights in designated security zones, known as "rehabilitation and consolidation zones". In declaring that "nobody can be neutral in the state's fight against criminality"<sup>4</sup>, President Uribe clearly violates the right of civilian communities not to be involved in the conflict. The growing militarisation of the society is underscored by his declared intention to create a million-strong network of civilian informers together with his plan to recruit 150'000 part-time "peasant soldiers" within a year. Measures such as these only promise to deepen the crisis in Colombia.

Yet, despite the hard-line stance of the new administration, the Colombian government bears its own responsibility for the conflict. Illegal ties and cooperation between the government armed forces and the paramilitaries, gross violations of human rights, accompanied by a blatant disregard for international humanitarian law and the lack of

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<sup>4</sup> " Security at what cost ? The government's failure to confront the human rights crisis ", Amnesty International, December 2002, page 3.

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political will to confront impunity are just some examples of complicity on the part of the present and the past governments. At the same time, it is evident that the government is incapable of extending its control throughout the whole of its territory. Analysts speak in this regard about an "absentee state" which acts in an authoritarian and exclusive manner when present.

The conflict in Colombia is also nourished by the intervention of external actors. Colombia recently received a stamp of approval from the government of the United States when it put together a new budgetary package, encompassing the Plan Colombia, anti-terrorist initiatives, and the protection of petroleum resources. Numerous objections, including criticism of the very meagre results of the Plan Colombia, were to no avail. Yet, despite arguments to the contrary, the war on drugs is an unlikely framework for the promotion of peace.

Large-scale drug trafficking has, in fact, profoundly changed the nature of the conflict and the parties involved. The guerrilla forces lost considerable credibility when they began operations which targeted primarily the civilian population, e.g. kidnappings of adults and children, and when they became involved in the drug economy which undermined the legitimacy of their political demands for agrarian reform, social justice, and democracy.

Faced by this situation, civil society is called upon to play an increasingly important role. This role may prove to be significant among the efforts to restore the peace process on the international agenda. Yet, since the introduction of the state of emergency, civil society is experiencing an extremely difficult period. It has been the object of a number of assassinations, forced displacements, and other tragedies. Support to civil society should take into account the role which it could and should play as a motor for change.

But is it realistic to reflect on perspectives for the promotion of peace in Colombia today? Perhaps now more than ever, the dimension of the humanitarian disaster and the intensity of the conflict have attained new untenable levels. The conflict is now threatening to spread throughout the region. To the extent that the conflict becomes regionalized and that the actors fail to respect the rights of the civilian population and the humanitarian international conventions, future generations will have an enormous price to pay on all levels.

The international community needs to mobilize in order to support the joint efforts of the parties involved in negotiations, but it should critically examine past experiences which were marked by:

- The absence of a coherent and collective position especially with regard to the respect of human rights and international humanitarian law on the part of all the actors;
- The weak and inconsistent position of the European countries regarding the Plan Colombia and its consequences;
- Insufficient and inconsistent support of the sectors in civil society which could reinforce a civil agenda for peace from the inside.

The process for negotiations has also exhibiting numerous weaknesses: unrealistic agendas, parties to the negotiations who were insufficiently prepared, the exclusion of civil society, a lack of knowledge about the negotiating process.

The current impasse of the peace process presents an urgent challenge to all parties interested in contributing to the promotion of peace in Colombia. They need to reconsider and coordinate their strategies in line with the goal of re-launching a process as soon as possible that would put an end to this intolerable situation.

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### 3 Conflict in Colombia: An Analysis and Perspectives for Peace

Dr. Marc W. Chernick, Georgetown University, Washington, D.C.

#### 3.1 Conflict Analysis

The war in Colombia is longstanding and deeply rooted. Since 1946, Colombia has been fractured by armed conflict among multiple actors. Over the decades the conflict has been transformed from a party conflict between Liberals and Conservatives in the 1940s and 50s, to a low-intensity conflict pitting Marxist guerrillas against the state in the 1960s and 70s, to an atomised, multi-polar war among guerrillas, rightwing paramilitaries, and a weak and fragmented state in the 1980s and 90s. Despite changes in the broad parameters and narrative of the conflict, there has been an extraordinary continuity of regions and patterns of violence for more than half a century.

Today, a map of the violence looks very similar to the geography of violence in the 1940s and 50s. Then, as now, the most violent departments and regions were in rural areas of concentrated wealth, particularly coffee zones or the colonization areas today abundant with bananas, petroleum or the illicit crops of coca and opium poppies. Then, as now, violence is most prevalent in areas where the state has a limited presence and authority is exercised either through state proxies – landowners, political bosses, business interests – or by illegal armed groups, such as guerrillas or paramilitaries.

These factors have proven to be highly combustible. They have taken root because of historical patterns of exclusion – economic, political, and social – that most other Latin American nations addressed during the course of the 20th century. Colombia has never succeeded in constructing a legitimate and legal state presence throughout its national territory. Moreover, its 19th century, oligarchic parties have maintained power throughout the 20th century and into the 21st century – blocking, co-opting or destroying third parties of the left and the right. In practically every other Latin American nation, as societies urbanized, industrialized and modernized, new parties emerged that represented developing middle-classes, working classes or multi-class populist coalitions that formed to displace an oligarchic elite. In Colombia, these forces were repressed, most notably with the assassination of the Liberal populist leader Jorge Eliécer Gaitán in 1948.

Political violence in Colombia ante-ceded the drug trade, which took off in the late 1970s and early 1980s. Nevertheless, the drug trade has fuelled the conflict in recent decades. It did not cause the violence, but it greatly exacerbated and inflamed it. One consequence of the drug trade was that it gave new resources to the guerrillas. In the 1990s, U.S. anti-narcotics policies in Peru and Bolivia led to great declines in coca production in those countries, but had the effect of pushing production into Colombia. The growing regions that are suitable for coca production – principally the high jungle and foothills of the Andes in Guaviare, Caquetá, and Putumayo – were areas that were principally controlled by the FARC. The coca boom became a boon for the FARC, which levied taxes on producers, merchants, and transporters and sought to impose order on the illegal business.

But the drug trade was to have an even more insidious effect on the conflict. By spurring narco-investments in rural landholdings, it created the conditions for financing a third actor within the Colombian conflict: rightwing paramilitaries. These were formed to protect and expand rural properties and to confront guerrillas armies that were extending their presence throughout rural Colombia. In a country with some of the worst concentration of landownership in the world, the drug trade led to a further concentration of landholdings as well as the creation of private armies to protect them. Today, over 75% of massacres and extra judicial killings are linked to paramilitary forces.

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The drug trade also further corrupted and fragmented the state with grave effect on the state's ability to administer justice and maintain public order. As parts of the state neared collapse, the conflict escalated further.

In view of the complexity of the conflict, most Colombian officials and analysts resist describing it as a civil war. They note that the national economy has an impressive record of development, growth, and diversification, not withstanding the economic recessions of the late 1990s. Furthermore, in Colombia, the armed actors have limited followings in mostly remote rural areas; organized groups in civil society particularly in middle and upper-class urban areas have on several occasions mobilized millions of followers demanding an end to the violence. Like most irregular wars, however, this is a "dirty war". The primary victims are the civilian population, from businessmen and professionals facing kidnapping and extortion to rural peasants facing massacres and forced disappearance by any one of the armed contenders. How the conflict ultimately ends will shape the destiny of all of Colombia's citizens. Each has a stake in the war and its outcome.

Since 1982, six successive presidential administrations have attempted to negotiate peace as a way to open and re-legitimise the political system and rebuild state capacity. Despite some partial successes whereby several smaller guerrilla groups negotiated their disarmament and re-incorporation in the early 1990s, the peace processes have not led to peace. Today the violence is three times greater than in the early 1980s.

The most significant factor that will affect political violence today is not the economy, the drug trade or the amount of resources available to the armed actors. It is the political will by all sides to negotiate a far-reaching peace based on major structural reforms and the distribution of political power. It also depends on the political support for the reforms being negotiated at the table.

Peace is possible in Colombia, though it is not probable. The next president will require all the assistance possible from the international community to help facilitate a negotiated settlement. Without that assistance, the next president will likely preside over another frustrating peace process followed by several years of renewed and intense hostilities – an escalation of the atomised and irregular civil war.

### **3.2 Actor Analysis: Internal Actors**

#### **3.2.1 Fuerzas Armadas Revolucionarias de Colombia (FARC)**

The origins of the Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (FARC-EP; Armed Revolutionaries of Colombia – People's Army) go back to the Union of the Communist self-defence groups with a faction of the Liberal guerrillas that organized in the 1940 and 50s during "la Violencia". Manuel Marulanda, today leader of the FARC, first took up arms as a Liberal guerrilla. Following general and targeted amnesties in 1953 and 1958, these Liberals, known as Liberales Comunes, and the Communist groups refused to hand in their arms. In 1964, the Colombian government, with the assistance of the United States, began a bombing campaign of these communities, the most famous of which was Marquetalia. The communities responded by creating a mobile guerrilla force that in 1964 was named the Revolutionary Armed Forces of Colombia (FARC). Originally based in the central Andean region and in parts of the Llanos Orientales, the FARC now operates in practically every area of Colombia.

In negotiations with the government, the FARC has repeatedly asked for: agrarian reform, military reform and the dismantling of the paramilitary infrastructure, political participation at local and national levels of politics, and economic reforms to benefit the poor and marginalized. Although they assert that they are Marxists, their negotiating positions have not moved beyond democratic reforms that have been implemented in many other Latin American nations.

In 1985, in the context of a ceasefire with the government of Belisario Betancur (1982-86), the FARC launched its own political party, the Unión Patriótica (UP). In 1986, the UP won 14 seats in Congress. Yet from the beginning, elected Senators, Congressmen, mayors and council members began to be assassinated, as was their presidential candidate in 1986 and 1990. The dirty war against the UP has chilled future progress at the negotiating table – and placed the issue of paramilitary violence at the centre of subsequent talks.

The FARC has developed a political strategy of increasing and leveraging their influence at the local level – particularly over municipal budgets and the elected officials that preside over them. At the same time, they have radically de-emphasized their political outreach to the urban middle class, intellectuals and social and cultural elites. The effect was that as their military power grew exponentially, their political projection waned. Part of this reflects an internal shift in the FARC with the military wing gathering greater strength over the political wing. The FARC's key political strategist, and the architect of the negotiating strategy and founding of the UP in the 1980s, Jacobo Arenas, died in 1990. His successor, Alfonso Cano, an anthropologist trained at the National University, has not been able to assert the same authority, although he is quite capable. He is currently responsible for the FARC's clandestine political wing, the Movimiento Bolivariano.

### 3.2.2 Ejército de Liberación Nacional (ELN)

The Unión Camilista – Ejército de Liberación Nacional (UC-ELN; Camilist Union – National Liberation Army) has roots in the radical student movements that emerged throughout Latin America following the Cuban Revolution. The ELN was founded by Colombian students in Havana and declared their armed struggle in 1964 in the Department of Santander. In the 1970s, the group was badly decimated both through external military pressure and internal division. By the 1980s, however, they rebuilt themselves, this time incorporating elements of liberation theology while promoting the life and symbol of their most famous member, Father Camilo Torres, who died in combat shortly after joining the movement in 1966.

The ELN also was able to rebuild on the back of the oil boom that Colombia experienced in the mid-1980s with the discovery of major oil fields in Arauca and Casanare. The ELN extorted millions of dollars from the oil companies and the construction firms contracted to build a major oil pipeline from Arauca to the coast.

The ELN was the only major group that did not sign a ceasefire agreement in 1984. Instead they called for "humanizing the war" and for Colombia to respect the emerging tenets of international humanitarian law, particularly the Protocol II of the Geneva Conventions. They also called for a Constituent Assembly.

In 1991, the ELN, together with the FARC, negotiated directly with the government in Caracas and Tlaxcala, Mexico but failed to reach agreements. The coordinating body, the Coordinadora Guerrillera Simón Bolívar, which united them in a loose coalition in the late 1980s and early 90s is now no longer functioning. Since 1997, both groups have separately

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entered into periodic dialogues and negotiations with the government. Indeed they have each articulated different ideas as to how the peace process should be structured.

On their part, the ELN proposed a process whereby they would first convene a National Assembly with representatives of the key sectors of civil society. Only then would they negotiate directly with the government. The FARC proposed a process centred on direct talks between themselves and the government. It should be noted, however, that the thematic agenda for both the FARC and the ELN is quite similar encompassing basic questions of agrarian policy and rural development, natural resources, political reform, the economy, military reform and human rights and international humanitarian law.

Since they first signed an agreement with the government in 1997 declaring their intentions to negotiate a cease-fire – an agreement that they subsequently renounced when it was prematurely made public – the leadership of the ELN has demonstrated that they view a negotiated settlement as the only viable outcome to Colombia's conflict. Despite the huge difficulties and repeated setbacks that have occurred since then, this view has been re-affirmed in meetings with civil society in 1998 and 2000 and in talks with the Pastrana Administration. However, at the same time, the ELN is militarily weaker and has been confronted directly by the growing power of the paramilitary forces that have been centred in areas that overlap with their zones.

### **3.2.3 Autodefensas Unidas de Colombia (AUC)**

Since 1996, the paramilitaries have evolved from atomised, regional forces totalling about 4000 fighters to a national armed organization under a unified command structure, the AUC. In January 2001, the Colombian Ministry of Defence put their numbers at more than 8000. Originally based in the northern part of the country, they have extended their presence into southern Colombia and have taken over large areas of the coca trade, especially in the southern department of Putumayo.

The paramilitaries evolved from out of the government's counter-insurgency strategy of the 1960s, which authorized the governmental armed forces to establish civilian self-defence groups in zones of conflict and threat. From 1965 to 1981, the policy of creating self-defence groups became part of the low-intensity warfare waged by the military.

In the early 1980s, two trends came together explosively, resulting in a new armed actor in the Colombian countryside. These trends were:

- 1) Opposition by the military to the amnesty and ceasefire agreements negotiated with the guerrillas
- 2) The rise of drug trafficking and narco-investments in rural Colombia.

Following the ceasefire agreements of 1984, the governmental armed forces accelerated the formation of civilian armed groups, transferring an overt counter-insurgency policy into a clandestine one. In implementing this strategy, the military collaborated with local gamonales (political bosses), party leaders and landowners. Many of the large landowners had become involved in drug trafficking and were interested in both laundering their profits and creating new supply routes in northern Colombia to facilitate their export trade. When



the governmental armed forces began forming self-defence groups, the narco-landowners provided the necessary resources to arm, train, and support the paramilitaries.<sup>5</sup>

The paramilitaries quickly came to be viewed as a successful counter-insurgency strategy. In many areas, they were able to dislodge the guerrillas from areas where they had maintained a presence, in some cases for decades. Until recently, however, they did not directly attack the guerrillas, but rather the civilian populations that supported them. The policy exasperated the already existing problem of internally displaced people driven from their lands. The paramilitaries also targeted civil society activists who were labelled as guerrillas, destroying embryonic groups in civil society that had begun to emerge in the attempted political opening of the mid-1980s.

Paramilitary activity, in fact, went beyond counter-insurgency. It was also a land acquisition and capital accumulation strategy. Many of the abandoned lands were incorporated into existing landholdings, creating greater concentrations of land, a process that some Colombian sociologists have called "counter-agrarian reform."

In 1989, the Colombian Supreme Court struck down the law giving the governmental armed forces the right to arm civilians. Since then, these groups have been illegal. The state, however, was unable to dismantle them and all evidence demonstrates that the governmental armed forces continued to cooperate with them illegally.

Within the context of the peace process, the paramilitaries have developed into the classic role of "spoilers." Much of the failure of earlier peace processes can be attributed to the paramilitary death squads. When Betancur was negotiating amnesty, the paramilitaries inaugurated a campaign of extermination of amnestied guerrillas. When agrarian reform efforts were discussed at the negotiating table and in congress during this period, the paramilitaries were forcefully displacing entire communities to expand the holding of large landowners. When the FARC founded the UP, within the context of the 1984 ceasefire agreements, the paramilitaries systematically assassinated their candidates and followers, including elected senators, congressmen, mayors and city councilmen. In the peace process during the Pastrana administration, the government and the ELN negotiated a zona de encuentro with the objective of creating a second "de-militarised zone" to advance the negotiations. Yet as the governmental armed forces withdrew, the paramilitaries moved their forces into the zone undermining the agreement and blocking its implementation.

The inexorable conclusion is that there can be no peace without engaging the paramilitaries. Either they need to be brought into the negotiations, or they must be confronted militarily and through the justice system – including sanctions against state actors who cooperate with them. Most likely a combination of these policies will be needed. The difficulty is that the immediate social base of the paramilitaries is large traditional landowners, narco-landowners and drug-traffickers, regional political bosses and rural business interests. With the exception of the drug traffickers, these interests

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<sup>5</sup> Many researchers have documented this phenomenon. For one of the best descriptions of this process in Puerto Boyaca, see: Carlos Medina Gallego, "Autodefensas, Paramilitares y Narcotráfico en Colombia: Origen, Desarrollo y Consolidación" (Bogota: Editorial Documentos Periodísticos, 1990).

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represent historical forces that have been in decline throughout the 20th century in most of Latin America. Without the paramilitaries in the Colombian conflict, it would be logical to expect that the traditional political bosses and regional oligarchic interests would be the losers within a peace process based on major political, social and economic reform – particularly agrarian reform and political opening. Yet, as a result of the paramilitaries, traditional rural and regional interests – increasingly supported by national political interests that also oppose reform – today effectively have veto power over future reform efforts and thus can continue to undermine any option for a negotiated peace with the guerrillas. This is one of the fundamental dilemmas that need to be resolved to reach peace in Colombia.

### **3.2.4 Government**

In Colombia, presidents serve one four-year term and are not eligible for re-election. Since 1982, each presidential administration has initiated some form of peace process. Indeed, in every presidential election during this period, peace and the conduct of a peace process have been the defining issues of the election.

As successive governments defined their peace strategies, new posts and agencies were created to implement it. Belisario Betancur named a non-governmental Peace Commissioner. This eventually evolved into the current position of High Commissioner for Peace situated in the *Consejería Presidencial para la Paz* (Office of the Presidential Advisor for Peace). The key questions in analysing the conduct of the peace advisors has been: How much power does the High Commissioner have and what is his/her relationship with other government policymakers and state agencies? Does s/he speak for the president? Can s/he assume the support of the governmental armed forces? The political parties? The Congress?

The other fundamental issue is what kind of technical capacity does the office have to generate proposals, study initiatives, and advance the negotiations.

At the outset of his administration, President Pastrana stated that he did not expect to negotiate a final peace accord during his four years of office. What he intended to do, he explained, was to create a peace initiative that would be institutionalised as state policy – and not just the temporary program of one president. Having laid the foundation of a state policy toward negotiating peace, it would be left to a successor government to negotiate a final peace accord. Although this was a realistic proposal, the Pastrana administration did not even achieve this limited objective.

Over the last four years (1998-2002), the capacity of the government to negotiate peace has exhibited contradictory trends. President Pastrana has been personally engaged in the process, meeting several times with Manuel Marulanda, the leader of the FARC, directly. He has also involved the leadership of the parties and has consulted closely with the governmental armed forces, though tensions exist and clashes have occurred. Most notable was when the then Minister of Defence, Rodrigo Lloreda, and several generals threatened to resign over a proposal for extending the despeje zone indefinitely.

But if Pastrana has been more adept at working with other centres of political, social, economic and military power, he has been curiously negligent in developing the technical capacity of the peace advisors office. Indeed, compared with past administrations, the office is understaffed and lacks the capacity to shape the negotiating agenda. This

deficiency has meant that the peace process soon stalled once a broad agenda and general rules of the game were agreed to during Pastrana's first year in office.

The government needs to greatly strengthen its negotiating capacity. At present, the process relies on the High Commissioner, the president, and a few trusted subordinates. They negotiate without a tangible strategy or detailed negotiating positions. Of the 12-point agenda agreed to in May of 1999, the negotiators have not moved beyond the first agenda item.

The government also has failed to communicate effectively its objectives or explain specific policies directly to the people. When the process stalled with few visible effects taking hold, public opinion quickly turned against it.

### 3.2.5 Civil Society

There is a broadly based peace movement in Colombia which includes such groups as Asamblea Permanente para la Paz, REDEPAZ, Mandato para la Paz, Comisión Nacional de Reconciliación, Programa de Paz y Desarrollo en Magdalena Medio, and Pais Libre among others. They reflect the discontent of the majority of the population with the continuing violence. In October 1999, a day of protest was organized calling for an end to the violence in which an estimated 10 million people – one quarter of the country's population – took to the streets.

Despite the overwhelming clamour, it is not clear how civil society can be more directly integrated into the peace process. Some have proposed that civil society leaders be given a seat at the negotiating table. The FARC is promoting a program of audiencias públicas in which civil society is invited to share its opinions around specific themes, such as the economy, education, etc. The ELN has proposed a series of National Conventions with civil society leaders around specific themes and has also met directly with civil society leaders on two occasions in Europe. In December 2001, the ELN and the Colombian government signed agreements to realize a series of monthly meetings in Havana with civil society leaders beginning on January 30th, 2002.

These efforts reflect a broad consensus that a settlement must reflect the needs of a pluralist and heterogeneous society. The concern is that neither the government nor the guerrillas effectively represent the broad social, political and regional diversity of the country.

Nevertheless, peace agreements will need to be signed by government and guerrilla elites. Civil society does not have the legal or moral authority to negotiate for all of the people and yet its views need to be incorporated into the peace process. The issue directly relates to the degree of representation of the majority of the citizens at the negotiating table; most feel un-represented by the guerrillas and the government. Ultimately, the peace process will need to involve multiple forums: a negotiating table where the principal protagonists are the government and the guerrillas (with input from civil society) with a specific agenda relating to issues that have fomented the war, and a broader Constituent Assembly that will address the broad range of political, legal, social, economic, military and international issues that collectively define the nation.

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### 3.3 Actor Analysis: External Actors

#### 3.3.1 The United States

The elephant in the room is the United States. The U.S. has repeatedly claimed that its principal objective in Colombia is fighting the drug trade. Since the terror attacks of September 11th, the U.S. has also expressed concern that Colombia is the home to three terrorist organizations: FARC, ELN and AUC. The AUC was placed on the list only on September 10th.

During the Colombian peace processes of the 1980s and early 90s, the U.S. did not play a role. When Andrés Pastrana took office, the Clinton Administration supported his initiatives – though many senior officials and congresspersons were openly sceptical about placing support for the peace process as the centrepiece of the bilateral relationship. Nevertheless, the U.S. opened up a channel of communication with the FARC leadership and mid-level State Department officials met with FARC representatives in San José, Costa Rica in December 1998. This channel was mostly shut down when the FARC subsequently kidnapped and murdered three American indigenous activists.

Pastrana's initial emphasis on peace was also turned on its head when the United States offered a 1.3 billion dollar assistance package in support of Plan Colombia that was approved in June 2000. Pastrana had originally argued in Washington and in Bogotá that peace was the key to achieving other objectives, including anti-narcotics. He asserted that through a peace process, the state would be able to work jointly with the guerrillas to eliminate illicit crops and provide economic alternatives. However, by the time legislation to support Plan Colombia made its way through the Republican controlled House and Senate, this formulation had been inverted. The formulation was now: fighting drug trafficking would reduce the financial resources available to the guerrillas and thus would pressure them to negotiate. 75% of the financial aid was directed toward anti-narcotics assistance, including 60 helicopters and the training of two additional anti-narcotics brigades. Support for "peace initiatives" was allotted a paltry 3 million dollars, or less than 2% of overall funding.

By the time the Bush Administration took office in 2001, there appeared to be little support for peacemaking activities in countries like Colombia and pressure grew to expand Plan Colombia programs throughout the Andean region. Then came September 11th. In one stroke, U.S. foreign policy was re-oriented toward fighting terrorism. Military, intelligence, and diplomatic assets were re-assigned from Colombia to Central Asia and the Middle East. Colombia suddenly was no longer a priority. It is unlikely that Colombian or the Andean region will again receive aid at the levels of the last two years.

The question, then, is how will Colombia fit into the global war on terrorism. Two trends are emerging: one is that Colombia's three armed groups, labelled as "terrorist groups", are not primary targets, since they neither have global reach or possess weapons of mass destruction. They do not directly threaten the national security of the United States. U.S. policy will be oriented for some time toward groups that meet these conditions. The second, however, is that the U.S. political and diplomatic discourse sets the tone for many national actors; almost immediately the language of the war on terrorism was being reproduced by local actors in trouble spots around the world. Colombia was no exception. The U.S. Ambassador in Colombia and the State Department's chief terrorism expert were already speaking about confronting Colombia's terrorists and even extraditing FARC leaders to the United States for their involvement in terrorist activities.

The Colombian Armed Forces, many politicians, business leaders and others began to employ similar language.

The result is a bit muddled: the U.S. will devote fewer resources, yet it is likely to slightly shift the focus from anti-narcotics to anti-terrorism. Officially, the Bush Administration continues to declare that it supports the Colombian peace process. The lower profile creates opportunities and dangers for Colombians and other international actors: they can forge ahead with the peace process, or reproduce in Colombia the war on terrorism, which is just another way of continuing the decades-old armed conflict.

### 3.3.2 The Grupo de países amigos

As the United States began to increase its military involvement in Colombia, several European nations, including Switzerland, Norway and the European Union, began to articulate an alternative to the U.S. emphasis on fumigation and a militarised anti-narcotics approach. They wanted aid to be centred on support for the peace process, institutional development, and ensuring the protection of human rights.

At the same time, Colombia began to implement a model that was successfully used in Central America: the grupo de países amigos that support the peace process. Two groups were created for the separate peace processes with the ELN and the FARC. With the ELN, five countries were represented: Switzerland, France, Norway, Spain and Cuba. With the FARC, a group of ten countries were designated as facilitators: Canada, Cuba, Mexico, Venezuela, Switzerland, Sweden, France, Italy, Norway and Spain. Several of these countries have used their good offices to promote dialogue, particularly Switzerland in convening a meeting between the ELN, civil society and the government in July 2000 and recently Cuba and Venezuela in re-starting talks between the government and the ELN after talks were suspended in August 2001.

The model of a "Grupo de países amigos" can help facilitate dialogue, and recent events with the ELN have demonstrated this. However, the model can also be unwieldy. In the case of the model used with the FARC, each of the ten countries involved have different interests, perspectives and objectives. Briefly stated and caricaturised: Norway, Sweden, and Switzerland have an international vocation as peacemakers, which can become competitive at times; Venezuela has flirted with support of the guerrillas, and is the only one of these countries that shares a border with Colombia; Spain has substantial economic interests and also an ideological affinity with Washington (some have spoken of a Washington-Bogotá-Madrid access); France and Germany have economic interests and some have referred to French rivalry with Spain as a defining factor; Cuba has historic links to the guerrilla; Mexico under Fox has expressed interest in playing a Latin American peacemaking role, though this may have diminished since September 11th.

Although several countries have expressed their interest in increasing their involvement – particularly Mexico, Venezuela, Cuba, Switzerland, and Norway – it is difficult for one country to move beyond providing "good offices," convening reunions, meetings with the combatants, providing some resources, or making experts available. This is because no single country or organization has been recognized as a mediator. Indeed the structure of a "Grupo de países amigos" seems expressly designed to stifle unilateral activity.

The Grupo de países amigos also has little leverage. In Spring 2001, the grupo de países amigos hosted a meeting between the ELN and the government in Havana where they reached an agreement to create a special de-militarised zone in two municipalities in the

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southern part of the Department of Bolivar to facilitate the negotiations. The zone was modelled after a similar zone established in 1998 with the FARC in five municipalities in southern Colombia. Under the new agreement with the ELN, the five "friends" agreed to create a national and international verification commission and to promote economic development in the zone.

It was a promising development and had the potential to get negotiations back on track. However, the experience demonstrated a significant shortcoming of "Grupo de países amigos" model. They had little leverage over the Colombian government – in contrast to the U.S. with a different vision of assistance for Colombia – and the agreement was never implemented. The AUC, which had been vocal in its opposition to an ELN zona de encuentro in areas where it has a presence, took over the zone militarily when the governmental armed forces, as stipulated in the Havana agreements, withdrew its forces. The European and Latin American facilitators watched helplessly. Some called on the government to confront the AUC and re-take the zone, but the government was not prepared to take such steps.

The ELN reacted by suspending the negotiations in March 2001. In April, the Swedes hosted a meeting in Stockholm with the ELN, the Colombian government, and civil society. The ELN demanded the implementation of the Havana agreement as a condition for further negotiations. In August, the government walked away from the table. Even as the government and the ELN resumed talks in November 2001, the failure of the earlier agreement looms large.

### **3.3.3 The United Nations**

In December 1999, the Secretary General of the United Nations designated the Norwegian diplomat Jan Egeland as its Special Representative for Colombia. Egeland was invited by the Colombian government to accompany the process, not to mediate. Nevertheless, he discreetly carved out a position for himself within the international processes accompanying each of the negotiating tables. He also opened up direct channels of communication to different actors within the conflict, including the governmental armed forces, the ELN and the FARC, civil society organizations, political and economic elites, and the government. Egeland resigned his position in November 2001. His deputy, the U.S. journalist James Lemoyne, was named Acting Special Advisor in his place.

The FARC is still reluctant to accept active international involvement in the process. The ELN is more receptive. Here the processes in EL Salvador and Guatemala may be instructive. The initial impetus for negotiations came from the regional actors, first the Contadora Group (Colombia, Mexico, Panama, and Venezuela) and then the Central American nations themselves led by Costa Rican president Oscar Arias. The framework that emerged from the Arias peace plan included an invitation to the U.N. to accompany the process. Over several years, the U.N. Special Representative was slowly able to build confidence with all sides and to develop a mediating role.

It is possible that the small beginnings already made by the Grupo de países amigos and the U.N. Special Representative could evolve in a similar direction, over a period of years. However, the main difference is that El Salvador received direct attention from the U.N. Secretary General and his Special Representative had sufficient stature to move the process forward. These ingredients are currently lacking in Colombia.

### 3.3.4 The World Bank and The International Development Bank

Peace will be expensive. If peace is to be achieved, the International Development Bank (IDB) and the World Bank need to be integrated into the post-conflict process. Both institutions have experience working on issues of war and peace in Colombia. In 1997-1998, the IDB funded a series of studies commissioned by the Department of Planning. The project was called: *La Paz es Rentable* (Peace is Profitable). The World Bank has also engaged in financing projects related to addressing development needs in areas affected by the war. The two most notable projects are: the Program for Peace and Development in Magdalena Medio (also financed by international lending and development agencies such as UNDP and USAID), and the *zonas de reservas campesinas* (Peasant Enterprise Zones), a program authorized by agrarian reform legislation to create stable, small and medium peasant economies in zones of violence where state presence is limited. Pilot zones have been created in El Pato, Caquetá and in Guaviare.

These types of projects need to be expanded and better integrated into the peace negotiations. At the same time, Colombia and the international community will need to make a realistic assessment on the cost of peace and the viability of financing needed reforms.

## 3.4 Assessment of the Peace Process

Since 1982, Colombia has experimented with several peace processes. The design of these processes has oscillated between two extremes: a narrow agenda where the principal elements on the agenda were ceasefire, disarmament, and re-incorporation, and a wider agenda where broad elements of social, political and economic reform were under discussion.

Most indicative of the narrow agenda was "mano tendida y pulso firme" policy of the Barco Administration (1986-90). His peace strategy called for a unilateral ceasefire by the guerrillas and a negotiating agenda limited to disarmament and assistance with the transformation from a guerrilla movement to a political party. Successful agreements were reached using this model with the M-19, EPL, and Quintin Lame (an indigenous guerrilla movement). President Cesar Gaviria (1990-94) also used this formula in negotiations with a dissident faction of the ELN known as *Corriente de Renovación Socialista*.<sup>6</sup>

Yet the FARC and the majority of the ELN expressly rejected this type of peace process. They insisted that peace could only be built on major structural reforms that encompassed significant social, economic and political transformations. Moreover, following the painful experience of the UP, the FARC was not interested in a peace process that was limited to conversion into a political party. The ELN had a similar negative experience when it helped found the political movement *A Luchar* in the mid-1980s, only to see its members succumb to the dirty war.

<sup>6</sup> For a history of these negotiations, see: Marc Chernick, "Negotiating Peace amid Multiple Forms of Violence: The Protracted Search for a Settlement to the Armed Conflicts in Colombia" in: Cynthia Arnson, ed., *Comparative Peace Processes in Latin America* (Stanford: Stanford University Press, 1999).

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Moreover, the negative experience of the M-19 also created disincentives for both groups. The M-19 initially achieved a substantial electoral success, even as some of their leaders fell victim to the dirty war, including their presidential candidate, Carlos Pizarro. Six months after handing in their arms their new party, the AD/M-19, received 27% of the vote in special elections held in December 1990 for seats in a Constituent Assembly. Their leader, Antonio Navarro Wolf, went on to become one of three presidents of the Assembly. However, the M-19's success did not endure. By 1994, they were reduced to a marginal party with only a handful of elected representatives. They were unable to consolidate their transformation into a political party.

The experiences of the UP and the M-19 have led the FARC and the ELN to draw the following conclusions: the peace process will not only have to be based on substantive reforms, it will also need to ensure the physical survival of their leaders and will need to guarantee a significant quotient of political power for an extended period of time to ensure the success of their movement within the legal political arena.

Following the election of Andrés Pastrana in 1998, there were great expectations that finally Colombia's long-running peace process was reaching its culminating phase – at least with the FARC. Ironically, although discussions with the ELN had advanced significantly in the final months of the Samper Administration, the Pastrana government initially chose to elevate the importance of the process with the FARC, a policy that led to repeated ruptures and confrontations with the ELN. The problem demonstrates the difficulty of maintaining separate peace processes and in discussing "national agendas" with rival groups. At one point the processes will need to be unified. However, the government cannot force the different guerrilla movements to negotiate collectively.

There are several lessons to be learned from Pastrana's approach with the FARC, which should be taken in account with regard to a future process. These include:

1. The return to a broader negotiating agenda. On May 6, 1999, the FARC and the government reached agreement on a 12-point negotiating agenda that included: economic reforms, agrarian policies including illicit crops, human rights, international humanitarian law, natural resources, judicial reform, political reform, state reform, armed forces and international relations.
2. The creation of a despeje (clearance) zone consisting of five municipalities (together equalling the size of Switzerland) where the state would withdraw its police and military forces to facilitate negotiations in a secure region of Colombia. The guerrillas and a civilian police force working with the FARC would provide security.
3. An agreement to negotiate amid the war, deferring the discussion of a ceasefire to later in the negotiating process when much of the negotiating agenda had been completed.
4. A decision to leave the question of arms and disarmament off the agenda.
5. A vaguely worded agreement to seek international participation in the process.
6. The creation of public forums for the participation of civil society, known as audiencias públicas.



The FARC also proposed certain conditions for the talks. First, the government must confront the paramilitaries, and second, the FARC called for a prisoner exchange of the more than 400 police and soldiers then held captive by the FARC for political prisoners being held by the government. These conditions were only partially met. The government removed a few generals accused of having links with the paramilitaries and in 2001, several hundred soldiers and police were released by the FARC in exchange for a small number of FARC prisoners who were gravely ill.

The overall framework appeared to hold considerable promise in the first year of the Pastrana Administration. Today, however, if it is to be successful, it will need to be refined.

### **3.4.1 Elements for a Reformulation of the Peace Process:**

1. The agenda is too broad: This does not imply a return to the narrow agenda of the Barco-Gaviria years, but it does require a realistic assessment of what is negotiable and what is not. A more realistic agenda would cover only essential issues that have helped fuel the war, leaving everything else to Constituent Assembly. The core issues of the agenda would be:

- a. Agrarian issues, including agrarian reform, rural development and illicit crops
- b. The governmental armed forces and paramilitary organizations
- c. Human rights and international humanitarian law
- d. Local governance and local power
- e. National governance and national power

Other issues can be added. A successful negotiating agenda would address both substantive areas of reform and issues of political power. Although the FARC is fighting for national power, there may be greater opportunity to reach agreement on conditions for participating in power at the local and regional level.

2. Ceasefire: The agreement reached by the government and the FARC stipulated that the negotiations would take place amid the war. Such was the process in El Salvador and it was in marked contrast with the approach of the Barco and early Gaviria years when the guerrilla conditioned the peace process on unilateral ceasefires.

Today it is clear that this framework has led to an escalation of the violence throughout the country. Each side believes that it will increase its leverage at the negotiating table by expanding its military actions. Yet the type of reforms needed in Colombia does not depend on battlefield strength. The upsurge in violence has led most citizens to become increasingly sceptical of the peace process. 'Why is violence increasing', many ask, 'if they are sitting at the negotiating table?'

This part of the negotiating formula needs to be reconsidered. Separate ceasefire discussions had been on a slow-motion track since the beginning of 2000, when negotiators from both sides exchanged preliminary proposals. In the San Francisco accords of October 2001, the FARC and the government agreed to prioritise the search for a ceasefire. Moreover, in accords recently signed in Havana in December 2001, the ELN and the government also placed emphasis on an early ceasefire.

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Reaching a ceasefire will not be easy. The logistical issues alone are overwhelming. In 1991 at Caracas, the two sides came close to reaching a ceasefire agreement. But the accord broke down over the number of sites, the degree of mobility of the guerrillas within designated municipalities and the ability to engage in politics at the sites. Yet the record shows that the two sides came agonizingly close to establishing a cease-fire in 60 – 96 municipalities where the guerrillas maintain a strong presence.

Related issues that necessarily accompany any ceasefire agreement also complicate the issue. Principal among these are: kidnapping and illicit crops. These are difficult, but not impossible issues to resolve.

In the October 2001 accords, the FARC agreed to suspend the practice of *pescas milagrosas* (miracle fishing), which involves the kidnapping of victims that fall into FARC roadblocks and control points. In the 1984-ceasefire accords at La Uribe, the FARC condemned the act of kidnapping and subsequently provided a list of all the kidnap victims then in their custody.<sup>7</sup>

As for illicit crops, the FARC's position was stated clearly in the February 2001 Las Pozos agreement and in subsequent statements: the FARC opposes aerial fumigation and forced eradication, but will not oppose manual eradication of illicit crops in communities that have reached a common agreement with the government for alternative development assistance.

Although the FARC has called for such measures as reducing the unemployment rate as a condition for a ceasefire, these broad themes are not realistic. However, ceasefire agreements could be reached which encompass multiple zones and which address issues such as kidnapping and illicit crops. The government should be working on a cease-fire proposal that will address these concrete issues.

3. Despeje zones: Some have argued that a ceasefire would obviate the need for a despeje zone – with multiple ceasefire zones, negotiations could simply take place there or in any part of the country to which both sides agreed. Yet for the FARC, the despeje zone has become a key component of the peace process. It will need to be preserved.

However, the rules of the game also need to be refined. Many have criticized the lack of national or international verification and human rights abuses. Those issues should be incorporated into the overall negotiations on human rights and international humanitarian law.

What is most disruptive is the built-in crisis flashpoint. At present, the zone is authorized in 3, 6 or 9 month increments. In practice, this has meant that the peace process suffers a crisis every time the authorization comes up for renewal. Without progress, many want to suspend it, or send in the military to "re-take" it. A simple formula must be reached that basically states that as long as the negotiations are proceeding, the despeje will remain in force.

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<sup>7</sup> See "Acuerdos de la Uribe" in FARC-EP: Esbozo Histórico. Comisión Internacional de las FARC-EP, 1998.

The ELN has also been insisting that the Havana accords authorizing a zona de encuentro for them be implemented. The problem is that the ELN is not the only armed actor in the region nor has it historically dominated the zone. Nevertheless, the government and the international community will need to find a way to establish a second zone to facilitate these negotiations.

4. Arms and Disarmament: The issues of arms and disarmament should continue to be deferred until final stages of the peace process. At some point, however, the negotiations will have to address these issues – or risk an untimely breakdown at a future critical juncture as has happened in other peace processes. The FARC insists that this issue is not negotiable: when the conditions for the war end, the need to use arms will disappear.

However, it is possible that the protagonists could develop a uniquely Colombian solution. The issue could be inserted into the discussion of local governance and local power, as one of the key objectives of the peace process is to build a coherent and legitimate state presence throughout all of the national territory. Such an authority could be constructed over time as FARC fighters are gradually phased into national, regional or local police forces. Indeed any ceasefire agreement will likely result in the stationing of FARC forces in perhaps 100-200 municipalities where they maintain a strong influence. As final accords are reached, the government and the FARC could agree to phase in annually or bi-annually, over a period of 10 years or more, a significant percentage (10-20%) of the former guerrilla fighters. In the transition period, the FARC and state actors would share responsibilities. At the end of the period, the state would have significantly increased its national presence while at the same time creating conditions of security for the FARC in the post-conflict period.

5. International Mediation: 20 years of negotiating experience indicates that international mediation will be required to bring peace. This will require great patience and significant periods of confidence building. The decades-long process of international involvement in peacemaking in Central America that witnessed the progression from the Contadora peace plan, to the Arias peace plan to eventual U.N. mediation might provide a precedent. It also will likely require high-level attention over time from the Secretary General of the United Nations. A nod of support from the United States would also greatly enhance chances for success, as it eventually did in Central America at the end of the Cold War.
6. Civil Society: The active involvement of civil society is needed in the peace process – generating initiatives, sparking ideas, creating coalitions, and voicing objections. The proposed ELN meetings in Cuba and perhaps a move to broaden and democratise the audiencias públicas could greatly strengthen the peace process and should be supported by the government and the international community, including international NGOs. The peace process must result in the creation of a Constituent Assembly, which should be designed to represent the social, political, regional and cultural diversity of Colombia.

### 3.5 Policy Recommendations for Peace Building in Colombia

Given that there is no military solution to the conflict in Colombia, several options are open:

- 1) Escalate the war and seek military advantage at the negotiating table;

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- 2) Continue the war at current levels and try to build state capacity and institutional strength and legitimacy amid the war;
  - 3) Attempt to reach a negotiated settlement.

There are many proponents of options 1 and 2. The U.S. Department of State and many in the Uribe Administration argue that option 1 is the key to an eventual peace accord. From discussions with policymakers, it is clear that much of the un-stated reasoning behind U.S. assistance to Plan Colombia was based on the perceived need to increase the military capacity of the governmental armed forces while simultaneously addressing their human rights records.

However, this strategy is unlikely to yield fruit given the dynamic stalemate of the war. Moreover, an aggressive military posture would more likely have the result of deepening and escalating the conflict and deferring a substantive peace for another decade – or more.

In Colombia, peace basically means the construction of a more participatory and inclusive regime and the construction of a legitimate state presence throughout the national territory. This will not be determined on the battlefield now or in the future. Despite common beliefs to the contrary, military strength will not be decisive in shaping the peace accords.

Having said this, this does not mean that the state should not work to increase military and police effectiveness and address the questions of human rights violations. Such policies are needed and welcomed. But they are not a substitute for a broad-based peace process.

Option 2 is not incompatible with option 3. However, in and of itself, it is not sufficient. The state can and should build state capacity and institutional strength and legitimacy, irrespective of the status of the peace talks. However, given a choice between unilateral reform and reforms as a result of a broad agreement at the peace table, the latter is preferable. Both sides will have a stake in the success of the reforms. Without such a stake, the effect of many reforms as peace-building initiatives will be diminished.

The only option that has a chance to break the decades-old cycle of conflict and violence is the third one. In this regard, a reformulated peace process, as outlined above, will be needed. Let me recapitulate here and add a few elements that have not been addressed by the Pastrana administration.

To reach peace in Colombia, the following steps and issues will be needed:

- a) Prioritise a bilateral ceasefire between the governmental armed forces and guerrillas;
- b) Maintain the FARC despeje zone and create an ELN zona de encuentro;
- c) Define with more precision what is negotiable at the negotiating table and what should be left for more representative special forum, such as a Constituent Assembly that would include a broad sector of political and civil society;
- d) Recognize that peace will require not only agreement on structural reforms, but also the distribution of political power;

- e) Defer discussion on the issue of arms – and then seek creative solutions that help build a legitimate state presence;
- f) Create a more direct role for the international community. The experience of the last twenty years of negotiations suggests that the protagonists in the Colombian conflict are unlikely to negotiate peace on their own.

To these points already discussed, the following should be added as a fundamental part of a viable peace strategy:

- g) Coordinate the processes between the ELN and the FARC. Partial peace settlements are not in the best interests of Colombia;
- h) Integrate the AUC into the peace process. This is perhaps the most difficult element. In their role as "spoilers" of the peace process, the paramilitaries can veto or undermine any agreement through military offensives and assassinations. Sustained military force will be necessary to bring them to the negotiating table. On the other hand, the FARC, the ELN, and the government itself have thus far refused to enter into negotiations with them. Separate negotiations with the AUC on disarmament, the redistribution of lands acquired with narco-monies, and, where possible, amnesty could result in their transformation into a political force.
- i) Involve the governmental armed forces directly in the negotiating process. The governmental armed forces will need to endorse any final settlement. In Central America, direct lines of communication were opened up between senior military and guerrilla commanders. The governmental armed forces participated in the negotiations. The state's position will be strengthened, if it acts with the governmental armed forces, and not against them.

What can the Swiss government do to facilitate the peace process?

It is already engaged as a Friend of the two processes. Switzerland is widely admired as a beacon of peace, neutrality, and humanitarian assistance. These are its strengths. Among the countries represented in the Grupo de países amigos, Switzerland is well positioned to advance many aspects of a peace program, from providing "good offices" and fostering discreet contacts to lending technical assistance to both the guerrillas and the state.

The Colombian government needs to strengthen its analytical capacities and ability to generate timely proposals to accompany the negotiations. This has been one of the key areas of breakdown over the last four years. Switzerland could assist here.

Similarly, the guerrillas also need to improve their technical capacity to generate ideas and proposals. Again, Switzerland and other nations could and should assist here.

Finally, Switzerland and the other Friends need to work toward the development of an international mediating role by the United Nations or some other international agency. This process will be slow and fraught with frustration. It will require large doses of confidence building, particularly with the guerrillas. It also requires gaining the attention of a distracted international community and soliciting support at the highest levels of the United Nations, the European Union and the United States. Switzerland might be well-positioned to advance this process.

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## 4 The Colombian Armed Conflict: Analysis and Perspectives

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### 4.1 A necessary background information

The history of modern Colombia has been marked by an internal armed conflict that has lasted with increasing intensity for almost four decades. The current situation has been influenced by historical and other factors, resulting in the development of oppressive socio-economic and political structures that deprive large segments of the population of their rights as citizens. In order to understand the situation, we need to differentiate between the structural factors and the particular circumstances that have given rise to the guerrilla organizations and, likewise, between the different factors which have led to an escalation of the conflict.

Among the historical factors, there is a persistent tendency in Colombia to use violence as a means of attaining political objectives. Other factors include socio-economic and political exclusion (or perverse inclusion) on a regional basis. These, coupled with an authoritarian political culture resistant to democratic behaviours, create a backdrop for the conflict.

Among the escalating factors, we can differentiate between external factors, e.g. the cold war and its influences upon the so-called "national security doctrine"; the Cuban revolution; and the Sino-Soviet rupture; and internal factors such as the National Front's restricted democracy; the old and yet unresolved agrarian problem; the radicalisation of youth sectors, especially the students in the 1960's; the remnants of Liberal guerrilla movements from earlier conflicts; and the tendencies towards political radicalism among labour Union leaders in some sectors, particularly within the oil industry.

Later, other factors surfaced which contributed to the escalation and expansion of the conflict. The most important of these are drug trafficking which became a source of income for financing the war; the collapse of the justice system as an element for regulating social behaviour, thus triggering impunity; the lack of confidence as a value for social cohesion; and the delinquent and corrupt behaviour associated with governmental administration.<sup>8</sup>

It is necessary to make this distinction since in recent times there has been a tendency to try to present the internal armed conflict as being exclusively linked to drug trafficking and, consequently, to deduce that the fight against drug trafficking and the fight against the guerrilla movements are one and the same fight, particularly because of U.S. military aid. There is also the tendency to believe that the internal armed conflict can be resolved if drug trafficking is defeated.

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<sup>8</sup> One of the basic conditions for social harmony is confidence among its members and, in a context of war and violence, one of the first casualties is trust. One manifestation of this crisis of confidence is the difficulty in working toward collective goals due to a lack of trust in social leaders because they almost always are perceived as bearers of double-faced and demagogical projects, always looking for personal benefits. This has been nourished, of course, historically by a political and social leadership that has not worked in the national interest, that has always given priority to selfish personal or group interests, and which has nourished, either by action or omission, different forms of violence. This crisis is also expressed in the lack of trust in daily behaviours, much less transcendental, but having a larger impact on the population.

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The Colombian guerrilla movement, apart from the peculiarities of the different organizations, is deeply rooted in the internal dynamics of social struggle. In this sense, contrary to other conflicts, external factors act more like conditioning elements than as having a determinant character.

The Fuerzas Armadas Revolucionarias de Colombia (FARC; Revolutionary Armed Forces of Colombia) is an organization rooted in the agrarian struggle of the first decades of the last century and, more recently, in the peasants' agrarian self-defence groups that, one way or another, were supported and encouraged by the Colombian Communist Party at the time. A brief review of the origins of the FARC allows us to situate them against the background of the agrarian conflicts of Sumapaz and Tequendama in the 1920's and 30's, focusing on the struggle for land rights and daily wages on the coffee plantations. Later, in the late 1950's, the peasant self-defence groups of Sumapaz in Cundinamarca and eastern Tolima were developed during the so-called "Villarrica War". These gave birth to the so-called "march columns" that led to massive population displacements and were the basis for new colonization processes in the Ariari and in regions such as El Pato. The immediate generating factor for their formation as a guerrilla group under the initial name of "Bloque Sur" (Southern Block) was the military offensive against the regions of peasant self-defence groups, referred to by some conservative leaders as the "independent republics" of Marquetalia, El Patio, Riochiquito, and Guayabero.

From a historical perspective, it was a process primarily linked to regional social and ethnic dynamics, in which the struggle to defend local territory and its forms of social organization was progressively transformed and became interwoven with dynamics controlled by national politicians. The strategy of self-defence was initially conceived as an organized military response and only gradually acquired the form of mobile guerrilla warfare. This was a result of efforts to link political and so-called "community violence", an analytical perspective which pitted the community against an enemy perceived as external or foreign, thus transforming communal resistance into revolutionary action.

In the case of the Ejército de Liberación Nacional (ELN; National Liberation Army), its origin is more directly linked to the influences of the Cuban Revolution in Latin America and particularly to the impact it had on the youth in the region. But it was also influenced by the struggles of the labour Unions, the armed resistance of the liberal guerrilla movement in the Magdalena Medio region, and the expectations fuelled by the so-called "new left" regarding the possibility of transforming society by linking social discontent with armed revolutionary action.

It is evident that the Colombian guerrilla movements are the product of special historical and political processes. Both the FARC and the ELN were able to build upon social and regional problems that, in turn, allowed them to consolidate and expand their bases of support. In Colombia, there is a relationship between the armed struggle and conflicts of a political or economic type that affect several sectors of society (peasants, labour Unions, indigenous peoples) in different regions.

Against the background of the armed political conflict, we find a struggle for power between the state or leading sectors on the one side and insurgent organizations on the other.



#### 4.2 The Balance of the Pastrana Administration

With respect to the intensity of the armed conflict, all indicators show that the level of violence has steadily grown during the administration of President Pastrana (1998-2002). There has been a marked increase in the number of attacks on towns and massacres, the number of kidnappings, the sabotage of industrial infrastructure (oil pipelines, electrical towers, etc.), the number of displaced persons – and this despite an on-going process of dialogue and negotiations.

The same period has been seen a regional expansion of the conflict. Both the guerrilla and the paramilitaries have undertaken efforts to expand their territorial presence. While the FARC has increased its capacity to field a larger number of soldiers on more fronts, paramilitary groups have consolidated their presence in the Urabá region, the control of Barrancabermeja and of the Southern Bolívar plains, as well as their presence in the Southern part of the country, particularly in Putumayo and Caquetá.

Nevertheless, we do not agree with those who believe that the armed conflict has changed qualitatively throughout the country and that the classical guerrilla war of strategic defence, characterized by mobility, surprise attack, territorial dispersion, and long-term periods, has been transformed into a war of movements or positions where the guerrilla groups are going to be weakened while defending certain territories and are going to commit all their resources to them on a short-term basis. This is to forget that the internal armed confrontation has related political and social components besides the military one.

The rationale on the part of the Pastrana Administration to grant the FARC control of the demilitarised zone was based as much on military logic (the assumed or real historical control of the FARC over the Caguán region) as it was on political considerations. The consequence was a very important strategic and symbolic strengthening of the FARC that went from being regarded as an irregular guerrilla movement in 1998 to being seen today as a regional army in gestation – with all the effects this has in producing a mental image of fear and rejection among the population at large. The FARC have consolidated their control on the towns of the area and all data indicate that they have used it in an efficient way as a military base for retraining their troops and for forming new elite units.

At the international level, the Pastrana Administration was able to project an image of its own deep commitment to a negotiated solution to the conflict while portraying the FARC as an unreliable partner that has no interest in advancing the negotiations. In this sense, it can be said that the government was successful, at the international level at least, in demystifying the guerrilla movement by removing its mantle of (self-)righteousness.

The negotiation process of the Pastrana Administration paradoxically resulted in a rapid erosion of the political capital for both relevant actors, the government and the FARC, although in different ways. The government began with an important mandate to pursue a negotiated peace with the guerrilla movement, but has since lost most of its support among the public who criticize it for failing to develop a definite policy regarding the guerrilla insurgency. The impression in many sectors is that it is the FARC who have led the talks and the dialogue. On the other hand, it should be said that the FARC have also lost credibility and today the majority regard it as an organization having little or no interest in a serious process of negotiations. Even so, in some social sectors the FARC have been able

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to position themselves as defenders of social justice and in this regard, they may have increased their direct area of influence.

Paradoxically, due to an unclear design of the process of talks between the government and the FARC, a majority of the population that initially supported a political, negotiated solution has now become disenchanted by it. With the passing of time and a lack of tangible progress being made, the effect has not been a decrease in the intensity of the war, but rather the contrary. The demilitarised zone has become an area for military training and a base for the commission of crime. These sectors of society are now flirting with a military solution. This unforeseen negative effect has arisen due to the results of a well-intentioned, but unclear policy with regard to both its instruments and its objectives, in other words, a policy wrongly conceived and conducted. The proverbial saying that “the road to hell is paved with good intentions” can clearly be applied here.

At this stage, it is uncertain whether the conditions for a democratic process have improved. On the national level, there appears to be a marked interest among certain sectors – particularly in some media and probably among members of the entrepreneurial and political elites – in the existence of diverse political options that reflect the plurality of the political spectrum. On the regional level, however, conditions for the exercise of political opinion, especially electoral politics, simply do not exist. On the contrary, the dynamics of war and the ensuing polarization turn political adversaries into sworn enemies.

#### **4.3 The Negotiation Processes and their Perspectives**

The present dialogue and negotiation plans can be outlined as follows:

##### **4.3.1 Bilateral dialogue with subsidiary social participation**

Based on a certain classic, Marxist-type orthodoxy and encouraged by their military capacity, the FARC proceed from the premise that they are the vanguard of the oppressed and excluded elements of society. They approach the talks as a bilateral process of negotiation between the state, on the one hand, which represents the so-called “establishment”, and the FARC, on the other, representing the rest of society. The idea of total adversaries and the negation of more diverse and pluralistic societies – as modern societies undoubtedly are – is explicit here.

Following from this same premise, the participation of civil society in the peace process is limited to the sharing of information and opinions (this has been the character of the public hearings until now). In this limited space, the people and particularly those who have not had a voice may express their collective needs and demands and contribute suggestions about possible solutions to the leadership who alone have the capacity and power for decision-making.

This scheme reflects the FARC's understanding of a negotiated political solution. It is the state that must make the fundamental expenditure in terms of reforms. The public hearings are one more way for reinforcing the social demands that the state must address.

##### **4.3.2 Bilateral dialogue with relevant social participation**

The ELN considers a negotiated solution to be a process of participation on different levels by diverse social and political actors, considering itself as one among many, even though it has assigned itself the task of being the armed ombudsman of the procedure. In this regard, they see the negotiations as a step in a collective process that would culminate in a

National Assembly, a decision-making body, in which the social diversity of the country would be represented. The ELN is part of this diversity and would keep for itself the role of conducting bilateral discussions with the state on military matters. However, there is much about the role and scope of the National Assembly and its parallel or future link to the government-ELN bilateral table that is still undefined.

Part of the crisis in which the present peace talks find themselves is due to the lack of a clear strategy to guide them and, in particular, the absence of a precise agenda for the process. The role of an agenda would be the delimitation of a set of issues that deal with the fundamental incompatibility that is present in the conflict, expressed, in this case, by violence and having social and political articulations, but dealing basically with a struggle for power.

In this respect, it is essential to reiterate the political character of violence that is predominantly expressed in the internal armed conflict. To the extent that the struggle for power is fundamental to the conflict, it should be the focus of a negotiated solution. In other words, we believe that the possibility of attaining and exercising real power will be the determinant factor for the guerrilla insurgency in the very difficult discussions on the issues of the agenda.

In this respect, the "common agenda" agreed upon by the government and the FARC is primarily a mechanism to foster social participation around political problems that are relevant to society. It reflects the scenario proposed in the 1991 Political Constitution which foresaw multiple settings for the participation of social sectors which have no place to express their problems, demands, and aspirations. In this sense, the public hearings answer to a need in light of the deficit of real scenarios for non-institutionalised participation for many social sectors. This is not incompatible with the probable intention of the insurgency to turn these scenarios for social debate into mechanisms to broaden their area of political influence.

The real goal of the rebel groups is direct participation in the positions of power, preferably with decision-making power or at least with a veto power: the Congress, the board of directors of the Banco de la República (the central bank), government ministries, etc. This would be accompanied by a territorial restructuring of the political system that would reflect in a more realistic manner the different configuration of forces existing in those spaces on a regional and local basis. It is in this sense that we should understand the historical proposal by the FARC to take part, if possible on an equal-term basis, in a government of national reconciliation and reconstruction in charge of executing public policies aiming at providing answers to the relevant problems expressed in the agenda.

It is important to see the potential gains for the state in a negotiated political solution. At the very least, it would increase its credibility internationally and strengthen the monopoly of force in its hands, enabling it to expand its struggle against illegal actors who claim to defend the state by recurring to criminal methods.

It is evident that the present common agenda is based on the agenda of social development and related issues, which are relevant with or without an internal armed conflict. Initially, we consider that a specific agenda for the negotiation of the conflict should include the following points: 1) the agrarian problem; 2) the territorial reform of the political system; 3) the reform of political-electoral system; 4) the reform of the police and armed forces in post-armed conflict times; 5) the reform of institutions in charge of the

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formulation and execution of the economic policy; and 6) the analysis and adjustment of an energy policy.

The negotiation of the internal armed conflict could provide the political solution to a violence that is negotiable on ethical, social, and political levels, because it has or pretends to have its justifications in the power structure of Colombian society.

For this reason, a real power-sharing agreement among the actors is essential. The government is the legal and legitimate representative of society, but in reality its legitimacy and therefore its representation are partial. To assume that the government, because of having been elected by the (sometimes precarious) majority, has sufficient support and representation to commit itself to fundamental decisions is a serious misjudgement.

Given these considerations, there are three possible options for the negotiations:

**Option one:** a process which was chosen by the Government in negotiations with the FARC and which would directly link representatives of different power groups (entrepreneurs, retired military men, political leaders, the church) with the negotiating table. Given the difficult task facing the negotiators, one problem is that these people are not always specialists in the field nor do they have necessarily the capacity to devote the time and energy needed. Moreover, their role as representatives is often questioned in their respective sectors. Additionally, it implies an unnecessary congestion at the Table.

**Option two:** a model such as that proposed by the ELN for a National Assembly which would allow for representation by different social sectors in order to address the issues of the agenda from a broader perspective. Proposals for solutions would be delivered to the negotiating table. In cases where there is no consensus, the different existing positions would be handed in, so that the negotiators could make their own decision or decide on a procedure to do so.

**Option three:** a model with two stages of negotiations. An initial stage in which the different power actors define internally what, how, and how much to negotiate in relation to the relevant issues, i.e. the margin of manoeuvring for the official negotiators. It is important that they are all committed to what is defined there. At a later stage come the actual negotiations with the guerrilla group. This would enable each party to field a qualified negotiating team with a precise and clear mandate as to how far to go with each issue.

Whichever option is pursued, a liaison committee should be created between the government's negotiators and the power actors or their representatives, so that there would be a mutual feedback periodically. In this way, the negotiators would be legitimised and there would be effective social support for the process based on a regular flow of information, reducing the possibility of the "surprises and alarm" that have disrupted the process in the past. Likewise, it would be a guarantee against isolated actions by individual power actors that create fissures and objectively encumber the process.

The negotiating process itself requires consistency on the part of the government in its policy directives while not ignoring the need for adjustments. A certain continuity is also recommended in the negotiating teams, as experience is an important asset for the negotiation itself.

It is not at all certain that the social sectors disenchanted with the present negotiation strategy are decidedly in favour of a military solution. They are sceptical of the present approach, but it is probable that they would be ready to support a new proposal for negotiations in the near future, if it showed promise of being effective. This raises the question as to which negotiation scheme would ensure political and social support for a new government.<sup>9</sup>

In the scheme of the Pastrana administration, the relationship between the peace process and the demilitarised zone has become inseparable. In the context of an on-going war, the establishment of a demilitarised zone could be a reasonable step in order to provide a neutral space for negotiations. In reality, however, its purpose was distorted when the control of the zone and the tacit recognition it accorded to the FARC as a military and political power became the issue.

This raises a fundamental question about the nature of the negotiations themselves: Should they be conducted as symmetric negotiations between actors who consider themselves comparable? Or should they rather be considered as asymmetric negotiations, which are not synonymous to capitulation, when one actor with more military, political, social, and economic power, in this case the state, negotiates with another actor, namely the guerrilla movement?

In any case, there are two possible scenarios for future negotiations:

- 1) The pessimistic, but probable scenario is one in which peace talks, involving the guerrilla movements, civil society, and the state, take place for a period of time. Unable to proceed to serious negotiations, the talks will be followed by a new cycle of worsening military confrontation.

We do not believe, however, that the armed conflict will evolve into a generalized military confrontation in the short- or medium-term, as this would require a logistic capacity on the part of the insurgents that they do not have at present. We are more likely to see offensives which are limited in scope, but which may cause a lot of damage. Yet, we are far from a "decisive battle" that would permit a military resolution of the conflict.

- 2) The optimistic and desirable scenario is one that would mark a transition from a period of peace talks to formal negotiations. Although accompanied by armed confrontation for a time, the negotiations would continue to progress until an agreement was reached ending the war in the medium-term. An important factor would be the agreement of a short-term truce in order to change the atmosphere from talking in the middle of a war to dialogue and negotiation under circumstances in which confrontation is being reduced.

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<sup>9</sup> There is a lack of participatory space for different social sectors in the Colombian case. In this respect, any scenario where their demands may be heard is relevant. It would be essential for the negotiation processes in Colombia to be accompanied by a scenario for "social dialogue" which could be convened by relevant sectors of the Colombian society and in which a broad base of popular sectors could discuss issues of an agenda for social development and make progress in building consensus. The same formula should be applied for the specific issues on the negotiation table, providing material for it as well as politically supporting the process.

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Whichever scenario takes place, the following elements would be important factors, taken either separately or together, in a future peace process:

- 1) A clear will for reform on the part of the elite in power. This would provide an audacious response to the most relevant social demands that have been formulated by the insurgents, transforming them into viable reforms. We could call this taking the political offensive in face of the insurgency.
- 2) The realization that no one can win the war militarily. When the different parties involved understand this, then the negotiations will take on new significance and will produce more concrete results. This is relevant in the short-term, given that both the guerrillas and the paramilitary groups have sufficient financial resources to prolong the military confrontation. Paradoxically, each protagonist has the impression that the war is turning in its favour and thus there is little real willingness to search for a negotiated solution.
- 3) Acknowledgement of the role for civil society in the peace process. Given the diversity and complexity of civil society in Colombia, it should be possible for different social sectors to exert influence on the protagonists, stressing the need for negotiations that are accompanied by mechanisms for political pressure. It should not be forgotten that both the government and the guerrilla movements believe that the solution to the armed conflict is a problem that exclusively concerns the armed actors. Any critical role that civil society might play in the development and legitimisation of the agreements is looked upon with scepticism. This is not a constructive attitude when searching for a political solution.

Civil society has taken, in fact, an active role in gathering public support for a negotiated solution to the armed conflict. A positive development in recent times has been the creation of a network of grassroots movements, including organizations such as Red de Iniciativas Ciudadanas por la Paz (Citizens' Network of Peace Initiatives); Paz Colombia (Peace Colombia); Asamblea de la Sociedad Civil por la Paz (Assembly of Civil Society for Peace); Mandato Ciudadano por la Paz (Citizens' Mandate for Peace); Grupos de Empresarios por la Paz (Entrepreneurs' Groups for Peace); Red de Universidades por la Paz (Universities' Network for Peace). These groups are performing an important role as defenders of human rights and as catalysts of new initiatives that are shedding light on the serious national problems that have served as causes – or pretexts – for so many years of continuous warfare and destruction.<sup>10</sup>

- 4) The influence and pressure of the international community. The international community has a capacity to influence and put pressure on the protagonists, including the threat of sanctions or even of forms of intervention, which has not yet been exhausted.

A re-interpretation of the armed conflict in Colombia is necessary so that its root causes can be properly addressed by public policies. Without that, the actors will persist in their old strategies of either advancing the war or dragging their feet in negotiations.

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<sup>10</sup> Since the new administration of President Uribe assumed power in mid 2002, the situation has become much more difficult for actors in civil society (KOFF).

In this respect, the main issue today is not whether the dialogue with the FARC continues by virtue of inertia or whether the approximation with the ELN will take place during Pastrana's administration or not, but rather how to re-orient these processes so they have a clear guiding principle. The goal should be nothing less than an end to the war and the transformation of the guerrilla insurgency into a social and/or political force, accompanied by important political, social, and economic reforms. It is evident that the existing process with the FARC lacks that guiding principle. Moreover, there are serious concerns in large sectors of the Colombian society as to whether the demilitarised zone is being used to consolidate a peace process or, rather, to prepare a new military confrontation.

#### **4.4 The Role of the International Community and the Possibility of Influencing the Parties to the Conflict**

Many commentators are correct in noting a shift in the priority of U.S. foreign policy after September 11th from drug trafficking to terrorism and regionally from the Andes to Central Asia. On a middle-term basis, the regional priority will probably return to the Andes, but with a new focus centred on the linkage between the drug trafficking problem and terrorism.

In the future, it is quite possible that the change in U.S. policy will have a greater influence on the armed conflict in Colombia than the insurgents are aware. They are likely to continue in the belief that the events of September 11th and the ensuing anti-terrorist global crusade are only temporary phenomena that in the end will not affect the Colombian case. They are convinced – not only in discourse but also in practice – that the particular and the indigenous characteristics of the internal war in Colombia weigh more heavily than the external factors.

However, a change is very probable, at least in the emphasis of the U.S. position with respect to the Colombian case. Many analysts have noted, and rightly so, that up to now, the main preoccupation of the United States in relation to the internal war has been the problem of illicit crops and the way in which these have become the main source of its financing. They even say that, in their opinion, the only concrete point of the common agenda for negotiation would be the substitution of illicit crops. In other words, the priority in Colombia has been on the struggle against drug trafficking through the eradication of illicit crops and other interdiction policies. This was initially expressed in the Plan Colombia and in its extension as the Andean Regional Initiative to other countries in the area. It has been confirmed in periodical statements by U.S. officials on different levels in which they reiterated their support of "President Pastrana's peace process" as a means of indicating that, in spite of not having an active role in the peace talks, they were backing the efforts of the government in this direction.

It is tempting to speculate that the Colombian case is made to measure in the struggle against terrorism, fitting the needs of U.S. policy in several respects. First of all, there are three groups (FARC, ELN, and AUC) in the country that have been listed as terrorist organizations by the State Department. Secondly, Colombia is located in an area of historical U.S. influence. Thirdly, a focus on Colombia would allow the USA to claim that its crusade against terrorism is not directed against the Islamic and Arabic worlds, but is a global commitment. However, this speculation must be taken with a grain of salt, since the Colombian organizations listed as "terrorist" by the USA differ from other such groups in that their actions do not substantially affect the interests of the United States. This does not mean that the violent activities of the Colombian groups are of a better kind, but, for the

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moment, there is no reason for the United States to escalate its presence in the Colombian internal armed conflict. This could change, of course, if new and serious events radically altering the situation would occur. In this regard, we believe that neither those who dream about and want an intervention of the U.S. "cowboys", nor those who tremble and reject a U.S. invasion seem to be right, at least on a medium-term basis.

Everything would indicate that U.S. government policy will develop in the following directions: One, by putting the Colombian government under increasing pressure, initially in a private way, but eventually also publicly, to achieve concrete results in the process of peace talks with the guerrilla insurgency. Two, by increasing its military support to the governmental armed forces in several areas, fostering a re-designing and re-structuring process of the entire Army and other forces (not only the narcotics units), so that they are better prepared for an irregular war; also, by strengthening their capacity to use intelligence technology, satellite information in particular, and by allowing the resources for the fight against drug trafficking to be utilized without limitations in the struggle against the insurgency (traditionally, the U.S. Congress has been of the opinion that the USA supported the fight against drug trafficking, but that the struggle against the insurgency was an internal Colombian problem). Three, by encouraging the international isolation of the Colombian guerrillas and paramilitary groups, using the support of their global allies in the war against terrorism. This diplomatic action will be accompanied by a more decided combat against the financial resources of these organizations throughout the world.

It is obvious that Colombia lies within the U.S. sphere of influence, and therefore, like it or not, the United States has an active role in whether there is peace or war in the region. The best way to neutralize the threat of a U.S. military intervention – which, from past experience in other latitudes, is always an option in people's minds – is to involve the USA in a political role of support to the processes of a negotiated solution together with the European Unión and other Latin American countries. If a real political commitment from the United States were obtained, not just a rhetorical one, to support peace in Colombia, an important step in the direction of overcoming this long, armed confrontation in a conciliating manner would be made.

With regard to the negotiation processes, the initiatives of the Grupo de países amigos indicate a sign of progress, but their role as passive companions is not enough. A mediatory role may be necessary at this time, if progress is desired. While it is possible that the United Nations may offer resistance at first, it is also true that the UN is the organization that could best accomplish this role. The Grupo de países amigos mechanism, though it is useful in a trust-building capacity among the parties to the conflict, is less well suited for a major new role. They could act, however, as a support to the United Nations and, in this regard, take on a larger mandate with more possibilities for initiative than they have today.

A development of the sort outlined above would guarantee more influence by the international community and enable them to combine greater pressure on the parties involved with more efficient support to the process itself. However, I believe that neither the government nor the guerrilla would be willing to support this next step.

Finally, we have to say that the priority cannot be just to end the war at any cost and in any manner in order to continue doing business as usual, but rather to establish the foundations of a sustainable peace.



## 5 Conflict, Sustainable Development, and the Illegal Drug Economy in Colombia: An Analysis of Trends and Policy Recommendations for a Peace Building Approach

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### 5.1 Introduction

The armed conflict and the illegal drug economy in Colombia have become increasingly interdependent. At the same time, the distinction between the War on Drugs and counter-insurgency efforts is increasingly blurred. A political settlement without the drugs issue as a key point on the negotiations agenda is inconceivable. Furthermore, it is impossible to achieve substantial changes in the dynamics of the drug industry without changing the dynamics of war. Drug policy and the peace process have become thus inseparable and progress can result only from achieving a synergy between drug policy changes and a strengthening of the peace process. Current developments, however, are going in the opposite direction: an escalation of militarised anti-drug operations and reduced spaces for peace negotiations. European countries, and especially countries like Switzerland with experience with less repressive drug policies domestically, have a key role to play in preventing further degeneration of the armed conflict.

This paper first offers a rough panorama of the recent trends in the Colombian drugs economy, then briefly characterises the main protagonists, thereafter looks at the main policy responses in the context of scenarios where drugs and conflict are heavily intertwined and how national and international governmental actors operate around pressing issues today. Finally, a series of policy recommendations are provided, which could contribute to defusing the explosive mix of drugs and war in Colombia, de-escalate conflict and enhance the possibilities for peace.

### 5.2 Illicit Drugs in Colombia

#### 5.2.1 A brief historical background

The roots of the drug industry in Colombia can be traced back to the marijuana boom of the 1970s. Mexico and Colombia were the two main suppliers of the rapidly expanding consumption market in the USA. At the height of the "bonanza marimbera," some 30,000 hectares of marijuana were under cultivation. Subsequently other suppliers entered the market; eradication campaigns started first in Mexico and then in Colombia; and domestic cultivation of cannabis in the USA itself increased six-fold over the 1980s. These developments reduced the extent and the profitability of the marijuana business in Colombia. Cultivation figures dropped to around 2,000 hectares by 1990, stabilizing at around 5,000 -7,000 hectares in the second half of the 1990s. Using established transportation routes, however, some of the trafficking groups involved shifted to the new, rapidly expanding market for cocaine in the USA. Importing coca paste from the traditional coca producing regions in Peru and Bolivia, cocaine was processed and exported from Colombia, meeting 80% of the world demand by the end of the 1980s. The huge profits made in the cocaine business led to the formation of the powerful rival Medellín and Cali cartels. By 1994, it is estimated that the profits of Colombian cocaine entrepreneurs averaged roughly US \$2-5 billion annually – a significant sum when compared to an average US \$2.8 billion total private investment in the country in the 1980s.

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### 5.2.2 The "counter-land reform"

One of the most dramatic socio-economic consequences of this accumulation of illegal capital has been the increasing concentration of land ownership, ironically labelled the "counter-land reform." It is estimated that traffickers in the decade between 1985-95 purchased some 4 million hectares of productive land. In 40 percent of the municipalities, land purchases were identified that could be traced back to illegal drug earnings. In 2001, the Colombian General Accounting Office mentions a figure of 6 million hectares now owned by drug traffickers, largely devoted to extensive cattle farming. To put these figures into perspective, one has to bear in mind that Colombia has a total of 5.2 million hectares of quality cattle pastures (the sector where this investment was concentrated), another 34.9 million of poor quality natural pasture lands, and 5.3 million devoted to other agricultural uses.

Narco-investments have played a significant role in aggravating the agricultural crisis with severe consequences for internal displacement, rural poverty, expansion of the agricultural frontier and deforestation, and the explosion of coca cultivation in the South. All of this has exacerbated the armed conflict.

To indicate the impact of the "counter-land reform," one should note that in 1996, less than 1 % of the landholders owned 60.5 % of total productive land (compared to 29 % in 1960), while, on the other side of the spectrum, 66 % of the landholders together owned only 3% of total productive land (compared to 6% in 1960). The average number of hectares per owner increased in the upper large landholder less than 1 % sector from 960 in 1960 to 3,660 in 1996, while in the lowest small landholder 66 % sector, the average fell from 1.3 to just below 1 hectare per family in the same period.

### 5.2.3 Coca cultivation and the escalation of the armed conflict

Coca cultivation increased steadily in connection with the expanding Amazon colonizer economies in the departments of Caquetá, Guaviare, and Putumayo and then stabilized at around 40,000 hectares for the period 1989-1993. However, since 1994, a pattern of steep growth rates and expansion to new areas was set in motion, leading to current estimates of 118,000 hectares in cultivation according to Colombian government figures, 136,200 hectares according to US figures, and even 162,000 hectares by the UN crop monitoring programme. This would represent a potential net production of 700 metric tons of processed cocaine in 2000, up from an estimated 570 tons in 1999. The hectare figures indicate the amount of cultivation remaining at the end of the year – after eradication efforts.

Several factors have contributed to this three- to four-fold increase in production since 1994:

- The "counter-land reform" and the related increase of paramilitary violence in the north caused major population displacements, intensifying the process of colonization in the Amazon regions, where integration into the existing coca economy represented the only viable option for survival.
- The crack-down on the Medellín and Cali cartels in the first half of the 1990s produced a new generation of traffickers, operating in more decentralized networks and lacking the import infra-structure for Peruvian coca paste, which increased the demand for a locally produced product. This trend was strengthened by interdiction operations that disrupted

the transportation of paste by the "air bridge" from Peru to Colombia and by an epidemic caused by the *Fusarium* fungus in coca plantations in the Alto Huallaga valley in Peru. All this led to a major coca crash in Peru.

- The emerging coca- and cocaine-based economy was instrumentalized by both the paramilitaries and the guerrillas to sustain and escalate the armed conflict in the 1990s. The continuous reference to the "40 year old" war tends to hide the fact that the Colombian conflict has been growing exponentially over the past fifteen years with the numbers of irregular forces doubling between 1985 and 1995, and doubling once again over the past five years.
- The large-scale aerial fumigations of coca crops paradoxically contributed to an expansion of production, because affected farmers compensated for their losses by replacing lost crops and by planting more hectares deeper in the forest in anticipation further sprayings.
- The increased capacity for the interception of cocaine shipments resulted in a similar paradox. In the period 1992 -1996, between 26'000 to 36'000 kg were seized annually; the amounts confiscated in the late 1990s, however, grew to as much as 45'000-90'000 kg each year. This loss was met by an increase in demand and logically the price for local coca paste rose, thus contributing to the expansion of coca cultivation. The increased seizures have not reduced availability on the major consumption markets, as is shown by consistent patterns of diminishing retail prices and increasing purity. The seizure losses have been offset by an increase in production.

In addition to the exponential increase of coca production, there was also an expansion of opium poppy cultivation due to an agricultural crisis that affected the Colombian "coffee belt" in the Andean mountain range. The end of the International Coffee Agreement in 1989 reduced coffee prices overnight, affecting 350'000 small coffee growers. As many farmers moved uphill cutting down plots of Andean cloud forests to survive, opium poppy cultivation exploded in the Huila, Tolima, and Cauca departments from a total of 1,500 hectares in 1990 to 20,000 hectares in 1992, then stabilizing between 6,000 and 8,000 hectares in the second half of the 1990s.

### 5.3 The Main Actors in the Illegal Drug Economy

#### 5.3.1 The post-cartel entrepreneurs

The two principal structures, known as the Medellín and Cali cartels, which co-ordinated the drug processing and the export channels for several family-based trafficking groups, were effectively dismantled in the mid-1990s. Although the word "cartel" is somewhat misleading and has been overstressed by the police and the media, the structures did represent a significant level of collaboration between various networks that jointly may have controlled 80 to 90% of Colombian cocaine exports. The downfall of the cartel kingpins was the result of a mixture of intense and violent competition among themselves and law enforcement activities – with a significant role for the CIA – which exploited the rivalry. Negotiations with the authorities led to deals of reduced sentences, exemption from extradition, and permission to retain part of their accumulated wealth in return for ending their illegal business and handing over their infrastructure.

Some 50 different trafficking organizations and an additional 250 smaller groups have been identified in the post-cartel era.

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One key figure among the new trafficking generation is Hernando Gómez Bustamante, known as Rasguño, who operates in the Norte del Valle region where some of the most powerful mini-cartels – direct off-springs of the former Cali cartel – are located. Bustamante recently offered to negotiate the surrender of 19 leaders of his group with the US Drug Enforcement Administration (DEA).

Another new figure is Diego León Montoya, also from Norte del Valle, who is accused of smuggling no less than one thousand metric tons of cocaine into the USA since 1998. In all likelihood, this again represents an over-concentration of responsibility in one figure for judicial and media presentation purposes, but there is little doubt that Don Diego follows in the footsteps of his drug baron predecessors. He operates the Pacific route, largely via Ecuador and then overseas to Mexico where he hands his cargo over to Tijuana-based groups, responsible for smuggling it across the US border. "Don Diego" also continues the tradition of former cartels in financing paramilitary groups. In October 2001, the Calima paramilitaries, supported by Montoya, left a trail of 140 people killed within a week in the Valle department around Buga. Don Diego is cited by Colombian authorities as one of the intellectual authors of the Buga massacre. This link between drug trafficking and paramilitary violence is one of the major obstacles to a peaceful solution to the conflict.

### **5.3.2 The paramilitaries**

Paramilitary groups, or "self-defence groups" as they prefer to call themselves, have their roots in the shadowy alliances between drug traffickers, large landowners, sections of army intelligence, and local military units. The above-mentioned process of "counter-land reform" has been their prime theatre of operations, clearing newly acquired lands of the guerrilla or farm Union nuisances and protecting the nouveaux riches against extortion and kidnapping by the guerrilla. From 1995 -2001, paramilitary forces grew from 4,000 to 8,000 full-time paid combatants. Having assumed a larger counter-insurgency role, they are now structured in a regular army fashion and brought under the nation-wide co-ordinated command of the Autodefensas Unidas de Colombia (AUC; United Self-Defences of Colombia).

Although a certain amount of autonomy has been achieved vis-à-vis their original ties, the AUC is still substantially dependent on drug trafficking money and often receives military support from local army units. Carlos Castaño, political leader of the AUC, admitted that 70% of their income stemmed from the drug economy, but claimed that it came largely from taxing cultivation, processing, and transport taking place in areas under their control. Recently, the Colombian Anti-Narcotics Police estimated that at least 30.000 hectares of coca and opium poppy are located in AUC controlled territory.

Increased pressure from the USA to cut ties with known drug traffickers led to a dispute during the AUC's fourth summit of top military and political leadership in Urabá in November 2001. Castaño claimed that the "narco-penetration" of the AUC could cause the self-destruction of the organization. At least twelve AUC members appear in DEA files as suspects of international drug trafficking offences, including Castaño himself. During the summit, several regional commanders were named as owners of laboratories and operators of export lines. They were asked to either quit their drug business or leave the AUC. One infamous paramilitary leader, Hernán Giraldo seconded by his military commander Jairo Muso, heavily involved in drug trafficking, have already left the AUC umbrella with their Santa Marta-based group. They had crossed the line in killing anti-narcotics police and even DEA personnel.

### 5.3.3 The FARC guerrilla

The Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (FARC-EP; Revolutionary Armed Forces of Colombia – People's Army) is the largest guerrilla group. The number of FARC combatants grew from 3,600 in 1986 to 8,000 in 1995 to 17,000 in 2001, a similar growth pattern to that of illicit crops over the same years. It would be too simplistic, however, to claim that the FARC's rapid expansion is due only to the financial opportunities of the booming coca economy, largely concentrated in areas under their control. The agrarian crisis, the massive displacements caused by the paramilitary terror campaign, and new displacements caused by the destruction of livelihoods in areas subject to chemical spraying operations contributed to resentment and desperation amongst the population that led many to join the ranks of the FARC. For many, this was for reasons of economic survival rather than an expression of political affinity with the rusty Marxist ideology of the FARC leadership. In fact, many rank-and-file joined the AUC for similar reasons.

It is true, however, that it would have been difficult for the FARC to absorb, train, and arm this influx without increased earnings derived from the drug economy. In the early days of the coca boom, the FARC had serious reservations about allowing the expansion of illicit crops in their territories. In several regions they imposed restrictions by allowing a maximum of one hectare per family, accompanied by repressive actions (fines, forced labour, and even the death penalty for repeated violation) against anyone who consumed the new product in the form of smoking basuco, an addictive mix of coca paste and tobacco. As it became clear, however, that the boom was unstoppable and the escalation of the conflict pressured them to increase their earnings, they lifted restrictions on cultivation (maintaining their repressive "abuse prevention" policy) and took a more pragmatic approach in taxing every aspect of the illicit economy.

In contrast to the Ejército de Liberación Nacional (ELN; National Liberation Army), the rival guerrilla group, which has always maintained more distance from the illicit drug trade for political reasons, the FARC went further along the path of instrumentalising the drug economy for their political-military objectives. Beyond simply taxing coca farmers, – as they do with any economic activity in areas under their control – the FARC has allowed the establishment of several large-scale commercial plantations in their territories together with cocaine processing facilities and airstrips for transportation, all of which are operated by traffickers. Still, there are no convincing allegations of cocaine laboratories and export routes operated by the FARC themselves, while there are many such examples on paramilitary side. The FARC also continues to express its willingness to contribute to finding a solution to the drugs problem in the context of the peace process and to fully collaborate with developmental crop substitution efforts.

### 5.3.4 Intermediaries and the fight over illegal resources

In 2000, the FARC took the significant step of shifting from taxing the coca economy to actually taking over the role of intermediaries between coca farmers and cocaine processors. By the end of 2001, FARC militia (non-combatant members) in many regions had monopolized the purchase of coca paste from farmers and are now selling it themselves to drug traffickers. The dual objective was to increase earnings by appropriating the profit earned in the intermediary market and to gain more direct control over the financial flow of the drug economy so as to reduce the earnings of paramilitaries. Heavy battles over the control of illicit sources taking place on a daily basis between AUC and

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FARC now represents one the most disconcerting dynamics in the drugs-war nexus. Increased control can be obtained partly by extending territorial influence over areas of coca cultivation, but thousands of chichipatos, small coca paste merchants, play a key role in this market. Given the more intimate relationship between AUC and drug traffickers, the role of the chichipatos is primarily a worry for the FARC. They enter territories to buy coca paste, transport it out, and sell it to whoever offers the best price, often traffickers with links to paramilitary groups.

The strategic decision to eliminate this uncontrollable group of intermediaries from the market has had dramatic consequences. Many chichipatos suspected of selling to connections of the adversary were killed and thousands, including whole families, who depended on this petty trade, were deprived of their income because access to FARC territories was denied. The newly acquired FARC monopoly in purchasing paste has led to great resentment among the coca farmer population because the FARC militia now can establish prices below actual market prices. In early 2001, for example, when coca paste prices in the Putumayo region had gone up to 2.5 million pesos per kg (about US\$ 2000) after spraying operations, FARC buyers continued to pay 2 million pesos. Some farmers who tried to sell to chichipatos at market prices were killed. A cash flow problem has also occurred in Caquetá and Putumayo, because the FARC did not have enough money available in the region to buy all the coca paste, leaving many families with acute income shortages. Resentment of such abuses, especially in the Bajo Putumayo region, has led to an increased acceptance of paramilitary incursions by the rural population, because AUC territorial control meant a normalisation of the coca market: a return of the chichipatos and of market prices and an end to cash flow problems.

Another direct consequence of the restrictive policy vis-à-vis the chichipatos is that FARC representatives now have to negotiate directly with representatives of drug trafficking groups for the sale of their coca paste. Aside from providing a guaranteed "AUC-free" trafficking channel to the international market, this direct contact has also proved useful in acquiring weapons and ammunition, as the recent widely publicized case linking the FARC with Luiz Fernando Da Costa, one of Brazil's top drug and arms traffickers, illustrates.

## **5.4 Policy Responses To Drugs and Conflict Scenarios**

### **5.4.1 Plan Colombia**

The highly controversial "Plan for Peace, Prosperity, and the Strengthening of the State," known as Plan Colombia, aims to reduce the illegal drug economy by fifty percent over six years. It was launched in 2000 by a \$1.3 billion, largely military, US aid package. Large-scale developmental assistance from other donors was intended to accompany the plan. The total budget was estimated at \$7.5 billion, with the Colombian government providing \$4 billion, while the rest was to be raised by the international community.

A series of international donor conferences was convened for this purpose (Madrid, June 2000; Bogotá, October 2000; and Brussels, April 2001), in the process of which European donors took distance from the US-inspired carrot and stick approach. The complete blurring of lines between alternative development and controversial eradication methods together with the over-emphasized military stick made development donors reluctant to invest in the plan's "soft side". In February 2001, the European Parliament adopted a resolution against Plan Colombia by an almost unanimous vote of 474 to one. The incompatible agendas of the USA and Europe were clearly stated in the resolution that warned: "Plan Colombia

contains aspects that run counter to the cooperation strategies and projects to which the EU has already committed itself and jeopardise its cooperation programmes."<sup>11</sup>

It was widely feared that the US military aid package and especially the announced "Push into Southern Colombia" with new anti-narcotic army battalions, dozens of new helicopters, and a massive wave of aerial spraying, would cause a new escalation of the armed conflict. In an attempt to safeguard the fragile peace process against this, a unique and well co-ordinated alliance has been built between Colombian civil society, local authorities from Southern departments, and European and US-based human rights and development NGOs. This mobilisation played a significant role in keeping Europe away from supporting Plan Colombia. Concerning the anti-drug measures of Plan Colombia, a broad platform of Colombian civil society, including all significant trade and farmers Unions, human rights and environmental organizations, and indigenous peoples, has urgently demanded the immediate suspension of all aerial fumigations and called for an independent evaluation of the current anti-drug policies.

The severe criticism of Plan Colombia by civil society, as well as by neighbouring countries, local authorities in Colombia, and European governments did not pass unnoticed in Washington. The follow-up budget request to Congress by the Bush administration in 2001 was labelled the "Andean Regional Initiative" and attempted to address some of main critiques by including more aid to neighbouring countries to counter the possible spill-over consequences of an escalated conflict and a somewhat improved balance between carrot and stick programmes. The total request for the Andean Initiative was US\$731 million, including US\$399 for Colombia. After a remarkable debate that highlighted the climate change which had occurred over the past 16 months, the US Senate voted to cut US\$184 million from Bush's request, to put the US Agency for International Development (USAID) in charge of administering more than one third of the remaining budget, and to condition further use of US funds for aerial spraying on scientific proof that it is not harmful to human health and the environment. After negotiations with the House of Representatives, US\$625 million was finally approved on November 15.

#### 5.4.2 Aerial spraying

Aerial spraying with the Roundup herbicide to destroy opium poppy and coca fields has taken place in Colombia on a large scale since 1992. With the start of the "Push into Southern Colombia" in December 2000, it took on unprecedented intensity with grave consequences for the environment, human health, and the peace process. If the target to spray 100,000 hectares in 2001 is met, a total of almost 400,000 hectares of illicit crops will have been fumigated over the past decade. The aerial fumigations have set a vicious cycle of destruction in motion, causing pollution affecting humans, animals and vegetation, destroying the livelihoods of peasant and indigenous communities, and forcing these groups to migrate deeper into the rainforest. This displacement, in turn, accelerates the pace of deforestation, as slash and burn plots are planted with illicit coca or poppy crops, replacing those previously fumigated. The new plots are eventually fumigated and the cycle starts over again, exacerbating the conflict. Despite huge areas sprayed, net coca

<sup>11</sup> European Parliament resolution on Plan Colombia and support for the peace process in Colombia, B5-0087/2001, 1 February 2001.

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cultivation in Colombia more than tripled since fumigations started, demonstrating the futility of the exercise.

The Colombian government estimates that since 1992 some 490,000 hectares of Amazon and Andean mountain forests have been destroyed for illicit crop cultivation.<sup>12</sup> Much of this deforestation is directly due to the continuous displacement of the crops caused by fumigations. The human health concerns have increased significantly since the introduction of a stronger herbicide formula, mixing Monsanto Company's glyphosate-based Roundup Ultra with other additives to accelerate its penetration into the coca leaves.

In 2000, there was an attempt also to start a biological front in the war on drugs. The idea was to spray spores of the *Fusarium oxysporum* fungus and trigger an epidemic of this coca-killing mycoherbicide. Massive protests led the Colombian government to deny permission for field tests proposed by the USA, and initially supported by UNDCP. The European Parliament resolution referred to earlier also condemned large-scale use of chemical herbicides and the introduction of biological agents such as *Fusarium oxysporum*.

#### **5.4.3 Alternative Development & Social Pacts**

Compared to Bolivia and Peru, development investments aimed at providing alternative sources of income to coca and poppy farmers in Colombia have been small. Until 1996, international donors had allocated only about US\$33 million to such projects. In 1996, the Inter-American Development Bank provided a loan of US\$90 million (later re-negotiated to US\$50 million) in support of the governmental Plante programme that promotes alternative development. As a trust-building effort in connection with the peace process, UNDCP started a crop substitution project within the FARC controlled demilitarised zone. In July 2001, three technicians of the German Ministry for Technical Cooperation (GTZ) were kidnapped by the FARC guerrilla and released only three months later, creating a serious crisis in the European attitude towards the peace process and ultimately leading to a decision to deny visas to FARC representatives for any of the fifteen EU member states.

The situation of war and the Colombian government's repressive approach to illicit cultivation make conditions for developmental approaches extremely difficult. The ultimate illustration of this incompatibility is the fact that alternative development projects are regularly damaged by aerial fumigations. This was one of the reasons for the Colombian Ombudsman to call for an immediate suspension of fumigations, after visiting fumigated areas in Putumayo in February 2001. The sprayings had affected no less than eleven alternative development projects in the department, including governmental projects implemented with development assistance from Germany, three projects operating under UNDCP auspices, and one "manual eradication pact" signed in December 2000.

As part of Plan Colombia, USAID pledged US\$16 million to the so-called "Social Pacts of Alternative Development and Manual Eradication" in the Putumayo. By the beginning of 2001, several thousand coca farmers in the region had registered for agreements on manual eradication.

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<sup>12</sup> " Cultivos ilícitos, erradicación e impacto ambiental ", Dirección Nacional de Estupefacientes (Bogota, June 2000).



Local officials negotiated with the government on behalf of their communities, proposing to reduce coca cultivation in the Putumayo voluntarily and gradually by 50 percent within five years, basically following the nation-wide targets established in Plan Colombia. After months of frustrating talks, they eventually reached a compromise agreement whereby families were offered US\$900 per eradicated hectare and promises of assistance in the development of infrastructure, providing that all coca was pulled out of the ground within one year. After the first 500 families signed, a wave of unprecedented mass fumigations began in December 2000, prompting many more peasants to sign up out of desperation at the last minute.

Local authorities and communities were outraged at the national government's disregard and lack of flexibility apparent in the negotiations about the terms of the social pacts. Many communities had, already for several years, been working on elaborate alternative development proposals for their region. The indigenous Cofán communities in southern Putumayo, for example, elaborated a detailed, integrated plan for the future development of their land, which would gradually diminish their economic dependence on illicit agriculture. They were trying to get support for it at national and international levels, but, in January 2001, the small plots of coca in Cofán territories were sprayed, destroying many food crops in the process. Fearing additional fumigation and in despair, they registered for the manual eradication scheme a week later. Currently, across the Putumayo, 35 Social Pacts have been signed with a total of 37,000 participants.

## 5.5 Policy Recommendations

### 5.5.1 "Harm reduction" for the production side

The starting point for a realistic, effective, and just drug policy should be to abandon the "zero option". Attempts to reach this illusionary goal by applying repressive means on the supply side are doomed to fail and frustration at the failure leads to an increase in repressive tactics, aggravating social tensions and armed conflict. Temporary or local production reduction can be accomplished, but, as long as demand exists, the illegal market will adapt to and accommodate such changes. Shifting coca crops from Peru and Bolivia to Colombia, and inside Colombia from the Guaviare to Putumayo are examples of supply accommodating demand. The laws of the market largely define the demand / supply equation. Forcing the equation out of balance by aggressive eradication simply does not work.

On the consumption side of the drug policy debate, many countries have learned this lesson and have introduced policies to reduce the harm associated with drug abuse to both user and society at large. In just a few years, the "harm reduction" model has gained significant ground, particularly in Europe. Switzerland and The Netherlands are among the most advanced in applying these "harm reduction" concepts pragmatically and successfully. Introducing harm reduction terminology into the supply-side drugs policy debate may well offer the framework for a peace-building approach to the drugs-war nexus in Colombia. The introduction of a harm reduction philosophy to the supply-side might encompass the following:

Recognise the limitations of global supply reduction in policy terms and accept the fact that drug-linked crop cultivation is here to stay as long as demand exists.

Shift the focus from the current obsession with counting and reducing the numbers of hectares towards the policy goal of reducing the harm associated with the existence of

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illicit crops, including measures to reduce the harm done to the environment and to reduce their importance for fuelling armed conflict.

Open up spaces for dialogue with involved communities – free of deadlines and zero option thinking – about their own problems with drug-linked crops, including local abuse, and explore the viability of gradual reduction and other ways that might reduce the harm of mono-dependence.

Define small growers more as economic victims that have become “addicted” to illicit crops for survival. As with the harm reduction approach to drug addicts, try to provide conditions that allow them to come out of it. In any case, don't spray, incarcerate or kill them, but rather assist them in a way that reduces the harm to them and to society at large.

Support the option to decriminalise small illicit cultivation – a measure under debate in Colombia's Congress at present – similar to the decriminalisation of individual consumption or the possession of small quantities for personal use.

Explore options of direct linkages between harm reduction on supply and demand-side to stimulate global debate. For example, in the framework of an alternative development project, raw opium from an indigenous community in Colombia might be used to supply the heroin maintenance programmes in Switzerland and the Netherlands.

### **5.5.2 Non-conditionality in Alternative Development**

Many crop substitution and alternative development programmes in Colombia have failed because the primary goal has been to reduce the actual number of illegal hectares over the shortest period of time. Creating realistic and dignified conditions for communities dependent on an illicit crop economy has not been a central concern. Gradual reduction over a period of several years in accordance with locally determined, rural development plans is essential elements for any alternative development project. Rather than forcing communities into tight eradication schedules, the reduction targets must be linked to the success of alternative development schemes. A participatory approach means more than just consulting communities about their wishes. It requires serious dialogue in which these communities are allowed substantial leeway for negotiation. Experiments with such gradual scenarios have been virtually impossible in Colombia. Mutual trust should be constructed upon the basis that, if development in the target period cannot guarantee conditions for life in dignity, the continued presence of an established maximum of illicit crops per family for subsistence purposes would be allowed. Assistance has been made far too conditional on hectare reductions and, given the history of failed projects, it is time to turn the burden of proof around. Communities should no longer have to prove their willingness to substitute, but the government and the international community would have to prove the viability of alternatives before they could demand from peasant and indigenous communities that they risk the fragile foundations of their survival economy.

The issue of non-conditionality has also been put forward by the GTZ among the recommendations in its the recent report “Drugs and Development in Latin America”.

### **5.5.3 An end to fumigations**

The consequences of aerial spraying have been documented extensively on the basis of testimonies from communities, journalistic investigations, and verification missions into

sprayed areas by NGOs such as Pesticide Action Network (PAN), Transnational Institute (TNI), Centre for International Policy (CIP), Amazon Alliance, and Witness for Peace. Many of these allegations have been confirmed by Colombian governmental agencies, which requested suspension of spraying until thorough verification of the complaints has been conducted. All this has put the United States – as the main promoter and funder of the spraying programme – on the defensive, now trying desperately to conduct independent investigations to prove the harmlessness of the applied chemicals. European officials so far have expressed opposition to fumigations, and Germany managed to negotiate with Colombian authorities to halt spraying in areas where they support alternative development projects. The next step towards banning this destructive policy all together would be for Europe to officially support an independent verification of impacts. To substantiate the independence and authority of the findings, European governmental research institutes should be involved, along with medical and environmental experts from UN agencies (WHO, UNEP) and/or Médecins sans Frontières, World Wildlife Fund, and others.

#### **5.5.4 International evaluation of the current anti-drug policies**

Far beyond the more technical aspects related to aerial spraying, Europe could make a serious contribution in more strongly supporting and actively moving forward the repeated call to install an independent international commission to evaluate the anti-drug policy framework. Paz Colombia, a broad platform of Colombian civil society, has repeatedly requested support for such a commission, regarding it as a key component in a de-escalation strategy. Recently, the Colombian Congress reiterated the call in a letter to UN General Secretary Kofi Annan. The idea has already been tabled in the context of the peace talks between the government and the FARC, increasing the potential for such a commission to have a formal relationship with the peace process and directly provide inputs to the course of negotiations. The task of the commission would be to evaluate efficacy, costs, and benefits of current anti-drug policies for Colombia, but its functioning could have a constructive global impact in light of the mid-term review of the results of the 1998 UNGASS on drugs, scheduled for spring 2003.

#### **5.5.5 Support for the South**

The distance Europe has taken from Plan Colombia seems to be coupled with a reluctance to become involved at all in the Southern departments where Plan Colombia operations are taking their most heavy toll. Fearful of getting messed up in complex conflict dynamics and hesitant to oppose the USA too directly, Europe prefers to stay clear of the most troublesome regions. European countries and the European Union prefer to invest their assistance to the peace process and human rights protection in safer areas and non-controversial programmes. European countries, however, need to address the unfolding humanitarian drama in the Putumayo and other Southern departments in an effort to try to prevent a further escalation. Given current security conditions and polarisation in the region as well as the direct impact of the war and the fumigation policy on rural development projects, the sustainability of such investments is rightly questioned. Europe could, however, play an important role by giving political support to local authorities and communities, assisting them to elaborate and voice their own visions and projects, and to enhance their spaces for negotiation. Governors and mayors are begging for such assistance, even appointing a delegation to tour Europe and the US to rally support for their demands to end fumigations and to improve the conditions and terms of the Social Pacts. The pending unrealistic deadlines are hanging like a Sword of Damocles over the

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region. Europe, and especially the countries represented in the “Grupo de países amigos” Group, should take the initiative to open a serious dialogue with representatives of the Southern departments on how to solve this immediate crisis and give backing to re-negotiating the terms of the pacts.

#### **5.5.6 The urgency to prevent further escalation of drugs and conflict scenarios**

There is an urgent need for increased European involvement to prevent further escalation of the violent cycle where the drugs economy, the War on Drugs and armed conflict continue to fuel one another. Switzerland could play an especially useful role here, being a member of the “Grupo de países amigos” accompanying the peace talks. It also has the advantage of its neutrality and independence from European Union and UN consensus-based policy-making processes, and a more pragmatic vision as to how to cope with drug-related problems. A breakthrough on the above-mentioned interrelated and complex issues is indispensable to ensure a future for the Colombian peace process. Such a breakthrough is not likely to happen without a more active European stand, guided by harm reduction and non-conditionality principles.

## 6 Humanization of Conflict and Human Rights in Colombia

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### 6.1 Introduction

Colombia's war is not fought primarily between armed and uniformed combatants on battlefields, but against the civilian population in their homes, farms, and towns. Many of the victims wear no uniform, hold no gun, and profess no allegiance to any armed group. Battles between armed opponents are the exception. Instead, combatants deliberately and implacably target and kill civilians accused of supporting their enemies, whether or not any independent evidence exists in this regard. Often the civilians are not even aware that they are in peril.

Store owners, professional drivers, farmers, teachers, doctors, community leaders, food vendors, trade Unionists, and indigenous people run high risks related to what they do for a living, how they travel, and with whom they interact in the course of a typical day.

Even the fact that civilians live in a certain town or region can be sufficient reason to persecute them, as is the case, for example, with the residents of the "zona de despeje" (literally: cleared zone), the area ceded to guerrillas for peace talks. The estimated 90,000 inhabitants of the five municipalities comprising the Meta and Caquetá departments that make up the zona were not consulted prior to its establishment in November 1998 and no special mechanisms were put in place to protect any of their rights following the withdrawal of Colombian police and military forces. When rumours circulated in 2001 that the government would withdraw authorization from the zona, residents panicked, fearing that the fact that they were residents of the area would condemn them in the eyes of the military and paramilitary groups.

Anyone who reports on violence and identifies those responsible for it – from human rights defenders to reporters and judicial officials – also risks attack. In the first ten months of 2001, eleven human rights defenders were murdered in Colombia according to human rights groups. The toll among reporters over the same time period was almost as high with nine murdered and a dozen more forced into exile.

Government investigators face the same risks. From January to November 2001, seven government investigators and one judge investigating cases involving paramilitary groups were murdered. Several key witnesses to important cases involving paramilitaries were also killed in 2001 while in government custody or while in the process of supplying information to prosecutors.

The Colombian office of the U.N. High Commissioner for Human Rights has called the killings of government investigators "a systematic campaign of retaliation and intimidation" by those seeking "total impunity for the most serious crimes committed in the country."

In some wars, civilians can flee the front lines in the hope of saving their lives and the lives of their loved ones. But there are no front lines in Colombia. Colombia's guerrilla groups and paramilitaries are present in almost all of Colombia's 1,067 municipalities. Guerrillas can arrive without warning, followed days or even hours later by paramilitaries and the army. Sometimes, civilians drop everything and flee into the hills and fields. The slow, unaware or infirm are left to face the wrath of the occupiers.

Colombia's war has no quarter, which in the strict definition means mercy or safe haven.

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The use of extreme means and a willingness to commit atrocities deliberately are striking features of Colombia's war.

## **6.2 A worsening situation**

Despite increasing attention to human rights and international humanitarian law, the toll of the war on the civilian population has grown steadily since the 1980s. At the end of the 1990s, political violence took an unprecedented jump, resulting in an increase in the death toll to an estimated twenty people per day (including combatants killed in combat). In the first ten months of 2001, the Defensoria del Pueblo (office of the Public Advocate) recorded 92 massacres.

At the same time, the setting of political violence is becoming increasingly urban, with clashes and selective killings occurring in densely populated towns and cities where the dispute is over control of neighbourhoods and access routes. As Daniel Pecaú, a well-known French sociologist and long-time observer of Colombia, has noted, the violence now threatens to become "unmanageable".

Although the governmental armed forces continue to be implicated in human rights violations, the vast majority of the abuses are committed by paramilitary groups (in some cases in cooperation with governmental troops) and to a lesser extent by guerrillas.

The paramilitaries are allied under the umbrella Autodefensas Unidas de Colombia (AUC; United Self Defense Group of Colombia) and continue to expand their radius of action and troop strength. AUC leader Carlos Castaño now claims a force of over 11,000 soldiers. In some situations, paramilitaries reportedly operate with as many as 800 troops at a time.

Despite their deplorable record of human rights abuses, President Andrés Pastrana and his defence ministers have so far failed to take effective action to break ties between the governmental armed forces and the paramilitary groups.

A typical massacre perpetrated by the AUC took place on January 17, 2001 in Chengue, Sucre. An estimated fifty AUC fighters pulled dozens of residents from their homes and assembled them into two groups above the main square. One by one, the men killed the residents by crushing their heads with heavy stones and a sledgehammer. When they stopped, twenty-four people lay dead. Two more were found later in shallow graves. As the troops left, they set fire to the village. Among the reported dead was a sixteen-year-old boy, whose head was severed from his body.

A Washington Post reporter who visited Chengue within hours of the attack interviewed more than two dozen survivors who said that the Colombian military helped coordinate the massacre by providing safe passage to fighters who identified themselves as paramilitaries. They said that the military sealed off the area by conducting a mock daylong battle, allowing the paramilitaries to search out and kill the Colombians they had targeted for death.

Municipal officials, governors, human rights groups, the Public Advocate's office, and even some police detachments regularly inform the appropriate authorities about credible threats or even massacres that are taking place. An early warning system paid for by the United States and administered by the office of the Public Advocate registered twenty separate warnings nationwide between June and September 2001. But rarely has the government taken effective action to prevent atrocities. Of the warnings that were

received, eleven incidents resulted either in killings being committed or the continued, pronounced presence of armed groups that threatened civilians.

The Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (FARC-EP; Revolutionary Armed Forces of Colombia-People's Army) continues to commit human rights violations throughout Colombia, with human rights groups reporting the murder of 197 civilians in the first ten months of 2001. Among the victims are indigenous leaders who attempt to defy FARC-EP control in their regions.

Kidnapping remains a source of income and political pressure. Guerrillas routinely kidnap civilians, including children as young as three years old, for ransom, often keeping them in deplorable conditions. 633 of the 2,459 kidnappings recorded in the first eleven months of 2001 were attributed to the FARC<sup>13</sup>. If ransom is not paid or there are delays, the FARC-EP has executed the hostage and negotiated with the family for the return of the corpse. There have also been cases where guerrillas have executed hostages during rescue attempts.

The FARC-EP routinely uses indiscriminate weapons, causing significant civilian casualties. Among them are land mines and gas cylinder bombs, made with a tank normally used to supply a household stove. The tank is loaded with fuel and shrapnel, and then placed in a tube packed with dynamite. Typically, the tube is placed on the bed of a pickup truck positioned near the area that guerrillas intend to attack. The tank is launched when operators light a fuse linked to the dynamite charge. The tubes cannot be aimed accurately. Deliberately or by mistake, they routinely fall on civilian homes, offices, and stores. An attack on an indigenous community in Inza, Cauca, on December 12-13 reportedly destroyed a bank, a school, the municipal building, and part of the open-air market.

Criticisms of these common violations of international humanitarian law are met with blanket denials or accusations that the critic is motivated by support for paramilitaries or imperialism.

The Unión Camilista-Ejército de Liberación Nacional (UC-ELN; the Camilist Union-National Liberation Army) also violates international humanitarian law by launching indiscriminate attacks, planting land mines, and committing kidnappings. After the government suspended talks with the group on August 7, 2001, the UC-ELN set off a series of car and package bombs in the department of Antioquia, including the city of Medellín, killing passers-by and destroying electrical towers and public buses. Two weeks earlier, over fifteen UC-ELN guerrillas died when bombs they were placing along a road exploded in the truck carrying them.

In general, the UC-ELN is more open to discussing international humanitarian law than the FARC-EP and has announced several initiatives, including a ban on the kidnapping of pregnant women and the elderly. In practice, however, even these initiatives are easily discarded and violations continue with the knowledge and support of commanders.

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<sup>13</sup> according to "Pais Libre", a NGO studying the phenomenon

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As a result of the violence and the so-called "counter-land reform", Colombians are fleeing their homes and even their country in record numbers. In 2001, a record 300,000 people were reported as displaced in a single year. Overall, an estimated two million Colombians are now internal refugees. Despite government programs meant to assist the displaced, they continue to suffer extreme hardship, living in overcrowded and unsanitary conditions with limited access to basic services, including medical care, a situation which Leila Lima, the UNHCR representative in Colombia, has termed a "humanitarian catastrophe."

In Colombia, most victims of political violence are men. Women and children dominate the ranks of the forcibly displaced. Guerrillas, state agents, and paramilitaries have on occasion killed women because they were family members of a perceived enemy, investigated the death of a relative or colleague, or belonged to a suspect group, like a trade Union.

Landmines remain a threat throughout Colombia. According to the Colombian army and independent landmine monitors, the total number of landmines in Colombia is estimated at 130,000. Deaths and injuries resulting from their use were up sharply in 2001. Through mid-July, the Colombian Campaign Against Land Mines recorded eighty-eight people killed or maimed by landmines, mostly farmers and their children. Colombia has signed but not yet ratified the 1999 Ottawa Convention banning the use, stockpiling and export of landmines.

### **6.3 International Humanitarian Law**

After initially refusing to consider ratification in the 1980s, Colombia adopted Protocols I and II to the Geneva Conventions without reservation in the 1990s.

All of the parties engaged in the conflict have stated that they support some form of enforcement of minimum humanitarian standards. In 1997, each party submitted peace proposals and comments on the laws of war to the National Conciliation Commission, a coalition of civic groups led by the Catholic Church. In some regions, the protagonists have established temporary agreements on standards, and have exchanged prisoners or suspended fighting to care for the wounded, demonstrating that it has been possible on occasion to agree on conduct in observance of the laws of war.

There are mechanisms in place to encourage compliance with the Geneva Conventions. The International Committee of the Red Cross (ICRC) has advised the Colombian government since 1969. Two days after Protocol II went into effect in 1996, the ICRC and the Colombian government signed an agreement that allows the ICRC to move freely within the country and maintain contacts with all armed groups.

Although clearly limited given the magnitude of violations, the ICRC's role is crucial. Representatives visit hostages and the detained, oversee their release when invited to do so, provide the parties with information and training about the laws of war, assist civilian victims and the wounded, and, when appropriate, present the government with cases of alleged violations.

In 1995, Colombia began to implement the protocols with public education and security force training. With the assistance of the ICRC, a government commission made progress on adopting legislation that would typify Protocol II violations as crimes in Colombia's penal code and has launched humanitarian aid programs to attend the forcibly displaced. In May 1998, President Ernesto Samper signed a law to punish individuals who misuse the emblem of the Red Cross and guarantee protection for the work of the ICRC.



The attorney general's office has pursued several important cases involving violations of the laws of war, among them the murder of Congressman Diego Turbay and six others near Florencia, Caquetá on December 29, 2000. The massacre took place as Turbay, chair of the Peace Commission in Colombia's House of Representatives, and his companions were headed toward a meeting with guerrilla leaders in the zona. Although the FARC-EP denied committing the massacre, the Attorney General opened a formal investigation of alleged guerrillas, based on testimonies of captured gunmen and other evidence.

Despite some progress, there continues to be, at best, a profound lack of understanding of the laws of war among combatants. At worst, the forces involved in the conflict have no willingness to respect international humanitarian law, a theme all invoke for the most part for political benefit.

For instance, the Colombian armed forces characterize almost all guerrilla activities as violations of the laws of war, in an apparent attempt to damage their enemies in public opinion and gain sympathy. Yet they consistently fail to supply the evidence necessary to show how these actions violate the laws of war.

In a similar vein, guerrillas argue that although they support humanitarian standards in theory, they do not accept Protocol II since it was not negotiated directly with them. On occasion, however, the FARC-EP has flatly rejected the laws of war, claiming that these standards are not applicable to the armed conflict in Colombia and, in particular, to the conduct of the FARC-EP or that they represent "elite interests".

For his part, AUC leader Carlos Castaño has repeatedly stated a willingness to pledge his forces to respect the laws of war, but qualifies that support by claiming that Colombia needs a "Creole" version of international humanitarian law, adapted to Colombia's irregular warfare and specifically allowing the execution of combatants hors de combat among other violations.

All parties to Colombia's conflict overtly and aggressively target civilians, yet claim that civilian casualties are in fact combatants in disguise. Often, paramilitaries mutilate the bodies of individuals who have been arbitrarily detained and later killed in a variety of ways meant to maximize terror: with machetes, chain saws, acid and even surgical instruments. Often, they eviscerate bodies to ensure that they will not float and be found after they are thrown into a river.

At the same time, all sides seek actively to draw civilians into direct participation in the war. The government did this by organizing civilians into paramilitary groups in the 1980s and Convivirs in the 1990s. The guerrillas create militias, which have a history of recruiting children. Paramilitaries routinely describe civilians as combatants simply because they cross paths with guerrillas, if only to share a dipper of water or witness the passing of an armed unit.

Similarly, all sides routinely attack civilian persons and objects, in clear violation of the laws of war. Yet rarely does anyone take responsibility for errors; instead, combatants find ever more cynical ways to justify or deny attacks that merit international condemnation. Both paramilitaries and guerrillas routinely "declare" civilians or civilian buildings military targets, ignoring the objective criteria that determine this designation.

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Neither paramilitaries nor guerrillas are capable of – or even attempt – to guarantee the fair trial required by the laws of war. Indeed, these groups make no serious attempt to argue that their trials satisfy these conditions. The groups rarely inform the accused of the charges against them or the procedure they intend to follow. The accused are not permitted adequate means for their defence. Often, the accused are presumed guilty from the outset. They may not even be present during the procedure. Finally, no legal remedy is allowed when a judgment is reached, even when it is death.

Such was apparently the case with Aury Sará Marrugo, leader of Colombia's largest trade Union organization, seized by the AUC on November 30, 2001. The AUC accused him of belonging to the UC-ELN, but provided no proof and no indication that he was given a fair trial. On December 5, authorities found the bodies of Sará and Enrique Areyano, his bodyguard, both of which showed signs of torture and an on-the-spot execution.

In the zona, guerrillas have established a pattern of abducting civilians suspected of supporting paramilitary groups, many of whom are later killed. Unlike abductions carried out for financial reasons, these kidnappings are often kept hidden. The FARC-EP generally does not disclose the victims' fate or even acknowledge custody. Relatives of those who are seized in these circumstances frequently are unable to obtain any information from the FARC-EP about the fate or whereabouts of their loved ones, causing enormous suffering. The victims have no protection under the law, let alone legal remedy against false accusations and abuse, nor can their relatives invoke legal remedies on their behalf.

These violations would qualify as forced disappearances under international human rights law if carried out by government officials or organized groups and private individuals acting on behalf of or with the support of a government. The fact that these actions do not qualify at the moment as a violation of specific human rights treaties should not, however, lead to any confusion about their nature. Abductions are serious human rights abuses independent of legal or linguistic niceties.

In addition, the FARC-EP has kept captured combatants in deplorable conditions in the zona, denying them medical attention and any contact with the ICRC. One former captive, Colombian National Police Col. Álvaro León Acosta, suffered from serious ailments stemming from a back injury sustained in the helicopter crash that preceded his capture. Others reportedly suffered from a variety of jungle diseases that went untreated, including malaria, fungi, constant diarrhoea because of contaminated water and leishmaniasis, which can be fatal if untreated. Many reportedly suffer severe trauma and psychological ailments from prolonged captivity under harsh conditions.

Kidnapping is a violation committed overwhelmingly by guerrillas, particularly the FARC-EP. However, guerrillas deny that they engage in hostage taking. The UC-ELN, for instance, claims that victims are only "retenido" (retained) and that these acts are not violations, since any ransom or political concessions gained for release do not benefit individual guerrillas, but the group as a whole.

Finally, both paramilitaries and guerrillas routinely attack medical workers, ambulances and the wounded. In one incident, paramilitaries killed a seventeen-year-old FARC-EP combatant who was being transported by an ICRC medical team near Apartadó, Antioquia, on October 2, 2000. Ten days later, the FARC-EP committed a similar grave violation when its forces killed a wounded paramilitary who was then under ICRC protection. In both cases, the commanders of the units concerned reportedly sanctioned the killings.

The ICRC condemned both killings as "grave breaches of international humanitarian law" and suspended its medical rescue operations for three months.

In a few cases, international pressure has led paramilitaries and guerrillas to acknowledge responsibility for violations and to announce sanctions for those responsible. In November 2001, the AUC announced that it would prohibit the tactic of collective killings, or massacres, a practice that has gained the group international condemnation. However, in the weeks after this declaration, government authorities linked the group to at least six massacres with a total of 43 victims.

For its part, FARC-EP commanders claimed that the guerrillas who killed three American civilians on March 5, 1999 had been found "guilty". However, their punishment – to dig fifty-five yards of trench and clear land – is grossly inappropriate for so grave a crime.

The procedures that both paramilitaries and guerrillas regularly engage in are best described as summary executions dressed up as judicial procedures and are abhorrent violations of the laws of war. Although the Colombian government has expressed its willingness to invite the International Fact-finding Commission, established by Article 90 of Protocol I, to Colombia to investigate reported violations of the laws of war, none of the other parties to the conflict supports such an invitation, a necessary step in the procedure.

#### 6.4 The Peace Process

Negotiations between the government and leftist guerrillas reached an impasse in 2001 as both sides traded accusations of bad faith and broken promises. Nevertheless, with the goal of furthering talks, the government continued to allow the FARC-EP to maintain control over the zona, the authorization of which expired on January 20, 2002.

The only concrete achievement of the negotiations in 2001 was the agreement to a prisoner exchange that led to the release of 364 captured members of the police and military forces and fourteen imprisoned FARC-EP members. The FARC-EP also sponsored a series of "audiencias públicas" (public meetings) that were little more than extended propaganda forums that few took seriously.

Unfortunately, optimism in the wake of the prisoner release was short-lived. As months passed, evidence mounted that the FARC-EP used its area of control not only to keep prisoners (held in deplorable conditions) and kidnapped civilians, but also to plan and mount attacks, including assaults using indiscriminate weapons. Although Colombian public opinion remains largely supportive of continued efforts at talks, at the same time, observers noted a growing willingness to accept extreme measures to confront guerrillas, among them support for the AUC and their tactics.

Before announcing his departure at the end of the year, Jan Egeland, the special adviser on Colombia to the United Nations Secretary General, frequently visited Colombia to assist in peace talks, but was prevented by the government from remaining in the country for more than eight days at a time. In private meetings, Egeland and his aides have expressed serious concerns about the future of peace talks in Colombia and doubts about the commitment to peace of some of the parties to the conflict, in particular the FARC-EP, the AUC, and sectors of the Colombian military.

Citizen peace initiatives and grass roots peace-building efforts have proliferated, but the armed groups waging war, as well as the government, have consistently excluded, marginalized or attacked them.

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## 6.5 The role of the international community

The international community has played a prominent role in efforts to resolve Colombia's conflict. The Grupo de países amigos, in particular, which includes France, Switzerland, Cuba, Mexico, Venezuela, Norway, Spain, Italy, Canada, and Sweden, has agreed to act as a facilitator in the peace process and meets on a regular basis with the FARC-EP.

However, this cooperation was seriously jeopardized by a series of incidents in 2001. Early in the year, FARC-EP guerrillas forcibly removed Alán Jara, a Colombian travelling with a U.N. delegation, from a U.N. car. Guerrillas claimed that Jara, a former governor of Meta, has links to paramilitaries and announced plans to subject him to a "revolutionary trial", a euphemism for a probable execution. Weeks later, guerrillas kidnapped three German aid workers. The FARC-EP acknowledged abducting the Germans, one of whom escaped. After fierce pressure, the FARC-EP later released the other two. When the Mexican government threatened to withdraw permission from the FARC-EP to maintain an office in that country after the kidnapping of a Mexican citizen, guerrillas released the individual.

The European Union expressed deep concern at the mounting violence, in particular the abduction of former Governor Jara and the kidnapping of the German aid workers. In November, the E.U. announced that it had cancelled the visas of known FARC-EP members, prompting the guerrillas to respond that the decision marked a return to "colonialism" and was instigated at the behest of transnational companies eager to exploit Colombia.

The office of the UNHCHR continues to operate in Colombia despite poor cooperation from government officials. As High Commissioner Mary Robinson noted in the office's annual report, "the overwhelming majority of governmental responses to Office communications about specific cases and situations (such as early warnings) have been unsatisfactory, inoperative, and purely bureaucratic." The end result, she emphasized, was that "the potential of the Office has been greatly under-utilised by the government."

The Special Representative of the Secretary General on Human Rights Defenders, Hina Jilani, undertook a fact-finding mission to Colombia in October 2001 at the invitation of the government. It ended bitterly, after Jilani raised questions about the new Attorney General and his commitment to prosecuting cases involving high-ranking military officers.

The United States continues to focus on the aerial eradication of drug-producing crops, a strategy that has proven counter-productive in the past and has so far resulted in increases in the amount of coca and opium poppy cultivation in Colombia, in areas resistant to or beyond the reach of the spray airplanes. The United States has been publicly sceptical of the peace process. U.S. State Department spokesman Philip Reeker charged in August 2001 that the FARC-EP was "misusing the demilitarised zone to abuse prisoners, engage in narcotics trafficking, and, for example, reportedly receive training from the Irish Republican Army," referring to three Irish nationals charged in Colombia with helping train guerrillas.

Despite such concerns, the United States remains Colombia's largest foreign donor. It also increased military aid to Colombia's neighbours, in an effort to strengthen border controls against both armed groups and trafficking. Europe, on the other hand, has fallen far short of the US\$2 billion that it, along with Canada and Japan, had been targeted to contribute to Plan Colombia.

A day before his planned visit to Colombia, suspended after the September 11 attacks, Secretary of State Colin Powell announced that the United States had put the AUC on the administration's list of terrorist groups, along with the FARC-EP and UC-ELN. In November,

the U.S. Embassy in Colombia announced that it had suspended the visas of five Colombians suspected of links to the AUC and put 45 more on a watch list in case they applied for visas in the future. Subsequently, several European countries took similar steps.

Between 1998 and 2001, eleven units of the Colombian armed forces were vetted for human rights problems and approved to receive U.S. security assistance. In addition, all Colombian Police counter narcotics units, the Colombian Air Force, the Colombian Navy, and the Colombian Marines were cleared to receive U.S. assistance.

Although human rights continued to be cited as an important policy concern, the U.S. violated the spirit of its own laws and, in some cases, downplayed evidence of ties between the Colombian armed forces and paramilitary groups in order to continue funding abusive units. Compelling evidence has emerged, for example, of links between paramilitaries and Colombian military units deployed in the U.S. anti-narcotics campaign in southern Colombia, showing that U.S. -vetted, -funded, and -trained troops were mixing freely with units that maintained close ties with paramilitaries.

A report prepared by the U.S. General Accounting Office concluded that farmers displaced by the U.S.-funded anti-drug campaign received little assistance beyond the first ninety days of their displacement. Under the U.S. aid plan, US\$37 million was set aside to deal with displaced persons, particularly those affected by eradication efforts in the south of Colombia.

The United States took some positive steps with regard to human rights in Colombia. The foreign aid bill approved by the U.S. Congress for fiscal year 2002 contained an estimated US\$400 million in security assistance for Colombia, disbursable only if Colombia complies with strong human rights conditions. In contrast to the first instalment of the Plan Colombia aid, these conditions were not subject to any waiver and thus were binding, a clear improvement.

The U.S. Agency for International Development (USAID) made grants to seven human rights groups in Colombia totalling over US\$575,000. USAID also contributed assistance to 176,000 people forcibly displaced by aerial eradication and political violence and supported a US\$2.5 million program for ex-combatant children.

However, proposed aid for the Human Rights unit of the Attorney General's office was diverted to buy expensive equipment that only marginally benefited the work at hand, which faces serious logistic problems in getting prosecutors to the sites of crimes and providing them with even minimal protection. In a fifteen-month period from January 2000 to March 2001, the Human Rights unit and advisers from the Internal Affairs agency received only US\$65,763 from USAID. That worked out to less than the average amount of U.S. military assistance spent in Colombia in two hours of a single day.

The annual country report on human rights issued by the State Department accurately reflected the situation in Colombia, giving a detailed and grim picture of abuses. U.S. Ambassador Anne Patterson began a long-overdue policy of addressing the human rights situation and expressing concern over specific cases. Her timely telephone call to the army commander of a Barrancabermeja battalion in December 2000 was a critical factor in spurring action by the Colombian authorities to counter the paramilitary advance. She also publicly supported the presence of the UNHCHR in Colombia, speaking out on the importance of their work at critical moments.

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## 6.6 Recommendations

While Colombia is at war, no drug policy will be successful. At the same time, it is impossible to imagine that as long as trafficking remains robust, war will cease as a result of negotiations alone. In today's Colombia, drugs and war are inextricable. Drug profits feed the war; yet the war is a drag on the government's coffers and attention, making it virtually impossible to devote the necessary resources to Colombia's other serious and complex problems.

As yet, the FARC does not consider peace to be in its economic or political interest; and it is naive to assume that paramilitaries, deeply invested in the drug trade, will simply vanish in the extremely unlikely event that guerrillas are defeated on the battlefield. The government alone lacks the resources to break this impasse. Talk of a return to "total war" – with the Colombian armed forces claiming that it can defeat the FARC-EP on the field of battle – is based on a familiar delusion that has gripped Colombia in a devastating cycle since the 1960s.

No single strategy applied to Colombia will, alone, result in peace. The international community must apply a variety of methods and pursue complementary strategies to convince and compel the armed groups in Colombia to embrace peace as their best and most attractive option. This must be done with the realization that the root causes of Colombia's crisis – unequal land distribution, social injustice, and a practice of solving even domestic disputes through the use of violence – are ills that will take many years to address fully, with or without a formal peace agreement.

Although the USA, Canada, and Europe have formally supported Colombia's peace negotiations, to date the help has been mainly rhetorical and symbolic. In particular, U.S. policy has been counter-productive and focused on domestic political goals, not the welfare of Colombia or the stability of the region. Even as demand for Colombian drugs continues in the United States, the Americans punish Colombians for providing them, thrusting Colombia into a spiral of war that has only deepened over the past decade.

To ensure realistic peace negotiations in Colombia, the international community, and most importantly the United States, must radically rethink its anti-drug policy. Until this shift takes place, the hope for peace is slim. Therefore, Europe, Latin America, and Canada must increase efforts to convince the United States to fashion a strategy that has as its goal the strengthening of Colombia's civil society, not solely its security apparatus. Its goal would be to suppress trafficking with a combination of smart law enforcement, better intelligence, curbs on money transfers and laundering, and strategic investments in economic and social development. As yet, the support for the legalization for drugs is too diffuse and difficult for any realistic chance at implementation.

At the same time, Europe, Latin America, and Canada cannot continue to ignore the need in Colombia to build a strong, effective, and law abiding security force, capable of guaranteeing security while at the same time enforcing – and obeying – the law. Security remains among the most important and unfulfilled desires of the Colombian people, who cannot shop, go to school, celebrate with their families or even commute to work without fearing for their lives or the lives of their loved ones.

The message from the international community to the Colombian government must be coherent and clear and should not be restricted only to supporting negotiations that, at the

current moment, appear destined for failure. Pressure should be brought to bear on the Colombian government on a wide range of issues:

- to combat paramilitaries and permanently dismantle paramilitary organizations by prosecuting and punishing those responsible for forming, organizing, leading, belonging to, assisting, and financing paramilitary groups, including the security force members who take part in this activity;
- to establish mechanisms to protect the rights of persons residing in the zone ceded to the FARC-EP for peace talks;
- to ensure that impunity no longer protects those responsible, by action or tolerance, for human rights and international humanitarian law violations. The Colombian government should intensify efforts to ensure that suspects, including government members, are prosecuted in civilian courts;
- to take urgent measures to strengthen the protection of judicial officials, victims, and witnesses to cases by dedicating the necessary resources to their protection;
- to order the military to cease asserting jurisdiction over cases that involve allegations of human rights and international humanitarian law violations, both of which belong before civilian courts. In this regard, the new military and civilian penal codes should be interpreted and enforced in a way that reflects Colombia's responsibilities under the international treaties to which Colombia is a party and the rulings of the Colombian Constitutional Court;
- to fully implement existing plans and laws designed to protect and assist the forcibly displaced;
- to strengthen the Interior Ministry's program for the protection of human rights defenders, trade Unionists, and reporters, providing it with the resources necessary to address demand. The Colombian government should commission an external evaluation of the program to review its results and the problems it faces, and implement recommendations to improve performance;
- to adopt urgent measures necessary to effectively protect indigenous, community, and ethnic leaders who have been threatened;
- to ensure that members of the security forces and civilians arrested in connection with allegations of human rights or international humanitarian law violations are held in secure facilities within civilian prisons, with special measures taken to prevent escapes;
- to reform the rules governing investigations and disciplinary proceedings carried out by the Procuraduría, the government's Internal Affairs agency that oversees the conduct of government employees, including members of the military and police. Currently, delays in investigation mean that many Internal Affairs inquiries into serious human rights crimes must be shelved due to excessively short statutes of limitations, further limited by the passage of Security Law 81. Also, the crime of murder is not included within the code of infractions as a reason for dismissal. The Internal Affairs agency's powers of dismissal should be expanded to permit it to dismiss members of the security forces found to have committed murder. Currently, the maximum punishment allowed is a "severe reprimand," simply a letter in the individual's employment file;

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- to significantly increase funding for the Attorney General's Human Rights Unit, including its witness protection program, travel, communications, security, and evidence-gathering capability. The work of the Attorney General's office has contributed significantly to the protection of human rights and accountability for serious crimes, including crimes committed by Colombia's guerrillas. Yet prosecutors and investigators find their budgets cut dramatically and lack the resources to fully investigate cases assigned to them.

Furthermore, the international community should ensure that any security assistance to Colombia is conditioned on progress in strengthening the rule of law by:

- placing country-specific human rights conditions on all security assistance to Colombia that must be met before aid is released. Among other elements, these conditions should require that Colombia show tangible results in breaking ties between its security forces and paramilitary groups, purging and prosecuting officers who work with paramilitaries or tolerate their activity, and ensuring that civilian courts maintain jurisdiction over human rights and international humanitarian law crimes committed by members of the security forces. The United States and Canada should not be the only countries willing or able to provide this kind of assistance. It is essential that European countries also consider this as an essential element in supporting peace, since the security of the civilian population – or lack of it – is one of the main reasons why an increasing number of Colombians voice support for paramilitary groups. The key is to ensure that this aid is used to leverage and enforce human rights goals. This would mean not only applying necessary pressure to sever the military/paramilitary ties, but also urging Colombia's security forces to perform their proper function in a democratic society, bringing under control all actors operating outside of the law;
- applying human rights conditions to all intelligence sharing to ensure that intelligence is not shared with or received from Colombian security force units that abuse human rights or passed to paramilitary groups that violate human rights;
- requiring a section on the monitoring of the human rights situation in Colombia in regular public reporting on diplomatic initiatives in Colombia;
- increasing financial support for programs that strengthen human rights and the rule of law, including the Attorney General's Human Rights Unit, protection for human rights defenders, peace initiatives, humanitarian assistance for the forcibly displaced, programs for ex-combatants, including children, and economic alternatives;
- appointing a full-time, civilian official in the corresponding embassy in Bogotá whose duties are to oversee, administer, and ensure the prompt delivery of human rights assistance;
- reviewing all visas granted to Colombian security force personnel and guerrillas to ensure that individuals against whom there is credible evidence of human rights abuse, support for paramilitary groups or international law violations have their visas revoked or are denied visas;



- including in all military advice and training detailed instruction regarding the obligation of all members of the military and security forces to uphold Common Article 3 of the Geneva Conventions and Protocol II Additional to the Geneva Conventions, international agreements that provide rules for internal conflicts. Training should include hypothetical situations that reflect Colombian reality, including the presence of paramilitary groups. Students should be closely evaluated on their understanding and application of international humanitarian law. Specialists from the ICRC should be invited to contribute to such training, and all existing training materials should be reviewed in coordination with ICRC representatives, the office of the Public Advocate, the office of the U.N. High Commissioner for Human Rights, the Colombian Attorney General, and a representative of independent human rights groups to ensure that they reflect the highest standards of protection for human rights and international humanitarian law.

In all contacts with paramilitaries and guerrillas, members of the international community should promote the following basic elements of international humanitarian law, demanding them:

- to cease all extra judicial killings of civilians;
- to release immediately and unconditionally all hostages, with guarantees of their safe return to their families;
- to cease using child soldiers, to establish mechanisms for the immediate demobilization of child soldiers, and to instruct all combatants that child soldiers should not be recruited or deployed as combatants in the future;
- to cease holding so-called trials, which lack minimal due process guarantees;
- to ensure that all captured combatants are afforded humane treatment, including appropriate medical care, and are permitted regular access to and visits from the ICRC;
- to cease all use of indiscriminate weapons, such as gas cylinder bombs;
- to cease all attacks or threats against medical workers and facilities, including ambulances, hospitals, and clinics.

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## 7 The Armed Conflict in Colombia and Perspectives for Peace-Building

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### 7.1 Introduction

This memorandum is addressed to the Centre for Peace building (KOFF) of the Swiss Peace Foundation. It deals with four reports submitted to the KOFF on the perspectives of the armed conflict in Colombia and the potential role of the Grupo de países amigos, Switzerland in particular, in the flagging Colombian peace process. In the first part, the author offers a critical evaluation of each report; in the second, he discusses the perspectives of the peace process and formulates policy recommendations, particularly for Switzerland.

### 7.2 Experts' reports

The four reports were written between December 2001 and January 2002, prior to the breakdown of negotiations between the government of President Pastrana and the FARC, the largest guerrilla group in Colombia. During a recent stay in Colombia (February 12 to 15, 2002) the author met with representatives of the principal human rights organisations and discussed the factors contributing to the current crisis. The reports deal with these factors, though with a different focus and to a varying degree. To the author's mind all four pay too little heed to the action undertaken against the severe human rights violations committed throughout the country, to the issues of legal impunity and of an inoperative or non-existent judiciary system, and to several macroeconomic and geopolitical problems.

#### 7.2.1 "Colombia: Conflict Analysis and Options for Peace-Building" by Marc W. Chernick

Professor Chernick lists several elements for a recasting of the peace proposal. The current agenda is much too extensive; it would be advisable to focus on the fundamental issues of reforms and political power. The shortlist of points to be negotiated should include agrarian reforms, the role of the governmental armed forces and paramilitaries, human rights, local and national governance. Professor Chernick states that a ceasefire is a *sine qua non*, since the choice to negotiate while the conflict continues, which marked the peace process during recent years, led to an upswing in violence. Kidnappings and illicit drugs complicate ceasefire negotiations. The zones under guerrilla control are a key negotiating element and must be preserved; consequently, the ELN should be given control over the zone it was promised in the agreement reached in Cuba. The separate peace processes with the ELN and FARC should be coordinated, the paramilitaries of the AUC integrated in the peace process, the governmental armed forces involved directly in negotiations, active participation by civil leaders facilitated, and international mediation used. For Professor Chernick the final goal of the peace process should be the establishment of a Constituent Assembly.

The recommendations voiced in this report are very realistic. The author makes no mention of the many recommendations voiced by NGOs and international institutions like I.L.O, the UN High Commission on Human Rights and its Special Reporters, and the Inter-American Commission. He does not discuss the issue of impunity and underestimates the links between the governmental armed forces and the paramilitaries.

#### 7.2.2 "The Colombian Armed Conflict: Analysis and Perspectives" by Alejo Vargas Velásquez

The author considers that the agrarian problem, the territorial reform of the political system, the reform of the electoral system, of the law enforcement authorities (for the period after the conflict), of economic policy institutions, and the adjustment of energy

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policy, should all be put on the negotiating table. The author omits other fundamental issues, however, notably the need for a strong and independent judiciary, respect for human rights and humanitarian law, the measures to be implemented against those who violate these rights, and the failure of the state to take action against the paramilitaries and certain parts of the governmental armed forces. Professor Vargas presents three negotiation models, and insists that all "power players" should participate, though he does not explicitly state who these players are. He barely touches upon the differences between the two guerrilla groups FARC and ELN, and makes no mention of the negative consequences of the imbalance between the separate negotiations being conducted with them. He is right to stress that internal factors are more important for the activity of the Colombian guerrillas than external ones, that the Colombia Plan proposed by the United States is wrong to focus primarily on the war against drugs and the strengthening of the governmental armed forces, and that the Grupo de países amigos does not carry enough weight, meaning that the UN must participate in the quest for a peaceful solution to the conflict.

To provide a fuller analysis, Professor Vargas' report should also have mentioned the role of national and international civil society, the fact that the political authorities shut their eyes to the cooperation between paramilitaries and armed forces, and the international responsibility of the Colombian government.

#### **7.2.3 "Conflict, sustainable development, and the illegal drugs economy in Colombia" by Martin Jelsma**

In his recommendations, Martin Jelsma pleads for a new drugs policy. A zero option is impossible, he says; the thing to do is to adopt a damage limitation policy and bring about a progressive and voluntary switch to alternative crops. An interesting approach is his appeal to European countries to show greater courage in defining their potential role. Europe could take more effective action by giving local authorities and communities political backing, and helping them to establish and defend their own visions and projects.

The study provides an excellent description of the drug problem in Colombia, of its connections to the armed conflict, and of alternative sustainable development solutions. However, it fails to deal with the issue of the Colombian government's policies in these areas. But then, one might ask whether the authorities in Colombia have such a policy at all? The author also neglects to pay due attention to the absence of a functioning judiciary system. In any case, the war on drug production and trafficking in Colombia cannot rely on action by the international community alone.

#### **7.2.4 "Humanisation of Conflict and Human Rights in Colombia" by Robin Kirk**

Ms. Kirk advises the international community to link specific human rights conditions to all security assistance and information exchange by intelligence services; to include a chapter on the evolution of the human rights situation in Colombia in every regular diplomatic report; to increase financial aid to programmes strengthening human rights and the rule of law; to have each embassy in Bogotá designate one staff member to monitor the evolution of the human rights situation; to revise visa policies for members of the Colombian security and guerrilla forces; to include targeted instruction on the obligations arising from Article 3 of the Geneva Convention in all training dispensed to military personnel.

### 7.3 Recommendations

Undoubtedly a peace process offers the only solution to the Colombian armed conflict. Considering its manifold endogenous and international factors, and the nearly inextricable roots of the violence, no party may reasonably count on a military victory. Owing to the multiplicity of the factors involved, all traditional diplomatic efforts soon reach the limits of their effectiveness. Many different and optimally coordinated initiatives are required.

#### 7.3.1 Three certainties

Prior to re-examining the conditions of new peace initiatives, a few things must be stated clearly:

##### a) Responsibility of the Colombian State

The four reports confirm a prevailing trend in the multilateral debate on Colombia, in the UN, for example. Most observers seem to rely entirely on negotiations between the warring military, paramilitary, and guerrilla factions and on the role of the international players – the USA, Friendly Nations or elected ones, as if the Colombian state were simply a spectator. Yet, the government of Colombia is directly responsible for the severe violations of human rights and humanitarian law that have been committed on its territory for decades. Significantly, the government does not deny this responsibility, and since 1983 has spent considerable sums to counter international criticism of the evolution of the situation in the country, before the UN, the ILO, and the Inter-American system. Each year the government makes the same promises and resounding declarations to the Human Rights Commission, without ever respecting the commitments formulated in the annual Declaration of the Commission President, or the recommendations voiced by the Commission's Special Reporters or by the Office of the High Commissioner for Human Rights in Bogotá. The Colombian state has created a wide range of national institutions to promote human rights, but these often impose even more statutory procedures on victims and their kin to gain access to the judiciary.

Under international law all governments have the legal obligation to investigate serious human rights violations, to organise a fair trial, to sentence the guilty party, and compensate the victims. In most cases of assassination, murder, kidnapping, and torture that take place in the country, the Colombian government falls very short of fulfilling these obligations. Some substantial protection programmes exist, notably for defence lawyers; but would it not be just as effective to arrest certain members of the military whose links to the paramilitaries have been recognised?

##### b) The role of the paramilitaries

Numerous reports have documented the inextricable links between paramilitaries and large parts of the military. Indeed, as has been mentioned before, the paramilitary groups were set up by the government, before being used ("instrumentalised") by certain sectors of the governmental armed forces. The government never implemented the measures recommended by the international community to try and control these groups, which are in fact illegal. It is also true that the international reaction to paramilitary activities in the 1980s was far too weak. Thus, when the FARC launched its own political party, the Patriotic Union (PU), after having signed a ceasefire with the Betancur government in 1985, the systematic assassinations of elected PU representatives and members should have met with much stronger reactions. More recently, the European countries agreed to strike out the reference to the "Convivir" militias in the declaration of the President of the Human

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Rights Commission. The paramilitaries and their military backers doubtless interpreted this „moderate“ stance as a go-ahead. Therefore, although the paramilitaries should participate in the negotiations, they should do so as part of the delegation to which they in fact belong, i.e. the Colombian armed forces.

### c) Human rights

Human rights and humanitarian law are non-negotiable. Colombia has ratified most international conventions, as have all the Friendly Nations. Respect for human rights and for humanitarian law must be a pre-condition of all international mediation. One of the major weaknesses of President Pastrana's peace proposal was that he never paid due attention to human rights. In spite of all his good intentions, Vice-President Gustavo Bell progressively abandoned his glorious declarations of principle for a discourse justifying government policy.

Peace negotiations in Colombia should avoid the errors committed in other countries engaged in a peace process at all cost. These often lead the parties to reach a unanimous agreement rapidly in order to sweep the human rights issue under the carpet, proclaim an amnesty, and grant impunity to all the negotiating participants guilty of human rights violations in person or by pro cura.

Colombia's ratification of the Rome Statute relative to the establishment of an International Criminal Court takes on added importance in this context. The list of crimes not subject to the statute of limitations under universal jurisdiction will at least ensure that impunity will not go on forever. As for the violations committed in the past, the recommendations voiced by the different agencies of the UN, the ILO, and the Inter-American system should be discussed in terms of how best to implement them. Respect for economic, social, and cultural rights will have to be embodied in an agrarian reform, the revision of social and economic policies, and the redistribution of income. All these aspects are to be put at the top of the negotiation agenda.

### 7.3.2 Policy recommendations

Of the four, Professor Chernick's and Ms. Kirk's report voiced the recommendations that are most likely to endow the international community with a larger role in the Colombian peace process. Immediate reactions to its ups and downs, though well intentioned and often positive, have to be overcome. The international community must develop a large-scale and long-term peace initiative. The recent breakdown of negotiations shows that three players – the governmental armed forces, the paramilitaries, and the FARC – are in a position to harm and sabotage the peace process and that President Pastrana wanted to settle scores before the end of his term in office. It will take time to get the peace process back on its feet again. The international community should make use of this delay: first, to learn the lessons of the past; second, to adopt a clear and determined stance towards all parties; third, to prepare the ground for a large peace initiative.

The Grupo de países amigos and the UN will have to structure and coordinate their efforts, help create new structures where these are lacking (notably in the judiciary), protect human rights, and boost the role of Colombian civil society.

Such a joint initiative by the Friendly Nations and the UN should result in a major international conference, apt to send a clear message, not only to the governmental armed forces, the paramilitaries, and the guerrilla organisations, but also to the government; to

recall the fundamental principles of human rights and humanitarian law; to draft framework agreements concerning the major issues to be dealt with in future negotiations; to propose a timetable for a ceasefire, and determine the axes of closer international cooperation with a view to sustainable development, good governance, and the respect for human rights. Expert panels could prepare the conference, with the participation of representatives of various sectors of Colombian civil society. A clear UN mandate would increase the impact of the conference.

The armed conflict in Colombia is no ordinary conflict: first and foremost, it is a humanitarian disaster. Several of the experts were quite right to insist that this situation requires manifold initiatives, and that international players should develop projects of their own, which are badly needed, without looking to or copying other mediation or negotiation models. The ten Friendly Nations will certainly not be able to do this alone. The European Union should also intervene, for example by naming a High Representative. This would add the indispensable economic to the diplomatic pressure.

In any case, such an initiative must go hand in hand with greater international cooperation with Colombia, notably to enable the country to establish judiciary and executive powers worthy of the name, to reinforce the peace and human rights movement on a broad basis, and to foster the development of hitherto marginalized zones and groups (local communities and authorities, displaced persons).

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## 8 Recommendations for Strategic Steps

### Mô Bleeker Massard, Center for Peacebuilding (KOFF)

Nothing could be more difficult than formulating recommendations in connection with a long and protracted conflict, which seems to be on the verge of further escalation. Nevertheless, precisely because of these factors, interested parties outside the country need to reflect on possible new strategies.

The analysis of the four authors prove their deep insight into the situation in Columbia and provide detailed recommendations on how to tackle the specific issues they deal with in their respective reports.

However, at this stage it seems appropriate to present external actors ideas on how to develop broad strategic lines of thought in an effort to reach a negotiated settlement. The following proposals are intended as a contribution to this discussion and concentrate on four basic strategic areas.

#### 8.1 Clarify the Agenda and involve the United Nations

**Lessons learned** : External actors too divers, no coherent strategy, no support at the highest level, lack of continuity.

**Principles** : Speak with a single coherent voice. Provide the means for action to be taken. Involve the United Nations as a guarantor for the peace process. Prepare the ground for negotiations.

The Groups of Facilitator Countries and Friendly Nations:

- The Grupo de países amigos and the Comision Facilitadora Internacional should merge into a single group, clarify their mandate, fix an agenda with a common strategy, and designate representatives who would commit themselves to this task on a full-time basis.
- Propose their services as facilitators and develop opportunities for facilitation in close coordination with the Secretary General of the United Nations.

In order to resume the process of negotiations, the involved parties in Colombia need to be informed that the international community under the guidance of the UNO is prepared to commit itself to:

- Provide economic assistance to carry out the social and economic reforms, which are agreed upon in the process of the negotiations.
- Provide assistance for the reinforcement and deployment of governmental structures throughout the country.
- Provide assistance for the reform and modernization of the military apparatus as well as assistance for its deployment throughout the country.
- Provide assistance for a plan to reform and to develop the judiciary system.

The Andean countries should convene a regional forum in which regional issues such as drug abuse, narcotics trafficking, refugees, displaced populations, etc. can be discussed at

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an appropriate moment. Contact should be taken with them in the initial stages of the process of restarting the negotiations.

Contact should be taken with the government of the United States and consideration should be given as to how to involve them on all levels in constructive strategies for the promotion of a durable peace.

## **8.2 Civilize and politicise the conflict, evaluate the peace and development compatibility of Plan Colombia.**

**Lessons learned:** Absence of clear and commonly shared principles regarding the respect of human rights.

**Principles:** Develop a common and coherent position with regard to human rights

The external actors should have a common position with regard to the respect of human rights, humanitarian law, and international conventions; a catalogue of sanctions should be prepared and rigorously applied to all the actors involved:

- With respect to the Colombian government: The latter should be informed about the consequences in case of the violation or non-application of the binding resolutions of the different international institutions (WTO, UNHCHR, etc.). Trainings should be proposed to state institutions active in these fields. Assistance in the area internal security should be proposed, including, if necessary, the deployment of a peace-keeping force.
- With respect to the FARC and the ELN: Fundamental agreements need to be worked out with regard to the respect of human rights and international humanitarian law. In addition, points of entry should be explored in order to reopen the negotiation process (return of hostages, new rules of conduct in connection with the military conflict, international humanitarian law, etc.). Training in these fields should be proposed to the guerrilla units.
- With respect to the paramilitaries: As a creation of the government and the governmental armed forces, they should be put under the control of the latter. Particular assistance should be proposed in this regard.

The Plan Colombia and its results should be evaluated and discussed. An international forum should be convened which would analyse its results with respect to the international drug market (illegal bank accounts, money laundering, trafficking channels and routes, etc.) as well as its achievements with regard to harm reduction in the field of production, the promotion of alternative crops, and the socio-economic situation of the peasants. Its compatibility with international humanitarian law and human rights also needs scrutiny.

## **8.3 Politicise the conflict and promote the participation of Civil Society**

**Lessons learned:** Lack of preparation of the actors, negotiation agenda too broad and unrealistic, military issues dominate the agenda to the detriment of political issues.

**Principles:** Support the protagonists in their preparation for future negotiations. Involve all the actors, support and train representatives of civil society.

On the level of preparing a realistic agenda and ensuring proper preparation for negotiations, there is a need to facilitate exposure of the internal actors to other contexts in which successful peace processes have taken place:

- With respect to the government: Propose technical assistance on different levels in order to prepare a realistic agenda for negotiations. Promote exposure to other contexts involving similar experiences.
- With respect to the guerrilla forces: Propose technical assistance in order to prepare a realistic agenda for negotiations and provide access to other groups involved in similar experiences.
- With respect to civil society: A particular effort should be made to educate representatives of civil society in the elaboration of a realistic political agenda for negotiations. In this framework, they should be introduced to persons and groups involved in similar experiences.

#### 8.4 Prepare an agenda and a corresponding budget

**Lessons learned:** Absence of a clear commitment of the international community becomes an impediment or a justification to dismiss fundamental negotiations.

**Principles:** Prepare a realistic agenda. Prepare the ground for financial assistance for peace promotion and negotiations.

To strengthen the commitment of the internal actors to a negotiated solution, the international community should:

- Draw conclusions from the earlier processes and prepare proposals for a realistic agenda with regard to the topics to be discussed, the priorities, and the duration of the negotiations.
- Begin preliminary negotiations to gather economic support for the peace process in general and for the period of reconstruction and consolidation of peace in particular.

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