

COLOMBIA'S ELUSIVE QUEST FOR PEACE

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COLOMBIA'S ELUSIVE QUEST FOR PEACE

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Looking Back. In February 2002, negotiations to end the most dangerous confrontation of Colombia's decades of civil war collapsed. Nearly four years earlier, the newly-inaugurated President Andrés Pastrana had opened talks with the country's major remaining rebel groups, the *Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo* (FARC) and the *Ejército de Liberación Nacional* (ELN), with great enthusiasm and hope. But the fighting never ended while the talks sputtered on, and the country now appears headed for a new round of violence in its cities and against its infrastructure. The international community is concerned about the implications not only for Colombia's people and its democratic institutions, but also wider regional stability.

With support from Europe, Latin America and the United States, President Pastrana granted the largest insurgent group, the FARC, a demilitarised zone (DMZ), the size of Switzerland, in the south of the country. Both he and the FARC, however, kept experienced third parties, Colombian and international, at arm's length. The negotiations, courageous initiative though they were, appeared to lack a consistent strategy. By the time Pastrana declared them over and ordered the army to reoccupy the (DMZ), the endeavour looked to most Colombians like little more than a mirage. The international community has virtually unanimously supported his decision: in the post-11 September world, a strong stance against a terror organisation has been an easy call.

Throughout Pastrana's tenure, all illegal armed organisations – the FARC, the ELN and the *Autodefensas Unidas de Colombia* (AUC, or paramilitaries) – have intensified their attacks, regularly violating human rights and expanding the

scope of suffering. The fighting that followed the breakdown of negotiations, while less intense than in the immediately preceding month, indicates that the FARC retains the capacity to operate effectively throughout much of the country and that there is little or no chance the government can impose a military solution in the foreseeable future.

At the same time, Colombia's importance as a source of narcotics has greatly increased, thereby magnifying the stake of the international community – including the country's neighbours and the U.S. – in finding a solution to the conflict. The legitimate rural economy has suffered greatly from war and price shocks over the last decade, making the grip of coca producers even stronger.

Colombia has a potentially strong economy and a long democratic tradition that, though undermined by a history of violence, is one of the proudest in Latin America. Its civil war has become inextricably intertwined with the narcotics trade, which not only fuels the conflict but also appears to have altered significantly the character of the insurgents and the paramilitaries, who now have a dependable source of income to fund weapons purchases and ensure their staying power.

The surge in Colombia's illicit narcotics industry since the 1980s, combined with the ideological dislocations of the end of the Cold War, have made the FARC and ELN far different from earlier Latin American guerrilla groups. Many of their leaders have become "military entrepreneurs" who feel little need to cooperate and communicate with Colombian society and even less with the international community. They have lost most of their former popular support, and their power is now reflected almost exclusively in military capabilities

financed by a lucrative kidnapping industry, the drug business and extortion.

The rebels' sworn enemies, the right-wing paramilitaries, who appear to be gaining support in at least some rural areas threatened by the guerrillas, also have close and profitable links with the drug industry. With significant private sector backing and the support of regional political elites and Colombian military commanders, the paramilitaries' numbers have grown ten-fold in the last decade. International pressure on the government and army to cut ties to the paramilitaries and punish their atrocities has had very limited results.

The government is unable to exercise authority throughout much of the country. It cannot extend even basic social services or – perhaps most damaging – guarantee the rule of law in much of rural Colombia. These shortcomings, combined with a military force inadequate in size, training and equipment, and a deeply compromised judicial system, have been a near-fatal handicap in the state's efforts to govern, much less to defeat the guerrillas and counter the narcotics traffickers.

Colombia's continuing conflict is of international concern not only because of its humanitarian costs, but also because it provides a nexus for weapons, drugs, cash, money-laundering, criminals and terrorists. It continues to be of immense regional concern. The end to the peace negotiations with the FARC (though they continue with the ELN) and the return to full military combat adds to the danger of the conflict spilling over to the states that border Colombia: Brazil, Ecuador, Panama, Peru and Venezuela.

Looking Forward. The Pastrana administration has lost any realistic chance to reach an accommodation with the FARC during its remaining months in office. However, circumstances do favour it making a major effort, with international support, to achieve a verifiable ceasefire with the smaller ELN, which could have wider implications for a resumed peace process eventually with the FARC. Beyond that, it will need to spend the remainder of its time attempting to limit security costs and doing everything possible to safeguard the integrity of the spring elections to choose its successor.

Everyone concerned with Colombia's future now needs to take stock of the situation and rethink the strategies and priorities that should be pursued by

the new administration, with international support. The key priorities in ICG's judgement are to improve security protection for Colombians against insurgents and paramilitaries; to re-energise peace negotiations; to make a renewed effort to combat the drug trade; and to strengthen Colombia's institutions, especially in the areas of security and justice. Each of these objectives will require new and more effective approaches if they are to be achieved, and each will require significant support from the region and wider international community.

This report, and the recommendations that follow, pick up a number of these themes, but our conclusions and prescriptions should be taken as preliminary at this stage. They will require further evaluation and development in the months ahead. The purpose of this first ICG report on Colombia has been to assess the background, successes and failures of the elusive quest for peace and to propose a broad framework within which Colombians and their friends can begin to think together about the hard choices and fresh ideas required. Forthcoming reports will explore the implications of the presidential elections for the peace process; the structure of the security forces and the challenges they face; how best to extend the rule of law and civilian security in rural areas; how to rebuild the devastated rural economy; strategies for restructuring the peace process and strategies for fighting drugs; and ways of preventing regional destabilisation.

RECOMMENDATIONS

IMPROVING SECURITY PROTECTION

1. The Colombian Government Should:
 - (a) strengthen its order of battle against the insurgents, if necessary by exercising the discretion it has to assign additional troops to anti-insurgency rather than anti-narcotics operations;
 - (b) Establish public benchmarks for arrest and prosecution of key paramilitary figures; create law enforcement units dedicated solely to arresting paramilitary leaders and prosecuting their financial backers; and prosecute military personnel who maintain ties with the paramilitaries;

- (c) make it an absolute priority to protect the presidential elections this spring by continuing the massive effort undertaken with a large measure of success during the Congressional elections in March to safeguard candidates, voters, and the election machinery.
2. The United States government should:
- Extend additional military aid and approve dual use of U.S.-trained forces currently permitted only to fight drug trafficking; but only after the Colombian military makes significant progress in accountability for human rights violations, in particular severing all links with paramilitaries.
3. The governments of Brazil, Ecuador, Panama, Peru and Venezuela should work with Colombia to formulate policies for improved security (intelligence sharing, mutual controls on contraband and assistance to refugees) and also integrated border development (education, health, environment).
- RE-ENERGISING THE PEACE PROCESS**
4. President Pastrana should:
- (a) continue to pursue negotiations for a verifiable ceasefire with the ELN and to keep all presidential candidates informed;
- (b) invite the UN's mediation; and,
- (c) develop, with full military involvement, measures for protecting ELN combatants during a ceasefire.
5. The newly elected president should:
- (a) invite the UN Secretary-General to appoint a Special Representative and establish a good offices mission in Colombia in order to play a stronger role in negotiations with the ELN and, eventually, the FARC; and,
- (b) work with the UN to develop a coherent strategy for negotiating peace settlements with the FARC and the ELN, including such elements as third-party mediation, meeting outside the country until a ceasefire is achieved, involving senior military officials in the negotiating team and protecting demobilised combatants.
6. Incentives for negotiations should not include a repeat of the DMZ strategy.
7. The government of Cuba should continue to host negotiations with the ELN and otherwise play its current active role in that peace process.
8. The UN Secretary-General should increase his own active engagement and good offices by appointing a Special Representative, who should be based in Bogota at the earliest useful moment and should provide extensive mediation assistance to the peace processes with the FARC and ELN, to include advice on ceasefire strategies, verification mechanisms and protection of insurgents during ceasefires. Given the regional implications of the conflict, the Special Representative should report regularly through the Secretary-General to the Security Council.
9. The Special Representative should keep channels open to all key national and international actors, including the insurgents, and in preparation for negotiations, should convene government, insurgent and international representatives to consider informally ideas such as methods for disbanding the paramilitaries, promoting observance of international humanitarian norms and encouraging ceasefire verification.
10. The United States government should respond favourably to a request of the parties to support a ceasefire or final settlement with the ELN, through assisting in financing and monitoring, and consider becoming a formal member of the Group of Friends if requested by the parties during future FARC negotiations.
11. The European Union should provide a stronger independent voice by proceeding as rapidly as possible with its already approved assistance program, in particular work at the grass roots in conflicted areas through the peace laboratory, and by encouraging member state ambassadors to increase their facilitation

efforts in support of the negotiations with the ELN.

12. The countries already part of the Group of Friends should be prepared to provide monitoring and financial assistance to ceasefire or peace agreements with the ELN.

COMBATING THE DRUG TRADE

13. As soon as security conditions permit, Colombia's government and its supporters should launch an emergency program of alternative development, municipal support and social services in the former DMZ.
14. In addition to law enforcement and alternative development, the international community, the UN, the Organisation of American States (OAS) and Colombia's next government should begin a review of needed changes in counter-drug policies to include consideration of what more can be done to assume shared responsibility for the drug trade by bolstering demand reduction programs, prosecuting money laundering and restricting the flow of chemical precursors and weapons. The review might culminate with a summit conference like that held in 1990 at Cartagena de las Indias to achieve a consensus on improving international and Colombian counter-drug measures.

STRENGTHENING COLOMBIA'S SECURITY AND JUSTICE INSTITUTIONS

15. The Colombian government should:
 - a) extend basic services in partnership with civil society, provide assistance to human rights victims and protection for human rights organisations, introduce legitimate police and justice sector forces into rural areas, and otherwise pursue an active policy of economic and social reform in order to solidify support for democratic procedures and institutions, increasing tax revenues as necessary to fund those efforts;
 - b) expand urgently assistance to the internally displaced, easing official registration requirements to qualify for government assistance, implement fully the 1997 National Plan for the internally displaced and increase the presence of the Office of the People's Ombudsman in areas with a high risk of displacement.
16. The European Union, the U.S. and other donors, including the Inter-American Development Bank and the World Bank, should considerably increase support for justice sector reform, agrarian development and income-generating projects in rural areas, wherever security permits.

Bogotá/Brussels, 26 March 2002



COLOMBIA'S ELUSIVE QUEST FOR PEACE

I. INTRODUCTION

In 1999, Colombia entered a new stage in its 20-year quest for peace. Andrés Pastrana won the Presidency with a pledge – conceived in the heat of the 1998 electoral campaign – to begin serious negotiations with the country's insurgent groups. However, today many in Colombia believe that the government opened the “door to peace” without being fully clear about who the guerrillas really were, how best to proceed and what would define the elusive goal of “peace”.

Over the course of the negotiations, all of Colombia's armed organisations, regular and irregular, intensified their activities. The *Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo* (FARC) and the *Ejército de Liberación Nacional* (ELN) and their mortal enemies the *Autodefensas Unidas de Colombia* (AUC, the paramilitary forces) all heightened their attacks, regularly violating human rights and inflicting suffering on Colombians from all walks of life. Kidnappings and extortion reached unprecedented levels, massacres and related violence forced the displacement of hundreds of thousands of civilians, and many more were tortured or assassinated. The vast demilitarised zone (DMZ) in the south of the country, created by President Pastrana to advance peace talks with the FARC, was ill-used by the insurgents for detaining kidnap victims, growing coca and military training after the government failed to insist on international human rights monitoring and the maintenance of local police authority within the zone. Colombians grew increasingly frustrated by the violence that reigned throughout this process.

Without a clear conception of its own negotiating strategy, the government negotiated with insurgents who, in the aftermath of the Cold War, seemed

incapable of defining a new political stance and the *raison d'être* behind their struggle. Many concluded that the insurgents used negotiations only as a tactic in their pursuit of power, without knowing what they wanted to do with that power. The FARC and the ELN increasingly distanced themselves from domestic and international public opinion by acts of terrorism and violence. Equally disconcerting was their growing involvement in the illegal drug business, first by offering protection to coca and poppy planters, then by actively engaging in the cultivation, processing and, occasionally, selling of cocaine and heroin.

Since the government broke off negotiations on 20 February 2002, the “door to war” has swung open, and peace again seems a mirage. The FARC's subsequent attacks against civilian targets have not been as intense as those in the month leading up to the government's decision to end the DMZ, which left approximately 100 people dead and almost interrupted the water and power supply to millions in Bogota. They have been sufficient, however, to reinforce public scepticism and fan fears that worse may be yet to come.¹

After more than three years of a peace process that never truly was, Colombians again find their elections dominated by the armed conflict. Yet few

¹ Within little more than ten days in January, while the peace process was in its last stage, FARC commandos bombed dozens of pylons, causing blackouts across whole provinces and towns, attacked and burned vehicles travelling on the road from Villavicencio, Meta to the capital, Bogotá, destroyed one important bridge and planted bombs in urban neighbourhoods and the main water reservoir near Bogotá. The department of Meta was worst affected by the blackouts, and for the first time, the FARC destroyed two pylons in the Bogotá metropolitan area. The distance between Villavicencio, the capital of Meta, and Bogotá is less than 100 kilometres.

believe that the conflict can be resolved militarily. Ultimately, peace agreements with the insurgent groups will be the only way out. The president has said that the “book of peace” has not been closed; all presidential candidates supported the decision to end negotiations with the FARC but stressed as well their disposition to take them up again as soon as possible under different circumstances, and with clearly defined goals. Meanwhile, negotiations continue with the smaller and weaker ELN.

The international community has almost unanimously expressed support for the Colombian government in this difficult moment, while making it clear that another effort at peace negotiations is imperative. But Colombia is more unsettled and more inhospitable to peace talks today than it was in 1998. The international community's ability to help continues to be limited. All the insurgent and paramilitary organisations are now considered terrorists, formally by the U.S. and, de facto, by other governments.² The only certainty about the escalation of the conflict is that more civilians will suffer and die.

This report aims at contributing to understanding of the Colombian situation and how the mistakes of the past can be avoided. Part Two presents a brief synopsis of the historical development of the irregular armed organisations, the armed conflict and the state's responses from the mid-century “Era of Violence” until the 1990s. Part Three assesses the motivations, actions and goals of the central actors, both Colombian and international. Part Four highlights the disastrous humanitarian consequences of the conflict. Part Five analyses the course of the ill-fated negotiations between the Pastrana government and the FARC. The concluding section considers some guidelines for the way forward toward peace that will be developed in more depth in subsequent ICG reporting.

² Because the ELN is engaged in negotiations, the Colombian government does not label it as terrorist.

II. HISTORICAL SYNOPSIS

Colombia's history has been characterised by both the gradual consolidation of a democratic system of government and recurrent periods of prolonged, large-scale killings, most notably the “War of 1,000 Days” (1899-1902), the “Era of Violence” (1948-1965) and the current armed conflict.³ In contrast to many other Latin American countries, the armed forces have only rarely interfered directly in civilian politics, although they are influential behind the scenes. The two-party system largely remained intact until the late 1990s. Moreover, Colombia has maintained economic equilibrium and has witnessed prolonged periods of steady, if modest, economic growth. Organised violence and armed conflict in Colombia has historically been related to sharp divisions between the two traditional political parties, Conservatives and Liberals, and the weakness of the state.⁴ In recent years, however, this traditional divide has become less relevant to the violence as insurgency, paramilitarism and the drug trade have grown.

A. THE “ERA OF VIOLENCE”, 1948-1965

The “Era of Violence” began with the assassination of Liberal leader Jorge Eliécer Gaitán in April 1948. Liberals and Conservatives fought each other mercilessly throughout the country. Faced with indiscriminate persecution and repression on the

³ It is commonly estimated that 100,000 Colombians were killed in the “War of 1,000 Days” and 200,000 during the “Era of Violence”.

⁴ Eminent students of Colombia, such as Malcolm Deas, Marco Palacios, Eduardo Pizarro, Gonzalo Sánchez and Daniel Pécaut, have developed a large body of political analysis on this topic. This section draws heavily on Malcolm Deas, “Canjes violentos: reflexiones sobre la violencia política en Colombia”, in Malcolm Deas & Fernando Gaitán, *Dos ensayos especulativos sobre la violencia en Colombia*, Bogotá, 1995, pp. 2-88; Marco Palacios, “La solución política al conflicto armado, 1982-1997”, in Rafael Pardo, ed., *El siglo pasado*, Bogotá, 2001, pp. 491-536; Daniel Pécaut, *Crónica de dos décadas de política colombiana 1968-1988*, Bogotá, 1989; Andrés Peñate, “El sendero esratégico del ELN”, in Malcolm Deas & María Llorente, eds., *Reconocer la guerra para construir la paz*, Bogotá, 1999, pp. 53-98; Eduardo Pizarro, *Las FARC*, Bogotá, 1991; Alfredo Rangel, “Las FARC-EP: una mirada actual”, in Deas & Llorente, *Reconocer la guerra*, pp. 21-52; and Gonzalo Sánchez and Donny Meertens, *Bandoleros, gamonales y campesinos*, Bogotá, 1983.

part of the Conservatives in the executive branch of government, the Catholic Church and society at large, Liberals and Communists began to organise in self-defence groups that later transformed themselves into peasant guerrilla forces. In 1953, after five years of bloody civil war and the emergence of deep fissures within the Conservative and Liberal camps, General Gustavo Rojas Pinilla ousted Conservative dictator Laureano Gómez in a widely supported *coup d'état* - the first and last of its kind since 1855. The armed forces proved unable, however, to play the role of neutral arbiter and to contain the violence.

In effect, General Rojas Pinilla antagonised both traditional parties by attempting to establish a populist political movement resembling Argentina's *peronismo*. Faced with formidable political opposition and a general strike, he was forced to resign in 1957. Liberals and Conservatives struck a power-sharing agreement to create the National Front, and his term was completed by a five-man military junta. In 1958, the junta handed over power to the National Front's first president, the Liberal Alberto Lleras. Intended to last twelve years, the National Front effectively continued nearly 25, until the administration of the Conservative Belisario Betancur (1982-86).

Despite the National Front, the "Era of Violence" did not end in 1958. The government continued to pursue the disbanding or military defeat of the peasant forces - known no longer as rebels (*guerrilleros*), but as bandits (*bandoleros*). In 1964, it is estimated that up to 100 armed groups were active in Colombia, particularly in the coffee-growing areas. Owing to strong feelings of solidarity with the "rebels" on the part of the rural population and the benefits local political chiefs, both Liberal and Conservative, derived from co-operating with them, the armed forces and the police encountered great difficulties in gaining the upper hand. Only through the employment of U.S. counter-insurgency tactics, including rural militias, civic-action programs and, in rare instances, even napalm, was it eventually possible to subdue the "bandits" though not to pacify the country.

B. THE RISE AND TRANSFORMATION OF THE INSURGENCY

The FARC⁵ stems from the "Era of Violence". It is important to stress, however, that since its foundation in 1965 the FARC has undergone profound change. According to the organisation's founding myth, which is still invoked occasionally by its high command, the regular army's brutal attack against the district of Marquetalia in 1964 produced the transformation of self-defence groups into peasant guerrilla forces under the auspices of the Communist Party.⁶ The more or less simultaneous rise of the ELN, an insurgent organisation with close ties to Cuba, stimulated Moscow to give FARC early support.

In contrast to the self-defence groups during the "Era of Violence", the Communist guerrilla forces aimed to topple the regime, push back "U.S. imperialism" and implement far-reaching socio-economic reforms, in particular in the agrarian sector. Initially, the FARC had 350 men under arms organised in six "fronts".⁷ Partly owing to this ill-conceived strategic division, it suffered heavy losses. It was unable to gain a high national profile until the mid-1980s, when it began distancing itself from the Communist Party, started recruiting more broadly among urban students, intellectuals and workers, and concentrated on building a proficient force capable of inflicting defeats on the army.⁸

After the collapse of the Soviet Union in 1991, the FARC went its own way in the vast isolation of rural Colombia. Bereft of any meaningful ideological ties and financed mostly by extortion, kidnapping and "taxes" obtained in exchange for protecting drug traffickers and thousands of small and large coca farmers - perhaps their only

⁵ The full name is Revolutionary Armed Forces of Colombia - Army of the People.

⁶ The FARC commanders' legendary distrust of the Liberal Party also dates back to the attack on Marquetalia. The Liberals, then forming part of the National Front government, were and are perceived by the FARC to be traitors.

⁷ One of the fronts was led by Manuel Marulanda, alias *Tirofijo* (*Sureshot*), the insurgents' current Commander-in-Chief.

⁸ Today, *Bogotanos* generally state that in the 1980s the FARC was hardly known or perceived to represent a real threat to the state and urban society. ICG interviews, Bogota, February 2002.

remaining true rural support base – the FARC significantly expanded its ranks, consolidated its territorial control, including in smaller urban centres, and enhanced its military capability. It became a national insurgency, with military fronts in almost all parts of the country.

In contrast to the rural origin of the FARC, the ELN was founded by Colombian university students under the influence of the Cuban Revolution and Ernesto Che Guevara's *foquismo* doctrine.⁹ Liberation theology¹⁰ also formed part of its ideological background. Under the leadership of Fabio Vásquez, the ELN established a first encampment in the northern province of Santander in 1964; two years later, it had grown to 30 members. By 1973, the organisation had 270 fighters and was financed mainly through extortion, kidnapping and bank robberies. However, since its foundation the ELN has been afflicted by serious infighting about the primacy of the political or military struggle. The combination of personal rivalries, the death in combat of the Catholic priest Camilo Torres, representative of a small social movement supportive of the ELN, and military defeats almost destroyed it.

In the early 1980s, however, the ELN began to resurface, basically owing to the political abilities of its new leader, Spanish priest Manuel Pérez, the discovery of oil fields in areas where it was active and the peace process initiated under Liberal President Betancur. Pérez developed a policy of connecting the ELN with social movements and trade unions in the oil sector. The extortion of multinational oil companies, in turn, provided a lucrative additional source of income. Until 1998, the ELN abstained from participating in government peace initiatives, except for a brief episode during the Gaviria administration. Today it has approximately 3,500 fighters and is led by Nicolás Rodríguez, alias *Gabino*; ties to Fidel Castro and Cuba still exist, but both Rodríguez and Castro now openly support a negotiated solution.

During the 1960s, 1970s and 1980s, Colombia saw the rise of a number of other, smaller guerrilla groups, such as the Maoist *Ejército Popular de Liberación* (EPL), the predominantly urban M-19 and the indigenous *Movimiento Armado Quintín Lame*. All these entered into peace agreements with the government and demobilised during the administration of César Gaviria.¹¹

C. THE RISE AND TRANSFORMATION OF THE DRUG CARTELS AND THE PARAMILITARY FORCES

The emergence of so-called paramilitary forces in the early 1980s was closely related to the expansion of the illegal drug trade – especially cocaine – and the government's counter-insurgency effort. It is generally held that the unequivocally named death-squad *Muerte a Secuestradores* (Death to Kidnappers), founded by the Medellín cartel in 1981, constituted a precursor of today's AUC (United Self-Defence Groups of Colombia).¹² In the beginning, the role of the paramilitary cadres, among them active service and retired army and police personnel, former insurgents and emerald miners, was mostly to protect large landowners and drug barons from guerrilla extortion, kidnapping and assassinations.

The paramilitaries were partially organised and armed by the Colombian military and participated in campaigns of the regular armed forces against the FARC and the Colombian Communist Party in the middle Magdalena Valley, north of Bogotá. Gradually expanding their radius of operations, paramilitary groups first moved towards the department of Córdoba on the Atlantic coast and then west into Urabá and south into Meta and Putumayo. The guerrilla organisations, which had maintained their own business relations with the drug mafia, were forced to retreat from some areas, and traditional landowners sold large stretches of land to drug bosses and paramilitary leaders.¹³

The expansion of the drug economy and the establishment of powerful cartels of drug traffickers,

⁹ Che Guevara postulated that through establishment of small revolutionary cells in the countryside, which would gradually multiply, conditions could be created for a rural uprising. This contrasted with the urban insurgency doctrine pursued by a number of other Latin American groups such as the Montoneros in Che's native Argentina.

¹⁰ A current within the Catholic Church focused strongly, even militantly, on social awareness and social justice.

¹¹ See section 2.D below.

¹² See "Political Murder & Reform in Colombia: The Violence Continues", "Americas Watch", April 1992, p. 15.

¹³ Daniel Pécaut states that half of Córdoba, an area of more than 10,000 square kilometres, became the property of drug bosses. *Guerra contra la sociedad*, Bogotá, 2001, p. 48.

most notably in the cities of Cali and Medellín, in the late 1970s and early 1980s had a profound impact on the armed conflict in Colombia. Drug money permeated the armed forces, the police, the justice system and Congress, as well as political parties. After Colombian and U.S. actions began to hurt them, the drug cartels unleashed a vicious campaign of terror against political society and state officials, in particular judges. At the same time, both the FARC and the paramilitary groups became increasingly involved in the drug business. From 1986 onwards, the latter engaged in a campaign of extermination of members and leaders of the Union Patriótica, the FARC's political wing, trade unionists and figures of the Colombian Left as well as Liberals.¹⁴

During the Liberal administrations of César Gaviria (1990-94) and Ernesto Samper (1994-1998), the "war on drugs", which had replaced to a certain extent the struggle against the insurgents, produced the destruction of the large cartels. However, owing to rising demand, mostly in the U.S. and Europe, production and trafficking increased under a more decentralised system. The cartels were replaced by so-called boutiques, smaller trafficking organisations that require more extensive and precise law enforcement work to eradicate.

After a temporary decline in the early 1990s, the paramilitary groups began to emancipate themselves from the army commanders, drug barons, large landowners, industrialists and bankers who had been their masters. Numbering 850 men in 1992, they had grown to more than 8,000 by 2001.¹⁵ Perhaps more importantly, they have also built a unified paramilitary structure across Colombia while moving toward a vertical chain-of-command under Carlos Castano that enjoys clear support from many in the armed forces, despite stated policy to the contrary.¹⁶

The first summit of the "Self-Defence Groups of Colombia" was held in 1994, followed by establishment of the umbrella AUC in 1997. Reflecting their control over increased economic

resources obtained from the drug business, extortion and "donations" from rich supporters, the paramilitary forces considerably improved their equipment and logistics and became far more mobile during the 1990s. Castano has admitted to dealing drugs and leading massacres, but his notoriety has gained him frequent press attention. He receives visitors at his well-known hacienda, gives cell phone interviews and flies around the country. Today the AUC is present in almost the whole of Colombia and constitutes a serious criminal threat to society and the state, as it has engaged in massacres, forced the flight of thousands of civilians and come to dominate a significant part of the drug trade. It is also a formidable enemy of the insurgent organisations. The great majority of the paramilitary forces' victims are civilians it considers to be supporters of the insurgents.

D. PEACE EFFORTS 1982-1998

The first decisive government attempts at a negotiated solution to Colombia's conflicts were made under President Belisario Betancur (1982-86). Except for Ernesto Samper (1994-98), who was caught up in a drug scandal with serious international implications, all Colombian presidents since have fostered peace negotiations with the insurgents. However, only Virgilio Barco (1986-90) and César Gaviria (1990-94) were partly successful in this diplomacy, which went hand in hand with escalation of the conflict.

Betancur established the National Dialogue with guerrilla organisations and offered their members, in prison or active, an unconditional and automatic amnesty once demobilised. Only the M-19 and the FARC showed interest; the ELN and the EPL, distrustful of the government and suffering from internal fissures, rejected it. After hundreds of jailed rebels, most members of M-19, were freed, the peace process experienced setbacks. The insurgents oscillated erratically between armed actions and gestures of reconciliation, and elite opposition to Betancur's peace policy grew.

In 1984, the government signed ceasefires, first with the FARC, then with the M-19 and the EPL.¹⁷ But

¹⁴ It is estimated that between 3,000 and 4,000 Colombians, among them 1,000 Liberals, were assassinated by the paramilitary forces, the drug mafia and the far-right between 1986 and 1991.

¹⁵ See section 3.A below.

¹⁶ "Americas Watch", op. cit.

¹⁷ At the time, the FARC maintained close links with the Communist Party, the doctrine of which considered a ceasefire a possible tactic in the struggle against regime and

counter-insurgency campaigns by the army and the paramilitary forces followed. Within a year, the M-19 and the EPL formally ended the ceasefire and, with the ELN and FARC dissidents, founded the umbrella *Coordinadora Nacional Guerrillera* (CNG). The FARC continued to adhere formally to the truce and established a political wing, the *Unión Patriótica*. Both proved ephemeral. The former never fulfilled a coordinating function and the latter, after a good result in the presidential elections of 1986, were virtually exterminated by the paramilitary forces, the army, drug bosses and hardliners of the far-right – a memory that remains a strong disincentive to insurgent groups to accept a peace agreement today.

In November 1985, the Betancur administration was faced with the disaster of the M-19's assault on the Palace of Justice in the centre of Bogotá. It resulted in half of Colombia's Supreme Court judges being killed along with the guerrillas and many others and totally discredited the government's peace policy.

Betancur's successor Virgilio Barco sought to distance his administration from those failures by "re-legitimising the government and de-legitimising the insurgency". He established a National Plan of Rehabilitation, geared at infrastructure development and financial and social assistance to the rural population in guerrilla-infested areas. The government took no clear stance on negotiations. In 1987, FARC unilaterally ended the ceasefire, which had become mainly symbolic, because of the government's patent reluctance to confront paramilitary violence. The government, in turn, passed the "Statute for the Defence of Democracy", providing that henceforth, all guerrilla operations would be treated as terrorist acts.

While the armed confrontation between the state and the FARC escalated, the M-19, the EPL and other smaller guerrilla groups began moving towards a negotiated solution. Between 1990 and 1994 4,500 to 6,000 rebels, most M-19 and EPL, demobilised under accords signed by the Barco and Gaviria governments. In the 1990 elections, *Alianza Democrática M-19* (AD M-19), a coalition of the M-19, the EPL and the *Partido Revolucionario de los Trabajadores*, obtained 12.6 per cent of the vote. In the subsequent Constituent Assembly elections, it gained 26.9 per cent. However, AD M-19 was

unable to maintain its strong political standing and gradually faded into oblivion. Again, many of the demobilised rebels were murdered by the paramilitary forces and local army commanders.¹⁸

From these two decades of experience, both the FARC and the ELN seem to have concluded that peace negotiations present little likely gain and much potential risk. Guerrilla groups that did demobilise experienced killings and large-scale violence; the parties formed with guerrilla participation either declined on their own or were physically exterminated.

state. It is possible that all the insurgent groups that signed a ceasefire at this time were influenced by such a consideration.

¹⁸ The most notorious case is that of AD M-19 presidential candidate Carlos Pizarro, who was assassinated by paramilitary chief Carlos Castaño shortly before the elections in 1990.

III. CENTRAL ACTORS

A. PARTIES TO THE CONFLICT

1. The State

A brief look at the performance of central institutions leads one to conclude that Colombia "cannot overcome its current difficulties without a stronger state".¹⁹ Presently, the Colombian state neither exercises fully and legitimately its monopoly of force and taxation nor implements the rule of law to any satisfactory degree. As much as 75 per cent of Colombia's territory is either controlled or contested by insurgent and paramilitary forces.²⁰ The state's monopoly of taxation, too, is contested by the guerrilla organisations.²¹ The percentage of Gross Domestic Product(GDP) collected by the state as taxes is now well below that of most Latin American countries, even as the state most needs adequate resources to defend itself in the current conflict.²²

Colombia's economic management traditionally has been praised by the private investment community and international lenders. Throughout most of the past two decades, Colombia had stable growth, averaging 3.6 per cent annually in the 1980's while most of the region experienced sharp declines, and 3.3 per cent in the 1990s. Poverty did not increase drastically, although the absolute levels were significantly higher than in Chile, double those of Costa Rica, and even higher than those of El Salvador.

However, over the past three years, with the combined impact of conflict, declining commodity prices, and other external factors including the U.S. recession, poverty has climbed even higher. World Bank and Colombian government figures show rural poverty climbing to 80 per cent.²³ That in turn clearly relates directly to the 2.1 per cent annual decline in GDP growth per capita from 1998 to 2000 reported by the Economic Commission on Latin America and the Caribbean. Clearly the conflict, both in its direct impact through the bombing of oil and other productive infrastructure, and its discouragement of investment, is drastically affecting economic conditions, particularly in the embattled rural areas.²⁴

Over the last decade, governments have undertaken a series of political and institutional measures designed to strengthen the state. The 1991 constitution, elaborated by a Constituent Assembly including Conservatives, Liberals, members of AD M-19 and representatives of indigenous groups, sought to foster the state's decentralisation, democratisation and modernisation. Governors of departments are no longer appointed by the president but are popularly elected; departments and municipalities command increased power over finance and administration; the electorate gained the right of plebiscite, and parliament's standing in the legislative process was strengthened *vis-à-vis* the president, in particular concerning emergency laws. The predominance of the two traditional parties in the electoral process was curbed.

Since 1998, the armed forces have been subject to profound administrative, organisational and strategic changes intended to enhance their performance in defence and security planning, counter-insurgency and counter-narcotics operations, and respect for human rights. The first entailed reorganisation of the Ministry of Defence and a new National Defence and Security Law.²⁵ Counter-insurgency and

¹⁹ Malcolm Deas, "Colombia – Your Questions Answered?" in Biblioteca Virtual Luis Angel Arango, Bogotá, c. 2000, p. 6, See Camilo Echandía, "Expansión territorial de las guerrillas colombianas: geografía, economía y violencia", in Malcolm Deas & Victoria Llorente, eds., *Reconocer la guerra para construir la paz*, Bogotá, 1999, pp. 99-150.

²⁰ See Camilo Echandía, "Expansión territorial de las guerrillas colombianas: geografía, economía y violencia", in Malcolm Deas & Victoria Llorente, eds., *Reconocer la guerra para construir la paz*, Bogotá, 1999, pp. 99-150.

²¹ In March 2000 the FARC "promulgated" its "Law 002", claiming taxes from persons or business firms worth more than U.S.\$ 1 million.

²² "World Development Report 2000/2001", The World Bank, p. 300-301. This is not entirely due to insurgent actions, but one reason the state maintains low tax rates is, for example, to attract investment into risky areas. Insurgents also physically prevent collection of taxes in some areas.

²³ World Bank, "Poverty in Latin America and the Caribbean in the 1990's", <http://www.iadb.org/sds/doc/Wbpovestimates.pdf>. P.47; http://www.dnp.gov.co/ArchivosWeb/Direccion-Desarrollo_Social/Indicador.../I010105.ht.

²⁴ Economic Commission on Latin America and the Caribbean, "Panorama Social de America Latina, 2000-2001," cuadro 1.1 p. 37.

²⁵ The new law has been the subject of domestic and international criticism, including from the UN, because of the weight it assigns to the armed forces in the definition of

counter-narcotics capability has been augmented by increasing the number of professional soldiers, modernising military intelligence, up-grading military equipment, particularly of the air force, and creating three specialised counter-narcotics battalions. The reform of the military penal code and a new law on forced disappearance, displacement and torture strengthened civilian judicial control of the armed forces but effective prosecutions of military officers remain rare.²⁶

In 1998, the army's strength was 133,000 soldiers, of whom approximately 40,000 were combat troops. In early 2002, this ratio had increased to 150,000/55,000. Adding the existing support units, including seven mechanised cavalry battalions, eight field artillery battalions, one anti-aircraft artillery battalion and nine engineer battalions, totalling 17,000 personnel, the Colombian army is capable of deploying 72,000 troops in combat operations.²⁷ Currently 20,000 professional troops are assigned to counter-narcotics operations.²⁸ According to Colombian political scientist Francisco Leal, several military operations launched since late 1999, such as *Operación Berlín* and *Operación Aniquilador II*, showed that the armed forces have indeed increased their offensive capability.²⁹ Whether this means that they are actually capable of achieving a military victory over the insurgents, an assertion occasionally put forward in the media by high-ranking officers, remains doubtful.³⁰

Colombia has relatively fewer security personnel than other nations its size, and an especially low ratio of soldiers to insurgent fighters. It operates a system of compulsory military service for men over 18 years of age, with some exemptions; for example, the indigenous population. Otherwise, all male Colombians are expected to serve between 12 and 24 months. There is, however, a high rate of

national security policy and the unrestrained powers it grants to state agents in upholding or establishing internal security. See, for example, Francisco Leal, *La seguridad nacional a la deriva*, Bogotá, 2002, pp. 174-75.

²⁶ *Ibid.*, pp. 166-177.

²⁷ ICG interview, Bogotá.

²⁸ ICG interview, Bogotá, 26 February 2002.

²⁹ Leal, *Seguridad nacional*, op. cit., pp. 168-69.

³⁰ ICG interview, February 2002. Also note that parts of the new equipment, in particular the U.S.-made helicopters, have been acquired by the government in 2000 within the framework of Plan Colombia and so far are destined exclusively for use in counter-narcotics operations. The pilots for the new helicopters are to continue in training until July 2002. On Plan Colombia see section 3.B below.

evasion, in particular by members of the higher social strata, who can frequently buy their way out of service. Professionalisation of the armed forces requires revision of military service legislation and practice to eliminate inequities, such as the legal exclusion of high school graduates, even if over the age of 18, from combat service. Debate also continues about the adequacy of training received by recruits, including in human rights. Although complaints of direct military responsibility for human rights abuses have declined, recent reports by the UN and others show that the armed forces continue to commit violations.³¹

During the 1980s and the early 1990s, the Colombian justice system suffered systematic assaults from organised crime, the drug mafia and the guerrilla and paramilitary forces. In the 1990s the system began the formidable task of recovery. Important reforms included modification of the penal justice system with creation of the Prosecutor General's Office and the National Institute of Penitentiaries as well as enhanced protection of citizen rights by means of an ombudsman. But significant problems remain - overload, congestion, lengthy procedures, restricted access and the dubious quality and quantity of sentencing procedures. In consequence, impunity is rampant.³² Moreover, the penitentiary system is notorious for gross inadequacy and poor conditions.³³ Reform of the National Police, started in 1993 under the Gaviria administration, in particular improvement of counter-narcotics and police intelligence work, still has not produced satisfactory performance in criminal investigations.³⁴

³¹ UNHCR, *Human rights situation in Colombia*, E/CN.4/2001/15 and Human Rights Watch, *World Report 2002, Colombia*, pp. 127-131.

³² On the Colombian justice system and its problems, see Luis Garay, ed., *Repensar a Colombia*, Bogotá, 2002, pp. 179-242. Recently, the new attorney general sharply reduced the independence, resources and priority of the special human rights unit within his agency, causing considerable concern among the Colombian and international human rights communities

³³ The Medellín district jail, for example, was designed for 1,500 prisoners and later expanded to 1,700. In 1998, the Constitutional Court established that it had 4,969 inmates.

³⁴ In 1997, only 1 per cent of police officers were assigned to criminal investigation. María Llorente, "Perfil de la policía colombiana", in Deas & Llorente, *Reconocer la guerra para construir la paz*, p. 456 and ICG interviews with Colombian and U.S. human rights organisations.

A pioneering poll conducted by the National Administrative Statistics Department (DANE) in 1997 showed that 41 per cent of Colombians refrained from turning to the courts because they were under the impression that the justice system was not functioning well.³⁵ The Non Governmental Organisation (NGO) *Corporación Excelencia en la Justicia* (CEJ) has estimated that in 1998 it would have taken three years to process all pending cases in the civil and penal courts.³⁶

Government spending in the judicial sector has increased from 0.66 per cent of GDP in 1990-92 to 1.29 per cent in 1999, a relatively high figure compared to the United States, for example.³⁷ In addition, the U.S. Department of Justice and the U.S. Agency for International Development (USAID) financed the training of several thousand prosecutors, police, public defenders and alternative dispute resolution centres (*casas de justicia*).³⁸ However, there is evidence that between 1992 and 1999 the number of judges actually decreased from approximately 5,000 to less than 3,500, as resources were concentrated on paying for more prosecutors and police.³⁹

2. The Insurgents

The FARC. The largest insurgent group numbers approximately 17,000 fighters and 10,000 militiamen. Its High Command has seven members: Commander-in-Chief Manuel Marulanda, Alfonso Cano, Raúl Reyes, Timelón Jiménez, Iván Márquez, Jorge Briceño, alias "Mono Jojoy", and Efraín Guzmán, all of whom are long-standing military commanders. FARC troops are organised in more than 70 "fronts" and in mobile forces that are deployed in a co-ordinated pattern across the country, from the southern departments of Nariño

and Putumayo to the northern Sierra Nevada; they are present along Colombia's central mountain ranges as well as in the adjacent lowlands.⁴⁰ Their weaponry includes assault rifles, in particular AK-47s, submachine guns and side arms, and surface-to-air missiles, the latter not yet used.⁴¹

Strategy is predominately determined by military and economic considerations with little, if any, weight given to political and social issues. This is reflected in programmatic statements that ignore issues like land reform or employment beyond worn-out revolutionary rhetoric. FARC does, however, keep those issues on its checklist of demands for change.⁴² Although the FARC continues to demand a substantial share of power at the national level, the reality of the organisation and the conflict are increasingly reducing the probability of this. It is contesting state power by force without commanding the minimum legitimacy to be able to achieve this goal since its acts of violence, including kidnapping and terrorism, and involvement in the drug business have turned public opinion sharply against it.⁴³

This contradiction is further compounded by an apparent change in military strategy. The FARC had moved from traditional guerrilla tactics of dispersed and mobile forces that "hit and run" to the permanent occupation of territory by means of larger units capable of repelling attacks by government forces. FARC commanders and troops show a high turnover and redeployment rate. According to one analyst, this policy aims at avoiding fraternisation and the establishment of friendly relations with the local population – a difficulty historically faced by occupation armies.⁴⁴ Without air defence or local support, however,

³⁵ DANE, "Primera Encuesta Nacional de Justicia 1997", in *Justicia y Desarrollo*, Year III, 14 November 2000, p. 32.

³⁶ *Justicia y Desarrollo*, Year III, 14 November 2000, p. 35.

³⁷ On average, Colombian public spending in the justice sector amounted to 1.1 per cent of GDP and 4.3 per cent of the central state budget during the 1990s. Garay, *Repensar a Colombia*, p. 236.

³⁸ U.S. General Accounting Office, "Foreign Assistance: U.S. Rule of Law Assistance to Five Latin American Countries," NSIAD-99-195, Aug. 4, 1999 pp. 20-23.

³⁹ *Justicia y Desarrollo*, Year III, 14 November 2000, p. 11 and p. 16; Hernando Valencia, "La reconstrucción de la justicia judicial en Colombia", VIII National Forum of the *Comité Permanente por la Defensa de los Derechos Humanos*, Bogotá, 11-13 July 1996.

⁴⁰ Camilo Echandía, *El conflicto armado y las manifestaciones de violencia en las regiones de Colombia*, Bogotá, 1999, p. 45.

⁴¹ See Román Ortiz, "Amenazas transnacionales a la seguridad, tecnología e ingobernabilidad: el caso de Colombia", in *Proceedings of the IV Congreso Español de Ciencia Política y Administración*, Granada, 30 september-2 October 1999.

⁴² See their website <http://www.farc-ep.org>

⁴³ According to a December 2001 Gallup poll, less than three per cent of Colombians harbour a favourable opinion of the FARC. The Catholic Church has the highest approval rate, 75 per cent, followed by the army, 70 per cent, and the police, 65 per cent. The ELN ranks lowest with almost nil. The AUC obtained close to ten per cent.

⁴⁴ ICG interview, Bogotá, 22 February 2002.

FARC troops that attempt to fight a regular war would seem to constitute a relatively easy target for government air strikes. Indeed, following the rupture of the peace process on 20 February 2002, the FARC appears to be reconsidering its military strategy and returning to more classic strikes against infrastructure, though choosing ever-larger targets to demonstrate its capabilities.

The ELN. The smaller insurgent group numbers about 3,500 fighters, organised in five "war fronts" which, in turn, are composed of 41 "fronts" and eight urban commands. Most troops are deployed across the northern departments of Santander, Norte de Santander, Bolívar and Antioquia.⁴⁵ These areas are characterised by a comparatively small presence of FARC contingents and domestic and international oil and mining companies that offer targets for ELN extortion.⁴⁶ The high command has five members: Commander-in-Chief Nicolás Rodríguez, Antonio García, Pablo Beltrán, Ramiro Vargas and Oscar Santos.

After substantially expanding its fighters and "fronts" during 1992-1995 – to 5,000 and 85, respectively – the ELN is now under heavy pressure from the paramilitary forces that outnumber it by more than two to one. Moreover, it has virtually no popular support, a fact that probably reflects its responsibility for the largest number of kidnappings committed by any one armed group.⁴⁷ The U.S. has listed the ELN as a terrorist organisation since 1997.

The ELN, historically opposed to peace talks, modified its strategy and embarked on negotiations with the Pastrana government in October 1998.⁴⁸ In public perception, this process has been overshadowed by the government-FARC negotiations in the DMZ from January 1999 to February 2002. Like those, negotiations with the ELN suffered from frequent interruptions owing to insurgent violence, such as massive kidnappings or an airplane hijacking, as well as paramilitary and military attacks against them.

The talks at first centred on the ELN demand for a National Convention at which their political demands could be publicly debated, and a second demilitarised zone in the south of the department of Bolívar. Neither materialised, in part owing to local objections and to attacks by the paramilitaries and the army. But in December 2001 and early 2002 the talks finally produced a timetable for ceasefire negotiations and an agenda for topics to be discussed during negotiation of a full settlement. At the same time, the ELN accepted international facilitation and verification, with the intention of finalising a negotiated solution with Colombia's next government – a strategy (according to reports from participants at the negotiations hosted in Cuba) supported by the ELN's historic mentor, Fidel Castro. The agenda includes international humanitarian law; the state and democratic participation; land reform and the production and trafficking of drugs; natural resources; and, finally, economic and social questions.

After the rupture of the government-FARC peace process in February 2002, the ELN talks appear to be the part of the conflict ripest for progress. Paramilitary pressure can be expected to increase on this front as the army concentrates on its campaign against the FARC. If U.S. plans are successful to train and equip a battalion to guard the Caño Limón-Coveñas oil-pipeline, a major source of ELN income, the extortion of oil companies, could dry up. Given these pressures, the ELN might modify its stance further and opt for a rapid settlement with the Pastrana administration, which also is interested in pacifying this front.⁴⁹

3. The Paramilitary Forces

The government and the military high command have failed to achieve full armed forces implementation of stated policy toward the AUC, who grew exponentially during the 1990s and now number some 8,000 fighters.⁵⁰ That policy requires

⁴⁵ Echandía, *El conflicto armado y las manifestaciones de violencia*, pp. 54-56.

⁴⁶ *Ibid.*, p. 56.

⁴⁷ See section 4 below.

⁴⁸ On the details of the Government of Colombia-ELN peace process, see <http://www.hechosdepaz.gov.co>.

⁴⁹ The European Union and Switzerland have indicated they will not allow their territory to be used for peace negotiations with the ELN until the five Italians and one Belgian held hostage by that group are freed. The Italians are: Jian Luigi Ravotti, Giusto Gabrielli, Humberto Bocchiola, Cellario Claudio and Santiago Borsotti; the Belgian is Dick Karel. ICG interview, Bogotá, 25 February 2002.

⁵⁰ Carlos Castaño, leader of the AUC, claims that his forces number more than 11,000. In Colombia it is generally held, however, that this is an exaggeration and that there are some

them to be treated, just as the insurgents, as a criminal threat to the state. The Inter-American Commission on Human Rights and a host of national and international human rights groups as well as the press, however, have documented numerous instances of omission or overt collusion between battalion and brigade regional commanders and local military commanders and paramilitary forces.⁵¹ According to army sources, in 2001 the Colombian armed forces killed 89 paramilitary and 968 guerrilla fighters in combat.⁵² Overall, government and military efforts to stop the paramilitaries have been neither convincing nor effective.

Some sectors of Colombian society, particularly in some small rural towns attacked by the guerrillas, are beginning to perceive the paramilitaries as protectors or allies instead of thugs. Also, recent AUC statements indicate that they are broadening their conception of warfare, incorporating political and social aspects.⁵³ The AUC General Staff states:

Political and social actions form part of the strategy. Every field commander has to promote, strengthen and finance these activities in the understanding that military advances have to be harmonised with political and social advances. The real rearguard of our counter-insurgency army finds support in the political and social realms we take away from the enemy.⁵⁴

The government's current large-scale campaign against the FARC will in all probability further reduce half-hearted official pressure on the paramilitary forces. The military has even less incentive to get tough with the AUC now, and the government has yet to demonstrate its ability to require the military to do so. Creating a second front against the paramilitaries is seen as weakening the armed forces' capabilities against the leftist rebels and does not constitute a prime government interest.

8,000-9,000 paramilitary fighters today. In 2000, the People's Ombudsman's Office reported a total of 8,150 AUC members.

⁵¹ Among the many texts see Human Rights Watch, *The "Sixth Division": Military-Paramilitary Ties and U.S. Policy in Colombia*, 2001.

⁵² Figures provided by the General Command of the Colombian Armed Forces.

⁵³ Note that since 10 September 2001 the AUC are also considered terrorists by the United States government.

⁵⁴ AUC communiqué, *Estamos cambiando*, 30 November 2001.

In these circumstances, only sustained pressure from the U.S., Canada, Europe and Latin America, including conditionality on military cooperation, has any prospect of checking the paramilitary forces' further rise.

B. INTERNATIONAL COMMUNITY

1. The UN and the OAS

From the beginning of the peace talks in January 1999 until the crisis three years later, neither the FARC nor the Pastrana administration favoured direct mediation or strong involvement by international organisations such as the UN or the Organisation of American States (OAS).⁵⁵ The Special Adviser on Colombia to the UN Secretary-General has had limited facilities, powers, and access to the peace process. He is based at UN Headquarters in New York, was not permitted by the Colombian government to open an in-country office, and was given little effective role until the peace process with the FARC had almost expired. He took a prominent part in efforts to prevent those negotiations from breaking down and plays a constructive role in the peace process with the ELN where positive results are still possible.⁵⁶ The OAS, in turn, is conspicuous by its virtual absence, perhaps because former President Gaviria, as the organisation's Secretary-General, believes it appropriate to keep some distance, perhaps because the U.S. is reluctant to participate directly in the search for a negotiated solution.

After the end of the peace process with the FARC, and the many ups and downs it witnessed, Colombian perceptions of international mediation have changed. Support for such involvement, in particular by the UN, which is recognised as having acquired considerable mediation and peacekeeping experience over the past decade, has strengthened across the political spectrum.

2. Neighbouring States and other Western Hemisphere Countries

Colombia's 6,000 kilometres of border are for the most part remote jungle, mountain and desert areas difficult to access. They have long been the centre

⁵⁵ See section 5 below.

⁵⁶ Jan Egeland of Norway was the first Special Adviser. James LeMoyné of the U.S. now holds the position.

of large-scale smuggling and lawlessness.⁵⁷ Today, they are regularly trespassed by insurgents, government security forces and drug and arms traffickers. This activity has serious economic, social and security consequences – for Colombia but also for its neighbours. In 2001 a video was released in Caracas showing Venezuelan army and air force personnel meeting with FARC fighters on Colombian territory. A few weeks later, Colombian soldiers were found to have entered Venezuela, allegedly in pursuit of guerrillas – and a Venezuelan plane carrying ammunition for the FARC was shot down over Colombian territory. This raised tensions between the governments, whose relations were already strained by Venezuelan President Chavez's alleged sympathy for the FARC.

Colombia's neighbours – Brazil, Ecuador, Panama, Peru and Venezuela – have made some efforts to improve military control of common borders. Brazil, for example, has deployed an additional 25,000 troops in its north-western Amazonas area. All have expressed strong support for Colombia's sovereignty, and in recent weeks for his decision to end the ill-fated peace process with the FARC. But the threat that the conflict will spill over, particularly into the indigenous areas of Ecuador and Peru, remains strong. The potential for large-scale refugee flows is apparent, as is the prospect that displaced drug cultivation, processing and trafficking might find new homes on the other side of the border.

There is clearly a need for improvement in security co-operation among the six countries, including greater sharing of intelligence on FARC and AUC movements, closer controls over weapons flows across borders and prevention of FARC units from finding breathing space in neighbouring countries.

In the rest of the hemisphere, Mexico has played a major role in stimulating the peace process and joining as part of the Group of Friends to help facilitate both the FARC and ELN negotiations. At several critical points, Mexican President Vicente Fox has sought to damp down rising tension between Venezuela and Colombia. Cuba also has taken a lead in encouraging the ELN to move toward a ceasefire, including hosting negotiations. Other Latin American countries have not sought to

become engaged. Canada, on the other hand, has been an active member of the Group of Friends.

3. United States

Traditionally, U.S.-Colombian relations have been friendly, if comparatively low-profile. Colombia remains the fifth largest export market in Latin America for the U.S. with more than U.S.\$9 billion annually in bilateral trade. The U.S., in turn, represents the largest single market for Colombian products. However, in the early to mid-1990s, relations became increasingly tense over problems related to Colombia's growing involvement in the international drug business as well as the intensification of internal armed conflict.

The Clinton administration's desire to respond strongly to the surge in cocaine from Colombia was blocked by two factors. First, U.S. officials were reluctant to get too involved with the government of then-President Ernesto Samper (1994-1998), because he was widely believed to maintain links with the drug cartels.⁵⁸ Secondly, the Colombian military too was tarnished by human rights abuse and drug-related corruption. These factors produced a counter-narcotics policy in which U.S. aid was mostly channelled into the Colombian national police and the judicial sector – and was felt to be insufficient and ineffective. The Clinton administration favoured a Colombian Congressional impeachment of Samper. When that did not occur, the State Department revoked Samper's visa, denying him permission to visit the U.S.⁵⁹

President Pastrana's election in 1998 produced a significant change in relations. The U.S. responded positively to his plans to pursue a negotiated solution to the conflict, to attack drug cultivation and trafficking and to carry out political and economic reforms. On 28 October 1998 President Clinton stated: "We call on the insurgents and paramilitary forces to respond to [Pastrana's] bold

⁵⁷ The northern Colombian department of Guajira, for example, is widely known for contraband activity developed across the Venezuelan border.

⁵⁸ Although Ernesto Samper had used money provided by the drug mafia to finance his electoral campaign, he also achieved the dismantling of the Cali cartel, officially reinstated extradition and passed the Asset Forfeiture Law that nullifies property rights over assets acquired in an illicit manner.

⁵⁹ Reuters, "U.S. revokes Colombian president's visa, citing ties to drug traffickers", in *Los Angeles Times*, 12 July 1996.

initiative for peace by ending terrorism, kidnapping and the support for drug traffickers".⁶⁰

The shift in U.S. policy was reflected in sharply rising levels of counter-narcotics aid and, most importantly, the controversial "Plan Colombia" which was conceived by the two administrations in 1999. That initiative was influenced in turn by grim statistics that showed drug production spiking higher throughout the decade as U.S.-generated pressure on Bolivia and Peru shifted cultivation and processing of illegal drugs to Colombia, which today provides most of the cocaine as well as perhaps 75 per cent of the heroin that reaches the U.S.⁶¹ For the period 1992-1996, coca cultivation in Colombia held steady between 60,000 and 67,000 hectares; by 2002, it has risen to more than 165,000 hectares while combined hectares of coca cultivation in Bolivia and Peru dropped from 142,000 to 48,000 hectares.⁶²

Originally, Plan Colombia was designed to be comprehensive, covering economic, fiscal and financial policy, peace, national defence, judicial and human rights, counter-narcotics, alternative development, social participation and human development. In total, the project was planned to cost U.S.\$7.5 billion over three years. The Colombian government pledged, probably unrealistically, to provide U.S.\$4 billion, with the remainder to come from the international donor community.⁶³ Just under half of the funds were to go to economic and social investment and strengthening of the state, the slightly larger piece directly to

strengthening the counter-narcotics capacity of the police and military.⁶⁴

But the Clinton Administration did not provide all the funds that were promised for economic and social development. The \$1.3 billion support package was presented to Congress in January 2000 not as a comprehensive package for peace, but a more effective counter-narcotics program. Its components were 80 per cent military/police counter-narcotics assistance and only 20 per cent economic and social assistance. The military element consisted of raising, training and equipping three human rights-vetted counter-narcotics battalions of 950 troops each with full helicopter mobile capacity.⁶⁵ The social side was alternative economic development in the drug cultivation areas, justice sector support, aid to the internally displaced, municipal development and support for human rights groups.

This proposal, and thus Plan Colombia, was widely perceived in the U.S. and internationally as a measure geared at improving the military's capacity to wage war not against drugs but against the insurgency.⁶⁶ The official U.S. explanation for the ratio was that equipment such as 30 UH-60 "Blackhawk" helicopters and 15 UH-1H "Huey" helicopters (changed in the final law to 18 Blackhawk and 42 Huey) was disproportionately expensive. This did not alter public perception, however, that the aid package was primarily military.⁶⁷ Human rights groups, clerics, unions and academic organisations in Colombia, Latin America, Europe and the United States heavily

⁶⁰ Stanley Meisler, "Clinton Welcomes Colombian Leader to U.S., Vows support for peace plan", in *Los Angeles Times*, 29 October 1998.

⁶¹ Hearing before the Criminal Justice, Drug Policy and Human Resources Subcommittee, House Government Reform Committee, 15 February 2000, Statements of General Charles Wilhelm, Commander, U.S. Southern Command; William Ledwith, DEA; Ambassador Peter Romero, Acting Assistant Secretary of State for Western Hemisphere Affairs.

⁶² *Latin American Narcotics Cultivation and Production Estimates, 2000.*, cited in United States General Accounting Office Report 02-291, "Drug Control Efforts to Develop Alternatives to Cultivating Illicit Crops in Colombia Have Made Little Progress and Face Serious Obstacles", February 2002, p. 5.

⁶³ "Plan Colombia: Plan for Peace, Prosperity and the Strengthening of the State," Presidency of Government of Colombia, October 1999, pp. 13-16.

⁶⁴ Plan Colombia, op. cit., financing estimates. Also for variety of different sectoral financial estimates within the plan. <http://www.ciponline.org/colombia/>

⁶⁵ ICG interviews with past and present U.S. government officials, January-February 2002. "Implementing Plan Colombia," Special Series, The Dante B. Fascell, North-South Center, University of Miami, Strategic Studies Institute, U.S. Army War College, 2000-2001.

⁶⁶ *Ibid.*, Special Series, Joaquin Roy, "European Perceptions of Plan Colombia".

⁶⁷ House-Senate Conference Report, 106-701. <http://www.ciponline.org/colombia/aidprop.htm>. It took two years for the first helicopters to arrive in Colombia, and the Colombian pilots are still undergoing training. It is believed that the new equipment will be ready for operations only in July 2002. See Assistant Secretary of State Rand Beers, "Certification", *U.S. State Department Briefing*, 25 February 2002.

criticised the plan.⁶⁸ They also expressed strong concern that the Colombian and U.S. governments were not adequately interested in ending support for paramilitary forces at all levels and in holding members of the Colombian security forces accountable for human rights abuses.⁶⁹

Congress and the media also expressed concern regarding the regional implications of the conflict, particularly the problem of drug cultivation, money-laundering and trafficking expanding beyond Colombia's borders. In response, the Bush administration in its first year moved from a Colombia-centred to a regional plan, dubbed the "Andean Regional Initiative", including Bolivia, Ecuador, Brazil, Peru, Panama and Venezuela.⁷⁰

Colombia has advanced from receiving barely U.S.\$17 million in narcotics assistance and virtually no other economic or military aid in 1996 to being the top recipient of U.S. anti-narcotics assistance world-wide and the third-largest recipient globally (first in Latin America) of U.S. combined economic and security support. The initial Plan Colombia funding of U.S.\$1.3 billion was followed in 2001 by U.S.\$380 million as Colombia's share of the Andean Regional Initiative and a Bush administration proposal in 2002 for another U.S.\$539 million. In addition to counter-narcotics support, alternative development, aid to internally displaced Colombians and governance, this included a proposal for the first non-drugs-related military aid. The administration

has requested U.S.\$98 million to finance training and equipment of a Colombian battalion to protect the Caño Limón-Coveñas oil pipeline. Initial Congressional criticism has quieted since the high profile FARC kidnappings of a presidential candidate and a Senator in February 2002.

The U.S. fight against terrorism is having direct consequences for Colombia as well. Following the 10 September 2001 U.S. State Department's designation of the AUC as a terrorist organisation, all irregular armed forces in the Colombian conflict are in that category. President Bush has accepted Defence Department officials' arguments that the war on terrorism requires a change in the law that now prevents direct U.S. assistance to anti-insurgent efforts and more broadly prohibits military aid and intelligence-sharing on issues other than narcotics. In line with the broad administration policy of providing military aid and training to countries seen as facing a significant terrorist threat, such as Georgia and the Philippines, the Bush Administration submitted on 21 March 2002 a global anti-terrorism supplemental funding bill which would remove "counter-drug only" restrictions on U.S. military assistance to Colombia. An additional U.S.\$35 million in immediate new funding for military/police also would be targeted at "the unified 'cross-cutting' threat posed by groups that use narcotics trafficking to fund their terrorist and other activities that threaten the national security of Colombia".⁷¹ Although it retained generic human rights vetting requirements and caps on the numbers of U.S. trainers, it omitted reference to tougher conditionality on Colombian human rights accountability and the severing of links with paramilitaries. Congressional and NGO criticism is likely to remain strong, however, if, the administration opposes applying that conditionality to the new funding. There is a strong bipartisan consensus on helping Colombian democracy confront drug trafficking and on ending the conflict; particularly in the aftermath of the recent FARC attacks; but there is far less consensus on the best way to go about it.

That same lack of consensus has kept U.S. involvement in support of the Colombia peace process extremely low-key. Since 1999, the State Department maintained close touch with

⁶⁸ Amnesty International, Human Rights Watch, Lawyers Committee for Human Rights, Washington Office on Latin America, Joint Statement in Opposition to Waiver, 1 February 2002.

⁶⁹ Sections 3201 of the Supplemental Appropriations law (P.L. 106-246) providing funding for U.S. support to Plan Colombia and 567 of H.R. 2506, the Foreign Operations Appropriations bill for FY2002 contain those provisions on human rights and on severing links with the paramilitaries. Section 3201 provided for a presidential waiver that President Clinton issued on 23 August 2000. Section 567 in the new bill requires a certification to the Congress from the Secretary of State by 1 March 2002 that the provisions are being met in order for any funds to be provided to the Colombian armed forces, and then only 60 per cent of the total aid can be so obligated. As of 23 March, the administration had not submitted that certification. The remaining 40 per cent cannot be obligated until after 1 June 2002 and then only if the Secretary certifies a second time that Colombia's armed forces continue to meet those conditions.

⁷⁰ See Statement of Managers accompanying Conference Report on H.R. 2506, the Foreign Operations Appropriations for FY 2002, "Andean Counterdrug Initiative."

⁷¹ http://www.whitehouse.gov/omb/budget/02supp_technical_language.pdf.

Colombia's peace negotiating team and provided some administrative support. Offers of substantive technical help were turned down. Like the EU and others, the U.S. also funded a series of independent encounters, most run by Colombian and U.S. university centres, to deepen Colombian civil society and government understanding of past peace negotiating efforts in Central America and elsewhere.

The Clinton administration did attempt in late 1998, at the Colombian government's request, to engage the FARC directly. A mid-level State Department official met secretly with FARC representative Raul Reyes. He asked for information on three U.S. missionaries kidnapped five years earlier, discussed U.S. counter-drug policy, urged the FARC to negotiate a peace, and forcefully warned of the consequences of targeting Americans. However, this contact drew the ire of key Republican Congressional leaders. In March 1999 three indigenous rights workers from the United States were murdered by the FARC, which closed the window for U.S. engagement with the group.⁷² In general, U.S. engagement in support of the peace process has been seen in the region as far too little when compared to the magnitude of U.S. involvement in the counter-drug effort.

4. Europe

Several European countries, such as Austria, France, Italy, Norway, Spain, Sweden and Switzerland were and are involved in the peace process as "facilitators".⁷³ Since March 2001, they have attended pre and post-negotiating sessions between the Government and the FARC and generally monitored the talks.

The European Union (EU) has maintained a low profile but has consistently supported the peace efforts during the Pastrana administration.⁷⁴ Initially critical of Plan Colombia, especially its military aspects and the U.S. policy of aerial chemical spraying to eradicate coca plants, it devised a only a small program of humanitarian and social support.

Sporadic strong reactions to developments in the conflict generally have been related to the kidnapping of Europeans, such as three Germans in 2001, or Colombians well known in Europe, such as presidential candidate Ingrid Betancourt on 23 February 2002.⁷⁵ Except for aerial spraying, which is still opposed by the EU, differences with the U.S. over Plan Colombia are disappearing in the current circumstances of FARC attacks and the rupture of peace negotiations.

It is not clear, whether the EU will develop a more comprehensive policy toward both negotiations and the drugs problem. There are signs, however, in this direction, including political declarations by EU foreign policy high representative Javier Solana, External Relations Commissioner Chris Patten and the European Parliament.⁷⁶ There have been three meetings of the EU-Colombia Support Group since it was launched in June 2000. At the most recent, in April 2001, a package of about 350 million euros was approved for socio-economic projects specifically in support of the peace process. The well known "peace laboratory", which advances grass roots work in contested areas, is the first program to be financed from this pot.

EU efforts have been well received in Colombia, which, in addition to welcoming the assistance, sees the Europeans as complementing and sometimes helping to balance the overwhelming influence that the U.S. otherwise has on the international community's response to the country's problems.

⁷² Ibid. Also ICG interview with former USG official 20 February 2002, and *Miami Herald*, 11 March 1999, "Colombian Rebel: Rogue Unit Killed U.S. Activists".

⁷³ For details see section 5.A below.

⁷⁴ Daniel Pécaut, "El papel de la Unión Europea y de los académicos ante el proceso de paz", in Fernando Cepeda, ed., *Haciendo paz*, Bogotá, 2001, pp. 180-185.

⁷⁵ Although she had been warned several times by the government security forces not to travel to the former DMZ, Betancourt went ahead and was promptly abducted. On the reaction by the Presidency of the European Union, see ANCOL, "Unión Europea repudia secuestro de candidata Ingrid Betancourt", Bogotá, 25 February 2002.

⁷⁶ Solana has visited Colombia twice, in June 2000 and March 2001. He has emphasised that the peace process should not be carried exclusively by the government but should be broadened to include a full range of the country's political, civil and social forces in order to give it more staying power.

IV. HUMANITARIAN CONSEQUENCES OF THE CONFLICT

In the Colombian conflict, guerrilla and paramilitary forces do not consistently attack each other directly - although such encounters occur - nor are ambushes and assaults on military units the primary insurgent actions. Both paramilitary forces and insurgents attack civilians deliberately and systematically in order to gain control of territory. Therefore, it is civilians, in particular inhabitants of small towns in contested rural areas, who are most at risk when conflict escalates.⁷⁷ The discussion below sketches the scope and scale of the problem and illustrates the devastation and persistence of Colombia's conflict - one of the world's most severe and persistent humanitarian emergencies.

A. MASSACRES

Massacres constitute an element of warfare in areas contested by the irregular armed forces. Their aim is the elimination of alleged enemy "collaborators". When paramilitary forces move into an area under FARC control, they execute members of the communities accused of being guerrillas "in civilian clothes". The insurgents react by carrying out similar attacks on civilians in paramilitary zones. In this vicious cycle of "confrontation by proxy", men, women, children and the elderly alike are targeted simply by virtue of where they live.⁷⁸ Indigenous

⁷⁷ It is difficult to present an accurate picture of the type and extent of human rights and international humanitarian law violations in Colombia. Several domestic and international institutions are working on these matters, such as the People's Ombudsman's Office, the National Police, a number of human rights NGOs and the UN High Commissioner for Human Rights. However, information is usually gathered on an individual case basis and is not always systematised. Many cases go unreported because of fear or omission. Despite these shortcomings, there is enough evidence to sketch the characteristics and dimensions of violations of human rights and international humanitarian law in Colombia today.

⁷⁸ The departments with the greatest number of recorded massacres are Antioquia, Cesar, Magdalena, Valle del Cauca y Norte de Santander. See Office of the Vice President of Colombia - Presidential Programme of Human Rights and IHL, *Progress Report March 2001*, Bogotá, 2001. Part II 2.1. Although most of these massacres take place in rural areas, where the presence of the state is limited, paramilitary groups have committed massacres in

and Afro-Colombian groups, who live in marginal rural areas frequently contested by the irregular armed groups, are particularly vulnerable.⁷⁹

During the past six years, massacres have increased. According to figures provided by the National Police, there were 1,044 massacre victims in 2001, almost double the 1997 figure, but down from 1,403 in 2000. The Permanent Human Rights Committee, in contrast, recorded a rise from 1,128 in 1997 to 2,564 in 2000.⁸⁰ The exact number of massacres committed each year by the three irregular armed groups is also not clear. In many cases the killings are officially attributed to "unknown authors". There is consensus, however, that the majority of these multiple homicides are the responsibility of the AUC. According to the People's Ombudsman's Office, between January and September 2000, 47 per cent of all massacres were committed by paramilitaries. The National Police assign 49 per cent to the AUC. Approximately 13 per cent of the massacres are attributed to the guerrilla groups, mostly to the FARC (9.9 per cent).⁸¹ The military and government have failed to institute an effective "early warning system" to protect communities clearly threatened by either the paramilitary or leftist rebels, despite repeated appeals.⁸²

B. ASSASSINATIONS

In 2000-2001, homicides increased by 4.9 per cent to 27,841. This represents a rate of 64.4 per 100,000 inhabitants.⁸³ Government figures suggest that some 4,000-6,000 were killed by the irregular armed groups.⁸⁴ The UN Office of the High Commissioner

urban areas, such as that in the city of Barrancabermeja, Norte de Santander in May 1998.

⁷⁹ UNHCHR, *Report of the United Nations High Commissioner for Human Rights on the Human rights situation in Colombia, E/CN.4/2001/15*. February 2001. p.38.

⁸⁰ The national police categorise a massacre as a collective homicide with four or more victims. The People's Ombudsman and several human rights NGOs use three victims as their criteria. These only include cases where the police carried out the initial crime scene investigation, which is not always the case.

⁸¹ Office of the Vice President of Colombia - Presidential Programme of Human Rights and IHL, *Progress Report March 2001*, Part II 2.1.

⁸² ICG interviews with human rights and UN officials.

⁸³ In comparison, the murder rate in the U.S. in 2000 was 5.5, per 100,000 people. See FBI *Uniform Criminal Reports*. October 22, 2001.

⁸⁴ Estimates given by CINEP (on political assassinations and intentional homicides by armed groups) and Ministry of

for Human Rights has suggested that a decline in massacres and rise in assassinations reflect a new form of violence employed mainly by the AUC to “diminish the public impact of the killings”.⁸⁵ It also may aim at reducing international repercussions. Individuals most at risk include local community leaders, politicians and public officials, mayors, trade unionists, journalists, human rights activists and judicial investigators, whose activities are often perceived as a menace by the armed groups.⁸⁶ It is known that both paramilitary and guerrilla groups have engaged in “social cleansing”, assassinating homosexuals, indigents, alleged drug addicts and prostitutes. The impact of selective killings on the social development of communities and the country as a whole is nothing short of disastrous. The FARC have used this tactic to eliminate respected indigenous leaders opposed to FARC efforts to take control of their communities. The same tactic has also been used by the AUC, without significant interference by local army and police forces.⁸⁷

On Saturday 16 March 2002, the Archbishop of Cali Isaías Duarte was shot dead by two gunmen after reading mass and celebrating the wedding of 100 couples in the Church of the Good Shepherd. Monsignor Duarte had been an outspoken critic of the drug mafia, the paramilitary forces and the insurgent organisations. Shortly before the parliamentary elections of 10 March, he had denounced the financing of electoral campaigns through drug money. In May 1999, Duarte excommunicated ELN fighters who had kidnapped 185 worshippers at mass. According to Prosecutor General Luis Osorio, both the insurgents and drug-traffickers are under suspicion for his assassination. The assassination of Monsignor Duarte is the latest in a row of high-profile crimes committed by Colombia's illegal armed organisations since the rupture of the peace talks with the FARC on 20 February.

Defence (civilians killed out of combat), found in Office of the Vice President of Colombia, *Progress Report March 2001* Part II 2.

⁸⁵ UNHCHR, *Human rights situation in Colombia*, E/CN.4/2001/15 and Office of the Vice President of Colombia, *Progress Report March 2001*, Part II 1.1.

⁸⁶ Between 1995 and 1999, 679 public officials and political leaders and 34 journalists were assassinated. See DAS in Office of the Vice President of Colombia, *Panorama de los Grupos de Autodefensa*, Bogotá, December 2000 and Fundación Prensa Libre at www.paislibre.org.co.

⁸⁷ Human Rights Watch, “*The ‘Sixth Division’*”, op. cit., p. 3.

C. TORTURE

Torture victims include civilians of all ages, peasants, soldiers, policemen and deserters from guerrilla groups. There is evidence that many massacre and murder victims have been tortured or sexually abused prior to their death. According to the human rights group CINEP, there were over 400 torture victims in 2000, a sharp increase from previous years. The paramilitaries were responsible for more than half these incidents.⁸⁸

D. KIDNAPPING

Colombia has by far the world's highest incidence of kidnapping, which has been part of insurgent strategy since the beginning. Initially, however, it was more political in nature and not an important source of income. Even the ELN, which has traditionally relied on kidnapping for financial reasons, did not use this practice in a systematic manner until the 1980's. The total of kidnappings during the 1970's is estimated to have been 30-40 annually.⁸⁹ The transformation of kidnapping into a vast economic activity has given rise to the expression “kidnapping industry”, in which armed groups are the main “shareholders” and thousands are held for profit,⁹⁰ in 2001, over 3,000, including 303 minors and 49 foreigners.⁹¹ Of those, 1,161 were released after paying ransom, 910 were still captive in December 2001, 697 were rescued and 98 died in captivity. Approximately 60 per cent of all recorded abductions were carried out by the ELN and the FARC; only 8 per cent by the AUC.⁹² Approximately 10 per cent of kidnappings are committed by ordinary criminals either on behalf of one of the irregular armed groups or with the intention of “selling” the victims to one of those

⁸⁸ Office of the Vice President of Colombia, *Progress Report March 2001*. Part II 1.4.

⁸⁹ Hagedorn Auerbach, *Ransom, The untold story of international kidnapping*, New York, 1998, p. 25.

⁹⁰ For a comprehensive evaluation of kidnapping in Colombia, see Pax Christi Netherlands, *The kidnap industry in Colombia. Our business?*, The Hague, November 2001.

⁹¹ Fundación País Libre (FPL), *December 2001 Report*. Bogotá. FPL collects the cases reported by the army and the National Police. It is important to note, however, that many cases are not reported to the authorities.

⁹² FPL, *Report, op. cit.* The departments most affected by kidnapping are Antioquia, Cesar, Cundinamarca and Valle del Cauca.

groups. Often victims are held for months under inhumane conditions. Although special army and police anti-kidnapping units have rescued increasing numbers, their efforts cannot match the rapid growth of the "kidnapping industry".

E. CHILDREN IN THE CONFLICT

Colombian children suffer all the consequences of the conflict. According to an United Nations Commission for Refugees (UNHCR) 2001 report, some 6,000 are in a paramilitary or guerrilla group. Many of these child soldiers are forcibly recruited in rural areas; others join voluntarily, attracted by promises of a better life, and are later threatened with death if they desert. The EU and the U.S. have instituted programs to help ex-child combatants.⁹³ The number of children kidnapped has doubled since 1998. The situation of internally displaced children is particularly serious since many are not provided with the basics in health, education and housing.⁹⁴

F. INDISCRIMINATE MILITARY ATTACKS ON THE CIVILIAN POPULATION

Guerrilla groups, in particular the FARC, are more prone to attack police and military targets rather than just civilians or infrastructure in towns and municipalities. However, the indiscriminate use in these attacks of inaccurate weapons, such as gas cylinders filled with fuel and shrapnel, and other explosive devices such as car bombs, cause many civilian casualties. A typical guerrilla attack on an ordinary town will include bombing of the police station, usually located near the town centre, which inevitably destroys the surrounding buildings, the assassination or capture of policemen and the plundering of local banks. One example of the devastating effects of this kind of indiscriminate use of force was the FARC's attack on the town of Granada, Antioquia in December 2000: 15 civilians died, 124 homes were destroyed and several others damaged.⁹⁵ During 2001, the Ministry of Defence reported that guerrilla groups committed 33 such

attacks.⁹⁶ Car and bicycle bombs have been used in larger cities such as Bogotá, Calí and Cúcuta by both the ELN and the FARC. Usually the explosives are placed near military or public installations, but their detonations affect property and the lives of by-passers. In January 2002, the FARC detonated a bicycle bomb in front of a police station in Bogotá, killing four policemen, a woman and two children and injuring several others.

G. TERRORIST ACTS AGAINST INFRASTRUCTURE

Between 1999 and 2001, the guerrillas destroyed 950 pylons and 62 bridges.⁹⁷ This disrupted the electrical power supply to thousands for up to four weeks at a time and weakened the fragile road network. Because of repeated FARC attacks on electrical infrastructure in the south-west during January 2002, the Departments of Meta and Casanare had to impose power rationing for up to eight hours per day.

The sabotage of oil pipelines has negative economic and environmental consequences and has caused significant civilian casualties. In October 1998, after the ELN destroyed a section of Colombia's central pipeline in the Department of Antioquia, fuel caught fire and incinerated many houses in the settlement of Machuca, killing 80 civilians. The Colombian Petroleum Company (ECOPETROL) estimates that the cost of attacks on the Caño Limón-Coveñas pipeline – by far the hardest-hit -- between 1998 and 2001 approximates U.S.\$201.6 million. This includes repair and environmental decontamination costs as well as U.S.\$129.0 million in lost oil royalties for the government. There have been 105 attacks against this pipeline since 1998, most by the ELN.⁹⁸

H. FORCED INTERNAL DISPLACEMENT

In 2000, the Representative of the UN Secretary-General on internally displaced persons, Francis Deng, catalogued the situation of such individuals

⁹³ UNHCHR, *Human rights situation in Colombia*, E/CN.4/2001/15.

⁹⁴ See the discussion of forced internal displacement below.

⁹⁵ A month prior to this attack, paramilitaries entered Granada killing nineteen civilians accused of being guerrilla collaborators. Over 8,000 inhabitants had fled the town by 2001.

⁹⁶ This is a sharp decrease from the 80 attacks recorded in 2000. Ministerio de Defensa Nacional, *Informe Anual de Derechos Humanos y DIH 2001*, February 2002, Bogotá, p.75.

⁹⁷ Ibid. p. 64.

⁹⁸ Ibid. p.80.

in Colombia as “among the gravest in the world ... there are over a million internally displaced persons in the country with new displacements continuing to occur ... [D]isplacement in Colombia is not merely incidental to the armed conflict but is also a deliberate strategy of war”.⁹⁹ Like other forms of violence against civilians, forced internal displacement is rising. The number of internally displaced Colombians is now approaching 1.6 million.¹⁰⁰

Displacement patterns vary. In some cases individuals or families will leave rural towns and settlements in reaction to increased levels of violence. In others, many families and even entire communities will flee within hours or days, reacting to a particular attack or death threats.¹⁰¹ Although most displacement is from rural to small urban settings, there is also much flight from towns and urban areas to big cities such as Bogotá, Medellín and Barranquilla.¹⁰²

According to the Social Solidarity Network, between January 2000 and July 2001 almost half of all displacements were caused by paramilitary actions; 12 per cent by insurgents; 0.65 per cent by the armed forces, and 19 per cent by more than one of these groups.¹⁰³ Displacing individuals or entire communities is based on the logic of “cleansing” an area of alleged enemy sympathisers, but economic

interests also promote this, particularly land appropriation. Many peasants, and particularly Afro-Colombian and indigenous communities, do not hold property titles, which turns them into easy targets for large landowners.¹⁰⁴

Many internally displaced persons lose all their possessions and face extreme hardship. Women and children, who form over 70 per cent of the displaced population, together with the ethnic communities mentioned above, suffer most, especially single mothers and widows. The Colombian government established a National Plan for the Internally Displaced in 1997, which coordinates public efforts and allocates funds. There has also been cooperation between government, NGOs and international agencies such as the International Red Cross and UNHCR, and financing from European and U.S. governments.¹⁰⁵ Nonetheless, there is a consensus among the international community and civil society organisations that neither the international nor Colombian response has been adequate with respect to care or protection, either in magnitude or timeliness.¹⁰⁶

⁹⁹ United Nations, *Addendum to the Report of the Representative of the Secretary-General on internally displaced persons, Profiles in displacement: follow-up mission to Colombia*. E/CN/2000/83/Add.1, January 2000. p. 2.

¹⁰⁰ Based on estimates by the Social Solidarity Network – SSN www.red.gov.co (includes only registered Internally Displaced Persons - IDP) and CODHES at www.codhes.org.co.

¹⁰¹ The main causes for the displacements are collective threats (44 per cent), armed confrontation (15 per cent), massacres (9 per cent), specific threats (5 per cent) and take-overs of municipalities (3 per cent). See SSN at www.red.gov.co.

¹⁰² The departments where the highest number of IDPs come from municipalities are Antioquia, Bolivar, Chocó, Cauca and Putumayo. CODHES at www.codhes.org.co and SSN at www.red.gov.co

¹⁰³ SSN at www.red.gov.co. Historically – since 1985 - there has been an increase in the number of displacements caused by paramilitary forces and a decrease in those caused by the Armed Forces while the number of those for which guerrillas are responsible has remained more or less constant. See United Nations, *Profiles in displacement: follow-up mission to Colombia*. E/CN/2000/83/Add.1.

¹⁰⁴ Afro-Colombian and indigenous communities, while only 13 per cent of the total Colombian population, make up 23 per cent of those displaced between January 2000 and July 2001. See SSN at www.red.gov.co.

¹⁰⁵ USAID Program Summary, op. cit.

¹⁰⁶ See UNHCHR, *Human rights situation in Colombia*, E/CN.4/2001/15 Part VI. N°3. Owing to the worsening security and economic conditions, many Colombians have left the country. The number of Colombians living abroad is estimated to be three million; in 2001 approximately U.S.\$ 2 billion were sent to the country in remittances - 2.5 per cent of Colombia's GDP.

V. DYNAMICS OF PEACE AND WAR, 1998-2002

A. THE PASTRANA INITIATIVE

When Andrés Pastrana of the Conservative Party was elected president on 21 June 1998, he was convinced he would bring peace to Colombia.¹⁰⁷ The issue had not been prominent in his campaign and was adopted only after his narrow defeat in the first round by the Liberal candidate, Horacio Serpa.¹⁰⁸ Having recognised the political attraction of initiating negotiations with the insurgents, Pastrana convened a campaign meeting and laid out his peace plan. According to some analysts, the proposal was deliberately phrased in vague terms: he would meet personally with the FARC leaders to discuss establishment of negotiations and a demilitarised zone (DMZ) – a long-standing rebel demand.¹⁰⁹

On 9 July, the president-elect met with the FARC commander, Manuel Marulanda, and his military chief, “Mono Jojoy”, in an undisclosed mountain location.¹¹⁰ Apparently, the encounter, which was supported by outgoing President Samper, the President of Colombia’s Episcopal Conference, Monsignor Alberto Giraldo, and trade union leader Luis Garzón among others, went well in that both parties agreed to initiate peace talks.¹¹¹ “I believe”,

Pastrana said, “these guys are ready. Marulanda gave me a list containing twelve points which they consider an essential part of a peace agreement; small things, political and economic reforms this country has to implement in any case”.¹¹² He also said the FARC was asking for the demilitarisation of a zone encompassing five municipalities in the southern part of Colombia and for action against the paramilitaries. Pastrana said he would be prepared to make this concession.

Once in office, the president created the DMZ for a period of 90 days, starting 7 November 1998. However, Pastrana had no substantive proposals or other incentives in hand. The DMZ remained until February 2002 but Pastrana was compelled to prolong it, without tangible results from the negotiations, eleven times. On 20 February 2002, one month after a near breakdown of the peace process, the president finally ended negotiations and ordered the army to retake the zone.

From the beginning, the FARC appeared unwilling to engage seriously in the peace process. The government had great difficulty in bringing it to the table and establishing a format that could produce results. Marulanda abstained from joining Pastrana in the highly publicised opening ceremony near the town of San Vicente del Caguán on 7 January 1999. On 19 January the insurgents for the first time unilaterally suspended their participation, demanding tougher government action against paramilitary forces. The discovery of the bodies of three U.S. anthropologists on 3 March 1999, who had been abducted and killed by the FARC, then prompted the government temporarily to withdraw from the talks.¹¹³

Negotiations would be interrupted and resumed time and again. The public’s patience was tested by continued guerrilla violence, such as random abduction of large numbers of citizens and attacks against rural towns in which banks would be robbed, houses destroyed with gas-cylinder bombs and policemen and civilians opposing the incursions

¹⁰⁷ Mauricio Vargas, *Tristes tigres*, Bogotá, 2001, pp. 143-144.

¹⁰⁸ On 31 May 1998, Serpa won 34.6 per cent of the vote, Pastrana coming a close second with 34.3 per cent; in the second round, Pastrana was elected president with 50.4 per cent against 46.53 per cent for Serpa. Analysts generally agree that Pastrana’s victory was due to the votes he obtained from supporters of Noemi Sanín, former foreign minister and third-strongest candidate in the first round. However, there is some evidence that the president might have been under the impression that he partly owed his victory to his promise to bring peace to Colombia, a promise that had been put forward forcefully by his Liberal rival Serpa. See Vargas, *Tristes tigres*, p. 145.

¹⁰⁹ Caracol Colombia, 9 June 1998; Fernando Cepeda, “La estrategia de paz de la administración Pastrana”, in Cepeda, ed., *Haciendo paz*, pp. 201-202; Andrés Pastrana, “Una política de paz para el cambio”, in Presidencia de la República de Colombia, *Hechos de paz V-VI*, Bogotá, s.d., pp. 29-41. The creation of a DMZ had been a rebel demand since 1995. Vargas, *Tristes tigres*, p. 144.

¹¹⁰ Pastrana also attempted to meet with leaders of the ELN but they leaders responded negatively. *El País*, 20 June 1998, p. A-8.

¹¹¹ Caracol Colombia, 10 July 1998.

¹¹² Quoted in Vargas, *Tristes tigres*, p. 144.

¹¹³ While the U.S. government reacted strongly to the assassinations, assuming a much tougher stance toward the insurgents, the Colombian government attempted to play down the incident. See Victor Ricardo, “Sin manejo responsable en los medios, la paz puede fracasar”, in Presidencia de la República, *Hechos de Paz V-VI*, pp. 113-116.

or caught in the cross-fire killed.¹¹⁴ The FARC assassinated Congressman Diego Turbay, his mother and former Minister of Culture Consuelo Araújooguera; kidnapped three Germans (one an aid official) and former Governor Alan Jara; and hijacked three airplanes.¹¹⁵ For their part, the insurgents accused the government and army of tolerating and co-operating with the AUC, which was responsible for numerous massacres of civilians in contested parts of the country.

The DMZ was increasingly criticised by Colombians as a safe-haven for the insurgents. Indeed, it provided them a place to rest and train, to grow and process coca and to store stolen goods, such as cars, heavy machinery and cattle.¹¹⁶ Worse, the FARC used the DMZ to hold kidnap victims. The insurgents appeared to implement a repressive and authoritarian regime in the zone, obliging some local shop and landowners to hand over their property. The inhabitants of Vista Hermosa were forced to undergo medical testing for HIV; at least four were denounced as infected and forced to leave the area. On various occasions the FARC detained and killed individuals who had bought or sold coca, a monopoly it claimed for itself.

The difficulties in transforming the DMZ into a "laboratory of peace" were related to the key flaws in the government's approach - the absence of rules and controls and the lack of a clear concept for the negotiations. Perceiving the talks as a matter of almost personal prestige, the president tried to meet Marulanda on four occasions: once before taking office and three times during 1999 and 2001.¹¹⁷ By

doing so, it may be argued, he unwisely gave the FARC a degree of legitimacy. The government negotiation team and the permanent seat of talks, *Villa Nueva Colombia* near San Vicente del Caguán, were only formally established six and twelve months, respectively, after the talks had been inaugurated. In May 2000, the first High Commissioner for Peace, Victor Ricardo, was replaced by Camilo Gómez, the president's private secretary who, like Ricardo, had no prior experience in this field. The government did almost nothing for over three years to force or entice the FARC to stay at the table and talk seriously or even to maintain an experienced negotiating team.

Criticism over the president's handling of the peace negotiations mounted.¹¹⁸ For example, former government negotiator Luis G. Giraldo accused him of ignorance of the FARC's real nature and intentions, of conceding too much, including the DMZ, without a return and of lacking a clear conception of how to negotiate and about what.¹¹⁹ According to Giraldo, the office of the High Commissioner for Peace lacked adequate professional staff to advance simultaneously peace talks with the FARC and the ELN; government negotiators were not invested with the necessary powers by the president to define issues; and the government did not take into account potential interference in the process by the AUC, such as the massacres of civilians that prompted the FARC to suspend talks on several occasions.

Particularly in the beginning, involvement of other actors such as the Catholic Church, civil society organisations, Colombian notables and the international community, was not encouraged by either the government or the FARC. The government did not accept offers from the UN, European governments or the U.S. for direct assistance in defining strategy, devising options to put before the guerrillas, or brainstorming negotiating tactics. The "Group of Facilitating

¹¹⁴ Since mid-2001, there have been several reported instances of "civic resistance" by the population of towns and villages attacked by the FARC. However, after a few FARC attacks were rebuffed by peaceful gatherings of inhabitants in the streets, the insurgents have killed several leaders of this "movement".

¹¹⁵ FARC commandos abducted Jara from a UN vehicle and shot Araújooguera at point blank range when escaping from approaching army units. Turbay was serving as President of the Peace Commission in Congress when he was killed.

¹¹⁶ It was popular wisdom in Colombia that the FARC had amassed 5,500 stolen cars, most of them four-wheel drives, in the DMZ. On 20 February 2002, the day the peace process ended, President Pastrana showed aerial photographs of new airfields and buildings that could have been used by the insurgents as detention centres.

¹¹⁷ As mentioned above, Marulanda did not attend the opening ceremony on 7 January 1999. The other encounters

between the two leaders took place in the DMZ on 2 May 1999 and 9 February 2001.

¹¹⁸ The president's initial popularity declined quickly: in December 1998, only four months into his term, 49 per cent of urban Colombians expressed an unfavourable opinion of Pastrana against 39 per cent favourable; in September 2001, the negative ratio was 62 per cent to 24 per cent. Gallup poll, quoted in Vargas, *Tristes tigres*, p. 137.

¹¹⁹ Luis G. Giraldo, "Otro año más si ti", in *Cambio*, 17-24 December 2001, pp. 38-42; see also Vargas, *Tristes tigres*, pp. 145-48.

Countries” - Canada, Cuba, France, Italy, Mexico, Norway, Spain, Sweden, Switzerland and Venezuela - was created in March 2001. Until the crisis in early 2002, however, it was able only to observe the aftermath of talks. At the parties' request the “Group of Notables”, three eminent Colombians, submitted a lengthy ceasefire proposal to the negotiators in September 2001. Other government initiatives to enhance the involvement of political and societal actors, for example establishment of a Common Front for Peace and against Violence in November 2000, had insufficient impact.¹²⁰ In effect, the government and the insurgents met for three years without the presence of third parties, reflecting the declared policy of Pastrana since the beginning to manage the peace process personally.¹²¹

Until the crisis in January-February 2002, the only tangible result had been the limited Humanitarian Accord, signed on 2 June 2001, providing for release of 242 soldiers and police held hostage by the FARC.¹²² It was preceded by a number of communiqués and agreements referring to the agenda and methodology of the negotiations but substantive issues were conspicuous by their absence.¹²³

Early fall 2001, the talks were dealt a strong blow with the FARC's assassination of former Minister of Culture Araujonoguera and its moves to block Liberal Presidential candidate Horacio Serpa and 4,000 followers from marching into the DMZ.¹²⁴

¹²⁰ On the occasion of inaugurating the *Frente Común*, formed by representatives of the Catholic Church, trade unions, professional associations, political parties and NGOs, Pastrana felt obliged to state: “This peace process has not been improvised”. *Venezuela Analítica*, 29 November 2000.

¹²¹ Caracol Colombia, 9 June 1998.

¹²² “Acuerdo entre el Gobierno Nacional y las FARC-EP”, San Vicente del Caguán, 2 June 2001.

¹²³ For example, on 6 May 1999, the parties agreed on a broad twelve-point negotiations agenda (*Agenda Común entre el Gobierno y las FARC-EP*); on 2 November 1999, they signed the Accord on Methodology (*Comunicado N°2: Acuerdo de Metodología*); and on 5 November, they established the *Comité Temático Nacional* and the *Audiencias Públicas* (*Comunicado N°3: Acuerdos sobre Audiencias Públicas*), both entities charged with providing the negotiating table with popular feedback. See Presidencia de la República, *Hechos de Paz V-VIII and Appendix B below*.

¹²⁴ On 28 September 2001, a contingent of 60 FARC fighters stopped Liberal presidential candidate Horacio Serpa and 4,000 followers on their way to San Vicente del Caguán. Unable to proceed, Serpa denounced the guerrilla's abuse of the DMZ for military and other illicit purposes,

The peace process had survived similar blows before, however, and on 5 October the parties signed the San Francisco de la Sombra accord, which expressed commitment to discuss a ceasefire, as suggested by the Group of Notables. Despite its vagueness, the accord was seen as a breakthrough. Two days later, President Pastrana prolonged the DMZ until 20 January 2002.

However, in response to the Araujonoguera assassination and widespread accusations that the FARC had transformed the zone into a safe-haven for drug production, the imprisonment of civilian and military abduction victims and strengthening of their military capability, Pastrana also announced the reinforcement of military controls over the DMZ.¹²⁵ The FARC objected and suspended participation. In effect, talks remained frozen for the remainder of the year. On 24 December, High Commissioner for Peace Camilo Gómez announced that a new attempt to get negotiations back on track would be made in early January 2002.¹²⁶

B. THE CRISIS OF JANUARY 2002

In the first days of 2002, Colombia's peace process entered yet another critical period. On 9 January, after two days of unsuccessful talks between government and FARC, President Pastrana told the nation that the government “understands that the FARC are no longer at the negotiation table”; he granted them 48 hours to withdraw from the DMZ.¹²⁷ To many Colombians, the government's ultimatum came as no surprise since the difficulties of the peace process had been obvious. What hardly anyone had envisioned, though, was that after surviving tense moments in the past, the talks would end over a procedural dispute: the government's external monitoring and aerial surveillance of the DMZ, to which the FARC strongly objected.

The January 2002 crisis reflected an accumulation of developments. The assassination of Araujonoguera

such as coca growing. The next day, the FARC's 59th front killed former Minister of Culture Araujonoguera.

¹²⁵ The controls included aerial surveillance, road checkpoints and the imposition of restrictions on foreigners wishing to travel to the zone. The latter were related to the arrest of three members of the Irish Republican Army (IRA), on 12 August 2001, who were charged with providing military training to the FARC in the DMZ.

¹²⁶ *El Tiempo*, 26 December 2001, p. 1-2

¹²⁷ *Ibid*, 10 January 2002, p. 1-5.

was a devastating blow.¹²⁸ The insurgents' aggressive blockade of Serpa's march had generated further criticism, as had the capture of three Irish Republican Army (IRA) men who had been in contact with the FARC. In these circumstances, and with no achievements to point to, it would have been very difficult for President Pastrana to prolong the DMZ again on 20 January. Less than seven months from leaving office, Pastrana faced a difficult choice: to abolish the DMZ, which could win him some support from his many critics but almost certainly prompt more guerrilla attacks, including in the cities; or prolong the peace process, in the midst of ongoing violence, in the faint hope that some progress could still be made. In the president's own words, having taken a "gamble on my political capital and place in Colombia's history" neither option appeared attractive.¹²⁹

During the last months of 2001, the international community had become increasingly impatient with the peace process. Media continuously reported on the involvement of guerrilla and paramilitary groups in the drugs business and massive conflict-related internal displacement and kidnapping. The abduction of the three Germans by the FARC in July 2001 particularly angered the EU.¹³⁰ To be sure, there was also international pressure on the government to act against the paramilitary forces and sever all links between them and the army. However, the loss of the FARC's international credibility was much more pronounced.

The 11 September 2001 attacks in the U.S. exposed the peace process, and particularly the use of the DMZ, to much closer international scrutiny. The world was reminded that the FARC has been on the U.S. State Department's list of terrorist organisations since 1997.¹³¹ More than ever, President Pastrana was aware that his efforts had to produce results that

would justify the external support that his administration had asked for.¹³² Conversely, the FARC's reservations toward the international community, the government and the "establishment", were exacerbated. After 11 September, the FARC's first reaction was to refuse to meet with any EU member states in protest at new EU strictures against the FARC. They also showed even more distrust of the Colombian government.¹³³

On 10 January 2002, FARC spokesman Raúl Reyes declared that his organisation was willing to meet with James LeMoyne, the Special Adviser to the UN Secretary-General; as well as French Ambassador Daniel Parfait, the co-ordinator of the "Group of Facilitating Countries"; and a representative of the Catholic Church to discuss salvaging the process. Analysts considered the request for international mediation one of the most notable aspects of the January crisis. Indeed, for an organisation that strongly distrusts international initiatives, it was a major decision.¹³⁴

President Pastrana responded on national television that he was giving an additional 48 hours to permit LeMoyne to meet the FARC negotiators in the DMZ. The armed forces had already gone on maximum alert and deployed more than 7,000 troops along the DMZ's demarcation lines; the press had already declared the peace process over.¹³⁵ After the government rejected a first FARC proposal, the diplomats and the Church finally convinced the insurgents to sign a document that carried Pastrana's approval. By doing so, the FARC "accepted" that all guarantees for the continuation of peace talks were given and committed themselves to define with the government a framework for a ceasefire by 20 January – the day the DMZ would either officially cease to exist or be prolonged for the eleventh time. After six days of intense talks at *Villa Nueva Colombia* in the DMZ witnessed by the ten ambassadors, the UN Special Adviser and representatives of the Church, the

¹²⁸ Previous Colombian administrations faced with similar situations terminated negotiations. For example, in 1992 the government of César Gaviria called off peace talks with the FARC in Mexico after the assassination of Minister of Public Works Argelino Durán, held hostage by the insurgents.

¹²⁹ *El Tiempo*, 10 January 2002, p. 1-5.

¹³⁰ The FARC said it "retained" the three Germans on the grounds that they were working on projects funded by Plan Colombia. One hostage managed to escape in September, while the remaining two were released in October 2001. It is not known whether the German government paid ransom.

¹³¹ The United States stressed that the FARC was considered a terrorist organisation, but expressed support for President Pastrana's peace efforts.

¹³² Since he came to office, President Pastrana has lobbied extensively for the Colombian peace process abroad.

¹³³ Communiqués from Estado Mayor Central FARC-EP, 5 November and 10 December 2001. For details on Plan Colombia see section 3.B.

¹³⁴ ICG interviews with a Colombian analyst and an international official, Bogotá, 17 January 2001.

¹³⁵ *El Tiempo*, "Breakdown of the Peace Process", 10 January 2002, p. 1-1; *El Colombiano*, "Peace Process Failed", 10 January 2002, p. 1.

parties finally agreed on a timetable. The DMZ was prolonged until 10 April 2002, only six weeks from the presidential elections.

The agreement signed on 20 January contained an ambitious timetable for discussion of crucial issues: (a) the ceasefire proposals of the Group of Notables; (b) paramilitaries and kidnapping; (c) establishment of an international verification commission; and, (d) creation of an unemployment subsidy demanded by the FARC.¹³⁶ Its most innovative elements were the establishment of a calendar with specific dates and consideration of a more active role for the international community. Concrete agreements leading towards a ceasefire, along with an interim de-escalation, had to be reached by 7 April 2002.

C. THE FARC: MAKING WAR AND TALKING PEACE

Although the 20 January agreement ended the immediate crisis, it did not produce a positive change in dynamics of the conflict. To be sure, the participation of the Catholic Church and the international community through the ten ambassadors of the "Group of Facilitating Countries" and the UN Special Adviser introduced a new element. But whatever cautious optimism might have existed on 20 January, particularly on the part of the international community and media, was dealt a heavy blow by the political and military developments immediately following the signing.

The agreement was widely received in Colombia with scepticism since it was perceived as just another document in a series of similarly vague and unrealistic accords the government and the FARC had signed. There were questions as to the feasibility of reaching a ceasefire within three months, a goal that had eluded the Pastrana administration for more than three years. Hardliners, such as Independent presidential candidate Álvaro Uribe, argued that prolongation of the DMZ should have been made conditional upon an immediate truce. The accord was also denounced as lacking clarity on key points: ceasefire timing, paramilitaries and international

verification. The stepping up of the FARC's campaign against civilian targets and hard-line statements by guerrilla commanders reinforced the fears and scepticism.

While government and guerrilla representatives began to discuss a ceasefire timetable under strict secrecy, FARC spokesman Reyes made it clear that his organisation could "not guarantee that accords to that end would be reached in such a short span of time, despite our clear disposition to do so".¹³⁷ This reflected a major difficulty of the 20 January agreement: the government's commitment to tackle a host of intricate issues, such as a successful campaign against the AUC and an unemployment subsidy. Both these tasks were daunting, politically and militarily, and probably could not have been completed in three months.

There are several hypotheses as to why the FARC continued to make war while talking peace. The most basic is that the rebel onslaught simply reflected an established *modus operandi*, in which negotiations are a tactic of armed struggle. This explanation is related to a second, which holds that the FARC was not interested in a ceasefire at all. Rather, it wanted to show the Pastrana administration and the international community that it could withstand any government pressure. A third hypothesis is that the insurgents were acting on tactical rather than strategic grounds, trying to force army contingents on stand-by around the DMZ to retreat to the cities in order to move some of their own troops out of the zone. Finally, the attacks arguably were meant to gain the insurgents enhanced bargaining power at the negotiation table. Probably, a combination of these considerations determined the FARC's position.

Leaving aside whether the ceasefire timetable was realistic and why the insurgents increased their military pressure, the showdown brought to the fore a number of other problematic issues. It showed that the armed forces were not ready to prevent or neutralise FARC military operations. Against the background of the guerrilla offensive, the broadly televised and ostentatious display of strength and readiness by the army when deploying towards the DMZ after 9 January looked pale indeed. Under fire from public opinion, the Commander-in-Chief General Fernando Tapias felt obliged to stress in a

¹³⁶ "Accord on a Timetable for the Future of the Peace Process", 20 January 2002. Although it was not explicitly stated in the accord, there is some evidence suggesting that the UN would have been in charge of international verification. ICG interview, January 2002.

¹³⁷ *El Tiempo*, 24 January 2002, p. 1-2.

press interview that his men were doing a great job.¹³⁸

These effects spilled over to politics. All the presidential candidates had focused their campaigns on the peace issue. Initially threatened with the loss of central parts of his electoral platform owing to Pastrana's decision to end the peace process, the most outspoken hardliner, Independent Álvaro Uribe, regained ground after the talks resumed. This increased the pressure on Uribe's rivals, who had to reconcile their less belligerent stance with a growing public mood demanding tough military action. Walking a tightrope, Serpa went on the offensive, stating that a military crackdown was not an option; the quest for a political solution had to be strengthened, which required, however, that peace efforts be "de-pastranised".¹³⁹ In effect, the January crisis, the subsequent guerrilla onslaught and the end of the peace process on 20 February substantially reduced all candidates' room for manoeuvre.

D. THE END OF THE PEACE PROCESS

The final phase of the peace process began deceptively on 7 February 2002 when the parties agreed, for the first time, that the UN Special Adviser, the 10-member Group of Friends and the Catholic Church would have a permanent presence at the negotiations. On 14 February, three presidential candidates - Liberal Horacio Serpa, Luis Garzón and Ingrid Betancourt - travelled to the DMZ and shared their positions directly with FARC representatives. In this meeting, the first of its kind to be televised, the FARC representatives questioned the state's legitimacy and justified their armed actions, including attacks against infrastructure and the indiscriminate use of force, by denouncing the government's responsibility for, among other things, poverty, social injustice, repression, Plan Colombia and the rise of the paramilitaries. They also threatened to strike back if the army attempted to defeat them.

¹³⁸ *El Tiempo*, 27 January 2002, pp. 1-2. A telephone survey conducted by "Semana", a magazine, at this time showed that 66 per cent of Colombians believed the army's modernisation had given it a strategic advantage over the insurgents. This reflected frequent Pastrana statements that possibly challenged the FARC to try to prove him wrong through a forceful display of its own capabilities.

¹³⁹ *El Tiempo*, 30 January 2002, p. 1-8.

Less than a week later, on 20 February, a FARC team hijacked an airplane *en route* to Bogotá, forcing it to land on a highway south of Neiva, near the DMZ. Eduardo Gechem, Senator and President of the Senate Peace Commission, was taken from among the passengers by a waiting FARC unit. In the evening, President Pastrana addressed the nation and declared negotiations over, holding FARC commander Marulanda personally responsible. Showing aerial photographs of guerrilla airfields, a possible detention centre and coca plantations, the president called the insurgent leader a liar who had "assaulted my good faith" and had "laughed in the face of the country".¹⁴⁰ He also labelled the FARC a terrorist organisation and gave the armed forces orders to retake the DMZ immediately. The next day the air force began bombing guerrilla installations in the zone; two days later ground troops moved into the urban centres. No significant combat with insurgents was reported in the first weeks.¹⁴¹ President Pastrana visited the zone to show his determination to guarantee the well-being of the inhabitants.

The end of the peace process is not surprising but its implications will be far-reaching. The state remains unable to subdue the FARC militarily, and the latter retains significant capacity to do massive harm.

The rupture of the peace process with the FARC unified Colombia in the short-term behind the president's decision to re-enter the DMZ and pursue the guerrillas. All presidential candidates, the Catholic Church and figures from all political and social camps have closed ranks. There have been expressions of solidarity from the EU, UN, OAS, U.S., MERCOSUR and all Colombia's neighbours.

Domestically, the rupture has had two political effects which may prove lasting. First, the president's branding of the insurgents as terrorists adds a new quality to the conflict. It appears that finally Colombia has entered the "post-11 September" era, closing ranks with the U.S. administration in its characterisation of the FARC. Secondly, it may determine the outcome of the presidential election. A March pre-election poll

¹⁴⁰ *Ibid.*, pp. 1-3.

¹⁴¹ The first significant combat appears to have been a clash near the Venezuelan border on 20-21 March in which seventeen soldiers and 21 rebels were killed. Associated Press, 21 March 2002, 7:15 p.m.

shows hardliner Álvaro Uribe's support reaching 59.9 per cent, while the Liberal, Serpa at 24 per cent and a third candidate, Sanín, at 5.1 per cent continue to lose strength.¹⁴²

Between now and the inauguration of a new President in August, the deployments already underway virtually ensure increased violence and armed confrontation with the FARC. The latter's attacks on infrastructure are at about the same intensity as previously; the military, for its part, remains unable to control all national territory and protect vital infrastructure.

FARC leaders have said they would consider returning to negotiations with a new government. They accuse President Pastrana of unilaterally ending the peace process and sabotaging an imminent agreement but fail to mention their hijacking of the plane carrying Senator Gechem or the subsequent kidnapping of the presidential candidate Ingrid Betancourt. There is speculation that the hijacking reflected divisions within the guerrilla organisation, and that its organisers aimed to torpedo the negotiations. Indeed it is difficult to explain the hijacking at that crucial moment otherwise. But it is equally hard to see it as being undertaken without the knowledge of senior FARC commanders.

On 10 March 2002, Colombians elected a new House of Representatives and Senate. Despite heightened fears about violence, in particular from the FARC and the ELN, and some pre-election intimidation of candidates, the polling took place in relative calm and order. This was in part due to the deployment of 154,000 police and military personnel across the country - Operation Defence of Democracy - to guarantee security. Insurgents interrupted the electoral process in only fifteen of 1,095 municipalities.¹⁴³

The almost-concluded vote count for the Senate has produced the following results. The Liberal Party

and associated movements – the traditional majority - obtained 35 seats, the Conservative Party and associated movements 23, and other political parties and movements 42 seats.¹⁴⁴ Two seats were reserved for indigenous minority candidates. The count of the votes for the House of Representatives is still ongoing. Voter turn-out was 42.1 per cent, slightly lower than in 1998. The AUC claims that more than 35 per cent of the newly-elected members have ties to its cause.¹⁴⁵

At the same time, ceasefire negotiations between the government and the ELN are continuing in Cuba. Both sides may be inclined to seize the moment – the Pastrana administration to salvage something from its efforts, the insurgents for fear of being left at the mercies of the AUC while the government turns its attention to the confrontation with the FARC. There is concern, however, that the FARC may denounce the ELN as “traitors” and attempt to disrupt the process.

In all probability, the paramilitary forces will benefit from the new circumstances since with the end of the peace process with the FARC, the armed forces and the police are in a poor position also to fight the AUC, even if they were so inclined.

In a climate of fear and uncertainty, however, Colombia's civilians will again be the losers. Their willingness to trust a peace process will likely be further diminished, at least for a time. Over the last six months Colombia has witnessed several instances of civic resistance to guerrilla incursions, most in the southern department of Cauca where inhabitants of small towns gathered in the streets to rebuff the insurgents with candles and musical instruments in their hands. Other communities in various regions, calling themselves “communities of peace”, which had been the victims of attacks by guerrillas or paramilitary, have declared all armed groups unwelcome. Bogotá's mayor, Antanas Mockus, has also called for several peaceful demonstrations against violence. In reaction, the rebels have killed some of the “movement's” leaders, and it would naïve to believe that this novel form of opposition could truly stem the violence.

¹⁴² *Cambio*, 18-25 February 2002, p. 17.

¹⁴³ According to the Ministry of the Interior, 37,000 voters, that is, 0.15 per cent of the total electorate of 23,880,000, were inhibited from casting a vote. *El Tiempo*, 11 March 2002, pp. 1-10. In the most serious disturbances, the municipal council of Saravena, Arauca was destroyed and a number of ballot boxes and voting-papers were stolen or burned.

¹⁴⁴ *El Tiempo*, 11 March 2002, pp. 1-2.

¹⁴⁵ *Ibid.*, 12 March 2002, pp. 1-2.

VI. CONCLUSION: WHAT NOW IN COLOMBIA?

A. RETHINKING THE WAY AHEAD

The reasons for the persistence of the guerrilla conflict over four decades remain a matter of debate. Colombia faces problems common to other Latin American countries, such as income inequality and poverty, unemployment and rural neglect, weak governing institutions and corruption. Yet countries with similar, if not worse, records are at peace today. One key may be that Colombia's pre-existing conflict has become fatally intertwined with narcotics traffic. Like other all-too-lucrative primary products, such as diamonds, minerals and oil in Africa, the drug crop has created an independent economic dynamic. The trade now not only fuels the conflict but appears to have altered significantly the character of the insurgents, making a negotiated solution more elusive and a military solution far more difficult.

Colombia's conflict, which has gone on so many years and claimed so many lives, is an international concern not only because of its humanitarian costs, but because it brings weapons, drugs, cash, money-laundering, criminals and terrorists together in an advanced Western society with close ties to Europe and an easy trip to the U.S. The recent arrests of three IRA members in Colombia and reports that they trained guerrillas in explosives techniques underscore those concerns. The conflict's destabilising effects on the wider Andean region, too, are a growing worry.

The internal conflict, drugs and the weakness of state institutions pose an increasing threat to Colombia's democracy, one of the oldest in the Western Hemisphere. Were the conflict to disappear, the government's capacity to meet the two remaining threats would expand immeasurably. As long as the government cannot assure security in areas of coca and poppy cultivation, however, it can neither complete drug eradication nor promote alternative development effectively. Without security, it cannot extend its legal authority and offer public services to the rural population, steps that would go far to countering the power of traffickers. Conversely, were the government's counter-drug program to become more effective, it would undercut the financing and operational

linkages among the insurgents and the paramilitary on the one hand and rural Colombians on the other.

Instead, Colombia's government is saddled with the reality that it cannot provide security and opportunity for its own citizens. It has also failed in the past to protect large numbers of demobilised leftist guerrillas. These two failures severely constrain its ability to offer either the insurgents or much of the populace credible alternatives to more conflict.

The insurgent groups, for their part, now have strength that is completely unrelated to the extent of their popular support. Indeed, both the FARC and the ELN have lost most of the backing they undoubtedly once had. Today, their power is rooted almost exclusively in their military capability, financed by the lucrative kidnapping industry, the drug business and extortion. Part of their transformation is surely a result of the loss of ideology with the end of the Cold War. Nevertheless, remnants of a political agenda may still provide some coherence among at least part of the older leadership, which is the most likely faction within the FARC to be open to negotiations at some point after a new president is in office.

It is crucial in the period immediately ahead to convince the insurgents that the government and its allies will not allow them a military victory. The guerrillas also must believe that an agreement ending with their disarmament is not the equivalent of signing a suicide pact. Finally, they must be convinced that they will achieve more of their goals at the negotiating table rather than on the battlefield.

Everyone concerned with Colombia's future now needs to take stock and rethink the strategies and priorities that should be pursued by the new administration, with international support. The four key priorities in ICG's judgement are to improve security protection for Colombians against the insurgents and the paramilitaries; to re-energise peace negotiations; to make a renewed effort to combat the drug trade; and to strengthen Colombia's institutions, especially in the security and justice area. Each of these objectives will require new and more effective approaches if they are to be achieved and significant support from the region and the wider international community.

We discuss these areas of priority action in what follows but our conclusions and prescriptions should

be taken as preliminary at this stage. They require further evaluation and development in the months ahead. The purpose of this first ICG report on Colombia has been to assess the background, successes and failures of the country's elusive quest for peace, and to propose a broad framework within which Colombia and its friends can begin to think together about the hard choices and fresh ideas required. Future reports will explore the implications of the presidential elections for the peace process; the structure of the security forces and the challenges they face; how best to extend rule of law and civilian security in rural areas; how to rebuild the devastated rural economy; strategies for restructuring the peace process and strategies for fighting drugs; and ways of preventing regional destabilisation.

B. IMPROVING SECURITY PROTECTION

Increasing Military Capability against Insurgents and Utilising U.S. Assistance. Colombia's military and security combat forces have nearly doubled in three years but they appear to require further expansion in numbers and professional competence if they are to guarantee the security of most of the country's citizens and basic infrastructure. Professionalism also must include absolute respect for human rights, even in the face of grave challenges, on the part of all military and police personnel.

For the immediate term, there must be an absolute priority to protecting all aspects of the presidential campaign and election so that a new government capable of making a fresh start at resolving the crisis can enter office this summer with full democratic credentials. From a longer term perspective, it is also necessary to demonstrate, as a basis for future negotiations, that the insurgents cannot win on the battlefield and that any violence will be fiercely contested. Both these points are expanded further below.

Achieving more effective security protection will require tough choices on whether to utilise security forces for anti-insurgent or anti-narcotics operations. Particularly the U.S., which understandably is concerned about the implications of Colombia's drug business for its own drug problem, will need to show understanding. The U.S. should also provide more military assistance and relax some dual use restrictions, as the Bush administration appears to wish, but it should do this

only if – and it is a big if – the Colombian military significantly improves its human rights performance and in particular gets tough for the first time with the paramilitaries, whose violence and drug thuggery is as vicious as that of the insurgents.

To help it boost the size, capacity and professionalism of its military, Colombia's incoming government needs also to increase tax revenues. It should insure that evasion of military service is curtailed and all sectors equally fulfil their obligations. This includes carrying out current plans to eliminate such provisions as the law that exempts high school graduates, even if over the age of 18, from combat service and practices that too often permit the well-to-do to serve only in office or staff positions or even buy their way out of service entirely. The new law should also include regulations regarding the improvement of training received by recruits, including in human rights.

The Regional Role. The end to the peace negotiations and the return to full military combat adds to the danger of the conflict spilling over to Colombia's five neighbours, Brazil, Ecuador, Panama, Peru and Venezuela. The disruption of the drug network could drive producers to locate new fields and processing facilities just across Colombia's borders. The expanding military activity in Colombia is likely to disrupt drug transport routes and increase efforts by the narcotics industry to move toward those other countries as well. The threat of large refugee flows, armed incursions and increased criminality is very real. The Andean nations should accordingly consider expanded intelligence sharing, mutually organised controls on weapons and other contraband, and assistance to legitimate refugees fleeing the conflict.

At the same time, Colombia and its neighbours should also prepare a coherent and integrated border development policy. This could build on existing bilateral political and economic agreements to promote environmental protection, sustainable exploitation of natural resources and social development programs in education and health. Donor countries and the international financial institutions should design financial support for such programs, which could greatly help to give border populations reason and means to resist the lure of the drug traffickers. UN Secretary-General Annan should take steps now to promote this brand of conflict prevention in the Andean region in order to

limit the impact of Colombia's internal conflict on its neighbours.

The Immediate Priority: Securing the Electoral Process. The rupture of the three year-old negotiations poses an immediate threat to Colombia's electoral process. The insurgents continue to want to demonstrate that their military capacity requires that the state pay them due heed; obstructing the electoral process is one very high profile method of doing so. True, Colombians have previously braved threats in order to vote. They did so again in the 10 March congressional elections; the deployment of virtually all of the military and police to protect the process limited disruptions. But the capacity of the state to protect the presidential electoral process, particularly preventing further kidnapping of national candidates and assuring the safety of voters, will be severely tested.

Colombia and the international community should call on all combatants to declare the electoral process militarily off-limits, and create a joint plan for increasing the number of election observers and treating the electoral apparatus as the most important public infrastructure to be protected during the period of voting. The OAS, as it did to an extent during the March elections, should take the lead in coordinating a large international election observation mission even though it's Colombian Secretary-General, a former president, is understandably reluctant to intervene actively in events in his own country. Protecting basic democratic rights, however, is clearly an appropriate and recognised role for the organisation.

Also, as noted above, the priority of ensuring security for all aspects of the electoral process may require Colombia to make difficult decisions about using its limited pool of trained military more for actions against the insurgents than in anti-narcotics operations. The international community, especially the U.S., which has trained some Colombian forces and places restrictions on their use for other than anti-narcotics activity, should be understanding and supportive.

Addressing the Paramilitary Threat. The demonstrated involvement of the AUC in drug trafficking, its record of gross human rights violations, and the menace posed to the negotiation and implementation of peace agreements – as well as its ability to block international aid for Colombia – mean that Colombia's government must confront

it as a separate but similarly grave threat to the authority of the state and the rule of law. That is not being done in a convincing manner today. The government cannot allow its own agents to pick and choose between one criminal element and another if it is to avoid compromising its own legitimacy.

At its outset this summer, the newly elected Colombian government must undertake urgent measures, including setting clear, public benchmarks to demonstrate internally and externally that all links to the paramilitary are being severed. It should establish elite units dedicated to arresting and prosecuting paramilitary leaders, as it did with cartel chiefs in the early 1990s. An arrangement to disband the paramilitary should follow. The international community, for its part, should introduce far more visible aid conditionality on the government and the military confronting the paramilitary.

C. RE-ENERGISING THE PEACE PROCESS

Colombia and its citizens are legitimately angry and frustrated at the persistence of such a costly civil conflict. The government has been unable to mount a fully effective campaign to destroy a drug trafficking network that finances guerrillas and paramilitary. The once promising peace process has all but disappeared with respect to the FARC, and the country is on full war alert. It is virtually certain that much of the next government's tenure will be dedicated to finding a way out of the present morass. Initially, this is likely to be through greater military confrontation, but ultimately it will be through negotiations, although under stiffer terms than in the past, because there is no purely military solution.

The UN and the international community will be asked to play a larger role whenever new negotiations come about. For conditions to ripen so that discussions can be fruitful, however, there must be clear evidence that Colombia and its allies will not permit either a guerrilla takeover, their permanent threat to citizen security, or the free rein of an equally criminal paramilitary. There also must be an unambiguous showing to the guerrillas that a secure negotiated solution is possible. The difficult task for a new President will be to move rapidly toward addressing these issues, initiating the real reforms that Colombia requires, and extending legitimate state authority to bring about peace and restore the Colombian people's hope for the future.

Strong security actions by Colombia's government – effective protection of the electoral process, beefing up force numbers, acquiring further capabilities and flexibility and using them effectively to hurt the insurgents and the paramilitaries – will not win the conflict military but they should be undertaken not least to demonstrate to the irregular armed organisations that they cannot win on the battlefield. Increasing the military pressure in the short run is one of the surest ways to create more favourable conditions for future negotiations, especially with the FARC.

Negotiating with the ELN. The government and the ELN are still negotiating on a ceasefire in Cuba, with the facilitation of the Cuban government, which appears genuinely to be encouraging its one-time proteges to reach a settlement. There is every incentive for both sides to counter the failure of the FARC negotiations by pursuing an early ceasefire. The ELN forces could find themselves physically caught in the middle of the escalating war between the FARC and the government and more exposed than ever to the physically stronger AUC. The Pastrana administration would very much like to have something to show for its past heroic efforts to achieve peace during its term in office.

If the ELN demonstrated respect for humanitarian law and abided by the ceasefire, the next Colombian government, not to mention the electorate, would undoubtedly look more optimistically at the prospects for negotiating a solution to the bigger piece of the insurgent problem – the FARC piece – rather than being lured by the goal of a probably unachievable military victory. The government for its part will have to demonstrate with the ELN that it will do what earlier Colombian governments could not or would not after agreements were reached with leftist insurgents: namely, protect them from the paramilitaries. If they can do this, a basic FARC reservation about negotiating a settlement would be eased.

The current Colombian government should actively pursue ceasefire negotiations, with full disclosure to all presidential candidates and then coordination with the President-elect. It should invite, and the international community, building on experiences with ceasefires managed by the UN, should help provide, a fully elaborated plan that identifies resources and responsibilities for guaranteeing the security of ELN members during a ceasefire and after a settlement, defines how international

monitoring and verification will occur, and avoids exaggerated delays between an agreement and its implementation.

While there are difficulties as long as the open conflict with the FARC persists and the paramilitary and drug trafficking networks pose special threats to its citizens, the United States should, nevertheless, consider how it might respond positively to the request of the parties for its participation in the ELN peace process. Civilian participation as monitors for the ceasefire should be considered. The UN and Group of Friends should continue to support the negotiating process, making available their good offices and additional resources in order to help achieve the necessary verification of a ceasefire and, ultimately, a final settlement with the ELN.

Future Negotiations with the FARC. Given that a military solution appears impossible in any near term, the challenge for all parties is to find a way to re-establish peace negotiations under conditions that give reasonable expectations for success. This is unlikely before a new government is in place. However, Colombia and the international community should take preparatory steps now to be ready to embark on a well-grounded strategy, including full mediation through the United Nations, to achieve a negotiated solution as soon as possible after the new government takes office.

In preparing the elements of that strategy, the government of Colombia should not plan again to give up responsibility for the protection of citizens and maintenance of the rule of law, at least not in the absence of a fully monitored and internationally verified ceasefire agreement. In short, demilitarised zones should not be used as an incentive to resume negotiations. While the conflict continues, negotiations should take place abroad, with safe transit guarantees provided to participants to enable attendance, as has been done in many other cases. Once the conflict has been halted through an agreed upon truce or monitored ceasefire, the option of negotiations in Colombia can be reconsidered. Given the dominance within the FARC leadership of military strategists, as opposed to political theorists, the government's future negotiating delegation should include high-ranking military officers.

For its part, the FARC should be required to undertake good faith measures to demonstrate its own willingness to negotiate seriously. The Colombian government and its partners should

emphasise in all public statements and private communications that for the FARC to prove its good faith as a negotiating partner, those measures should include freeing of kidnap victims and respect for international humanitarian law, which presupposes an end to kidnappings and attacks on civilian targets.

The International Role. As an important contribution to the preparation for future negotiations that should occur before a new government is inaugurated, the United Nations could help frame some of the critical issues that have been raised as significant obstacles in past negotiations. UN/EU seminars or other mechanisms could gather Colombian government officials, representatives of presidential candidates, military officers, FARC representatives, and international civilian and military experts to discuss three key points: how best to disband the paramilitary forces and guarantee the security of insurgents in the context of agreements that stop the shooting and eventually resolve the conflict; how to establish procedures for observance of international humanitarian law; and options for ceasefire verification. The UN and the international community also should help the incoming government identify key social and political reforms, many of which have been spotlighted in the election campaign, that need to be started immediately, with or without a peace process, in order to strengthen the sinews of democratic society.

The UN Secretary-General is presently represented by a non-resident Special Adviser. All parties, including the current Colombian government and the leading presidential candidates, as well as spokesmen for the FARC, have asserted their readiness to accept more formal participation by the international community, particularly the UN, in future negotiations. The Secretary-General should build on the work of his Special Adviser and give UN efforts the additional prestige and potential mediating leverage that would come from designating a Special Representative to carry out the expanded activity that is envisaged. The Special Representative, who should take up residence in Bogotá at the earliest useful moment, should play a leading role in organising a new peace effort with the FARC and building on the current effort with the ELN. He or she should also be tasked to prepare reports to be submitted through the Secretary-General so that the Security Council can be informed of developments in Colombia, particularly as they relate to regional stability, and so be prepared to

support the process as it moves forward, particularly where monitoring and verification are required.

A Group of Friends composed of key countries concerned with Colombia should assist the negotiating process. The signs that the European Union is taking an increased interest in Colombia's problems are positive, and the development should be encouraged. The EU puts meaningful financial resources into social and economic measures in support of the peace process. It should speed up the delivery of that assistance and increase its diplomatic involvement in support of the negotiations with the ELN. Colombians feel comfortable with such a European role not least because it is seen as complementing what is otherwise overwhelming U.S. influence on the international community's approach.

D. COMBATING DRUG TRAFFICKING

Colombia, the region and the hemisphere continue to face serious consequences from illegal drugs within its borders. A serious obstacle to an anti-drug policy is the state's inability to control effectively the areas where cultivation occurs. The partial result of this, the policy of eradication by spraying, has prompted substantial criticism, given the guerrillas a ready issue, and also been a major irritant in international support for the counter-drug effort. Colombia and its allies in the drug fight need to reassess all aspects of the situation and determine what kinds of changes would make the counter-drug effort more effective.

A special immediate problem is that because of the priority of security issues in present circumstances, in particular the need to protect fully the vital presidential election process this spring and summer, this reassessment should also include consideration of whether some of the 30 per cent of military operations currently directed at the counter-narcotics effort should be re-directed. Adequate protection must further be provided generally at this delicate time for urban areas and infrastructure, and a more effective overall response made to the insurgents. This may, it should be admitted result in some immediate but temporary loss of effectiveness in anti-narcotic efforts, but it should help create conditions that will eventually allow more effective security based steps to be taken against the drug traffickers.

As an early step directly related to current military actions, Colombia and its international supporters should undertake an emergency program of alternative development and extension of government services in the former DMZ as soon as security conditions permit.

Moreover, in the context of this critical reassessment of the effectiveness of all aspects of counter-drug policy, the new Colombian government should work toward the convening of a summit conference like the one held in 1990 at Cartagena de las Indias mandated to provide recommendations for improving effectiveness. Such a conference should consider especially how the international community can help Colombia through addressing shared responsibility for the drug trade: bolstering demand reduction programs, prosecuting money laundering and restricting the flow of chemical precursors and weapons.

E. STRENGTHENING COLOMBIA'S INSTITUTIONS

Colombia's justice system suffers from lack of resources and lack of security. Limited criminal investigations, overcrowded penal facilities, police and a judiciary that are understaffed and under threat all conspire to make the rule of law inaccessible to a significant portion of rural Colombia. This and failure to extend even the most basic social services to much of the countryside is a great impediment to the fight against insurgents and narco-trafficking alike.

The increased tax revenues that, Colombia needs to improve its security forces are also required to enable reform and modernisation of the justice and penitentiary systems, allow the extension of basic public services to parts of the country where its authority is presently weak or virtually non-existent and otherwise pursue the active policy of economic and social reform that would solidify support for democratic procedures and institutions. The state must extend its presence throughout Colombia, particularly to contested areas, in order to protect its citizens and promote the rule of law. In so doing, it should expand partnerships with civil society, ensure protection for human rights victims and advocates and establish a full range of community-based economic and social development projects. Those efforts deserve greater direct international

support from the United States, the EU, the UN and the international financial institutions.

Similarly, Colombia's friends, the United States and the European Union in particular, should seek to increase and make more effective their assistance to Colombia's military, police and justice sector - while maintaining full pressure on the military to do more to hold accountable those responsible for human rights abuse. Heightened military assistance should only come as benchmarks for progress are achieved. Any additional support that goes beyond counter-narcotics to help the Colombian government protect infrastructure, communities and citizens against the FARC must be tightly conditioned on respect for human rights and far more progress in addressing the paramilitary threat.

Bogotá/Brussels, 26 March 2002

APPENDIX A

GLOSSARY OF ACRONYMS

ADM-19	Democratic Action M-19 (<i>Alianza Democrática M-19</i>), a coalition of the M-19, the EPL and the <i>Partido Revolucionario de los Trabajadores</i> which made a strong showing in the 1990 elections. Afterward, driven by divisions and weakened by paramilitary attacks, it disintegrated.	President Pastrana at the start of peace talks in 1998; retaken in early 2002.
AUC	United Self-Defence Groups of Colombia (<i>Autodefensas Unidas de Colombia</i>), an umbrella paramilitary group headed by Carlos Castaño.	
CICAD	The OAS's Inter-American Drug Abuse Control Commission	
CINEP	Center for Research and Popular Education (<i>Centro de investigación y educación popular</i>), a Colombian human rights group.	
CNG	National Guerrilla Coordination (<i>Coordinadora Nacional Guerrillera</i>), a short-lived umbrella group attempting to coordinate the political activities of the M-19, EPL, ELN and a dissident FARC group in the mid-1980s.	
DMZ	Demilitarised Zone, an area the size of Switzerland ceded to FARC control by	
ELN	<i>Ejército de Liberación Nacional</i> , Army of National Liberation, the smaller of Colombia's two active insurgent groups.	
EPL	<i>Ejército Popular de Liberación</i> , Popular Liberation Army	
EU	European Union.	
FARC	<i>Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo</i> , Revolutionary Armed Forces of Colombia – Army of the People, Colombia's largest insurgent group.	
M-19	Guerrilla group which demobilised in late 1980s.	
OAS	Organisation of American States	
UNDCP	United Nations Drug Control Programme	
UP	Union Patriótica, the political wing of the FARC, wiped out by paramilitary violence in the late 1980s.	

APPENDIX B

CHRONOLOGY OF THE GOVERNMENT OF COLOMBIA – FARC PEACE PROCESS, 1998-2002

1998-2001

1998	9 July	President-elect Andrés Pastrana meets FARC leader Commander “Manuel Marulanda”, alias “Tirofijo”.
	11 July	Victor Ricardo is appointed the government’s High Commissioner for Peace (HCP).
	7 August	President Pastrana takes office.
	6 September	HCP Ricardo announces the establishment of a demilitarised zone to foster talks with the FARC.
	14 October	Establishment by presidential resolution no. 85 of the Demilitarised Zone (DMZ) for a period of 90 days. The DMZ encompasses five municipalities in the departments of Caquetá and Meta for a total of 42,129 square kilometres.
1999	7 November	The DMZ enters into effect. Military forces receive presidential orders to withdraw.
	7 January	Official inception of talks between the FARC and the government in San Vicente del Caguán. FARC Commander Marulanda does not attend.
	19 January	FARC announce first suspension of talks demanding action on part of the government against the paramilitaries.
	5 February	DMZ is extended for 90 days.
	3 March	The bodies of three U.S. anthropologists are discovered on Venezuelan territory close to the Colombian border. They had been abducted by a FARC contingent on 25 February.
	11 March	FARC assume responsibility for the killings, but refuse to hand over the perpetrators.

2000	20 April	Resumption of talks and elaboration of a draft agenda.
	28 April	HCP Ricardo, Commander Marulanda and a number of Colombian politicians sign the Accord of Caquetania, stipulating their commitment to a negotiated settlement of the conflict.
	2 May	Pastrana meets Marulanda in the DMZ; talks are officially initiated for the second time.
	6 May	Government and FARC representatives agree on a twelve-point agenda. A delegation of US Congressmen visits DMZ.
	7 May	DMZ extended for 30 days
	4 June	DMZ extended until December.
	15 June	Pastrana officially establishes the government negotiation team.
	18 July	FARC announces second suspension of talks, disagreeing with the government's proposal to establish a commission charged with overseeing human rights within the DMZ; consequently, the government withdraws the proposal.
	24 October	Establishment of the negotiating table in Uribe, Meta.
	2 November	Government and FARC agree on methodology guiding negotiations and the holding of "Public Audiences".
	1 December	DMZ extended until June 2000.
	20 December	FARC announce unilateral cease-fire from 20 December until 10 January 2000.
	30 January	Inauguration of <i>Villa Nueva Colombia</i> in Los Pozos, Caguán as the seat of negotiations.
	February	FARC negotiators and government representatives travel to Europe.
3 March	Government negotiator Jaime Ruiz and Director of National Planning, Mauricio Cárdenas, visit the DMZ to explain Plan	

2001	9 April	Colombia. HCP Ricardo resigns. He is replaced by Camilo Gómez on 28 May.
	16 May	Criminals kill Ana Cortés with a “collar bomb”. Government accuses FARC of perpetrating the crime.
	22 May	Government suspends talks until recognizing that FARC was not responsible for the killing of Cortés.
	6 June	DMZ is extended until 6 December.
	3 July	Government and FARC exchange views on cease-fire.
	8 September	FARC <i>guerrillero</i> Arnubio Ramos, flying from Bogotá to Neiva to stand trial, hijacks airplane. Subsequently, the plane lands at San Vicente del Caguán airport. When FARC refuses to hand over the prisoner, talks stall.
	26 October	Resumption of talks.
	14 November	FARC announces “indefinite suspension” of talks until the government proves successful in its campaign against the paramilitaries.
	6 December	DMZ extended for 45 days.
	28 December	President of the Peace Commission in Congress Diego Turbay is assassinated with his mother and bodyguards on their way to San Vicente del Caguán.
	4 January	Government requests proof of non-involvement of FARC in the murder of Turbay.
	17 January	In a letter, Commander Marulanda requests extension of DMZ until the end of Pastrana’s term of office and a crack-down on paramilitaries. Talks stall.
	22 January	HCP Gómez answers Marulanda’s letter. Talks remain stalled.
	23 January	Colombian army announces the deployment of 2,500 troops along DMZ borders.
30 January	FARC member hijacks airplane.	

	<p>31 January</p> <p>2 February</p> <p>4 February</p> <p>9 February</p> <p>9 March</p> <p>21 March</p> <p>2 June</p> <p>28 June</p> <p>15 July</p> <p>18 July</p> <p>12 August</p> <p>27 September</p> <p>28 September</p> <p>29 September</p> <p>5 October</p>	<p>Pastrana announces that DMZ will be extended for four days and proposes meeting with Commander Marulanda.</p> <p>Marulanda accepts to meet Pastrana on 8 February.</p> <p>Government extends DMZ for five days.</p> <p>Pastrana and Marulanda sign Los Pozos Accord. Negotiations are resumed.</p> <p>Government extends DMZ for nine months.</p> <p>Establishment of the Group of Friends, the “<i>Comisión de Países Facilitadores para el Proceso de Paz Gobierno-FARC</i>”, whose members are Canada, Cuba, France, Italy, Mexico, Norway, Spain, Sweden, Switzerland and Venezuela.</p> <p>Group of Friends attend negotiation table.</p> <p>Government and FARC reach first Humanitarian Accord, stipulating the release of soldiers and police held by FARC.</p> <p>FARC release 242 soldiers and police.</p> <p>Alan Jara, former governor of Meta, kidnapped by FARC from a UN vehicle.</p> <p>FARC kidnaps three German aid workers in the department of Cauca.</p> <p>Three Irishmen, allegedly IRA members, are arrested by the army and charged with supplying military training to FARC.</p> <p>Group of notables, Colombian personalities, submit proposal to the negotiation table.</p> <p>FARC prevents Liberal Party candidate Horacio Serpa and 4,000 followers, set to denounce guerrilla abuse of DMZ, from entering the zone.</p> <p>FARC assassinates former Minister of Culture Consuelo Araujo.</p> <p>Government and FARC adopt San Francisco de la Sombra Accord, which stipulates the</p>
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	<p>7 October</p> <p>17 October</p> <p>24 December</p>	<p>immediate commencement of cease-fire talks.</p> <p>Pastrana extends DMZ until 20 February, but also announces increased limits in the zone due to the killing of Consuelo Araujo.</p> <p>FARC suspend negotiations and ask for annulment of controls.</p> <p>HCP Gómez announces that talks would be resumed in early January 2002.</p>
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3 January-20 February 2002

3 – 4 January	<p>Government and FARC negotiators resume talks at <i>Villa Nueva Colombia</i> in Los Pozos six weeks after the insurgents had left the table claiming that the government's guarantees were not honoured.</p> <p>The government refuses to lift external controls of the zone. No progress is made.</p>
6 January	<p>The government releases a communiqué stating that all the guarantees for the continuation of the talks are in place and asks the FARC to honour their word.</p> <p>Commander Manuel Marulanda sends a letter to President Pastrana proposing a summit with the presidents of the executive, legislative and judicial branches of government to discuss a new timetable.</p>
8 January	<p>FARC spokesmen send open letters to the heads of the Catholic Church, business associations, the "Group of Friends" and the armed forces, among others, accusing President Pastrana of having unilaterally implemented controls over the Demilitarised Zone (DMZ).</p> <p>The insurgents argue that the controls constitute the main obstacle to the continuation of the peace negotiations; they say that it is up to Pastrana to make a decision regarding the DMZ, scheduled to expire on 20 January.</p>
9 January	<p>No progress at the negotiation table.</p> <p>4 pm: High Commissioner for Peace, Camilo Gómez, announces that the FARC has asked for 48 hours to evacuate the DMZ and left the negotiation table.</p> <p>The FARC announces that it never formally left the negotiating table and did not ask for 48 hours to evacuate the zone. It reiterates that Pastrana will have to make a decision about the future of the zone on 20 January.</p> <p>9:30 pm: Pastrana addresses the nation, confirming the High Commissioner's statement: the FARC is granted 48 hours to withdraw from the DMZ, which then will be re-taken by the armed forces.</p>
10 January	<p>The army goes on maximum alert and the deployment of more than 7,000 soldiers towards the DMZ begins.</p>

	<p>The FARC proposes to meet with the president of the “Group of Friends”, French Ambassador Daniel Parfait, the Special Advisor to the UN-Secretary-General James LeMoyné, and the president of the Episcopal Conference, Monsignor Alberto Giraldo, in order to salvage the process. It also asks for clarification as to the exact end of the 48-hour deadline.</p> <p>Pastrana grants an extra 48 hours to allow the UN Special Adviser to search for an agreement. If an agreement is not reached by then, he says, the FARC will have an additional 48 hours to leave the DMZ. The new deadline is set for Monday, 14 January at 9:30 p.m.</p>
11 January	<p>The UN Special Adviser travels to the DMZ early in the morning. Throughout the day he meets with FARC representatives. The meeting is extended until Saturday, 12 January..</p>
12 January	<p>A car bomb explodes close to the installations of the Vargas Battalion in Granada, Meta. Fourteen civilians are wounded and several buildings destroyed.</p> <p>9:30 pm: the FARC announces that a proposal has been signed and is on its way to Pastrana.</p> <p>Near midnight, Pastrana addresses the nation. He states that the FARC proposal is “unsatisfactory” and reiterates that by Monday, 14 January, 9:30 pm, the army will enter the DMZ.</p>
13 January	<p>The UN Special Adviser stays in the DMZ to “guarantee the lives of the civilian population”.</p> <p>The FARC proposes to formally hand over the DMZ to the government. They blame Pastrana for unilaterally ending the peace process.</p> <p>200 FARC fighters attack the town of San José de Albán, Nariño. They kill nine policemen and 11 civilians, destroy several buildings and rob the local bank.</p>
14 January	<p>Early in the morning, the ten Ambassadors of the “Group of Facilitating Countries” travel to the DMZ in a last attempt to salvage the peace process. They carry a document bearing the president’s stamp of approval.</p> <p>Five hours from the deadline, Ambassador Parfait announces that (a) the president has reiterated that the guarantees for the continuation of negotiations are given, (b) the FARC accepts the guarantees, and (c) both parties have declared their determination to immediately implement the San Francisco de la Sombra Accord .</p> <p>President Pastrana confirms that the deadline has been extended until 20 January. He also states that the negotiation table has six days left to draft a timetable which ensures that concrete agreements to reduce the level of violence and exclude the civilian population from the conflict are arrived at in the short term.</p> <p>The negotiating table immediately enters into session. During the next six days members of the “Group of Friends” and the UN Special Adviser witness the negotiations.</p> <p>39 insurgents escape from a prison in Ibagué, Tolima after a FARC attack.</p>

	Six people are kidnapped in Bahia Solano, Chocó apparently by members of the FARC's Front 57.
15–19 January	<p>The negotiation table works continuously without making any public pronouncements.</p> <p>The FARC continues its attacks on Colombia's infrastructure, particularly in the department of Meta.</p> <p>Fifteen members of the army's anti-kidnapping unit are killed in a FARC ambush near Cali, Valle.</p>
20 January	<p>8 pm: in a joint press conference, High Commissioner Camilo Gómez and FARC spokesman Raúl Reyes read the agreement signed by both parties, which includes a timetable for the elaboration of a temporary cease-fire by 7 April 2002.</p> <p>President Pastrana prolongs the DMZ until 10 April 2002.</p> <p>Negotiations in Villa Nueva with international participation. Visit of three presidential candidates, Horacio Serpa, Eduardo Garzón and Ingrid Betancourt, on 14 February.</p>
21 January- 20 February	FARC commando hijacks airplane on domestic flight. Senator Eduardo Gechem is abducted.
20 February	Around 10 p.m. President Pastrana declares the end of the peace process.

APPENDIX C

MAP OF COLOMBIA



Base: R02670AI (R00820) 6-03

APPENDIX D

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (ICG) is a private, multinational organisation committed to strengthening the capacity of the international community to anticipate, understand and act to prevent and contain conflict.

ICG's approach is grounded in field research. Teams of political analysts, based on the ground in countries at risk of conflict, gather information from a wide range of sources, assess local conditions and produce regular analytical reports containing practical recommendations targeted at key international decision-takers.

ICG's reports are distributed widely to officials in foreign ministries and international organisations and made generally available at the same time via the organisation's Internet site, www.crisisweb.org. ICG works closely with governments and those who influence them, including the media, to highlight its crisis analysis and to generate support for its policy prescriptions. The ICG Board - which includes prominent figures from the fields of politics, diplomacy, business and the media - is directly involved in helping to bring ICG reports and recommendations to the attention of senior policy-makers around the world. ICG is chaired by former Finnish President Martti Ahtisaari; former Australian Foreign Minister Gareth Evans has been President and Chief Executive since January 2000.

ICG's international headquarters are at Brussels, with advocacy offices in Washington DC, New York and Paris. The organisation currently operates field projects in more than a score of crisis-affected countries and regions across four

continents, including Algeria, Burundi, Rwanda, the Democratic Republic of Congo, Sierra Leone, Sudan and Zimbabwe in Africa; Myanmar, Indonesia, Kyrgyzstan, Tajikistan, and Uzbekistan in Asia; Albania, Bosnia, Kosovo, Macedonia, Montenegro and Serbia in Europe; and Colombia in Latin America.

ICG also undertakes and publishes original research on general issues related to conflict prevention and management. After the attacks against the United States on 11 September 2001, ICG launched a major new project on global terrorism, designed both to bring together ICG's work in existing program areas and establish a new geographical focus on the Middle East (with a regional field office in Amman) and Pakistan/Afghanistan (with a field office in Islamabad). The new offices became operational in December 2001.

ICG raises funds from governments, charitable foundations, companies and individual donors. The following governments currently provide funding: Australia, Canada, Denmark, Finland, France, Germany, Ireland, Japan, Luxembourg, the Netherlands, Norway, the Republic of China (Taiwan), Sweden, Switzerland and the United Kingdom. Foundation and private sector donors include the Ansary Foundation, the Carnegie Corporation of New York, the Ford Foundation, the William and Flora Hewlett Foundation, the Charles Stewart Mott Foundation, the Open Society Institute, the Ploughshares Fund and the Sasakawa Peace Foundation.

March 2002

APPENDIX E

ICG REPORTS AND BRIEFING PAPERS

AFRICA

ALGERIA

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