

CUADERNOS DEL CONFLICTO
PEACE INITIATIVES AND
COLOMBIA'S ARMED CONFLICT



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IN SEARCH OF PEACE WITH THE ELN AND THE FARC

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NEGOTIATIONS WITH THE ELN ¿A MISSED OPPORTUNITY?

The history of the armed conflict in Colombia is not only a history of war, but also one of missed opportunities for a negotiated solution. The negotiation of a ceasefire between the Colombian Government and the National Liberation Army (ELN) is a good example; initiated in 2005, the negotiations had reached a dead-end by the end of 2007.

Drawing on dozens of interviews and on direct observations between August 2005 and February 2008, this article provides useful insights for the process based on an examination of the main events of the negotiation and concludes with an emphasis on the need for a credible third party in the event that a negotiation process is resumed some time in the future.

Attempts at dialogue with ELN

Talks between the ELN and the Colombian Government began toward the end of 2005. After a frustrated attempt at dialogue led by the Mexican Government between 2004 and 2005, informal meetings between Francisco Galán, spokesman for the ELN, and Colombian Government emissaries were initiated at the high-security Itaguí Prison, near Medellín. It was an effort aimed at identifying the conditions necessary to revive negotiations.

During a meeting with demobilized members of paramilitary groups held on June 9, 2005, at the beginning of his reelection campaign, President Álvaro Uribe made statements that caught the attention of the ELN Central Command, and apparently paving the way for new talks. “I want to give the ELN every chance for peace... If the ELN accepts a cease of hostilities, the government will cease military operations against it, provided that the ceasefire is upheld... The ELN does not have to demobilize; nor does it have to disarm. What is needed is a cease of hostilities. Demobilization and disarmament are endpoints,” President Uribe said.¹ The government ratified the president’s words in a document sent later to Francisco Galán.

After overcoming the profound skepticism expressed in many documents during the initial phase of the talks

in 2005, the ELN Central Command responded to the government by proposing an exploratory dialogue between the ELN and civil society, and announced a possible summit with the Colombian Government in a foreign country. In one document, the ELN identified the following main obstacles to a negotiated solution to the armed conflict: One, the denial of the social, economic, and political causes of the conflict; Two, the assumption that peace is an issue that concerns only the insurgency and the government and not a right and a duty of every Colombian; Three, the denial of the existence of a profound humanitarian crisis caused by the conflict; Four, the government’s denial of the existence of an armed conflict, and finally; Five, the lack of credibility of the government’s negotiation with the paramilitary groups.²

In September 2005, the Colombian Government granted house arrest to Francisco Galán. At the same time, the government authorized the establishment of the Casa de Paz (House of Peace), a space conceived and negotiated by a group of civil society leaders, known as the guarantors of the Casa de Paz, where society could prepare and present proposals for a possible peace process with the ELN. The participation of civil society in the peace process has always been emphasized by this guerrilla organization. The ambitious objective of the Casa de Paz was to produce proposals for a possible dialogue between the ELN and the government, thus generating a setting for mediation and transformation of the conflict.

After three months of meetings at the Casa de Paz, talks between government delegates and the ELN were held in Havana from 16 to 21 December 2005. This was the first of eight rounds of talks during the exploratory phase.

Rounds of exploratory talks between the Uribe Government and the ELN (2005-2007)

2005	
Round 1	16 - 21 December
2006	
Round 2	17 - 28 February
Round 3	25 - 28 April
Preparatory Meeting	22 - 23 September, Caracas
Round 4	20 - 25 October
Establishment of the Fund	24 November, Caracas

2007	
Work Meetings	22 - 24 January, Caracas 27 - 28 January 31 January - 2 February 11 - 16 February
Round 5	22 - 28 February
Round 6	11 April - 10 May 16 - 31 May
Round 7	14 - 23 June
Evaluation Meeting	14 - 18 July
Round 8	20 - 24 August
Work Meeting	4 - 7 September, Caracas
Evaluation Meeting	14 November

Over a period of almost two years, a total of 18 documents were produced as a result of the negotiations. The parties achieved their most important accomplishment at the end of the fourth round of talks (October 2006), concluding that a framework agreement should contemplate the participation of civil society, the creation of an environment conducive to peace (an end to hostilities and the humanization of the conflict) and, finally, the participation of the international community. Additionally, they mutually acknowledged the good will of each of the negotiating parties and agreed to establish a formal negotiating table. This brought the exploratory phase to a conclusion and the process entered its second phase.

Early in 2007, tensions began to arise between the parties and in April the sixth round of talks opened under a cloud of pessimism and tension. Spain, Norway, and Switzerland were designated to act as facilitators, but the Colombian Government, fearing that the ELN had manipulated their participation in order to generate international attention and delay the decision-making process, ended the participation of all foreign observers. Thus, between April and August 2007, there was no outside facilitator to aid the parties during the negotiation, a firm stance of President Uribe's government. In fact, at a meeting with the United Nations Department of Political Affairs, Colombian Vice President Francisco Santos declined the United Nations' offer to act as facilitator in the negotiation.³

Despite the initial tensions, the parties made substantial progress during the months of May and June and

managed to draft the framework agreement. In fact, optimism reigned at the meetings held at the *Casa de Paz* during the recess in the peace talks, and the members of the ELN negotiating team were confident that the ceasefire agreement would be signed in June or July. While the parties admitted that there was still much ground to be covered with respect to how the ceasefire would be monitored, the ELN was certain that a solution could be reached. They admitted that never had so much progress been made in the history of the negotiations between the ELN and the Colombian Government.

Statements made by the parties before reconvening in Havana confirmed this optimism. According to High Commissioner for Peace Luis Carlos Restrepo, "This round of talks will be very productive and will bring very positive news for the country."

The Framework Agreement

The draft framework agreement is undoubtedly a sound and comprehensive document that reflects the hard work and dedication of the parties. The ELN agreed to put a stop to all military action, including action carried out against the civilian population, as well as to stop the attacks against the country's infrastructure. In turn, the government undertook to cease all offensive activities against the guerrilla group. The ELN also promised to stop kidnapping and free all of its hostages, and to participate jointly with the government in demining programs. Furthermore, both parties agreed on the importance of including civil society in the peace process.

But, in spite of the optimism, in July the talks experienced a new crisis, which has worsened since then. On 28 June, the FARC announced that 11 of 12 members of the Valle del Cauca Departmental Assembly, kidnapped in 2003, had been killed. Outraged Colombians took to the streets, demanding that the guerrillas stop kidnapping and free all the hostages; almost 5 million people participated in marches throughout Colombia. Did this initiative make it politically more difficult for the Uribe government to negotiate with the ELN? Around that time, Colombia's High Commissioner for Peace, Luis Carlos Restrepo made his most radical and inflexible demands to the ELN. The likelihood of signing the framework agreement had begun to slip away.

As stated above, in June 2005, Uribe had declared that all he required from the ELN was a ceasefire agreement, and that demobilization and disarmament were not a prerequisite for the talks. In July 2007, the government reversed its position and asked that the ELN publicly declare its firm commitment to disarm and demobilize. The government also required the ELN to concentrate in specific locations in order to be able to identify its members and monitor the ceasefire.

In an interview, Restrepo stated, “The government requests that the members of the ELN assemble in delimited areas of the national territory so that they can be identified and we can carry out an adequate verification [of the ceasefire].”⁷⁴ Moreover, he stated that it was necessary for the ELN to make the “immediate decision” to cease being a clandestine organization, and that the Colombian Government, and not a neutral third party, would be responsible for monitoring the ceasefire. Restrepo also suggested that the ELN convene a congress in order to decide whether they wanted to engage in political life. Thus, what the government was in fact requiring of the ELN was not merely the signing of a ceasefire agreement as a first step toward a wider and more comprehensive peace process, but also (as in the process carried out with the members of the *Autodefensas Unidas de Colombia*, United Self-Defense Groups of Colombia) requiring the commitment to surrender and disarm. By way of comparison, it as if the British Government had required the IRA to assemble in a delimited area of Ireland, identify its members, and promise to dismantle its weapons as a prerequisite for the signing of the Good Friday Agreement. This was a possibility that Senator George Mitchell, who was acting as facilitator, had explicitly ruled out.

The proposal made by the Uribe government was emphatically rejected by the ELN, which described the acceptance of such a proposal as suicidal, and repeated what it had already stated at the negotiation table: that the ELN was not ready “to demobilize, or to disarm, or to assemble anywhere in response to the government’s needs.”⁷⁶

At the same time, the ELN expressed no intention of unilaterally freeing the hostages, thus displaying a limited ability to understand or appreciate the prevailing

mood in the country. Additionally, evidence provided by the Colombian Government demonstrated that some ELN fronts were increasingly involved in the production and trade of cocaine. Was the ELN truly committed to a peace process? In its congress of July 2006, the ELN reaffirmed the need to continue and intensify its resistance against the oligarchy. Was the ELN really seeking a political solution to the conflict, as it had stated? The inflexibility of both parties and their lack of trust in each other clouded the atmosphere at the negotiations, which reached an end after a brief moment of hope.

In August 2007 various attempts were made to revive the process. ELN negotiator Pablo Beltrán sent a letter to Nancy Patricia Gutiérrez, recently elected chairwoman of the Colombian Senate and member of the Uribe coalition. In her inaugural speech, she subtly pressured the government to seek a ceasefire agreement with the ELN.⁷ Additionally, on 14 August, the National Peace Council was convened to discuss the peace process with the ELN, as well as the status of the framework agreement.⁸ That same day, the newspaper *El Tiempo* had organized an international seminar on the subject of ceasefires, in which the cases of Northern Ireland and the Philippines were discussed in depth.⁹ At the close of that same day, both President Uribe and High Commissioner Restrepo made statements that hinted at greater flexibility. Senator Gutiérrez stated that the intense lobbying in favor of the peace process had achieved the desired results.

When the talks resumed in Cuba on 20 August, a National Peace Council delegation was invited to hear the presentations of both negotiating teams. However, when the two sides met face to face once again in the solitude of the Cuban diplomatic compound known as El Laguito, mistrust and resentment resurfaced, leading to a negative outcome for the round of talks. High Commissioner Restrepo left Cuba without setting a new date for follow-up talks. It was then that Venezuelan President Hugo Chávez appeared on the scene.

Mediation by Hugo Chávez

Until August 2007, Venezuelan President Hugo Chávez had maintained a neutral stance with respect to the Colombian conflict and the parties involved, and had

never sought to play a specific role. Faced with mounting pressure from a public that demanded a humanitarian agreement for the release of the hostages held by the FARC, President Uribe –famous for his reluctance to reach any type of agreement with the FARC guerrillas– agreed to have Chávez facilitate negotiations with the FARC and the ELN.

When Álvaro Uribe and President Hugo Chávez met in Hato Grande, near Bogotá on 31 August 2007, relations between the two countries were at their best. In spite of their ideological differences, there seemed to be empathy between the two heads of state, and the two countries had reached important agreements regarding the construction of a gas pipeline between the Colombian region of La Guajira and the Venezuelan city of Maracaibo. Moreover, the possibility of an additional pipeline to Panama was also being considered.

Initially, Chávez proved to be effective, opening up communication channels with both the FARC and the ELN guerrillas during his first weeks of involvement. Important leaders from both insurgent groups traveled to Caracas and met with Chávez and his emissaries. While Chávez's idiosyncrasies had caused concern among analysts and observers, skepticism was increasingly replaced by hope and a certain degree of optimism after early successes during his initial involvement. The feeling was that the Venezuelan president would be able to achieve results with both guerrilla groups.

With little publicity and media attention, President Chávez was advancing in his conversations with the ELN Central Command. After the talks reached a dead-end in August, the ELN spent two months on an exhaustive internal consultation aimed at evaluating the process and planning the road ahead. The ELN saw Chávez's role as a unique opportunity to bring a breath of fresh air to a moribund process and to be able to advance their demands. In the eyes of the ELN, the president of Venezuela represented the trusted and credible third party that it felt had been missing from the process, since talks with the Uribe administration began in the fall of 2005. The ELN felt confident that Chávez would listen to its demands and trusted his ability to facilitate a ceasefire agreement that would be fair to the guerrillas.

In order to highlight the importance of this moment, ELN commander Nicolás Rodríguez Bautista, known as Gabino, abandoned the security of the Central Command headquarters in the mountains and traveled to Caracas to meet with President Chávez. Gabino was accompanied by hard-liner Antonio García, the organization's second-in-command. The ELN delegation met with President Chávez at the Miraflores presidential palace on 15 November 2007. President Uribe's High Commissioner for Peace Luis Carlos Restrepo was also present.

In an interview with Colombian analyst León Valencia, Commander Gabino declared that the ELN was ready to sign the framework agreement with the government of President Uribe.¹⁰ "There is a different atmosphere in Latin America today, and I am enthusiastic about the possibility of signing a dignified peace agreement. That is why I took the risk of coming I took the risk of coming [to Caracas]", Gabino said. He also stated that signing the agreement with Uribe, whom the ELN considered the most authentic representative of the oligarchy they had been fighting, would give even more authority and credibility¹¹ to the agreement.

Despite the fact that some progress had been made, Chávez's mediation efforts were rapidly obscured by his bold and colorful statements, which became increasingly problematic for the Colombian Government. President Uribe grew uncomfortable with the way the president of Venezuela was handling the negotiations.

It was President Chávez himself who provided his Colombian counterpart with the pretext to remove him from the negotiations. When the Venezuelan president broke the rules of protocol on 21 November by speaking directly to the Colombian military command on the phone, General Mario Montoya, President Uribe abruptly terminated Chávez's role as intermediary. That same night, a spokesman for Uribe appeared on national television to announce that said breach of protocol was the reason for terminating his mediation.

Chávez reacted indignantly and relations between the two countries have since deteriorated in a dangerous downward spiral. Chávez called the Colombian president a "liar" and a "coward," while Uribe, referring to his Venezuelan colleague, stated that "what we need is mediation against terrorism, not those who legitimize terror-

ism.”¹² On 12 January 2008, President Chávez declared that neither the FARC nor the ELN were terrorist groups and invited President Uribe and foreign governments to recognize both guerrilla groups as belligerent organizations.¹³ Furthermore, he accused the Colombian Government of warmongering.¹⁴

Although it was mainly in response to Chávez’s handling of the FARC negotiations, President Uribe’s abrupt decision also had an impact on the negotiations with the ELN, which resented the unilateral decision to terminate facilitation by the Venezuelan president. A new round of talks with the Colombian Government scheduled for 15 December in Cuba was cancelled.¹⁵

There has been no contact between the Colombian Government and the ELN Central Command since President Uribe terminated President Chávez’s role in the mediation. In December 2007, the government sent a new proposal to the Central Command suggesting that the talks be resumed, but to date there has been no reply. To the contrary, the ELN has intensified its belligerence.

The Colombian Government’s recent military victories against the FARC make it more difficult to imagine a negotiation scenario with the ELN in the short term. In addition to the current dynamics, there is also an ideological obstacle to the resumption of the talks: the different, even polarized, perspectives of the Colombian Government and the ELN with respect to negotiation and its objectives.

Capitalizing on the widespread frustration of the Colombian citizenry with the the Pastrana administration’s handling of the FARC peace process, President Álvaro Uribe won his first election in 2001 with a landslide victory on the promise of a military defeat of the guerrillas. Uribe’s triumphant reelection in 2006 was ensured by the sense of security felt by the people as a result of the democratic security policy.

Although Uribe agreed to begin negotiations with the paramilitaries in 2003, he has been reluctant to commit to direct talks with the guerrillas, and has favored the use of force. Indeed, the only time he offered to engage in direct negotiations with the ELN was in 2005 at the beginning of his reelection campaign, a time when he needed to consolidate and expand the scope of his democratic secu-

rity policy. The Uribe administration views negotiation as a tool for a forced solution to the conflict; it is not a forum to explore solutions and transformations, but rather a strategy to subjugate the rebels and force them to bend to the will of the state and its undisputed legitimacy.

Since 1996 negotiations have been part of the ELN’s strategy to seek the structural transformation of the country and to address the root causes of the armed conflict. According to the ELN, a peace process is a forum for reaching a broad and profound consensus, not only between the government and the insurgents, but also with Colombian society as a whole. It is precisely this broad yet vague and indefinite scope that weakens the ELN’s position at the negotiation table. It would improve the ELN’s position if they were to bring well-formulated and detailed requests to the negotiation table. However, as long as the ELN’s demands continue to be vague, its hardliners will appear more determined, and thus they win greater internal support. This support is currently pushing the ELN farther and farther from the negotiation table.

Conclusion: The need for a third party

In this paper I have highlighted the positions, missed opportunities, destructive elements, and challenges that negotiations with the ELN currently face. Faithful to its promise to impose a forced solution, the Colombian Government was unable, or unwilling, to recognize the moments of opportunity that would have obliged the ELN to agree to a ceasefire and to release dozens of hostages. On the other hand, the ELN has been struggling to formulate concrete and precise demands, leaving the negotiation focus in a haze. This has allowed the more radical members of the ELN to become more influential. Finally, the Colombian Government, when it lost control over Chávez’s role as facilitator, provided the guerrilla groups with a strong ideological point of reference, which now impedes the peace process and favors the radicalization of the insurgents.

At a time when many are prepared to withdraw or move to the sidelines to wait for a better moment, it is urgent to identify a strong, reliable, and credible third party (or a group of facilitators) who can step in.

The ELN peace process has been marked by the absence of third parties. Credible third parties are now necessary to bring the parties back to the negotiation table, to advance the cause of peace, and to avoid the risk of radicalizing the armed conflict. Third parties should facilitate a feasible and respectable formula for a ceasefire as a preventive measure aimed at building trust between the parties; they should assist the ELN in formulating precise and concrete demands to be negotiated at the negotiating table; and they should ensure that the ELN returns to the negotiation table after having shown its serious commitment to the process, for example by releasing hostages.

Nevertheless, today it is difficult to imagine negotiations with the ELN that are separate and distinct from negotiations with the FARC. The time does not seem ripe for a new mediation effort, and we shall have to wait a while before it is possible to fully assess the consequences of Operation Jaque and of the other military victories against the FARC, or to think about possibilities for new negotiations, which does not appear to be just around the corner. •

- ¹⁰ León Valencia is the president of the Bogotá-based Corporación Nuevo Arco Iris. He was a member of the ELN Central Command and demobilized with his unit in 1994, during the government of President César Gaviria.
- ¹¹ Queremos Firmar La Paz Con Uribe: “Gabino”. *El Tiempo*, 2 December 2007. In a conversation I had with him, León Valencia (who had met with Gabino on 20 November) clarified that Gabino was not referring to a peace agreement but to a ceasefire.
- ¹² http://www.actualidadcolombiana.org/pdf/compilado_prensa_eln_dici5.pdf
- ¹³ “Terrorista es el apelativo que merece la guerrilla”. *El País*, 12 January 2008, p.6.
- ¹⁴ “Entre el respeto y la ofensa”. *El Mundo*, 18 January 2008, p.1.
- ¹⁵ The date was initially the result of Chávez’s mediation efforts.

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- ¹ Speech given by President Álvaro Uribe in Rionegro, Antioquia, 9 June 2005.
 - ² “Superemos los obstáculos” (Let Us Overcome the Obstacles), ELN document, 25 August 2008.
 - ³ *El Tiempo*, 25 April 2007.
 - ⁴ Interview with Luis Carlos Restrepo, *Caracol Radio*, 27 July 2007.
 - ⁵ Interview with Luis Carlos Restrepo, *El Tiempo*, 28 July 2007.
 - ⁶ ELN document, July 2007.
 - ⁷ The speech given by the Senate chairwoman met with the support of a group of U.S. Democrats who encouraged any attempt to find a negotiated solution to the armed conflict in Colombia. Congressmen James McGovern, Ike Skelton, Tom Lantos, and Eliot Engel signed a letter to the chairwoman of the Colombian Senate. That letter was acknowledged by head ELN negotiator Pablo Beltrán who, in a letter to an international symposium on ceasefires, wrote “The key that will prevent the perpetuation of the conflict and pave the way for a political solution to the conflict is in the hands of the U.S. and Colombian elites.” Beltrán also emphasized, “The fact that sectors of U.S. society are supporting peace and reconciliation efforts in Colombia is of the utmost importance.”
 - ⁸ The National Peace Council was created in 1988, and is made up of representatives from the three branches of government, monitoring and oversight organizations, churches, labor unions, business associations, universities, and organizations representing small farmers, ethnic minorities, retired members of the Armed Forces, women, peace activists, human rights advocates, and victims of forced displacement.
 - ⁹ The seminar was also promoted and organized by the Center for International Conflict Resolution at Columbia University, Project on Justice in Times of Transition, and the Bogotá-based Corporación Nuevo Arco Iris.