

CUADERNOS DEL CONFLICTO
PEACE INITIATIVES AND
COLOMBIA'S ARMED CONFLICT



Latin American Program

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DIFFICULTIES AND OPPORTUNITIES WITH THE HUMANITARIAN AGREEMENT WITH THE FARC: THE ROLE OF THE CATHOLIC CHURCH

Colombia as a nation is seriously concerned about the condition of those who have been deprived of their freedom and find themselves in precarious health. We believe the reports that state that the mental health of some of the members of the military, kidnapped more than 10 years ago by the armed group known as the FARC, is deplorable and outrageous. Monsignor Luis Augusto Castro Quiroga seeks whatever media opportunity might exist to send the FARC-EP an urgent message from the Colombian Catholic Church.

The Mission of the Church in the Peacebuilding

The Church, as mother and teacher of humanitarianism, requires that Church prelates put themselves at the service of humanitarian causes, and particularly that they contribute significantly to the construction of reconciliation and peace in Colombia.

The reflections and actions of the Church have had as their guiding principles the right to life with dignity, dialogue as an alternative to armed conflict, and the precedence of humanitarian concerns over political calculations.

These are, and have always been, the reasons that underlie and guide the mission pursued by Church prelates in Colombia at every level, from local support provided by nuns, priests and laymen in the most distant regions of the country affected by the armed conflict, to facilitation activities carried out by the bishops that make up the Church's Peace Commission.

The conceptual framework is clear: serving humanitarian causes must take precedence over political circumstances, incumbent governments, illegal armed groups, or any other type of consideration that somehow conditions or undermines the value of life as the source and principle of humanity.

In accordance with these precepts, over time the bishops have embarked upon humanitarian interventions that have taken different forms and been applied in different scenarios. The bishops have undertaken to promote respect for and the guarantee of human rights and interna-

tional humanitarian law as an expression of the dignity of the human being and as a condition for achieving a solid and lasting peace.

In the context of the different peace processes and rapprochements, the Bishops Conference has fostered agreements to humanize the conflict, to uphold the minimum requirements of respect for human life in the midst of the confrontation, and to put a halt to the degradation of war practices. However, the expression "humanizing the armed conflict" is in itself a contradiction in terms, given that no armed conflict can possibly value the meaning of life.

In addition, in the exercise of their pastoral and evangelical role, the bishops have been pursuing "pastoral dialogues" at the local and regional levels. These dialogues constitute a process of humanitarian rapprochement that seeks to create forums for the different actors in the conflict to meet in order to limit, as much as possible, the consequences of the armed confrontation for the civilian population and the development of the communities.

With respect to forced displacement and the use of anti-personnel mines and cluster bombs, the Church's Social Pastoral Secretariat has followed this humanitarian drama very closely. It has resorted to various strategies in order to denounce this phenomenon, support the victims, and minimize the impact of these abuses. Such activities have become a permanent priority in the various meetings held by the bishops with the members of the illegal armed groups.

As far as kidnappings are concerned, the Church has steadfastly insisted on the need to reach a humanitarian agreement that would allow all of those unjustly deprived of their freedom to return to the bosom of their families, while, at the same time, calling for the avoidance of actions that put their lives and personal safety at risk. While it is true that enormous efforts have been made in favor of the liberation of those hostages that are considered "exchangeable" for political reasons, the Church has insisted on the need to seek a more far-reaching solution that also takes into account those kidnapped for ransom. This group cannot be relegated to indifference.

The humanitarian mission of the Church has even included a facilitating role in order to safeguard the lives of members of the illegal armed groups. Such is the case of the work carried out in the context of the serious territorial disputes between the FARC and the ELN in Arauca or of the clashes between paramilitary blocs in the eastern part of the country, as well as the Church's role as humanitarian guarantor of the lives of those whose personal security has been threatened due to their participation in the conflict (the cases of Rodrigo Granda, Yesid Arteta, etc.). All of these actions ratify the Church's independent and autonomous role, based on the compassion nature inspired by the Gospel.

The Supremacy of Political Considerations

The Church's humanitarian mission faces a significant obstacle: the decrease in actions of a humanitarian nature as a consequence of the supremacy granted to political considerations.

While one of the objectives of any facilitation activity is to channel the armed conflict toward a political path—so that the main points of tension can be handled within the framework of democratic institutions and the rule of law—the humanitarian aspect has to be a fundamental intermediate phase that promotes respect for life and makes it possible to devote attention to the inherent consequences of the armed confrontation. To ignore this fact and to pay little attention to the humanitarian imperative or, despite what Clausewitz says, to turn politics into the continuation of war through other means, or to uphold the “continuation of all forms of struggle,” can have deplorable consequences for the civilian population in the short term, and for the establishment of stable and lasting peace in the medium and long term.

Allow me to develop, in a general manner, certain elements that I believe have been fundamental in the course of recent events.

Rodrigo Granda, France and Reasons of State

Between May and June 2007, the Colombian government decided to unilaterally free some FARC prisoners held in different prisons around the country. The goal ap-

peared to be to catalyze a response contrary to the radicalization that had resulted from the explosion of a car bomb at the Military University of Bogotá, an act attributed to the FARC.

At that time, the national government claimed to have a “reason of state”; the French government had requested the release of FARC member Rodrigo Granda in order to generate the necessary conditions for the possible liberation of Ingrid Betancourt. The unilateral character of this release of prisoners, and the resort to a mechanism not anticipated in the conditions established by the FARC, served as reasons put forth by the FARC for its rejection of a release of prisoners that was not in accordance with the terms already proposed.

Multiple events surrounded this episode; what is important to emphasize is that the situation had become so radicalized that it greatly limited the room to maneuver for national or international facilitators and, of course, for the action of the Church itself, in that any action of a humanitarian nature became restricted.

At that moment, multiple factors contributed to the failure to achieve desired objectives: the non-negotiable condition set by the FARC with respect to the demilitarization of the municipalities of Pradera and Florida; the inclusion of guerrillas “Simón Trinidad” and “Sonia” in the list of “exchangeable” prisoners; the “unmovable” points established by the national government; the public's only intermittent interest in a humanitarian agreement; and the conditioned participation of international actors.

After the breakdown, a series of events with great political and international impact progressively came to modify the existing scenario, underscoring new and greater tensions but also opening new windows of opportunity as a result of the participation of new actors.

New actors, a change of scene, and disputes in the political field

The news of the death of 11 of 12 former members of the Valle del Cauca Departmental Assembly kidnapped by the FARC, together with the different stories describing the situation that the hostages faced in captivity, considerably affected the group's margin for international action.

Later, with the inclusion of Venezuelan President Hugo Chávez as a facilitator of a humanitarian agreement, new elements marked a change in scenario. This scenario posited the international political arena as the new theater for confrontation, transferred tensions to the facilitation forum, opened the door to new international actors, emphasized the tendency toward the regionalization of the conflict, and suggested political recognition as something particularly important to the FARC.

The new scenario came about due to a number of different events. Most importantly, as a result of President Uribe's termination of the facilitation by President Chávez, the Church became the only mediator recognized by the national government.

The Church's Proposal Peace to President Álvaro Uribe Vélez

On December 9, 2007, in the city of Tunja, at the Police Command of the Department of Boyacá, President Álvaro Uribe Vélez held a meeting with Monsignor Luis Augusto Castro Quiroga, president of the Bishops Conference. The meeting was attended by High Commissioner for Peace Luis Carlos Restrepo, Presidential Adviser José Obdulio Gaviria, and Nariño Palace Press Secretary Cesar Mauricio Velásquez, the undersigned, among others.

The president acknowledged the work by the Church in favor of peace and expressed his gratitude for the Church's proposal for "zone of encounter;" he considered it a contribution to the search for a solution that could make possible the release of the hostages without weakening the democratic security policy or affecting the security of the nation as a whole. President Uribe explained the reasons that had led him to accept the Church's proposal for a zone of encounter—something very different from a demilitarized zone—in which the commissioner, accompanied by the Church and, if necessary, by the International Committee of the Red Cross, could meet with the FARC in order to negotiate the humanitarian agreement. For the president, it was clear that making possible the liberation of the hostages would not necessarily lead to promoting the kidnapping of Colombians.

The president emphasized the fact that he had duly evaluated the political cost entailed by allowing President Chávez to become involved in the issue, and stated that humanitarian considerations had taken precedence over the political costs and over any other type of deliberation.

President Uribe asked the president of the Bishops Conference to contact the FARC in order to inquire about its willingness to establish a meeting zone.¹ During the analysis of each one of the conditions, the president admitted that if hard-pressed, any one of the conditions could be subject to negotiation.

The head of state accepted the methodology proposed by the Church, which consisted mainly of the work of the members of the Church's Peace Commission, which includes the bishops in whose ecclesiastical jurisdictions there are particularly significant manifestations of the armed conflict.

The president gave precise instructions for defining a communications strategy to be agreed on between Luis Carlos Restrepo and myself.

After once again thanking the Church, he offered the collaboration of both Luis Carlos Restrepo and José Obdulio Gaviria.

The Church's Proposal Mediation to the FARC Secretariat

On December 13, 2007, Monsignor Luis Augusto Castro Quiroga wrote a letter to Manuel Marulanda Vélez and the Secretariat of the FARC.

In that letter he reiterated that the Catholic Church, autonomously and independently, had always been and would continue to be willing to facilitate and support all of the processes that could lead to peace with social justice in Colombia. The reflections and actions of the Church have had as its guiding principles, the right to a dignified life; dialogue as an alternative to armed conflict; and a plea that humanitarian concerns be given precedence over political calculations. He explained his proposal for a zone of encounter in Colombia, in which national government delegates and representatives of the FARC could define the terms of an agreement that would make possible the liberation of the hostages in the power

of the FARC-EP, in exchange for members of the FARC held in government prisons.

Monsignor Luis Augusto Castro Quiroga, president of the Bishops Conference, insisted on the importance of establishing contact with the organization as soon as possible, and reiterated his willingness to meet with their delegates at the place, time, and hour that they considered convenient.

On January 3, 2008, in my capacity as Secretary-General of the Church's Peace Commission and of the National Conciliation Commission, I sent a letter to Raúl Reyes and to the members of the Secretariat of the FARC.

In that letter I stated that the Catholic Church had not faltered in its efforts to create the conditions that would make it possible to reach an agreement between the FARC and the national government for the exchange of persons deprived of their freedom.

I also conveyed the independent position of the National Conciliation Commission, urging the FARC to accept the invitation made by Monsignor Castro in order to find a space to design a strategy that would accommodate the needs and requirements set forth by the FARC as essential for the success of the exchange, as well as the conditions under which the national government would be willing to go ahead with it. All of the above would be done in order to respond to the wishes of all Colombians and of the international community.

In order to agree on a date for the meeting and as a means of communication, I sent the FARC the e-mails, office telephone numbers, and the personal mobile phone numbers of both Monsignor Castro and myself, and also offered the possibility of establishing contact through any of the bishops of the country's dioceses.

The Church's Work Methodology

The contribution of the Church to the construction of a humanitarian agreement is based on the fundamental commitment of the bishops as a whole and, particularly, of the president of the Bishops Conference and the Church's Peace Commission.

The first proposal sought to air the issue among persons of good will and to foster awareness in civil society through a national campaign of prayer for all of the hostages.

Second, we endeavored to extend the horizon of confidence-building to wide sectors of both the Secretariat and the General Staff of the FARC, with the support of some bishops who are highly regarded by the members of this organization.

Finally, we sought to link all of our efforts to the greatest extent possible with those of the delegates of the "friendly countries," France, Spain, and Switzerland.

CURRENT DIFFICULTIES OF THE PROCESS

The involvement of President Chávez did not end at the OAS summit in Santo Domingo. Given that President Chávez has very special significance for the FARC, it would be foolish to think that the FARC will give up on the possibilities that his mediation offers them.

The involvement of Ecuadoran institutions and individuals with the FARC had been known for a long time and was made evident by the death of Raúl Reyes and the confiscation of his computers. This involvement goes beyond ties to the guerrilla leader, and presumably continues to be an issue.

Raúl Reyes's computers continue to provide clues that make one question the actions of neighboring countries, and the presence of many individuals active in Colombia's public and political life. This locates them in a threshold between legality and illegality and might motivate them to hinder rather than make positive contributions to the process.

The morale of the members of the military and military intelligence is at a peak. This has bearing on any initiative arising from the facilitation by Church prelates.

The loss of three very significant members of the Secretariat has forced the FARC to reorganize and redefine their political and military strategy. This means that the Church's effort at facilitation, not only for the humanitarian agreement but also for the construction of peace and reconciliation, will have to be put on hold for a while.

Driven by national and international pressure, President Uribe has excessively exposed the Church's mediation work to the media, thus affecting the Church's independence and autonomy.

Ultimately the supremacy granted to political considerations has diminished humanitarian opportunities, to the detriment of the desired agreement.

Opportunities for the future

Ecuador cannot provide facilitation for the FARC, due to the outcome of the OAS meeting on the Ecuador-Colombia conflict. Other scenarios have been closed off as well. Some sectors are publicly suggesting to the FARC that it realistically face the current circumstances and accept the possibility of a rapprochement aimed at political negotiation.

The poor health of some of the hostages could motivate the FARC to accept the invitation that the Church has been making insistently and through various channels.

Building confidence takes time. The negotiators from France and Switzerland devoted many years and much effort to building this confidence with Raúl Reyes. The Church's facilitation has gone a little farther: the confidence-building work previously carried out by some bishops could constitute an excellent window of opportunity.

The Colombian government's Decree No. 880 of March 27, 2008 (which regulated Article 61 of Law 975 of 2005)², generated criticism not only from the United Nations High Commissioner for Human Rights and the Prosecutor General of the Nation, but also from some members of the judicial branch. Nonetheless, it could provide another window of opportunity for the FARC to use in order to resolve the issue of the exchange as the first step toward negotiated peace.

Finally, it is worth asking whether we are destined to negotiate not one humanitarian exchange, but rather several agreements with the different commanders of the fronts that have hostages in their power. If the military tendency or war strategy prevailing at the moment were to continue, would the structure of FARC be doomed to crumble? If so, the humanitarian agreement, the much longed-for peace talks, and the generation of serious and sustained reconciliation processes, will be much more difficult to achieve. •

¹ The conditions for this zone were that: a) it not be an urban area; b) it be a rural zone with a low population density; c) no military facilities would need to be removed if they existed in said zone; d) it not be larger than 150 km²; and e) its duration be limited to a maximum of 30 days.

² The Colombian Government decree as the only requirement for the humanitarian agreement, the liberation of the hostages.