

CUADERNOS DEL CONFLICTO
PEACE INITIATIVES AND
COLOMBIA'S ARMED CONFLICT



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THE PEACE POLICY IN COLOMBIA

The democratic security policy implemented by President Uribe includes as one of its essential components a policy toward peace. That policy to date has resulted in the demobilization of 46,757 members of illegal armed groups,¹ nearly ten times the number of members of armed groups who laid down arms between 1990 and 1998 during the previous governments' most intensive efforts to achieve peace in the country.

Among these demobilized fighters were 31,671 members of self-defense or paramilitary groups who handed over 18,051 weapons. The peace process with these groups includes an important component aimed at bringing to justice those responsible for crimes against humanity and making reparations to the victims. It is also important to highlight that 8,860 members of the FARC have deserted from that illegal organization.² These desertions reveal the breakdown in the group's chain of command as well as demoralization and the loss of the will to fight. The recent deaths of members of the FARC Secretariat, whose leadership had, until recently, been considered invincible, demonstrate without a doubt that the breaking point has been reached. What has been achieved refutes the argument put forth in the past by academics and some political sectors in Colombia and abroad that suggested that a military stalemate between the state and the illegal groups meant that the military defeat of the Colombian guerrillas would be impossible.

At the same time, the door is not closed to a negotiated solution. The democratic security policy has always had the objective of enabling the legitimate authorities to recover territorial control, leaving open the possibility of an alternative through dialogue. We nonetheless believe that useful dialogue should be based on a foundation of a strong state; otherwise illegal organizations will continue to believe that they can play the double card of dialogue, on one hand, while strengthening their illegal power on the other. This has taken place several times in Colombia's history.

To examine the context of the current government's peace policy, one must properly understand the scope

and impact of 1) the demobilization of the paramilitary groups; 2) the state of the talks pursued for over 20 years with the ELN; and 3) the situation with the FARC, which has concentrated its demands on a) the establishment of a demilitarized zone in the country's central-western region that would be under its control while talks unfold, and b) the subsequent exchange of all of the guerrillas in prison for some 40 hostages³ held captive by the FARC for a number of years.

The demobilization of the paramilitaries and their trials under the Justice and Peace Law was a bold decision by the government of President Uribe, one that was criticized by his opponents and regarded with caution by the international community. The government undertook demobilization in order to recover the state's monopoly on the use of force and justice, because these groups had been growing out of proportion in recent years, surpassing the number of guerrillas at the beginning of President Uribe's first term in office. Until then, the only strategy that had been attempted vis-à-vis the paramilitaries had been for the police and the army to combat them. This strategy had failed. Another notion was that they would submit to justice following a peace process with the guerrillas, a scenario that looked remote.

While the paramilitary phenomenon grew, more national and international critics talked about collusion between the self-defense groups and Colombian authorities, something that undermined our institutions and the security forces. *Soto voce*, businessmen, politicians, and local officials considered the self-defense groups as a necessary evil; these individuals and groups legitimized the existence of the paramilitaries because of the state's inability to implement a successful and sustainable security policy.

As we said publicly at the time, the self-defense groups had become the most serious threat to the Colombian state. Justified by the argument that these groups defended the people from the excesses of the guerrillas, the paramilitary groups grew with the support of broad sectors of the population. People mistakenly believed that the groups were the solution to the murders, kidnappings, and massacres by the guerrillas. The self-defense groups' power and capacity to corrupt was so great that they were

able to co-opt regional and local authorities who nowadays are paying for their crimes in Colombian prisons.

Demobilization was achieved through the convergence of several factors: the strength and firmness of the democratic security policy that left the self-defense groups without a legitimate discourse; the government's resolve to fight them unceasingly; the paramilitary leaders' belief during the process that they would not get another chance to negotiate if they refused to reach peace with this government; internal divisions within the self-defense groups that put the lives of their leaders at risk; the government's offer to suspend extradition⁴ for those who would hand over their weapons and abide by the commitments deriving from the peace process, as well as the alternative offered by the Justice and Peace Law. With the exception of the OAS Mission in Support of the Peace Process (MAPP-OEA), the international community offered little support; instead of proving political accompaniment to the process, the international community increased its demands that those responsible for atrocities be punished.

With the disbanding of the self-defense groups, the intimidation that prevented the legal authorities from acting was eliminated, making it possible for victims to report crimes. Mass graves were discovered and many collaborators who operated within legal parameters were charged. Members of Congress, departmental governors, and political leaders have been called to stand trial and have been convicted. The paramilitary leaders and mid-level commanders have confessed to thousands of crimes in the justice and peace hearings, a process that has enabled the judicial authorities to clarify crimes that for years remained in impunity.

The political capital that Colombia gained as the result of this process is related to the collective disavowal of the methods used by private security forces and the trust that the citizens have regained in security provided by the state. The lesson has been clear: because there is a clear price to be paid, nowadays no political or regional leader or member of the security forces would encourage, as was done in the past, the creation of private security groups. Collective legitimization of private security is a thing of the past in Colombia.

Given that for years the guerrillas had insisted on the demobilization of the paramilitary groups as a condition for entering into a peace process with the government, by logical extension one would have thought that they would be motivated to advance toward a serious peace process. But this was not the case.

Both the FARC and the ELN attempted to impose their illegal dominance in some dense jungle areas or remote and undeveloped regions where coca growing reigned, in order to take over the business previously controlled by the self-defense groups. There they wound up fighting the security forces and fighting, or else forging alliances with, the emerging criminal gangs that were struggling for control of the illegal business, without much concern for political objectives. In fact, unlike the former self-defense groups, these new bands were not interested in fighting the guerrillas. They only clashed with the guerrilla groups when drug trafficking interests were at stake.

While the guerrilla fronts were deteriorating into criminal gangs dedicated to drug trafficking and the accumulation of illicit wealth, the FARC and ELN leaders were holding fast to a stubborn discourse that made a solution through dialogue impossible. Between December 2005 and November 2007, the government and the ELN held talks in Havana and Caracas, in what was known as the formal exploratory phase. The result of these negotiations was the base accord, which the parties have still not ratified.

The base accord puts forth a proposal for a preliminary peace process that begins with a ceasefire and cease in hostilities by the ELN, to be reciprocated by the government, and the creation of an atmosphere that is conducive to peace that includes regional and national meetings to address issues such as displacement and forced disappearance, and a program for development and peace. The base accord is designed to culminate in a national convention that should lead to a broader peace initiative that would even include the FARC.

Several obstacles arose that have prevented the ELN from formally accepting the base accord that was discussed by its representatives at the talks. One such obstacle is the organization's decision to remain as an

underground movement and not to address the subject of disarmament or demobilization or to renounce violence. Second is the fear of ELN leaders that they would be considered traitors by the FARC and by Colombian and foreign sectors of the radical left that do not approve of negotiations with the government of President Uribe. A third obstacle involves the strengthening of the ELN's mid-level commanders who are increasingly involved in drug trafficking and who would prefer to wait for future negotiations while they accumulate power by means of illegal business dealings. Fourth, the ELN's initial impression was that they had been unable to use the talks in their favor—to consolidate political capital and gain international recognition as the “armed opposition,” without making serious commitments to cease violence. Finally, the ELN leaders held mistaken beliefs in late 2007 and early 2008 concerning prospects for international involvement, prompted by the intervention of President Chávez in the talks with the guerrillas. The ELN seemed intent on stalling the accord while it sought Latin American recognition as a belligerent force.

Given their diminished military capacity, the losses suffered at the hands of the security forces, and the lack of legitimacy and support from the Colombian people, one might think that the ELN would lay down its arms and join the country's democratic life, and that this resolve would play an important role in negotiations overall, leading to the possibility of a solution through dialogue with the FARC. Such an option would require political daring which so far the ELN has not shown, above all because it continues in its determination to combine armed struggle with political action, thus limiting its alternatives in society. It goes without saying that if the ELN were to show the resolve to continue efforts at the peace table, the government would be willing to sign the base accord and pave the way for a serious peace process—a process that would, without a doubt, have the approval of Colombians and the support of the international community.

In contrast to the ELN, the FARC has refused any formal rapprochement with the national government, establishing as a condition for a meeting with a government delegate the withdrawal of security forces from Florida and Pradera, two municipalities in the Central Cordillera

of Valle del Cauca Department. This area is located half an hour from Cali, the country's third most important city. These municipalities, 750 km² in size and with 114,000 inhabitants, would remain under the control of the guerrilla group for a period of 45 days; this is the amount of time that the FARC calculates would be needed to come to an agreement to swap 40 hostages in its power for all the guerrillas in Colombian prisons.

The FARC justifies its obsession with this concession by claiming issues related to the security of its negotiators. This was the same argument used to ask for the former 42,000 km² demilitarized zone that contained five municipalities and was implemented during the administration of President Andrés Pastrana.

When the security forces withdrew and left the territory in the hands of the FARC, the guerrillas brought in thousands of their troops, expelled the judicial authorities, forcibly recruited minors, moved their kidnap victims to the zone, forced the campesinos to grow coca, planned and carried out attacks on neighboring zones, executed civilians whom they considered to be enemies or infiltrators, appropriated thousands of head of cattle, and turned the so-called *détente* zone into a military training base for their men and a storage center for stolen cars, weapons, and explosives. The Colombian state is still facing lawsuits from citizens whose fundamental rights were affected when their lives and property were left in the hands of an illegal group. The experience of the demilitarized zone did not contribute to peace but rather, heightened the violence and left Colombians with bad memories of the experience.

Many people argue that the government should accept the FARC's proposal, saying that for the security forces to withdraw for 45 days would not weaken the democratic security policy; on the contrary, it would show the government's resolve to negotiate, leaving responsibility in the hands of the FARC if the process were not successful. The answer to these arguments is that a respectable state cannot play Russian roulette with the lives and property of its citizens. This is not a game of chance; and the government would be ill-advised to turn 114,000 citizens over to an illegal armed group. These citizens themselves could, from that moment, feel justified in

resisting with their own force the abuse of an illegal group that does not respect the Colombian Constitution or the law.

The 45-day period proposed by the FARC lacks credibility for several reasons. First, what was discussed at the beginning of the demilitarization of El Caguán was an initial period of three months. This period was extended time and again for three years, because the government was not willing to accept the political consequences of not permitting the extension, thereby terminating the opportunity for talks. Second, the FARC strategy, already known from the former demilitarized zone, consists of delaying the preliminary verification period—which they themselves carry out—prior to commencing the talks, and then stalling while they consolidate their territorial control. Third, it is not easy to resolve the issue of an exchange of 40 hostages for all of the guerrillas in prison, most of whom are responsible for crimes against humanity. This matter is especially difficult given that the FARC is asking that their members imprisoned in the United States also be released. Forty-five days might simply be insufficient.

With good reason the government has refused to demilitarize the municipalities of Pradera and Florida, because to do so would be to give the FARC an initial advantage that would not help advance—indeed it would hinder—the dialogue. In addition, leaving the inhabitants of these two municipalities as hostages in the hands of a terrorist group while negotiations are pursued would represent a failure to uphold the constitutional and legal duty to ensure due respect for the rights of the citizens. Finally, no responsible negotiator starts a dialogue with a group of kidnappers by giving them that kind of territorial advantage. This is something the FARC urgently seeks in an attempt to demonstrate that it controls territory, at the precise moment that Colombian security forces have secured control of all of the municipal seats of government and the main corregimientos, country subdivisions, in Colombia. Having retreated to the jungles and remote areas where the guerrillas grow coca, today the FARC is a group that has been hit hard in its chain of command, is internally demoralized and corrupted by the dynamics of drug trafficking, to which no responsible government would entrust the lives of its citizens.

As an alternative to the demilitarization of these two municipalities, in December 2005 France, Spain, and Switzerland proposed a meeting zone in a rural area, without the presence of the security forces or military occupation by the guerrillas, and with the accompaniment of international guarantors. The government accepted the proposal, but the FARC did not. Furthermore, the FARC has always refused to discuss the regulations for the demilitarized zone that it proposes. Since December 2007 the government, at the request of the Catholic Church in Colombia, has been insisting on a 150 km² meeting zone, using the methodology proposed by the three European countries, clarifying that while the location of this zone shall be agreed with the FARC guerrillas, it must be located in a rural area, without the need to remove military units or police, and not affecting the security of the civilian population. So far the guerrillas have refused to consider the proposal.

In an attempt to overcome the impasse over the demilitarized zone, the Colombian government has made several attempts to advance a humanitarian agreement aimed at the release of a group of hostages that the FARC intends to swap for guerrillas in Colombian prisons. Almost all of these politicians, soldiers, and policemen were kidnapped by the FARC prior to the Uribe government and the implementation of the democratic security policy. The exception are the three U.S. contractors who were involved in the aerial spraying of illicit crops, who were captured by the guerrilla group during the first months of President Uribe's first term in office.⁵

Whereas in the past the FARC kidnapped an average of 1,000 people per year, such actions have been reduced by 83 percent. The so-called group of "exchangeables" consists of 0.58 percent of the total number of those kidnapped by the FARC since 1997. This small group of hostages has become the only political card that the FARC holds in sustaining international dialogue and attempting to leverage the Uribe government. Attempts to resolve this problem have involved the office of the United Nations Secretary-General, representatives of European governments, the Catholic Church in Colombia, and other national figures. These attempts were unsuccessful largely because of the FARC's long-time insistence on

the demilitarization of the Pradera and Florida municipalities as a condition for even discussing the release of the hostages.

The Colombian Government's unilateral release of 150 guerrillas charged with or convicted of rebellion, and the release, at the request of French President Nicolas Sarkozy, of Rodrigo Granda—the highest level FARC member imprisoned in Colombia—did not lead to the release of the hostages. In fact, during this period the FARC murdered 21 hostages, among them a former defense minister, a departmental governor, 11 departmental assembly deputies, and several members of the security forces.

In search of a resolution to the problem, in August 2007 the government turned to Senator Piedad Córdoba, who had the support of President Hugo Chávez, to facilitate further discussions. While the guerrillas looked favorably on the presence of President Chávez in the process—indeed a member of the secretariat even went to Caracas to talk to meet with Chavez directly—the FARC remained unwilling to back down on its demand that the government agree to the demilitarization of the two municipalities as a condition for further discussion. As a result of difficulties in the facilitation, the government terminated the process. This led to increased tension between the Colombian government and President Chávez. As a political gesture to the Venezuelan president, the guerrillas unilaterally released six hostages. A child born in captivity, Emanuel, was to have been released by the FARC, but the government was able to recover him from a children's social welfare center, as he had been released previously by the guerrillas.

The government has continued to insist that it is feasible to establish a meeting zone for face-to-face dialogue with guerrilla delegates or, if the FARC were willing, to implement a quick exchange of hostages for guerrilla inmates. All that would be necessary is for the FARC to provide a list of the guerrillas it wants released so that the Colombian government could review the list and do all that is permissible under national law. The government's commitment to provide full guarantees for an international medical commission to visit hostages who are ill remains in place. Also remaining in force is the

order to the security forces that, should they locate the hostages, humanitarian objectives would prevail. That is, the Colombian security forces would maintain control of the area while privileging a humanitarian resolution over a military rescue.

The death of two members of the FARC secretariat in early March 2008 damaged the myth of the leadership's invincibility. In the months afterward, the FARC was silent as to the possibility of releasing more hostages. On March 27, 2008, the Colombian government issued Decree 880, establishing the regulations for Article 61 of Law 975 of 2005, which would allow the FARC to release hostages for humanitarian reasons, without relinquishing any future benefits for its members in prison.

Although some countries proposed the creation of an international commission to address the subject, the government has said that it prefers the more discreet efforts of the Colombian Catholic Church as well as two European delegates who are authorized to talk to the guerrilla group. President Uribe also stated that if the FARC were interested in entering into a serious peace process, the government would respond rapidly, so long as the guerrillas act in good faith and not attempt to use the talks to halt the military pressure against them and to rebuild themselves militarily.

Despite its emphasis on the democratic security policy, the Colombia government has upheld the tradition of seeking peace. All that is needed is for the FARC and ELN guerrilla groups to demonstrate their resolve to cease violent actions and begin a productive dialogue. Until that happens, however, the Colombian government asks the international community for its full-hearted support in the process of institutional strengthening in Colombia. It is important not to send the wrong message to the Colombian guerrillas, who interpret spontaneous proposals presented by political leaders and academics—made without consultation with the Colombian government—as ways to strengthen their political position and to launch violent attacks against democracy.

The FARC and the ELN see foreign figures as potential allies in the fight against the Colombian state, and seek rapprochement under the pretext of a humanitarian agreement or a gesture toward peace. This mistake is

only compounded when these leaders or academics adopt stances critical of the Colombian government. The best contribution to peace in the country is to support the will of the majority of the Colombian people to consolidate a democratic security policy that strengthens a pluralistic and non-violent society. International support for a peace process should arrive at a time that the Colombian government considers to be opportune, not through the generation of random proposals made outside of accepted institutional procedures. The former protects members of the international community interested in fomenting peace in Colombia and guarantees that they would act as agents for strengthening democratic institutionalism, rather than as pawns manipulated by the interests of terrorism. •

Osorio, alias 'El Burro'; Edwin Mauricio Gómez Luna; Rodrigo Tovar Pupo, alias 'Jorge 40'; Hernán Giraldo Serna, alias 'El Patrón'; Nodier Giraldo Giraldo y Eduardo Enrique Vengoechea Mola.

⁵ These American contractors Marc Gonsalves, Thomas Howes and Keith Stansel were rescued by the Colombian Army on July 2, 2008 during Operacion Jaque, which were also released: Ingrid Betancourt, the Lieutenant of the Army Juan Carlos Bermeo; Sublieutenant of the Army Raimundo Malagón; The Second Sergeant of the Army Jose Ricardo Marulanda; Corporal First of the Army William Perez; The Second Sergeant of the Army Erasmo Romero; Corporal First of the Army Jose Michael Arteaga; Corporal First of the Army, Armando Flórez; Corporal First of the Police Julio Buitrago; Sublieutenant of the Police Armando Castellanos; Lieutenant of the Police Vaney Rodríguez; Corporal First of the Police John Jairo Durán.

¹ According to figures of August 7, 2009 of the Office of the High Commissioner for Peace and of the Program of Humanitarian Attention to the Demobilized (PAHD) of the Defense Department, 51281 have been demobilized members of illegal groups.

² According to figures of August 7, 2009 of the Program of Humanitarian Attention to the Demobilized (PAHD) of the Defense Department, 12.760 members of the FARC have been demobilized.

³ As result of the "Operation Jaque" and of the unilateral liberations done by the FARC, today the list of exchangeable is integrated by: Captain Edgar Yesid Duarte Valero, Lieutenant Elkin Hernández Rivas, Sergeant Luís Alberto Erazo Maya, Corporal Second Jose Libio Martínez Highway, Corporal Second Paul Emilio Moncayo Cabrera, Intendant Álvaro Moreno, Corporal First Luís Alfredo Moreno, Corporal First Luís Alfonso Beltrán, Corporal First Luís Arturo García, Corporal First Robinsón Salcedo, Sergeant Second César Augusto Lazo, Corporal First Jose Libardo Forero, Sub lieutenant Jorge Humberto Romero, Sub lieutenant Carlos Jose Duarte, Sub lieutenant Wilson Rojas Medina, Sub lieutenant Jorge Trujillo, Colonel Luis Mendieta Ovalle, Lieutenant William Donato Gómez, Captain Enrique Murillo Sanchez, Captain Guillermo Solórzano, Sergeant Second Arvey Delgado Argote and Corporal First Salin Antonio San Miguel Valderrama.

⁴ NE. Nevertheless in May 2008, the Colombian Government authorized the extradition of 15 paramilitary leaders to the United States, who were covered by the Law of Justice and Peace. According to the Government, the decision was taken because some of them had relapse in the crime after their submission to the Law of Justice and Peace, others were not cooperating with the justice and all failed to comply with the reparation of victims by hiding goods or delaying their delivery. The extradited who will have to face the American justice for crimes related to drug trafficking are: Carlos Mario Jiménez, alias 'Macaco'; Diego Fernando Murillo Bejarano, alias 'Don Berna'; Francisco Javier Zuluaga Lindo, alias 'Gordo Lindo'; Salvatore Mancuso Gómez, alias 'El Mono' o 'Triple Cero'; Manuel Enrique Torregrosa Castro, Diego Alberto Ruiz Arroyave; Guillermo Pérez Alzate, alias 'Pablo Sevillano'; Ramiro Vanoy Murillo, alias 'Cuco Vanoy'; Juan Carlos Sierra Ramírez, alias 'El Tuso'; Martín Peñaranda