

**URIBE'S RE-ELECTION: CAN THE EU HELP COLOMBIA  
DEVELOP A MORE BALANCED PEACE STRATEGY?**

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## **URIBE'S RE-ELECTION: CAN THE EU HELP COLOMBIA DEVELOP A MORE BALANCED PEACE STRATEGY?**

### **EXECUTIVE SUMMARY AND RECOMMENDATIONS**

On 28 May 2006, President Alvaro Uribe won a second four-year term in a landslide. The first re-election of a sitting Colombian president in more than a century, combined with 12 March congressional elections which produced a pro-Uribe majority and saw the demise of the traditional Liberal-Conservative party system, heralds a profound change in the political landscape. While the outcomes could hardly have been better for Uribe, he now needs to get tough on impunity and diversify an anti-insurgency policy that has been almost exclusively military if he is to move Colombia towards the end of its 40-year armed conflict. The international community, and specifically the European Union (EU), can help by urging a new balance between the president's favoured security policies and the social and economic measures that are needed to get at root causes.

Speedy government action in five core policy areas is required: reinserting into society more than 35,000 former paramilitaries, who present a high risk of turning into an uncontrollable crime problem, and rigorously implementing the Justice and Peace Law (JPL) so that their leaders do not escape with their crimes unpunished and their political influence intact; fully investigating new charges of links between the secret police (Security Administrative Department, DAS) and the paramilitaries; promoting and defending human rights and international humanitarian law more decisively; fighting drug trafficking; and overcoming the humanitarian crisis.

The Uribe administration should not overestimate its own political strength and its successes of the past four years. The president will be hard pressed to hold together a majority in Congress that is far from solid and lacks both programmatic depth and internal cohesion. There have been clear security advances but human rights violations, the demobilised paramilitaries' political and economic power and criminal activities and the difficulties associated with their reinsertion, the insurgent Revolutionary Armed Forces of Colombia's (FARC) remaining military capacity and the failure of anti-

drug policy remain serious concerns. A second Uribe government must not only maintain its military strategy against the guerrillas but also give priority to designing a new and comprehensive, three-tier National Peace and Development Strategy that incorporates rural governance, regional/municipal development and restructured demobilisation programs, as well as a strong effort to pursue negotiations with the guerrillas.

His campaign statements and election-night victory speech suggest Uribe may not yet be prepared to make such policy departures. The international community, in particular the EU and its member states as well as the United Nations (UN) and the U.S., should urge him to do so and then make a major contribution to the design and implementation of the new strategy. The goal should be multilateral cooperation geared at achieving much greater synergy between government, civil society and donors.

Since 2000, the EU has focused on helping address the underlying causes of the conflict and building the foundations for peace "from below". Although it has encountered difficulties, including sometimes hostile Uribe administration attitudes, its flagship peace laboratories program could become a catalyst for the design and implementation of a substantial part of the proposed National Peace and Development Strategy and the basis for strategic partnerships between the Colombian government, the EU and its member states, the U.S., the United Nations Development Programme and other UN agencies in the country. The most promising forum in which to work this out is the G-24 group that was formed several years ago to assist Colombia. If it is to perform this role, however, the group will need to be imbued with new political life and enhanced technical capacity.

### **RECOMMENDATIONS**

#### **To the Government of Colombia:**

1. Design and implement a new and comprehensive three-tier National Peace and Development Strategy that complements military responses to the armed conflict with political responses, including:
    - (a) a Rural Governance and Regional/Municipal Development Strategy to reduce rural poverty and stimulate regional/municipal development that includes:
      - i. starting immediately where security permits (and announced as becoming available elsewhere as soon as possible), greater rural infrastructure investment, alternative development, small farmer agricultural credit, marketing and technical aid, off-farm income and employment generation programs;
      - ii. strengthened local and rural governance and community participation in decision-making and policy implementation processes; and
      - iii. special attention to the needs and rights of vulnerable groups, including women, children, indigenous and Afro-Colombians and internally displaced persons (IDPs);
    - (b) a restructured and redefined Demobilisation, Disarmament and Reintegration (DDR) Program with more rigorous verification that command and control structures and criminal linkages of demobilised members of armed groups are being dismantled; and
    - (c) a Peace Negotiations Strategy that involves concluding peace and demobilisation talks with the National Liberation Army (ELN) and seeks to establish as soon as possible talks with the FARC on a hostages/prisoners swap as a first step towards peace negotiations.
  2. Apply Law 974 (2005) and its regulations regarding internal party discipline to achieve a more coherent and effective Congress.
  3. Respect all guarantees for the democratic opposition and the fundamental rights of citizens, in particular of vulnerable groups such as women, children, the indigenous and Afro-Colombians and including the constitutionally-sanctioned possibility for citizens to submit a legal claim for the protection of fundamental rights (*tutela*).
  4. Design and implement a national human rights plan.
  5. Immediately and rigorously apply the Justice and Peace Law (2005), increase law enforcement efforts against rearmed groups and organised criminals, and ensure victims their rights under Colombian and international law.
- To the European Union and its Member States:**
6. Conduct a fast-track evaluation of the second peace laboratory by the end of 2006, in coordination with Acción Social, other international development agencies and civil society and take into account the lessons learned, with the participation of all stakeholders, in establishing the third laboratory in the second half of 2006.
  7. Encourage and cooperate with President Uribe, his high commissioner for peace, the minister of the interior and other relevant ministries, Acción Social, the National Planning Agency and representatives of vulnerable groups and civil society to design and implement a new and comprehensive three-tier National Peace and Development Strategy, including:
    - (a) a Rural Governance and Regional/Municipal Development Strategy to reduce rural poverty and stimulate regional/municipal development that includes:
      - i. starting immediately where security permits (and announced as becoming available elsewhere as soon as possible), greater rural infrastructure investment, alternative development, small farmer agricultural credit, marketing and technical aid, off-farm income and employment generation programs;
      - ii. strengthened local and rural governance and community participation in decision-making and policy implementation processes; and
      - iii. special attention to the needs and rights of vulnerable groups, including women, children, indigenous and Afro-Colombians and IDPs;
    - (b) DDR Program with more rigorous verification that command and control structures and criminal linkages of demobilised members of armed groups are being dismantled; and

- (c) a Peace Negotiations Strategy that involves concluding peace and demobilisation talks with the ELN and seeks to establish as soon as possible talks with the FARC on a hostages/prisoners swap as a first step towards peace negotiations.
8. Establish a coordination mechanism for European donors in Colombia to overcome fragmentation and aid duplication, and increase the efficiency of the regular meetings of the European Commission delegation and EU member state embassy staff.
9. Stress in the European Commission's Country Strategy Paper 2007-2013 for Colombia:
  - (a) reinforced political dialogue with the government on the establishment of a comprehensive three-tier National Development and Peace Strategy;
  - (b) improved coordination between the Commission and EU member states and UN agencies in Colombia;
  - (c) increased aid to vulnerable groups, including women, children, IDPs and indigenous and Afro-Colombians;
  - (d) support for the attorney general's efforts to implement the JPL fully so as to dismantle illegal armed groups, hold their leaders accountable and protect the rights of victims;
  - (e) contribution to the reinsertion of former combatants through peace laboratory projects subject to full compliance with the JPL and the design and implementation of a comprehensive three-tier National Peace and Development Strategy; and
  - (f) support for a reinvigorated Organization of American States (OAS) verification mission and the UN human rights monitoring mission.
10. Continue to facilitate negotiations between the government and the ELN and to contribute to the establishment of talks between the government and the FARC on a hostages/prisoners swap as a first step toward peace and demobilisation negotiations.

#### **To the Members of the G-24:**

11. Act upon the March 2005 Paris Declaration on Aid Effectiveness, in particular regarding harmonisation of donor activities in Colombia.
12. Hold the London-Cartagena follow-up seminar in Bogotá in June 2006 as scheduled and use it to discuss the G-24's role in contributing to the design and implementation of a comprehensive three-tier National Peace and Development Strategy and a new multilateral cooperation strategy with Colombia.

**Bogotá/Brussels, 8 June 2006**

## URIBE'S RE-ELECTION: CAN THE EU HELP COLOMBIA DEVELOP A MORE BALANCED PEACE STRATEGY?

### I. INTRODUCTION

On 28 May 2006, President Alvaro Uribe won a second four-year term with 62 per cent of the vote, well ahead of the candidates of the centre-left Polo Democrático Alternativo (PDA) coalition and the Liberal Party. This followed congressional elections on 12 March, which produced a majority for several new pro-Uribe parties, most importantly the Partido Social de Unidad Nacional (the U Party), as well as the Conservatives and Cambio Radical. Those elections, held under new rules introduced in 2003, severely diminished the traditionally strong Liberals and a number of smaller parties, while with eleven senators and eight lower house representatives, the PDA kept a relatively limited bloc.

The pro-Uribe congressional majority lacks programmatic depth and cohesion but the electoral outcome could hardly have been better for Uribe. His supporters argue that Colombia now has a chance to achieve a degree of policy continuity which they see as fundamental for ending the 40-year-old armed conflict. The challenges remain huge, however.

Uribe now needs not only to maintain his military strategy but also to recognise that a political response is required that focuses on designing a peace strategy as well as addressing key regional/municipal development issues. He must simultaneously reinsert more than 35,000 former paramilitaries at risk of becoming an uncontrollable crime problem by rigorously implementing the Justice and Peace Law (JPL) and supporting full investigation and prosecution of links between the secret police (Security Administrative Department, DAS) and the paramilitaries; promote human rights more decisively; fight drugs; and master the humanitarian crisis. He also needs to get preliminary peace talks with the National Liberation Army (ELN), the second largest insurgent group, off the ground and find a way to engage on a hostages/prisoners swap as a first step towards a settlement with the more powerful Revolutionary Armed Forces of Colombia (FARC).

These goals, or at least a significant portion of them, can only be achieved in the next four years if important policy changes are implemented. The emphasis on security and reestablishing order and the state's presence throughout the land should now be complemented by a comprehensive three-tier National Peace and Development Strategy focusing on stimulating rural government and regional/municipal development and improving existing demobilisation programs, as well as defining a plan for negotiating with the insurgents. Building on the security advances of his first term, the goal should be to lay the post-conflict foundations, and by doing so, hopefully speed up the conclusion of that conflict. While a security emphasis is important as long as the armed conflict continues, these challenges require a different approach, with new attention to social, economic and regional dimensions of the crisis.

Since 2000, the European Union (EU) and its member states have been at the forefront of those helping Colombia address these issues. The U.S. is the largest bilateral donor but Europe has on average committed €100 million annually to development programs and peaceful conflict resolution mechanisms. Its flagship peace laboratories (PLs) program was launched in 2001. The first two have had difficulties, and their impact on building peace "from below" has not yet been evaluated. But important lessons can be drawn, and they could serve as a basis for the formulation of a new multilateral cooperation strategy between Colombia and the EU, as well as the United Nations (UN) and U.S.

The EU, UN agencies and the U.S. already work in a number of shared fields. There is no reason why they, the government and civil society should not seek to strengthen strategic partnerships. The G-24 group – 34 European and North and Latin American countries and international organisations that first met in London in July 2003 to design a common donor strategy – has proved a useful coordination forum. It should now be made a solid platform on which to strengthen policy dialogue, build consensus between the Uribe administration and donors and enhance technical capacity.

## II. THE 12 MARCH CONGRESSIONAL ELECTIONS

This was the first time that 102 senators and 168 members of the lower house were elected on the basis of the new electoral rules set out in the July 2003 constitutional reforms (*Reforma Política*).<sup>1</sup> Despite emergence of a number of new parties, the correlation of political forces in the Congress did not undergo major change. The reforms reflected Uribe's 2002 campaign pledge to move decisively against public corruption and political chicanery. Most importantly, they introduced single-party lists (both open and closed), thresholds for entry into the Congress,<sup>2</sup> a new system of guaranteeing more accurate proportional representation (*cifra repartidora*), prohibition of simultaneous membership in multiple parties and, through Law 974 of 2005, regulations on internal party discipline.<sup>3</sup> The general result has been to strengthen parties by reducing their number in Congress and increasing their cohesion and programmatic depth.

The campaign showed the reform was most effective in lowering the number of lists sharply, from over 300 in 2002 to 56.<sup>4</sup> In an effort to facilitate the transition from the old electoral system, the reforms gave parties the option to establish open lists, allowing citizens to vote for their preferred candidate. To make it over the new threshold, several parties formed alliances or took in strong candidates from a variety of sources. Pro-Uribe forces, including the U Party, Cambio Radical, Convergencia Ciudadana, Colombia Democrática and Alas-Equipo Colombia, attracted established politicians with strong regional standing, including well-known women such as Gina Parody and Martha Ramírez, while the centre-left PDA attempted to bring in social leaders with proven electoral support. The Conservatives, part of the pro-Uribe coalition, reactivated their traditional regional base.

Small parties had mixed results. Independent movements did not fare well in the senate with the exception of

Colombia Viva, which grouped candidates purged from official pro-Uribe and Liberal lists due to links to paramilitary groups, and the Movimiento Independiente de Renovación Absoluta (MIRA), which used strong communal support based on a religious platform to win two seats. The Visionarios and the Por el País que Soñamos parties overestimated support for their prominent leaders, former Bogotá mayors Antanas Mockus and Enrique Peñalosa respectively, and failed to cross the threshold. The lower house contest was kinder to the smaller parties,<sup>5</sup> thirteen of which<sup>6</sup> won seats by combining either tacit or active support for Uribe with their regional strength.<sup>7</sup>

A total of 24 parties and movements are in the new Congress,<sup>8</sup> with the pro-Uribe forces at first sight commanding a solid majority: 61 senators (out of 102) and 88 members of the lower house (out of 168). The U Party did particularly well (twenty senators, 30 representatives), followed by the Conservatives (eighteen senators, 29 representatives) and Cambio Radical (fifteen senators, twenty representatives). The Liberals have only seventeen senators and 39 representatives, which some have interpreted as an outright defeat, and the PDA basically held even with eleven senators and eight representatives. The results clearly reflected the strength of the president's coattails.<sup>9</sup> The pro-Uribe

<sup>1</sup> Acto Legislativo 01 de 2003, Bogotá, 3 July 2003. The new rules were first used in October 2003 for departmental and municipal elections.

<sup>2</sup> 2 per cent of all valid votes for the senate, 50 per cent of the "electoral coefficient" for the lower house.

<sup>3</sup> The law becomes effective on 20 July 2006, when the new Congress convenes. Parties are to decide internally on how they will implement the norms and will have 90 days from the start of the new session to submit their statutes. *El Tiempo*, 7 March 2006.

<sup>4</sup> Of the 56 political parties and movements that participated in the 2006 polls, 26 competed for the special seats (*circunscripciones especiales*) for Afro-Colombians and indigenous communities.

<sup>5</sup> Senators are elected nationwide; elections to the lower house are based on departmental voting districts.

<sup>6</sup> MIRA, Por el País que Soñamos, Movimiento Nacional, Movimiento Nacional Progresista, Apertura Liberal, Movimiento de Salvación Nacional, Movimiento de Participación Popular, Huila Nuevo y Liberalismo, Apertura Liberal, Movimiento Renovador de Acción Laboral (MORAL), Movimiento de Integración Regional, Partido de Acción Social and Movimiento Popular Unido.

<sup>7</sup> The National Electoral Council has not yet released official results for the lower house. The results above are based on 94.90 per cent of the vote. Lower house elections are based on provinces; elections for the senate are nationwide.

<sup>8</sup> Movimiento Nacional Progresista, Polo Democrático Alternativo, Liberal Party, the U Party, Colombia Democrática, Convergencia Ciudadana, Cambio Radical, Conservative Party, Alas-Equipo Colombia, Por el País que Soñamos, MIRA, Colombia Viva, Apertura Liberal, Movimiento de Salvación Nacional Moral, Movimiento de Integración Regional (IR), Partido de Acción Social (PAS), Movimiento Popular Unido (MPU), Raíces Negras, Alianza Social Afro-colombiana, Movimiento de Participación Popular, Huila Nuevo y Liberalismo, Alianza Social Indígena, Movimiento Nacional. Registraduría Nacional del Estado Civil, "Boletín Nacional N°44", 13 March 2006.

<sup>9</sup> The pro-Uribe parties were helped by the president, who registered his candidacy just in time to put his weight behind their campaigns. Uribe, who had announced he would postpone registration until after the congressional elections, instead

majority, which since 2002 had been formed by shifting alliances between members of many parties, including Conservatives and Liberals, is now more clearly identifiable, if not necessarily more solid.

Colombian analysts express doubts about the unity of the pro-Uribe camp, which includes some seven parties with seats in Congress.<sup>10</sup> The U Party, a very recent creation,<sup>11</sup> is more an electoral vehicle than a party with a solid programmatic and electoral base.<sup>12</sup> The coalition is likely to experience considerable dissension, for example due to the presidential aspirations of Senator German Vargas, leader of Cambio Radical, its third strongest party.<sup>13</sup>

Although Uribe introduced the new electoral rules affecting parties and improving citizen representation in Congress, there is some truth to the argument that he is also undermining these aims. The pro-Uribe camp is pragmatically behind the president because of his popular standing and effective use of patronage, not because of his leadership in building a "New Right", a role Uribe never assumed.<sup>14</sup> It remains to be seen how effective Law 974 on internal party discipline will be when Congress convenes on 20 July 2006.

Another concern is that 60.1 per cent of the electorate did not vote on 12 March. The low turnout reversed the trend of gradually decreasing abstention in congressional elections between 1991 and 2002: 74 per cent in 1991,<sup>15</sup> 70 per cent in 1994, 62 per cent in 1998 and 57.8 per cent in 2002. In addition, more than one million invalid

votes were cast for the senate on 12 March<sup>16</sup> – probably largely because the new electoral rules were poorly explained.

The FARC's initial attempts to disrupt the election had only marginal effect, and its subsequent tactic of urging a vote against Uribe was counterproductive. Turnout in Vichada, Caquetá, Putumayo and Guaviare departments, traditional FARC strongholds with few inhabitants, was below average.<sup>17</sup> Consistent targeting of councilmen since 2002, including the murder of nine in Rivera (Huila) on 27 February, most probably contributed to this.<sup>18</sup> However, efforts to discredit the government by imposing armed blockades in southern Putumayo and eastern Arauca provinces and attacking coca-leaf manual eradication brigades in Macarena National Park (Meta) resulted in an increase in the pro-Uribe vote there.<sup>19</sup>

The Colombian think-tank Fundación Seguridad y Democracia concluded that the 12 March elections witnessed the lowest rates of violence directed at candidates, politicians, mayors and members of municipal councils during an electoral period since 1997. Between July 1997 and June 1998, in the run-up to local and congressional elections, 657 political figures were murdered and 507 were kidnapped. Between July 2001 and June 2002, the period leading up to and immediately after the March 2002 congressional elections, 335 political figures were murdered and 210 were kidnapped. Between July 2005 and April 2006, 44 political figures were murdered and only seven were kidnapped.<sup>20</sup>

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launched his campaign on 1 March. See, *Servicio de Noticias del Estado*, 26 January 2006.

<sup>10</sup> The core pro-Uribista parties include the U Party, Colombia Democrática, Cambio Radical, Partido Conservador and Alas-Equipo Colombia. Convergencia Ciudadana received less support from Uribe due to its questionable leadership and Por el País que Soñamos was helped only marginally because it was a late addition to the camp and relied on Enrique Peñalosa's leadership. Other pro-Uribe parties did not receive official backing by the president.

<sup>11</sup> The U Party was established August 2005 and was legally registered in September 2005.

<sup>12</sup> Crisis Group interview, Bogotá, 17 April 2006

<sup>13</sup> See Alvaro Sierra, "La derecha en su laberinto", *Cambio*, 10-17 April 2006, p. 40.

<sup>14</sup> The U Party does not represent the upsurge of a new Right. The lack of a cohesive party structure and a clear centre-right program suggests it is a temporary electoral vehicle. Party leader Juan Manuel Santos, a liberal dissident, is not accepted as a legitimate leader by other Uribista parties. His attempts to draw the Liberal Party into the coalition showed a pragmatic strategy, not an ideological position. Moreover, Uribe and his advisers insist that the differentiation between Left and Right is obsolete.

<sup>15</sup> Manuel Cepeda, "¿Como se Hizo la Asamblea Constituyente?", in Rafael Pardo (ed.), *El Siglo Pasado. Colombia: Economía, Política y Sociedad* (Bogotá, 2001), p. 472.

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<sup>16</sup> 1,053,721 of 10,780,668 votes were declared invalid in the senate election.

<sup>17</sup> Provinces where the paramilitaries have been strong such as Bolívar, Atlántico, Magdalena, Cesar and Sucre had above average turnout. Southern provinces have traditionally had lower turn-outs, which could also explain the high abstention rates. See the analysis of Pierre Gilhodes, CINEP conference on political reform and elections, Bogotá, 22 March 2006.

<sup>18</sup> Between January and March 2006 sixteen councilmen were killed. "Indicadores sobre derechos humanos y DIH en Colombia", Observatorio de los Derechos Humanos en Colombia, January-March 2006. According to the National Council Federation (FENACON), the FARC murdered more than 60 councilmen between 2000 to 2005. In Meta, where the FARC carried out numerous attacks against local populations and manual coca eradicators, abstention was 61 per cent, 4 points higher than in 2002. See "Perdieron las FARC", *Semana Online*, 16 March 2006.

<sup>19</sup> The U Party obtained its highest vote for the senate in Caquetá department; in Putumayo, Conservatives and the U Party were second and third respectively. In Meta Cambio Radical and the U Party had the best senate results.

<sup>20</sup> The study covers murder and kidnapping of mayors, candidates for mayor, municipal council members and



### III. PARAMILITARY POWER AFTER DEMOBILISATION

On 17 April 2006, High Commissioner for Peace Luis Restrepo announced demobilisation of the paramilitary United Self-Defence Forces of Colombia (AUC) was complete. Between November 2003 and April 2006, 30,151 members handed in almost 17,000 weapons.<sup>21</sup> Yet, despite subsequent demobilisation of the Elmer Cárdenas bloc in Urabá (Chocó and Córdoba), and the Héroes del Llano and Héroes del Guaviare blocs in Meta,<sup>22</sup> remnants such as the Self-Defence Forces of Casanare and the Cacique Pipintá bloc in Caldas, 300 and 200 men, respectively, remain active.<sup>23</sup>

Restrepo's announcement was simultaneous to news that 604 former paramilitary commanders would be prosecuted under the Justice and Peace Law (JPL). Subsequently, Restrepo made public first 495 names of ex-combatants to be submitted to the attorney general's office in accordance with the JPL, then another 1,081 bringing that total to 2,180.<sup>24</sup> The government had been reluctant to submit the list before the military structure of the AUC was completely demobilised.<sup>25</sup> Among the 2,180 are all top and many mid-level commanders who in recent months have sought to shield themselves from non-JPL prosecution.<sup>26</sup>

Since he demobilised in December 2004, Salvatore Mancuso has submitted 17 petitions to the justice system about the 34 penal processes in which he is

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candidates for municipal councils, members of Congress, former members of Congress and candidates for Congress, governors and former governors, and other provincial and local political leaders and candidates for public posts, as well as civil servants and local police inspectors. Fundación Seguridad y Democracia, "Violencia Política en los Procesos Electorales de 1997, 1998, 2002 y 2006", Informe Especial, January-March 2006, Bogotá, pp. 7-12.

<sup>21</sup> "Cuadros Resumen", Office of the High Commissioner for Peace, 11 April 2006.

<sup>22</sup> Both groups did not participate in the demobilisation negotiations in Santa Fé de Ralito. See Crisis Group Latin America Report N°16, *Colombia: Towards Peace and Justice?*, 14 March 2006.

<sup>23</sup> *El Tiempo*, 24 March 2006; *El Tiempo*, 27 March 2007

<sup>24</sup> Andrea Peña, "¿Y los Otros 29,000?", *Semana Online*, 17 April 2006; "Segundo Listado de Justicia y Paz", Office of the High Commissioner for Peace, 24 April 2006.

<sup>25</sup> See, Crisis Group Report, *Colombia: Towards Peace and Justice?*, op. cit.

<sup>26</sup> See discussion on Constitutional Court ruling below and Crisis Group Report, *Colombia: Towards Peace and Justice?*, op. cit.

involved.<sup>27</sup> According to an independent source, paramilitary leaders have been trying to adopt a low public profile since November 2005,<sup>28</sup> as well as offering to return ill-gotten assets,<sup>29</sup> denying responsibility for the rearming of demobilised fighters and involving themselves in manual eradication of coca crops.<sup>30</sup> It is likely the discovery of mass graves – apparently paramilitary responsibilities – is part of their motivation. Reportedly, the uncovering of fourteen graves holding 179 bodies in the last year has encouraged relatives of victims to come forward with information about other burial sites.<sup>31</sup>

The same effect may be produced by publication by a prominent Colombian weekly of evidence of links between the secret police (DAS) and paramilitary commander Rodrigo Tovar alias Jorge 40. These concern a "black list" of names of civil society and trade union leaders and academics drawn up by DAS agents and passed to Atlantic coast paramilitaries.<sup>32</sup> Reportedly, former DAS Director Jorge Noguera is suspected of collaborating with paramilitaries during the 2002 presidential election, when he managed Uribe's campaign in Magdalena department.

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<sup>27</sup> *Cambio*, 27 March 2006. Article 23 of the constitution authorises citizens to petition regarding public processes against them, complaints or information. Officials must respond within fifteen days (ten for information requests).

<sup>28</sup> Crisis Group interview, Bogotá, 28 March 2006.

<sup>29</sup> According to press sources, paramilitaries would have offered to return 100,000 hectares of land in preparation for their processing under the JPL. The Office of the High Commissioner for Peace announced that the AUC would have returned 25,601 hectares during its demobilisation. See *El Tiempo*, 28 March 2006; "Segundo Listado de Justicia y Paz", Office of the High Commissioner for Peace, 24 April 2006.

<sup>30</sup> Estimates by the National Comptroller's Office show that more than one million hectares of land have been purchased by drug trafficking mafias including paramilitaries. The Norwegian Refugee Council estimates that four million hectares have been abandoned by refugees, from which, according to a high-level government source, the National Reparation Fund, which receives assets returned by paramilitaries processed under the JPL, should realise between 1 and 2 billion pesos (\$400 million to \$800 million). "La gestión de la reforma agraria y el proceso de incautación y extinción de bienes rurales", Ponencia de la Contraloría Delegada Sector Defensa, Justicia y Seguridad, Bogotá, 7 October 2004; "Profile of Internal Displacement: Colombia", Norwegian Refugee Council, Global IDP Project, 2003; Crisis Group interview, Bogotá, 14 March 2006. Figures denoted in dollars (\$) in this report refer to U.S. dollars.

<sup>31</sup> *El Tiempo*, 15 April 2006.

<sup>32</sup> Some named individuals were subsequently threatened or assassinated. *Semana*, 1-7 April 2006. pp. 42-44.

The handing over of land seized by the Colombian Institute for Rural Development (INCODER) to "internally displaced persons" (IDPs) in Meta department who turned out to be investors with links to the armed groups has sounded the alarm about widespread paramilitary influence in state institutions.<sup>33</sup> Similarly, the Fund for the Financing of the Agrarian Sector (FINAGRO) granted credits to a false cooperative in Caquetá department managed by a known paramilitary sponsor, and high officials in the Security Superintendence (*Superintendencia de Vigilancia*) helped firms with links to paramilitaries keep their private security licences.<sup>34</sup>

These revelations produced a strong attack by Uribe on the weekly that published them but probably caused demobilised paramilitaries to be more cautious during the congressional elections and refrain from boasting about their support in the new body, in contrast to past practice.<sup>35</sup> Analysts told Crisis Group that paramilitary leaders allegedly agreed that too rapid an entrance into politics could undermine their "white-washing" efforts.<sup>36</sup>

Nevertheless, the demobilised paramilitaries maintain important influence in Congress. Some analysts see the failure to gain seats by some of the more visible candidates with paramilitary links, such as Rocio Arias, Eleonora Pineda and Muriel Benito,<sup>37</sup> as part of the effort of the former leaders to avoid tarnishing Uribe's re-election.<sup>38</sup> However, even though less than half the senate candidates with alleged links to paramilitary groups were elected, an estimated 10 to 20 per cent of the new senate is still thought to have

such ties.<sup>39</sup> Parties such as Colombia Viva, which took in candidates purged from official pro-Uribe and Liberal lists, and Convergencia Ciudadana, whose links to illegal armed groups are still under investigation,<sup>40</sup> gained two and seven seats, respectively. Other candidates who managed to stay in the official pro-Uribe coalition and the Liberal party are also suspected of links to former paramilitary structures.<sup>41</sup>

It is clear that paramilitary power has not ended with demobilisation. The reaction to the 18 May 2006 court ruling on the constitutionality of the JPL reflected the influence the paramilitaries continue to exert on the government and politics. The Constitutional Court introduced important amendments regarding, in particular, the punishment of serious crimes committed by paramilitaries and the protection of victims' rights. Magistrate Jaime Córdoba announced that members of paramilitary groups already sentenced by Colombian courts prior to demobilisation would have to serve their full sentences and could not request consideration under the more lenient terms of the JPL.<sup>42</sup> The court eliminated loopholes that allowed demobilised paramilitaries who chose prosecution under the JPL to decide which if any of their illegal assets to hand over to the National Reparation Fund (NRF). The ruling clarified that all such assets have to be given up and all crimes confessed "voluntarily" if demobilised paramilitaries seek alternative sentences.

Reportedly, the former paramilitary leaders were informed before the ruling was made public, and an emergency meeting between Minister of the Interior and Justice Sabas Pretelt and 32 leading paramilitaries, including the so-called "General Negotiating Staff of

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<sup>33</sup> *El País*, 23 April 2006; *El Tiempo*, 9 April 2006; *El Tiempo*, 21 April 2006; *El Tiempo*, 23 October 2005.

<sup>34</sup> *El Tiempo*, 11 April 2006; Wilfredo Cañizares, "Catumbo: la tragedia continúa", *Revista Arcanos*, no. 11, December 2005, p. 38; *El Tiempo*, 1 April 2006; *El Tiempo*, 25 November 2004.

<sup>35</sup> In 2002 paramilitary leader Salvatore Mancuso claimed that paramilitaries controlled some 30 per cent of Congress. In a 2005 interview, paramilitary leader Vicente Castaño said 35 per cent of Congress served paramilitary interests, and this support would grow in March 2006. However, when called to testify before the Supreme Court about these allegations, Mancuso and Castaño backtracked, saying that 35 per cent of Congress had been elected in areas where paramilitary influence was strong. See, *Semana*, 5-12 June 2005; *El Tiempo*, 4 August 2005.

<sup>36</sup> Crisis Group interview, Bogotá, 28 April 2006.

<sup>37</sup> Uribe expelled Arias and Pineda from the leadership of Colombia Democrática; Benito stayed on the Conservative party list.

<sup>38</sup> Crisis Group interview, Bogotá, 17 March 2005; Claudia Lopez, "Ganancia de Perdedores", *Semana Online*, 13 March 2006.

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<sup>39</sup> Crisis Group interview, Bogotá, 28 April 2006

<sup>40</sup> At least four of the seven candidates who won senate seats for Convergencia Ciudadana have been questioned about links to paramilitary groups. According to press sources, Carlos Barriga's brother was the Cataumbo bloc's financial adviser, Luis Alberto Gil was under investigation for illegal campaign financing, Luis Eduardo Vives met with paramilitary leader Jorge 40 during the campaign, and Juan Carlos Martínez has been accused of links to mafias in the Valle region. *El Tiempo*, 13 March 2006.

<sup>41</sup> Mauricio Pimiento of the U Party, Juan Manuel Lopez Cabrales of the Liberal Party, Miguel de la Espriella of Colombia Democrática and Alvaro Araujo of Alas-Equipo Colombia have all been said to have links to paramilitary groups.

<sup>42</sup> On the more beneficial terms contemplated in the JPL see Crisis Group Report, *Colombia: Towards Peace and Justice?*, op. cit.

the AUC", was held in Medellín on 18 May,<sup>43</sup> apparently to offer reassurance the government would honour its agreements. The next day, the demobilised commanders went on the offensive, calling the ruling in media interviews a "death blow to the peace process".<sup>44</sup> Attorney General Mario Iguarán said the court had jeopardised paramilitary cooperation with the judicial authorities, and it was imperative to establish whether the constitutional "principle of favourability" (*principio de favorabilidad*) could be applied.<sup>45</sup> On 19 May, the Constitutional Court backtracked and explained that JPL benefits could apply to convicted demobilised fighters if it were proven they were part of an armed group when convicted. Statements by Minister Pretelt defending the JPL as it existed before the ruling also appear to have reassured the demobilised paramilitary leaders that they would not have to serve lengthy jail sentences.

This episode was preceded by statements of former paramilitaries indicating that they did not consider demobilisation the end of their enormous influence. For example, upon his demobilisation in March 2006, Jorge 40 of the Northern bloc of the AUC said he and his associates "would like to continue working with the communities and social movements we promoted".<sup>46</sup> Recently, Colombian human rights groups and victim associations have received threatening emails from a "General Staff of the Peasant Self-Defence Forces of the New Generation" (ACNG), apparently a new paramilitary group that was not part of the AUC, saying that "our reason to exist is today more important than ever".<sup>47</sup>

In fact, paramilitary control over local socio-economic structures has been left virtually untouched. Despite a high reliance on drug trafficking-related incomes,<sup>48</sup> paramilitaries have penetrated the formal

economy, investing in highly liquid assets and businesses that facilitate money laundering.<sup>49</sup> Whether by infiltration or intimidation, paramilitary leaders have consolidated their hold on local lotteries in Bolívar, Antioquia and Santander departments and the coffee belt, and have ventured into construction, real estate, currency exchange and retail businesses in larger towns and middle-sized cities. Vast land seizures at gunpoint have allowed them to invest in large agro-industrial projects, including African palm and rubber plantations and livestock raising. Strong links to local government have facilitated penetration of the public health service sector, where in 2005 paramilitary commanders were reportedly responsible for coordinating illegal activities in the Subsidised Health Service Administrators (ARS) and the looting of public funds.<sup>50</sup>

Following demobilisation, paramilitaries have also maintained a measure of social control over local populations. The highly violent means by which paramilitaries contained insurgent groups during the late 1990s provided the basis for consolidating this control.<sup>51</sup> By targeting union and community leaders, human rights activists and other potential dissenters, paramilitaries intimidated communities into compliance with their strict social conduct and dress codes and curfews, some of which are still enforced in slums in Medellín and Cúcuta, for example.<sup>52</sup> Some communities have been sympathetic, expressing fear that government

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*Políticos, Dialogo y Conflicto en Colombia 1998-2002* (Bogotá, 2003), p. 276.

<sup>49</sup> Paramilitary leaders have said that 80 per cent of their income is from formal economic activities. See "Raponazo de los Paras al Erario Público", *El Espectador*, 26 September 2004; also, Gustavo Duncan, "Del Campo a la Ciudad en Colombia. La Infiltración Urbana de los Señores de la Guerra", CEDE Document, January 2005, p. 39.

<sup>50</sup> *Semana*, 6-13 September 2004, p. 50.

<sup>51</sup> The number of massacres was high in the early 1990s when paramilitaries fought to contain the spread of insurgent forces. It increased again in the late 1990s when the paramilitaries consolidated their regional presence. While paramilitary massacres increased exponentially then, the FARC has maintained a lower but stable massacre rate since the early 1990s. The ELN has followed a similar trend at a lower rate than the FARC. See Camilo Echandia, *El Conflicto Armado y las Manifiestaciones de Violencia en las Regiones de Colombia* (Bogotá, 1999), pp. 71-72; Jorge Restrepo and Michael Spagat, "El Conflicto Colombiano ¿Hacia Dónde Va?", CERAC presentation, Bogotá, November 2005, pp. 55-56; Historical data was also obtained from the Observatorio de los Derechos Humanos en Colombia.

<sup>52</sup> See Crisis Group Latin America Report N°8, *Demobilising the Paramilitaries in Colombia: An Achievable Goal?*, 5 August 2004, pp. 12-13.

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<sup>43</sup> Considering that Peace Commissioner Restrepo announced complete demobilisation of the paramilitaries in mid-April, it gives rise to concern that the demobilised leadership continues to act in concert and refer to the existence of the "General Negotiating Staff of the AUC".

<sup>44</sup> *El Espectador*, 21-27 May 2006, p. 4A.

<sup>45</sup> *Cambio*, 22-28 May 2006, pp. 25-26. The "favorability principle" (*principio de favorabilidad*), Article 29 of the constitution, requires application of the most lenient law even if it were passed after a court had already handed down a sentence.

<sup>46</sup> "Habla 'Jorge 40'", *Semana*, 6-13 March 2006, p. 43.

<sup>47</sup> "Colombia: un ambiente turbio que el Presidente podría disipar con algunas palabras", Coordinación Colombia-Europa-Estados Unidos, Bogotá, 12 May 2006.

<sup>48</sup> It has been estimated that 70 per cent of paramilitary money is from drug trafficking-related incomes. Crisis Group Latin America Report N°11, *War and Drugs in Colombia*, 27 January 2005; Alfredo Rangel, *Guerreros y*

security forces will not be able to prevent the return of the FARC once paramilitary troops are gone.<sup>53</sup>

The deep involvement of paramilitary groups in drug trafficking has already prompted the revival of paramilitary structures in strategic areas of the country. In Nariño, near the Ecuadorian border, new self-defence forces called Manos Negras and Nueva Generación Colombia have established a hold on cocaine production and trafficking.<sup>54</sup> In Norte de Santander department, two gangs, Aguilas Negras (Black Eagles) and Aguilas Rojas (Red Eagles), are suspected of running large drug trafficking operations across the Venezuelan border.<sup>55</sup> Reportedly, inhabitants of the Venezuelan states of Táchira and Zulia have complained of an increasing presence of Colombian armed groups, both insurgents and paramilitaries.<sup>56</sup> The murder of two ex-members of the Catatumbo bloc in the Santa Ana prison in Táchira and the recent capture by Venezuelan forces of five heavily armed paramilitaries have raised questions about paramilitary influence in that country, which press sources suggest is spreading all the way to the capital.<sup>57</sup> According to the March report of the OAS mission in Colombia, other groups in Córdoba, Sucre, Bolívar,<sup>58</sup> Norte de Santander, Antioquia and Cundinamarca departments have taken over extortion, contraband and cocaine production and trafficking operations on a regional scale.

The rise of these new paramilitary structures causes concern about the viability of the demobilisation and reinsertion process. Senior paramilitary commanders such as alias Pedro, ex-financial adviser to the Libertadores del Sur bloc, and Suroeste Antioqueño bloc commander alias René, who did not participate

in the demobilisation process, are filling the gaps left by the demobilised groups. Their organizational know-how combined with the inability of the government's reinsertion program to provide efficient assistance, has allowed them to recruit ex-combatants and rebuild their military apparatus. Without a viable reinsertion program, demobilised fighters are also likely to form small criminal gangs in urban and semi-urban settings.<sup>59</sup> Reports of private security cooperatives near Cucutá (Norte de Santander),<sup>60</sup> Salgar and Itagüi (Antioquia)<sup>61</sup> and municipalities in Sucre and Bolívar have raised concerns about a serious new crime problem.<sup>62</sup>

On 23 May, the ambassador of Austria, (the current EU presidency), and the European Commission delegation head in Bogotá gave a press conference on the EU's "preoccupation about the intensification of threats and attacks against human rights defenders by illegal armed groups".<sup>63</sup> According to testimony by representatives of the affected groups, threats and attacks on human rights, indigenous and women groups by former paramilitaries have been increasing since early 2006.

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<sup>53</sup> Recently, some local populations have blocked demobilisation ceremonies as a way of voicing concern for an eventual FARC return, Crisis Group interview, Bogotá, 17 March 2006.

<sup>54</sup> *El Tiempo*, 15 October 2005; Wilfredo Cañizares, "Catatumbo: la tragedia continúa", *Arcanos*, N°11, December 2005, p. 38.

<sup>55</sup> *El Tiempo*, 20 April 2005; *El Tiempo*, 18 April 2006.

<sup>56</sup> *El Tiempo*, 7 May 2006; Crisis Group interview, Bogotá, 15 March 2006.

<sup>57</sup> Crisis Group interview, Bogotá, 15 March 2006.

<sup>58</sup> According to the report, ex-members of the Montes de Maria bloc lead by alias "Líder" operate in the Palmito municipality in Bolívar, "Sixth Quarterly Report of the Secretary General to the Permanent Council of the Mission to Support the Peace Process in Colombia", Organization of American States, Washington, 1 March 2006. Press reports have also described the rise of alias "El Pájaro" in Cundinamarca department and his aspiration to control extortion and drug trafficking in Antioquia province.

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<sup>59</sup> Crisis Group Report, *Colombia: Towards Peace and Justice?*, op. cit., pp. 14-16.

<sup>60</sup> Wilfredo Cañizares, "Catatumbo: la tragedia continúa", op. cit., p. 38.

<sup>61</sup> *El Tiempo*, 15 October 2005; *El Tiempo*, 1 November 2006.

<sup>62</sup> Crisis Group interview, Bogotá, 26 April 2006.

<sup>63</sup> "Nota introductoria por parte de la Presidencia y de la Delegación de la Comisión Europea sobre las preocupaciones por amenazas a defensores de Derechos Humanos en Colombia", press conference, Bogotá, 23 May 2006.

## IV. URIBE'S RE-ELECTION

### A. THE CAMPAIGN

On 28 May, President Uribe won a landslide first-round victory, with more than 7.3 million votes (62.2 per cent), that was unrivalled in Colombia's modern history and left his main contenders, Carlos Gaviria of the PDA (22 per cent) and Horacio Serpa of the Liberal Party (11.8 per cent) far behind. Uribe led in 30 of 32 departments along with 31 provincial capitals and major cities, including Bogotá. Gaviria won two departments (Guajira in the north and Narino in the south) and Rioacha, the capital of Guajira department. Although there was not significant violence, and the FARC either lived up to its announcement it would not torpedo the election or was stopped from doing so by the massive deployment of security forces, abstention (55 per cent) was higher than in 2002 (53.5 per cent).

The result was no surprise since Uribe has consistently received very high approval ratings. His popularity was not affected by some slips during the campaign, such as the unfounded charge that Senator Rafael Pardo was conspiring with the FARC against him, the publication of reports linking the secret police (DAS) and former paramilitary commander Rodrigo Tovar alias Jorge 40,<sup>64</sup> and the resignation on 7 May of former DAS director Jorge Noguera as consul in Milan after his indictment for involvement in electoral fraud in 2002 as Uribe's campaign manager in Magdalena department.<sup>65</sup> Surveys conducted from September 2005 to mid-May 2006 reveal that Uribe maintained a comfortable lead, while Serpa's support fluctuated between 11 per cent and 25 per cent, and Gaviria made small but steady gains from 5 per cent to 19 per cent.<sup>66</sup>

The surprising results were Gaviria's relative strength and the demise of the Liberal Party as an electoral force. Uribe's consecutive first-round victories are

unprecedented, but so is the 22 per cent obtained by a candidate of the Left. It appears that Colombia is moving away from its traditional two-party system (Conservatives and Liberals) and that two new camps – Right and Left – are emerging. That is why Gaviria repeatedly stressed the importance of overcoming the democratic Left's fissures, and the PDA had reason to celebrate on election night.

Thanks to the 20 October 2005 constitutional amendment, this was the first time since the late nineteenth century that a sitting president could run for re-election. Uribe claimed he would act more as a "guarantor" than a "candidate" and would focus more on "governing than on campaigning".<sup>67</sup> This was meant in part at least as a pledge to respect the law on electoral guarantees (*Ley de Garantías*), approved jointly on 11 November 2005 by pro-government and opposition lawmakers. It established controls meant to guarantee the fairness of the polls, limit campaign spending and prohibit the president from using public television air time and his weekly "communal council meetings" for electoral purposes, among other restrictions.<sup>68</sup> The National Electoral Guarantees Tribunal (*Tribunal Nacional de Garantías*), charged with auditing the voting, was inaugurated on 18 May 2006. Its members included prominent Colombian personalities.

Daniel García-Peña, the PDA campaign manager, acknowledged the positive effect of the law, saying that "never before has the Left had access to such a large amount of funds for an electoral campaign".<sup>69</sup> It

<sup>67</sup> *Semana*, 1-8 April 2006; *Cambio*, 2-9 April 2006.

<sup>68</sup> The law on electoral guarantees set a ceiling of 10 billion pesos (around \$4 million) and 6,000 billion pesos (around \$2.4 billion) for the first and second rounds of the presidential campaign respectively. Candidates other than a sitting president have been allowed a maximum of 14 billion pesos (around \$5.7 million) for first round and 7 billion pesos (around \$2.8 million) for second round campaigns. The president is allowed to launch his campaign only four months before the election. The law also states that no civil servant can participate in campaign activities. The use of public resources normally at the president's disposal is not allowed for campaign purposes, and no state institution may issue contracts, except for national security, for four months before the election. Media must provide proof of "equal coverage" for all candidates, and no sudden presidential intervention is allowed for two months before the election. No polls are to be published in the last week. The president may not inaugurate public works during his campaign or refer to other candidates during official ceremonies. The public prosecutor is charged with monitoring and reporting any violation by the president. See Sentencia C-1153/05, Corte Constitucional, Bogotá, 11 November 2005.

<sup>69</sup> According to the electoral guarantees law, the state must give 4.08 billion pesos (close to \$1.6 million) to all campaigns

<sup>64</sup> Uribe has also been criticised for making public information entrusted to him by Senator Juan Fernando Cristo about threats against members of his family. He told an interviewer Cristo had asked for help because he had been threatened by officials of the regional government in Cucuta (Norte de Santander) while at the same time received the backing of Cucuta's mayor for the 12 March election. See *El Tiempo*, 19 April 2006.

<sup>65</sup> Noguera had been replaced as head of the DAS by Vice Minister of Defence Andrés Penate in late 2005 because of alleged paramilitary infiltration in the organisation.

<sup>66</sup> *Semana*, 22-29 May 2006, p. 33.

is also true, however, that Uribe attempted to bypass its restrictions by, for example, broadcasting his weekly meetings with inhabitants of towns and villages across the country on community radio stations and giving television and radio interviews at peak hours.<sup>70</sup> The controversial independent candidate Alvaro Leyva withdrew on 14 May, alleging persecution by government forces and lack of security guarantees.<sup>71</sup>

Uribe contributed to polarisation during the campaign by attacking Gaviria, his main foe, as a representative of a "disguised communism" that aimed at "handing over the fatherland to the FARC",<sup>72</sup> a charge that in Colombia's sensitive context, gave democrats concern because it appeared designed to invoke the old spectre of ideology-driven violence from the Left. It also conveniently omitted mention of the extermination of Unión Patriótica (UP) party members by Colombia's

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which fulfill the requirements established by the National Electoral Council and have a proper financial insurance policy. The law stipulates that 2.8 billion pesos (around \$1.1 million) of the advance payment will be allocated to finance campaign propaganda, with the rest set aside for other expenses. Private individuals may contribute only 20 per cent of the campaign budget. After the election, campaigns which obtained more than 4 per cent of the vote will be reimbursed 1,075 pesos (around \$0.44) for each vote they received. All candidates are granted two minutes of prime television airtime and four minutes of radio time between 60 days and a week before the election. Candidates are allowed five minutes on television to present their proposals and ten minutes for their campaign closure speech eight days before the election. The president may not appear on television during his campaign. See Sentencia C-1153/05, Corte Constitucional, Bogotá, 11 November 2005.

<sup>70</sup> Uribe maintained the "communal council meetings", which he switched to calling "democratic workshops" (*talleres democráticos*), but no longer always participated with his ministers.

<sup>71</sup> Former presidential candidate Alvaro Leyva was minister of mining and energy during Belisario Betancourt's administration (1982-1986). He negotiated the liberation of conservative leader Alvaro Gómez, who was kidnapped in 1988 by the *Movimiento 19 de Abril* (M-19), and facilitated agreements with the FARC. During Virgilio Barco's administration (1986-1990), Leyva participated in negotiations with the M-19, which ended in the insurgents' demobilisation in 1990. That year he was elected to the Constitutional Assembly and again helped establish contact with the FARC. Just before the 1998 election, he was indicted for receiving money from questionable sources. He fled first to Mexico, then Costa Rica, where he was granted refugee status. Before the 2006 election Leyva allegedly met again with FARC commander Manuel Marulanda to discuss possible formulas for a negotiated solution to the conflict. *El Tiempo*, 14 May 2006.

<sup>72</sup> "El comunismo disfrazado lo único que hace es repartir pobreza", Servicio de Noticias del Estado, 5 May 2006.

intransigent Right and the paramilitaries in the late 1980s and early 1990s.<sup>73</sup>

Perhaps even more troubling than these indirect and veiled attacks, which are widely acknowledged to be a feature of Uribe's style of governing, was the lack of any meaningful policy debate. Uribe refused to debate his opponents and avoided speaking of major policy issues. According to one critic, "this election campaign will be remembered as one of the least democratic ones because one of the parties, the one that is [in] power, preferred the strategy of monologue instead of dialogue".<sup>74</sup> Even analysts who had consistently defended the administration sounded an alarm. Weeks before the election Eduardo Posada wrote, "the problem of [Uribe's] campaign is not that it is atypical but that so far he has not accepted the challenge of transforming it into a typical one for the sake of future re-election contests". The director of *Semana* magazine charged that "eluding the debates may be valid as part of an election strategy but it is not good for democracy....The voters must punish this arrogant attitude".<sup>75</sup>

Long gone were the days of the "program of 100 points" or "democratic manifesto", which were the basis of his 2002 campaign. Instead, Uribe only hinted at his program for the next four years, and the signs were mixed. On 20 April, Minister Pretelt said the constitutionally sanctioned possibility for citizens to submit a legal claim for protection of fundamental rights (*tutela*) would be modified, the government would introduce a bill modifying how citizens' appeals against court decisions are to be interpreted, he said, but he did not describe the consequences for defence of fundamental rights.<sup>76</sup> Uribe announced several times that he would consider negotiating with the FARC if it made a gesture of goodwill such as accepting talks about a hostages/prisoners swap. These vague announcements drew a FARC response in a 12 May communiqué saying the insurgents would not try to prevent the election and calling on Colombians to vote against Uribe. Bereft of any meaningful information on Uribe's second-term plans, the leading daily, *El Tiempo*, was reduced to publishing two weeks before the election a profile of the different facets of the president "as a person".<sup>77</sup>

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<sup>73</sup> It is estimated that several thousand members of the UP, a leftist party with some affinity to the FARC, were killed in what is known as the "dirty war" (*guerra sucia*).

<sup>74</sup> *El Tiempo*, 18 May 2006.

<sup>75</sup> Alejandro Santos at [http://www.terra.com.co/elecciones\\_2006/noticias/17-05-2006/nota285495.html](http://www.terra.com.co/elecciones_2006/noticias/17-05-2006/nota285495.html).

<sup>76</sup> *El Tiempo*, 21 April 2006.

<sup>77</sup> "Cuando Uribe es más Uribe", *El Tiempo*, 19 May 2005, pp. 1/4.

With their main target elusive, Gaviria, Serpa and Antanas Mockus chose not to engage with each other, leaving voters without an open political discussion on which to decide.<sup>78</sup> A number of weaknesses also prevented those candidates from appearing as credible challengers. Despite his victory over Rafael Pardo in the Liberals' 12 March primary and efforts by former President Cesar Gaviria to maintain party cohesion, the losers refused to back Serpa, and some local leaders supported Uribe. Serpa's inability to overcome the public's perception of him as burned-out, following losses to Andrés Pastrana in 1998 and Uribe in 2002, prevented his campaign from taking off. Carlos Gaviria, on the other hand, surged. His victory in the PDA primaries over Senator Antonio Navarro won him support from a large coalition of social movements. Continuing intra-party tensions and the lack of an attractive, straightforward policy limited his momentum but he benefited from discontent with Uribe in several sectors, particularly among Liberals. The program of Mockus, the former mayor of Bogotá, based on citizen participation and respect of ethical values, was viewed as ambiguous, confusing and shallow.

## B. POLICY CONTINUITY AT ALL COST?

The programmatic void that characterised the campaign and the often cited argument that Uribe needed four more years to finish what he started are problematic. While policy continuity is undoubtedly important for moving Colombia toward the end of its armed conflict, it

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<sup>78</sup> PDA candidate Carlos Gaviria emphasised the protection of fundamental social rights, arguing that inequality and social exclusion could only be eradicated if the state guaranteed the right to life, education, basic utilities, housing and freedom. With regard to the conflict, he said focusing on a military solution would not achieve peace. Instead the state needed to strengthen its local and regional institutions, provide adequate judicial services and generate sustainable development in conflict areas. Liberal candidate Horacio Serpa advanced a social-democratic platform, arguing that an efficient economy had to be made compatible with sustainable employment and a more democratic distribution of the national income. To eradicate poverty and social inequalities, he proposed construction of large low-income housing projects and a more progressive tax system. He advocated immediate negotiations to find a way out of the conflict. Visionarios candidate Antanas Mockus acknowledged Uribe's progress on security but argued that a complementary strategy including democratic principles was required. His platform called for the constitution and efficient use of fiscal resources to guide all government policy. His campaign emphasised high quality education and efficient budget control. Rather than focusing on social inclusion, it advocated citizen participation.

cannot be the aim per se. It should be accompanied by clarity as to what needs change or a different emphasis. This is particularly necessary because the long-standing problems – war, drug trafficking, abandonment of the rural sector, impunity, social inequality and inadequate economic growth – have not been solved, and new ones such as reinserting demobilised paramilitaries, rigorously implementing the JPL and coping with the impact of the Free Trade Agreement (FTA) with the U.S. have arisen.

The second Uribe administration needs to take stock of both successes and failures, listen to its domestic and international critics, and develop a more flexible and open approach to tackling these problems. The congressional and presidential election results and the president's approval ratings should give the government enough assurance to do this. International support, discussed below, ought to depend on it.

Uribe's emotional election night speech contained little about plans for 2006-2010. This was captured eloquently by Colombian analyst Daniel Samper, who wrote:

Colombians' high hopes for peace and employment have not been addressed by a grand government plan. This is evidenced by [Uribe's] victory speech, in which the president thanked everyone but did not offer much. In fact, his speech will be remembered for its demagogic tone, starting with his invocations of Our Lord and Mary Holiest and going on to defend a non-existent merit-based civil service and overusing patriotic references.<sup>79</sup>

Uribe limited himself to announcing that his "democratic security policy" would continue and that during his second term, he would generate more employment, sign the FTA, move forward in the "integration process with Europe, with the whole world", restructure and handle more efficiently executive-legislative relations, provide guarantees to the political opposition and safeguard fundamental liberties. At no point did he refer to human rights, in particular those of vulnerable groups such as women, children and indigenous and Afro-Colombians, JPL implementation, reinsertion of former combatants, the humanitarian crisis or counter-narcotics policy.

Against this backdrop it is important to highlight a potential risk to the checks and balances built into the political system. The 2005 constitutional reform that allowed a president to run for re-election also increased the power of the president to nominate senior state

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<sup>79</sup> *El Tiempo*, 30 May 2006.

officials. Colombian analyst María Duzán correctly calls it “the first time in recent Colombian history that a [president] will have the possibility to influence the selection of almost all public officials in charge of exercising control over his administration”. During his second term, Uribe can appoint two new members of the central bank’s board of directors and will be responsible for drawing up a new list of candidates for attorney general and, in combination with the Supreme Court and the State Council (*Consejo de Estado*), draft a list of candidates for public prosecutor. The choice of comptroller general, though not directly his, will have to be approved by Congress in which he commands a majority.

The continuation of Uribe’s policy must also be analysed in relation to the weakness of regional and local institutions. His arguable success in re-establishing the state’s security presence in conflict-ridden territory has exposed the significant institutional deficits that exist in some regions. However, in spite of having put forth a large administrative reform aimed at increasing government efficiency and accountability,<sup>80</sup> Uribe’s policies have not and are unlikely to lead to better rural governance and the protection of women, children and indigenous and Afro-Colombians at the local level. The centralisation of state power has been the result of local patronage practices, the weakening of party representation, the upsurge of illegal armed groups, the establishment of fiscal restrictions on local governments and the presidential system itself, and it can be argued that Uribe’s policies have reinforced the trend.

While government supporters believe the “communal council meetings”, during which the president and his cabinet address local claims, increase citizen participation in government decisions, it is also the case that the intervention of national bodies at the regional and local levels tends to undermine and replace rather than reinforce local governance.<sup>81</sup> The establishment of the Centre for Coordination of Integrated Action (CCAI), which seeks to synchronise efforts by government and military entities to regain state presence in remote areas, is a step towards complementing the democratic security policy. However, while its interventions will be important for addressing the

immediate needs of the most endangered municipalities, the CCAI should also aim to establish long-term strategies to reconstruct local government structures.

Local governments must play a central role if ex-combatant reinsertion and victim reparation programs that pay special attention to the needs of women, children and indigenous and Afro-Colombians are to succeed. Without strong regional counterparts able to address the needs of vulnerable populations, the risk of failure could increase dramatically.

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<sup>80</sup> Consejo Nacional de Política Económica y Social, “Renovación de la administración pública”, Departamento Nacional de Planeación, Documento Conpes, no. 3248, Bogotá, 20 October 2003.

<sup>81</sup> See Alejo Vargas, “Que tan profunda es la reforma del estado”, in Miguel Cárdenas (ed.), *La reforma el estado en Colombia: Una salida integral a la crisis* (Bogotá, 2005), pp. 1-17.



## V. TOWARDS A COMPREHENSIVE PEACE STRATEGY

### A. EU, U.S. AND UN ENGAGEMENT

More people in Europe and the U.S. are better informed about Colombia, its armed conflict and political situation, than a decade ago, and during the past seven years the EU and the U.S. have made substantial headway in designing and implementing important aid programs.<sup>82</sup> The Pastrana and Clinton administrations conceived and implemented a multi-billion dollar five-year package, Plan Colombia, beginning in 2000. The next year, recognising the importance of bringing Colombia's neighbours into its anti-drug and – since 2002 – anti-terrorist strategy,<sup>83</sup> the Bush administration launched the Andean Counter-drug Initiative (ACI).

Today, the U.S. seems to be moving towards a more integrated approach, as shown by a decision of the House Appropriations Subcommittee on Foreign Operations and Export Financing to shift \$135 million from ACI to the Economic Support Fund (ESF) and \$26 million to the International Narcotics Control and Law Enforcement (INCLE) account.<sup>84</sup> The Congress has tended to condition

some U.S. assistance or delay release of funds until the Colombian government has made a response to human rights concerns, often instigated by NGOs, and made more visible efforts at limiting the linkages between the army and the paramilitaries.<sup>85</sup>

Plan Colombia sparked controversy and drove a wedge between the U.S. and the EU and its member states.<sup>86</sup> The majority of EU member states and the European Parliament were unhappy about being asked to finance part of a counter-drug strategy about which they had not been consulted and which, to many, overemphasised security and military assistance. The massive aerial spraying of coca crops as part of the plan's tough supply-side reduction strategy particularly prompted strong opposition among European policy-makers and publics. With support for Plan Colombia foreclosed, several member states gradually increased their peace engagement in Colombia, and the EU soon followed suit.

During the Pastrana administration, a number of European ambassadors, from both EU and non-EU countries, were active in supporting the peace negotiations with the FARC in the demilitarised zone (DMZ) as well as the government's rapprochement with the ELN.<sup>87</sup> As part of these efforts, a FARC delegation

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<sup>82</sup> This was preceded by seriously strained relations between the administrations of Ernesto Samper and Bill Clinton because of Samper's alleged involvement in a drug money scandal. Between 1994 and 1998, the U.S. cut most of its aid to Colombia. Europe kept a rather low development profile in Colombia during the 1990s, focusing on establishment of an institutional framework for relations with the Andean region as a whole. In 1990, the then European Communities (EC) granted the Generalised System of Preferences (GSP) with a special "drugs" scheme to Andean countries committed to fighting drug production and trafficking. In 1993, a regional framework agreement was signed between the EC and the Community of Andean Nations (CAN), which was followed by additional political, economic, trade and anti-drug agreements.

<sup>83</sup> In 2002, the U.S. Congress decided that Plan Colombia funds could also be used for supporting the Colombian security forces against the AUC, FARC and ELN, all of which are on the U.S. list of foreign terrorist organisations.

<sup>84</sup> U.S. House of Representatives, Report accompanying H.R., pp. 60-63. If it holds, the late May 2006 decision of the House Appropriations Committee to shift some \$161 million from Colombia's share of the ACI into the more traditional ESF and rule of law-related aspects of the State International Narcotics and Law Enforcement account, while still earmarked for Colombia, may facilitate cooperation with Europe. The overall amount, \$545.2 million, in the committee-passed legislation is some \$49 million more than 2005. The breakdown involves some \$135 million in ESF for development work and support for IDPs and indigenous peoples. Of this some \$20 million is

for demobilisation, disarmament and reintegration (DDR), with an emphasis on vetting, monitoring and verification and a bar on cash payments for demobilised ex-combatants, though training and jobs programs are allowed. There is again an overall requirement for certification that paramilitary structures are being dismantled, extradition continues, and full disclosure of crimes and victims and transfer of assets is being obtained from the paramilitary groups. While \$26 million is included for rule of law and human rights programming, the bulk (some \$313 million) is for narcotics interdiction and eradication and \$70.2 million for new or repaired helicopters. The bill further requires a report on post-Plan Colombia and urges a multiyear strategy for U.S. aid be provided within 60 days of final enactment. Additional human rights conditions on expenditure of 25 per cent of the overall funding also would remain in place. *El Tiempo*, 19 May 2006; "Opening statement by chairman Jim Kolbe", U.S. House of Representatives Subcommittee on Foreign Operations and Export Financing Markup, Washington, 19 May 2006.

<sup>85</sup> See Foreign Operations Appropriations legislation as passed by the Congress for FY2006, H.R. 3057, sections 599E and 556.

<sup>86</sup> See Markus Schultze-Kraft, "EU-US wedge thwarts efforts in Latin America", *European Voice*, 14 October 2004.

<sup>87</sup> The Group of Friends of the FARC negotiations included EU members Spain, France, Italy and Sweden, non-EU members Switzerland and Norway, as well as Canada, Cuba, Mexico and Venezuela. The smaller Group of Friends for the weak rapprochement between the Pastrana government and the ELN included Cuba, France, Norway, Spain and Switzerland.

was invited to visit six European countries,<sup>88</sup> and the Swiss government hosted a meeting with ELN commanders and Colombian government and civil society representatives in Geneva in 2000. The EU participated in the three meetings of the Colombia Support Group in Madrid (July 2000), Bogotá (October 2000) and Brussels (April 2001) and developed an ambitious aid program – including the peace laboratories (PLs) – aimed at tackling the socio-economic root causes of the conflict, strengthening local and regional institutions and governance and building a culture of peace “from below”. Announced in October 2000, the first PL was launched on 25 March 2002, five days after negotiations between Pastrana and the FARC broke down.<sup>89</sup> A second was approved in late 2003 and a third in March 2006.<sup>90</sup>

Between 2000 and 2005, both the U.S and the EU made substantial financial contributions in fields that reflect their priorities. Since 2000, the U.S. has invested \$3.3 billion in the military and police, close to 80 per cent of its aid to Colombia. The largest military contribution, more than \$2 billion, was through the ACI.<sup>91</sup> However, the U.S. has also contributed nearly \$750 million in economic and social assistance, including substantial support to the UN High Commissioner for Refugees (UNHCR) for IDP assistance, human rights organisations and an early warning system implemented through the vice president's office and community-level alternative development programs. A portion of this funding also went to institution building in connection with the legal reform efforts of the public prosecutor and attorney general.

The EU, member states and the European Commission increased multi-year project spending from €380 million in 2003<sup>92</sup> to €422 million in 2004.<sup>93</sup> The Commission commitments under programmable aid between 2001 and 2006 have reached €105 million,<sup>94</sup> with the PLs as the main beneficiaries. In addition, in the same period

of time, the Commission spent an average of €130 million of non-programmable aid under its budget lines: €36 million for IDP and refugee programs, €3 million for humanitarian aid, €19 million for the European Initiative for Human Rights and Democracy, and €5 million for NGO funding, as well as €4 million for environment, €6 million for HIV-AIDS, and €7 million for decentralised cooperation, migration and antipersonnel landmines programs.<sup>95</sup>

Aid from individual EU member states has generally focused on strengthening institutions, democratic governance, poverty reduction, sustainable development, human rights and humanitarian programs.<sup>96</sup> These wide-ranging goals have prompted European states to expand the range of their funding to include multilateral aid for humanitarian and human rights agencies such as the Office of the UN High Commissioner for Human Rights (UNHCHR), UNHCR, the UN Office for Coordination of Humanitarian Assistance (OCHA), the International Committee of the Red Cross (ICRC) and the International Organization for Migration (IOM), in addition to their traditional aid to European NGOs working in Colombia and local NGOs, decentralised funding by European provinces and regions,<sup>97</sup> and scholarship programs.

Shared principles have not prevented states from prioritising different areas. Germany and Sweden have favoured investment in regional and national development, conflict transformation and peace culture programs, allocating some €15.8 million<sup>98</sup> and €5.5 million, respectively, in 2004. France has emphasised civil service capacity building, while Austria has worked with Afro-Colombian and indigenous minorities

<sup>88</sup> France, Italy, Norway, Spain, Sweden and Switzerland.

<sup>89</sup> In January and February 2002, a group of European ambassadors and James LeMoyne, the UN Secretary-General's special envoy to Colombia, tried to save the peace process but failed.

<sup>90</sup> See Section IV B below; Crisis Group interview, Bogotá, 9 May 2006.

<sup>91</sup> See Centre for International Policy, “U.S. Aid to Colombia Since 1997: Summary Tables”, at [www.ciponline.org/Colombia](http://www.ciponline.org/Colombia). Figures from that source were corroborated by U.S. embassy and USAID sources.

<sup>92</sup> *El Tiempo*, 2 December 2003.

<sup>93</sup> “Concept Note – Colombia”, European Commission Delegation for Colombia and Ecuador, working document.

<sup>94</sup> Programmable aid is funding outlined in a Country Strategy Paper, whereas non-programmable aid is supplementary, ad hoc funding provided to a country.

<sup>95</sup> Data obtained from the European Commission delegation in Bogotá and the Direction for External Relations in Brussels.

<sup>96</sup> In 2003-2004 Germany allocated €4 million for technical and financial cooperation. By the end of 2003, German projects totalled more than €78 million. Between 2002 and 2004 Spain gave €130 million in aid, of which €72 million were channelled through the Spanish Cooperation Agency (AECI). French aid was close to €7.6 million in 2004 and Italian aid increased from €3 million in 2003 to €3.6 million in 2004. Swedish aid also increased from €9.8 million in 2003 to €12.4 million in 2004. In 2004, the Dutch government allocated €12 million for funding to Colombia. See “La Union Europea y Colombia”, European Commission Delegation in Colombia.

<sup>97</sup> Spanish and Italian regions have been most active in financing projects in Colombia.

<sup>98</sup> This amount was estimated by taking total spending for the two German Technical Cooperation Agency (GTZ) programs geared at encouraging a culture of peace and conflict transformation: Programa de Apoyo para la Descentralización y el Desarrollo Local para la Paz (PRODESPA) and Programa de Participación Ciudadana para la Paz (PACIPAZ).

in Chocó, Tolima and Amazonas departments. The UK has made bilateral cooperation against drug trafficking a priority; Italy has invested in alternative development and rural reconstruction;<sup>99</sup> Belgium has funded rural research and development; and Spain has diversified aid to IDP micro-credits,<sup>100</sup> rural development, state decentralisation and cultural heritage protection. Environmental protection has also been promoted by Germany, France and The Netherlands in the Magdalena river basin, on the Pacific coast and in Meta and Vichada departments.

Ex-combatant reinsertion has been less attractive, though The Netherlands has funded Reference and Opportunity Centres (CROs) for reinsertion of demobilised ex-combatants and, like Italy and the UK, contributed to reinsertion of underage combatants. Swedish and Dutch donations have been essential in strengthening the OAS mission charged with monitoring demobilisation and dismantlement of paramilitary structures.<sup>101</sup>

The terrorist attacks in New York and Washington on 11 September 2001, the breakdown of the peace talks with the FARC and the ELN in 2002, and the election of Uribe altered the context of Europe's peace engagement. Many observers perceived the failure of the negotiations as indicating Europe's approach in Colombia was flawed. In May and June 2002, the EU put the paramilitaries and the FARC, respectively, on its new list of terrorist organisations.<sup>102</sup> Member state officials began to acknowledge that criticism of Plan Colombia obscured a real need to strengthen Colombia's military and security forces while also improving their human rights performance.

Nevertheless, Uribe's strong focus on security through measures often perceived, in particular by the European Parliament and NGOs, as incompatible with democratic norms and citizens' fundamental rights made the working relationship between the EU and the new government difficult. Uribe's close alignment with the U.S., unconditional backing of Plan Colombia, decision to support the Iraq war, and strained relations with UN Secretary-General Kofi Annan's Special Envoy to Colombia James LeMoyne and the UN human rights office in Bogotá all limited support

within Europe.<sup>103</sup> Two bills on alternative sentencing of members of demobilised armed groups who had committed serious crimes produced enormous controversy and criticism from the UN human rights office in Bogotá and the human rights community in Colombia, Europe and North America.<sup>104</sup> While the U.S. embassy gave political and some financial support to Uribe's efforts to demobilise the paramilitaries and to support the OAS monitoring mission, the EU and the majority of its member states were more reserved. Only Sweden, The Netherlands and Ireland gave relatively small aid to the OAS verification mission.<sup>105</sup>

The EU's General Affairs and External Relations Council (GAERC) on multiple occasions reflected both the EU's caution at the beginning of the Uribe administration and the gradual emergence of a more supportive stance.<sup>106</sup> Initially, EU foreign ministers emphasised that the Colombia should "take effective action against impunity and collusion" with the paramilitaries.<sup>107</sup> They underlined "the importance [of] the contribution of the UN Special Adviser on Colombia" in helping find a negotiated solution to the conflict and stressed that "amendments to the proposed amnesty law [are necessary] in order to ensure full consistency with Colombia's obligations under international instruments regarding human rights and international humanitarian law".<sup>108</sup> The October 2005 GAERC, in contrast, displayed a different

<sup>99</sup> The Italian government channelled \$500,000 through the UNODC for alternative development projects.

<sup>100</sup> A Spanish micro-credit program for IDPs provided close to €100 million in 2004.

<sup>101</sup> See Crisis Group Report, *Colombia: Towards Peace and Justice?*, op. cit., p. 17.

<sup>102</sup> On 2 April 2004 the European Union put the ELN on its list of terrorist organisations. European Council Decision, 2004/306/EC, Brussels, 2 April 2004.

<sup>103</sup> Opposition to more support for Colombia on the part of some members of the United Left/Nordic Green Left, the Greens and the Liberal political groups in the European Parliament was apparent during Uribe's visit to Brussels in February 2004. A few Socialists and the Christian Democrat deputies were more sympathetic while the Commission and the High Representative for EU Common Foreign and Security Policy, Javier Solana, were open but cautious. Other issues, including military cooperation between Colombia and Spain, and the poorly planned and executed attempts by France to rescue the kidnapped Colombian former presidential candidate Ingrid Betancourt, also reflect the lack of cohesion sometimes present within the EU.

<sup>104</sup> Crisis Group Report, *Demobilising the Paramilitaries*, op. cit.; Crisis Group Latin America Report N°14, *Colombia: Presidential Politics and Peace Prospects*, 16 June 2005; Crisis Group Report, *Colombia: Towards Peace and Justice?*, op. cit.

<sup>105</sup> The U.S. gave an initial grant to the OAS and recently added \$3 million to expand the mission. Crisis Group interview, May 2006; and Crisis Group Report, *Colombia: Towards Peace and Justice?*, op. cit.

<sup>106</sup> The GAERC is the meeting (usually monthly) of the 25 EU foreign ministers. The occasions referred to were in December 2002, January 2004, December 2004 and October 2005.

<sup>107</sup> "Table for International Coordination and Cooperation", London Declaration, 10 July 2003.

<sup>108</sup> "Council Conclusions", EU General Affairs & External Relations Council (GAERC), Luxembourg, 26 January 2004.

tone, welcoming passage of the JPL as “a significant development, since it provides an overall legal framework for DDR” and acknowledging that it came “after a lengthy and thorough democratic parliamentary process [and that] in such situations a difficult balance has to be struck between peace...and justice”.

A similar evolution can be traced in the London and Cartagena declarations of the Colombia support group (G-24).<sup>109</sup> The 2003 London meeting was characterised by confrontation between the Uribe administration and human rights organisations and NGOs. European governments and international organisations were cautious, highlighting the importance of cutting ties between the Colombian military and the paramilitaries, among other issues. While it also had rough patches, the 2005 Cartagena meeting backed Uribe's policies more clearly and helped to highlight the importance of Colombian civil society in promoting and defending human rights.<sup>110</sup>

Bi-regional EU-Latin America/Caribbean (EU-LAC) relations also have begun to look somewhat more promising. During the EU-LAC summit in Guadalajara (Mexico) in May 2004, Irish Prime Minister Bertie Ahern, in his EU presidency capacity, Presidents Carlos Mesa of Bolivia, Lucio Gutiérrez of Ecuador and Uribe and the foreign ministers of Peru and Venezuela issued a joint communiqué declaring that an association agreement continued to be a shared strategic objective. They welcomed progress against illegal drugs and terrorism in the region – an important Uribe goal<sup>111</sup> – and pledged to promote preferential

access to the EU market for exports of nations most affected by the production and trafficking of illicit drugs.<sup>112</sup>

Attempts to advance an association agreement during the EU-LAC summit in Vienna in May 2006 were overshadowed by Venezuela's announcement that it would withdraw from the Community of Andean Nations (CAN) in response to the free trade negotiations of Colombia, Peru and Ecuador with the U.S., followed by Bolivia's decision to nationalise its hydrocarbon industry. CAN members agreed, nonetheless, to meet before 20 July 2006 to clarify the conditions for further negotiations toward an association agreement, and the EU has expressed some optimism about starting formal talks.<sup>113</sup> Colombia welcomed the Vienna declaration, which reiterates the EU's commitment to shared responsibility in the fight against drugs and recognises the importance of alternative development.<sup>114</sup>

The political situation in Colombia has changed substantially in the year since the Cartagena meeting, to Uribe's advantage. This, and the certainty that he will be in power until 2010, has had an impact on the EU's relationship with Colombia. Since 2002 the EU and its member states have moved from a cautious to a more pragmatic approach to the core challenges of implementing the JPL and reinserting the demobilised paramilitaries without losing sight of the importance of promoting human rights and international humanitarian law (IHL) and negotiating settlements with the insurgents.<sup>115</sup> How the Uribe government reacts to the Constitutional Court's recent invalidation of key provisions of the JPL will be a major determinant as to whether European support grows further.

Signalling readiness to act, the EU in December 2005 approved €1.5 million to support JPL implementation, in particular for legal advice to victims, the formulation

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<sup>109</sup> The G-24 was formed during the London meeting on international coordination and cooperation with Colombia (the London Conference), in July 2003. The process started earlier, during the Pastrana administration, but the London meeting established follow-up mechanisms, including a commission whose secretariat is run by the UNDP. The G-24 works closely with the Colombian government, the European Commission, the UN, the Andean Promotion Corporation (CAF), the Inter-American Development Bank and the World Bank, in particular on six thematic blocks: forests; reinsertion; alternative development; strengthening rule of law and human rights; regional peace and development; and IDP and humanitarian aid. G-24 members include Argentina, Brazil, Canada, Chile, all EU member states, Japan, Mexico, Norway, Switzerland, and the U.S. The presidency rotates semi-annually. Currently held by Mexico, it will pass to The Netherlands in July 2006.

<sup>110</sup> Crisis Group interviews, Cartagena, 2-3 February 2005. See also Delegación de la Comisión Europea en Colombia, “La Unión Europea y Colombia”, Bogotá, c. 2005, p. 14.

<sup>111</sup> President Uribe has repeatedly demanded from the EU authorities that they contribute to efforts against illegal drug trafficking by taking more effective measures against consumption in EU countries.

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<sup>112</sup> The GSP+, as the successor of the GSP of the 1990s is called, grants certain Latin American products tariff-free access to the EU market. Banana exports have been placed under a special tariff regime in an attempt by the Commission to benefit growers in Africa and Caribbean and Pacific countries (ACP) as part of the Cotonou Agreement. See Crisis Group Latin America Briefing N°6, *Increasing Europe's Stakes in the Andes*, 15 June 2004.

<sup>113</sup> An EU technical team is currently evaluating the level of integration in the CAN. The results could prove useful in evaluating negotiations leading to an association agreement. Crisis Group interview, Bogotá, 23 May 2006. “Vienna declaration”, EU Council, 4th EU-LAC summit, Vienna, 12 May 2006.

<sup>114</sup> Caracol Radio, 12 May 2006.

<sup>115</sup> See Crisis Group Report, *Colombia: Towards Peace and Justice?*, op. cit.

of a strategy for communities receiving demobilised combatants and the work of the National Reparation and Reconciliation Commission (NRRC), as well as to help design a comprehensive national reconciliation strategy.<sup>116</sup> In November 2005, the Bush administration approved up to \$20 million in aid during fiscal year 2006 for demobilisation and disarmament of former combatants.<sup>117</sup> Substantial U.S. aid will continue to flow through the ACI in 2006-2007 but it is not yet known whether Plan Colombia, which ended in 2005, will have a second phase, though the Bush and Uribe administrations both desire this.<sup>118</sup>

## **B. THE NEW EUROPEAN COMMISSION STRATEGY 2007-2013**

After consulting with a broad range of Colombian state and civil society entities, the European Commission is finalising its Country Strategy Paper (CSP) for Colombia for 2007-2013. The paper for 2000-2006 had five main areas of intervention: 1) economic and social development and the fight against poverty; 2) alternative development; 3) justice sector reform; 4) human rights promotion; and 5) humanitarian assistance for victims of the conflict. The new CSP will build

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<sup>116</sup> EU press release, 22 December 2005. The funds were provided through the Commission's Rapid Reaction Mechanism.

<sup>117</sup> State Department certification for FY2006 funds to the Appropriations and International Relations Committees of the House of Representatives and the Senate is pending. From prior year funds not restricted by the FY2006 appropriations language, USAID and the State Department proposed general support for demobilisation and reinsertion but the committees, as Crisis Group recommended, have approved that "not less than \$5 million shall be made available to the attorney general's office for investigations and prosecutions [of former members of armed groups]... \$3 million shall be made available to the OAS for monitoring land and asset confiscation, dismantling criminal and financial structures of paramilitaries, paramilitaries' fulfilment of commitments to turn over kidnapping victims and disclose the location of bodies of the disappeared, and continued existence of paramilitaries, or formation of new paramilitary groups ... and not less than \$1 million shall be made available to assist organisations representing the victims of the conflict, particularly indigenous, women and Afro-Colombian organisations, to participate as interested parties in criminal proceedings related to the demobilisations and to present information to prosecutors or the regional and national committees of the National Commission for Reparation and Reconciliation".

<sup>118</sup> According to Crisis Group sources, it is unclear whether continuation of Plan Colombia will be part of the 2006 appropriations process in Washington. The proposal submitted by Bogotá seems to have sparked a number of comments and recommendations during the inter-agency review.

on these, continue to assign special importance to multilateralism and identify three principal fields of cooperation: supporting peace initiatives and economic and social development, including alternative development; strengthening the justice sector and promoting and protecting human rights and IHL, in particular with respect to vulnerable groups such as women, children and ethnic groups; and enhancing economic productivity and competitiveness and expanding trade.

These areas of EU intervention are to be complemented by traditional bilateral cooperation in humanitarian assistance (IDPs), support of development NGOs, tropical forests and environment, migration and human rights, among others. The EU and its member states will seek to increase synergy between the various actors and in the different areas of cooperation, as stated in its March 2005 Paris declaration on effectiveness of aid.<sup>119</sup>

The EU's peace strategy eschews quick fixes and concentrates on the medium to long-term, with the PLs as its flagship. The term "peace laboratories" indicates that European policymakers never have believed a solely, or even predominantly, military strategy could end the conflict. Without rejecting the legitimate defence requirements of the Colombian state, they consider that gradual transformation of the political, social, economic and cultural root causes of the conflict through broad social participation, strengthening of local and regional institutions, promotion of human rights and sustainable and equitable socioeconomic development is essential to laying the foundations for peace.

This approach is based on identification of the following underlying causes of the conflict: institutional weakness, no policy coherence between levels of government and absence of social cohesion and economic alternatives to the illegal drug industry in many regions. While EU policy-makers recognise that the FARC has lost much of its ideological base, and drug revenues have distorted decision-making, they believe that dealing with rural poverty and developing a comprehensive state presence throughout the country can contribute essential support for a negotiated settlement.

The first PL built on the experience of the Middle Magdalena Development and Peace Program (MMDPP), which, thanks to the efforts of Father Francisco de Roux, was established in 1995 to facilitate reconstruction of the severely war-damaged social fabric in the

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<sup>119</sup> Crisis Group interview, Bogotá, 19 April 2006; "Paris declaration on aid effectiveness", 2 March 2005.

Middle Magdalena valley and support civil society initiatives for strengthening peaceful mechanisms of conflict resolution at the local and regional level.<sup>120</sup> Based on a wide-ranging consultation process with local communities, the MMDPP developed a methodology for the design of peace and development projects. Between 1998 and 2000, the World Bank gave it a Learning and Innovation Loan, that allowed it to establish the procedures through which local initiatives, such as justice, peace and humanitarian discussion forums, farms, small rural and semi-rural industrial projects and education programs for communal leaders were funded. In 2001, the Middle Magdalena Development and Peace Corporation (MMDPC) was created, enabling the program to manage a variety of funding sources.

The PL concept was approved in 2000, and the European Commission began implementing the first one in February 2002 in 30 municipalities of the Middle Magdalena valley, a region devastated by paramilitary and insurgent violence and drug trafficking.<sup>121</sup> The Uribe government came into office in August of that year with substantial doubt about the concept. It was opposed to any non-governmental contacts, however indirect, with illegal armed groups, particularly the FARC but also the ELN. The insurgents attempted to benefit politically and financially from the European investment and permitted the PL to operate in territories they controlled or contested with the government or the paramilitaries.<sup>122</sup> However, the benefits the PL brought to communities in terms of access to social services, micro-credit and agricultural extension services for small farmers built a strong popular base of support that the government ultimately was forced to acknowledge and, however reluctantly, accept.<sup>123</sup>

Implementation of the second PL began in 2003 in 62 municipalities in Norte de Santander, Oriente de Antioquia and Macizo Colombiano/Alto Patía, with

government collaboration. Building on these experiences, the European Commission has approved a third, to be launched in 2006 in 33 municipalities in the Montes de María region of the north and the Meta department of the south. In total, the Commission will be cooperating with the government during 2006 in three PLs covering 125 of Colombia's 1,098 municipalities. The third PL, in Meta, will be operating in the department with the highest proportion of drug cultivation – responsible for 21 per cent of coca cultivation in 2004.<sup>124</sup>

The first PL program's initial phase ran from 2002 through to 2005; the second one will end in 2009, by when EU contributions will have totalled €34.8 million. The Colombian government provides an additional €7.44 million for the activities of the MMDPP.

The first PL in Middle Magdalena valley started by trying to help build a culture of peace and protect human rights, enhance productive activities and strengthen social and institutional infrastructure in thirteen municipalities. Its radius was increased gradually to cover all 30 municipalities.<sup>125</sup> The European Commission delegation in Bogotá estimates that more than 20 per cent of the population of the Middle Magdalena valley has benefited directly. More than 900 social organisations participated in the activities and; some 200 alliances between the public and private sector were formed and have been involved in 350 projects. The methodology involves bringing community groups together to discuss economic and social problems – from the issues of poverty and getting farm goods to market to concerns about health, water and sanitation – agreeing on objectives, projects and activities and then organising cooperative action to implement them.

The European Commission delegation in Bogotá says the impact evaluation is not finished but preliminary findings indicate that human rights violations, and in particular homicides, have dropped drastically, with consequent reduction in IDPs since people are more prone to stay on their land. However, figures from the vice-president's Human Rights Observatory do not provide conclusive evidence of a significant drop in the number of IDPs expelled from the municipalities

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<sup>120</sup> The state-owned oil company ECOPEPETROL, the trade union Unidad Sindical Obrera (USO) and the non-governmental Centro de Investigación y Educación Popular (CINEP) were also involved in the founding of the MMDPP. Similar programs were set up later in other regions. See "Programas regionales de desarrollo y paz: casos de capital social y desarrollo institucional", Fundación Ideas para la Paz/UNDP, Bogotá, 6 August 2002; Programa de Desarrollo y Paz del Magdalena Medio, "Informe de la Primera Fase del Laboratorio de Paz," at [www.pdpmm.org.co/index.htm](http://www.pdpmm.org.co/index.htm)

<sup>121</sup> The municipalities are in the departments of Antioquia, Bolívar, Cesar and Santander. The PL has been implemented in coordination with the Middle Magdalena Development and Peace Program (MMDPP).

<sup>122</sup> Crisis Group interview, Bogotá, 19 April 2006.

<sup>123</sup> Ibid.

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<sup>124</sup> The closest in the previous PL's was Antioquia, with 6 per cent of Colombia's coca cultivation.

<sup>125</sup> Among activities developed in the PL are rural clinics and community radio stations, sewage systems, school facilities and sanitary installations, libraries, community centres and greater participation in development planning at the local level, as well as establishment of farmer associations for increasing production and exporting produce (e.g. bananas and African palm).

where the first peace laboratory is active.<sup>126</sup> Anti-personnel mines remain a significant problem, and a more in depth understanding of successes and failures must await completion of the evaluation.<sup>127</sup>

At government request, the European Commission began designing a second PL in late 2003 and approved €3 million for its activities in 62 north eastern, central and south western municipalities characterised by high violence and poverty. Colombia contributes €3.4 million in co-financing through a World Bank credit. In contrast to the first PL, implementation is entrusted to multiple partners, including the Catholic Church, indigenous organisations, universities, associations of municipalities and private sector organisations. The second PL tries to avoid mistakes of its predecessor such as fragmentation of activities and too much focus on the micro level by incorporating three criteria into its design: actions must cover more than one area of intervention, i.e. human rights and IHL, governance and socio-economic development; at least three municipalities must participate by forming alliances; and funds must be allocated proportionally in the three main areas of intervention.

To increase the impact and better coordinate involvement of the departmental governments and civil society and private sector organisations, a steering committee was set up in each region. More emphasis was also put on the EU's broadly conceived alternative development concept of building infrastructure, enhancing production and strengthening institutions in those regions where there are or is potential for illegal crops or that have experienced population expulsion because of the anti-drug policy.

The second PL had serious difficulties getting off the ground, however.<sup>128</sup> Implementation of the majority

of projects did not begin until the second half of 2005, and only €10 million in EU contributions have been disbursed for 37 projects. The rest is planned to flow in the second half of 2006, with implementation to be completed in 2009. Among the reasons given for the delay are increasing red tape in Brussels, coordination difficulties between the Bogotá delegation and the Presidential Agency for Social Policy and International Cooperation (Acción Social), mostly regarding disagreements over the level of participation by local organisations, and inadequate capacity of regional counterparts such as the mayors and governors offices and local NGOs to manage complex programs.<sup>129</sup> Evaluation of the impact of the second PL is still pending.

The third PL (PLIII) is planned to begin operating in mid-2006 in the Meta department, a stronghold of the FARC, as well as the Montes de María region in Bolívar department, another guerrilla bastion but also one with a large demobilised paramilitary population. Of its €30.2 million budget, €24.2 million will be a European Commission contribution. As with the first two PLs, the focus will be on supporting regional development and peace programs but there will also be an important new concentration on especially vulnerable groups such as women, children and ethnic groups, including those outside the geographic areas of the PLs.<sup>130</sup> With the aim of increasing the strategic relevance of the PLs, the Commission will support the design by the National Planning Agency (DNP) of a "development and peace policy" (*política pública de desarrollo y paz*).

This element, which focuses on promoting development and peace-building at the regional/municipal level, is significant because it seeks to improve the impact of the PLs by integrating their activities into a coherent government policy framework that does not yet exist. The Uribe administration – in part due to self-imposed conservative macro-economic fiscal constraints – has done too little since 2002 to complement its "democratic security policy" with a coherent regional/municipal development and peace policy.<sup>131</sup> Consequently, the

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<sup>126</sup> Observatorio de los Derechos Humanos en Colombia, "Desplazamiento Forzado (Expulsión) por Departamento y Municipio (2000-2006)", May 2006.

<sup>127</sup> The only two significant mentions of municipalities covered by the first PL in the 2006 report on Colombia of the UN High Commissioner for Human Rights refer to massacres in Barrancabermeja (Santander) in March 2005 and Agauchica (Cesar) in July 2005. While the report notes an overall increase in human rights violations involving members of the armed forces and the police across the country and mentions extrajudicial executions, collaboration with paramilitary groups and disappearances in Antioquia, Bolivar, and Cesar departments, no significant cases of human rights violations by members of the armed forces or the National Police are recorded in municipalities covered by the PL. "Report of the High Commissioner for Human Rights on the Situation of Human Rights in Colombia", UNHCHR, January 2006.

<sup>128</sup> Crisis Group interview, Bogotá, 4 May 2006.

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<sup>129</sup> Crisis Group interview, Bogotá, 19 April 2006. Acción Social is the restructured former Colombian international cooperation agency ACCI. It has become increasingly assertive and involved in PL-related decisions since that restructuring.

<sup>130</sup> Crisis Group interview, Bogotá, 4 May 2006.

<sup>131</sup> As stated above, Colombia partially finances the PLs and allocates funds, in cooperation with donors, for humanitarian assistance, reconstruction, nutrition and environmental protection. It has also given some money for the regional development and peace programs and pays \$2 million into UNDP's REDES program. However, these activities are subordinate to its security policy and not part of a coherent peace policy. The government perceives its relations with

interventions of the EU and its member states in the same period have largely been at the margins of the government's major interests.

European Commission officials in Bogotá, some of whom have often expressed private frustration about government policies, for example aerial spraying of coca crops in regions where the PLs operate, underline the importance of an integrated policy capable of addressing the multiple aspects and root causes of the conflict. The need for this has become more evident than ever with publication in the U.S. of the latest estimate by the White House Office of National Drug Control Policy that after extensive eradication efforts, a record high 144,000 hectares of coca were cultivated in 2005.<sup>132</sup>

Other European concerns are that the central and, above all, regional governments in Colombia have tended to perceive the PLs as a handy source of funding they can tap and so avoid some of their own responsibilities.<sup>133</sup> According to a government official, since late 2003, when Acción Social replaced a set of institutions charged with coordinating foreign aid, the government has been more assertive vis-à-vis European donors in particular.<sup>134</sup> While this has made implementation of the second PL more difficult, as described above, a stronger national counterpart should not hinder a more effective working relationship with EU donors. However, much depends on whether lessons learned from the joint Colombian-EU evaluation of the PLs can be incorporated into a coherent "mode of state intervention in the regions", as one Colombian official preferred to call the development and peace policy.<sup>135</sup>

The European Commission's priority interest in supporting the design of a such a policy, whatever name the DNP gives it, is relevant to many of the most pressing conflict prevention and resolution issues Uribe must address in his second term, including ex-combatant reinsertion; JPL implementation; alternative development and coca crop reduction; strengthening local/rural governance structures; and promoting human rights and IHL. The result, as discussed below, should be one tier of a new and more comprehensive

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civil society and victims of the conflict more in terms of providing aid than stimulating local participatory processes characterised by independence or autonomy from the central government. Crisis Group interview, Bogotá, 22 May 2006.

<sup>132</sup> "2005 Coca Estimates for Colombia", White House Office of National Drug Control Policy, Washington, 14 April 2006.

<sup>133</sup> Crisis Group interview, Bogotá, 19 April 2006.

<sup>134</sup> Crisis Group interview, Bogotá, 22 May 2006.

<sup>135</sup> Ibid.

approach that also incorporates a negotiation strategy with the insurgents.

### C. THINKING BIGGER: THE NATIONAL PEACE AND DEVELOPMENT STRATEGY

There is a sense of both urgency and optimism among the international community in Bogotá. The end of the electoral cycle, demobilisation of the paramilitaries, talks with the ELN and establishment of the National Reparation and Reconciliation Commission (NRRC), which finally is taking shape, are considered by European Commission and UN officials, members of the G-24 and others as presenting a window of opportunity for peace.<sup>136</sup> There is hope that relations with the second Uribe administration will be smoother and more productive.<sup>137</sup> At the same time, there is a sense that unless there is quick action on reinserting the more than 35,000 demobilised paramilitaries, the process could prove to be a time bomb.

A general consensus is emerging from discussions with Colombian and international officials that a new strategy is required, at least for strengthening rural development and governance at the regional/municipal level. However, there is no agreement as yet on how best to proceed, what such a strategy should look like and what priorities it should establish.

The G-24 arguably is the best forum for designing international contributions to the development, coordination and implementation of a new strategy, though some ambassadors, EC and UN officials say it has lost momentum since its February 2005 Cartagena meeting.<sup>138</sup> Colombia's foreign ministry argued a G-24 meeting would be inconvenient during the election season, so a planned follow-up in the first half of 2006 was postponed until later in the year.<sup>139</sup> The Mexican presidency is preparing a Bogotá seminar in late June on post-conflict challenges, which it is hoped will help clarify government plans and responsibilities and what donors can best do to help. European ambassadors told Crisis Group uncertainty over

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<sup>136</sup> Crisis Group interviews, Bogotá, 4, 26 and 28 April 2006.

<sup>137</sup> Crisis Group interview, Bogotá, 26 May 2006.

<sup>138</sup> The EU's recent eastward enlargement has had an impact on the G-24, which now includes ten new members, most of whom have little or no experience in Colombia. Other EU members, such as Germany, which has a relatively large cooperation program in Colombia, have not increased their financial and political engagement. Crisis Group interviews, Bogotá, 26 April and 9 May 2006.

<sup>139</sup> The Netherlands, which will hold the G-24 presidency in the second half of 2006, is expected to organise the third G-24 meeting. Crisis Group interview, Bogotá, 26 May 2006.



Colombia's FTA with the U.S., a possible Plan Colombia II and U.S. engagement in general, all significantly dependent on mid-term congressional elections in November, contribute to difficulty in defining more coherent EU engagement. The same is said of the CAN dissension, which disturbed the May 2006 EU-LAC summit that Uribe did not attend.<sup>140</sup>

In these circumstances, a new cooperation strategy between Colombia, the EU, the U.S. and the UN is not anticipated before the end of 2006 or early 2007. International actors are implementing existing programs and planning but are apparently not prepared to undertake new initiatives, except for the EU's €1.5 million support for activities related to defending victims' rights; the disbursement of \$20 million for demobilisation and reinsertion by the U.S.; and the UNDP's proposal to set up and co-manage a fund for NRRC activities.<sup>141</sup>

While all these measures are important, Crisis Group believes there is need to "think big" and that a more ambitious and comprehensive approach is required: the design and implementation of a new three-tier National Peace and Development Strategy that in addition to rural development, regional/municipal governance and a restructuring and improvement of existing reinsertion programs for ex-combatants includes peace-making diplomacy with the insurgents.

Such a strategy, which the international community should both advocate with the government and give major support to once it is a reality, would fill a great void in Colombian public policy. Ideally, it would complement the democratic security policy of the first Uribe administration.

### **1. The Rural Governance Strategy tier**

The first tier of the comprehensive strategy would seek to reduce rural poverty and stimulate regional/municipal development. It should build on and benefit from the work of the PLs and be designed to replicate them immediately where security permits and elsewhere as

soon as possible. It should include greater rural infrastructure investment, alternative development, small farmer agricultural credit, marketing and technical aid, off-farm income and employment generation programs. It should also have a local community and rural governance component and involve the participation of vulnerable groups, including women, children, indigenous and Afro-Colombians and internally displaced persons (IDPs), to all of whose special requirements it would need to be responsive.

### **2. The restructured Demobilisation, Disarmament and Reintegration tier**

With respect to the reinsertion of ex-combatants, the second tier should incorporate a restructured and redefined demobilisation, disarmament and reintegration (DDR) program with more rigorous verification that command and control structures and criminal linkages are being dismantled. The government has finalised the number of individuals it feels are potentially eligible for reduced sentences but before that can happen, the assertions of the paramilitary leaders as to their crimes, command structures, finances and victims need to be carefully investigated. The attorney general's office requires additional resources to do this. Prosecutors, particularly those with organised crime experience, should be made available or trained rapidly and given the necessary investigative tools, including modern information technology, and logistical support. Training as well as agricultural support and education programs and jobs within community development settings such as PLs need to be expanded rapidly for those who are already in line for reinsertion.

### **3. The Peace Negotiations Strategy tier**

The third tier would encompass efforts to reach a demobilisation agreement with the second largest insurgent group, the ELN, and to establish as soon as possible talks with the FARC on a hostages/prisoners swap as a first step towards peace negotiations. A number of European countries and Cuba have recently been involved in efforts to help with one aspect or another of these endeavours. Three rounds of preliminary but direct sessions between Peace Commissioner Restrepo and ELN spokesperson Francisco Galán and ELN commanders Antonio García and Ramiro Vargas were held in Cuba – December 2005 and February and April 2006 – with facilitation from Norway, Switzerland and Spain as well as the host country. In December 2005, an international commission put together by the governments of France, Spain and Switzerland launched a proposal to demilitarise a 180-square-kilometre area in the western Valle del Cauca department in order to

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<sup>140</sup> During the EU-LAC summit in Vienna, Venezuela's President Chávez called on the Europeans to support President Evo Morales of Bolivia, who nationalised his country's gas and oil industry on 1 May 2006. In response, Austrian Federal Chancellor Wolfgang Schüssel defended the benefits of the open world economy, Prime Minister Tony Blair of the UK said Bolivia and Venezuela should demonstrate they use their energy resources responsibly, and Javier Solana pointed out that Bolivia risked losing foreign investment.

<sup>141</sup> Apart from financing the setting up of the NRRC offices, the Uribe administration has not provided funding. Crisis Group interview, Bogotá, 15 May 2006.

establish talks on the swap of hostages/prisoners between the Uribe administration and the FARC.

The FARC rejected the proposal, and the process with the ELN remains vulnerable. Nevertheless, the Cubans and the Europeans who have been active should increase their facilitation efforts, and other governments, including additional EU member states, should consult on ways in which the wider international community might help the Colombian government design and implement a coherent diplomatic strategy with regard to the insurgents.

While talks with the ELN have not yet produced a significant agreement, they have made important headway, at least in helping to establish a degree of mutual trust.<sup>142</sup> On 3 March, following the second round, the government granted official representative status to the three ELN negotiators.<sup>143</sup> Although it did not acknowledge the existence of a "legitimate" internal conflict, a long-standing ELN argument, the announcement was seen as a step toward giving the ELN de facto political status. The insurgents announced they would not sabotage the 12 March congressional election and released a soldier on 23 March.<sup>144</sup> Both parties agreed to establish an alternative mechanism, a "conciliation table", by means of which third parties, including guarantor countries, could contribute to finding solutions to sensitive issues.<sup>145</sup>

However, the process is fragile, with the lack of a clear political stance by either side generating uncertainty about its future. The government's decision to limit the ELN negotiators' official representative status to three months did not sit well with Garcia, who questioned its commitment.<sup>146</sup> In an effort to diffuse tensions, the government renewed the status after the April round. Meanwhile, the ELN's initial enthusiasm to participate in politics seems to have given way to more caution. In a communication dated 22 March, its Central Command called upon the Liberal (Serpa) and PDA (Gaviria) candidates to join forces against Uribe's re-election bid.<sup>147</sup> However, during his visit to the Peace House<sup>148</sup> in early April, Garcia was cautious

about PDA offers eventually to join a new left-wing coalition. Though Garcia told an interviewer that the electoral ceasefire would not be extended to the presidential election, the ELN did not attempt to disrupt that poll.<sup>149</sup>

Moreover, serious logistical obstacles will need to be overcome for the process to succeed. The ELN Central Command's lack of control over its "war fronts" generates doubts about a permanent ceasefire.<sup>150</sup> Of the 126 kidnappings recorded by the Human Rights Observatory between January and March 2006 the ELN was responsible for 10 per cent.<sup>151</sup> The recent killing of six farmers in an attack by alleged members of the ELN's "Manuel Gustavo Chacón" front reflects the extent to which fronts continue to operate independently of the negotiations.<sup>152</sup> Agreements on issues such as de-mining and the release of some 500 hostages could be hard to implement unless the acceptance of ELN field commanders is assured.

The ambiguous ELN-FARC relationship must also be considered. The FARC secretariat and the ELN Central Command have historically managed some tacit coordination.<sup>153</sup> However, in a recent interview, FARC Spokesman Raul Reyes rejected the ELN's talks and said any agreement would only benefit the government.<sup>154</sup> This, added to clashes between weakened ELN troops and FARC forces in Arauca, Antioquia, Tolima and Caldas departments,<sup>155</sup> has raised questions about how FARC actions might affect the negotiations.

While talks with the ELN generate moderate optimism, chances for a prisoners/hostages swap with the FARC remain slim. The FARC's refusal to respond positively to an international commission's proposal to demilitarise a 180-square kilometre zone in Pradera municipality

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with civil society representatives to discuss negotiations between the government and the ELN. In its first months, representatives of international organisations and governments as well as the private sector and the Church and academics visited the peace house. Galan was originally granted a three-month safe-conduct to leave prison for the meetings. On 12 December, this was extended for an additional three months.

<sup>149</sup> Patricia Grogg, "El ELN no contempla, por ahora, un cese del fuego", Inter Press Service News Agency, Havana, 6 May 2006.

<sup>150</sup> Crisis Group Report, *Colombia: Towards Peace and Justice?*, op. cit.

<sup>151</sup> "Indicadores sobre derechos humanos y DIH en Colombia", Observatorio de los Derechos Humanos en Colombia, January-March 2006.

<sup>152</sup> *El Tiempo*, 14 May 2006.

<sup>153</sup> *Aftenposten*, 31 January 2004, available at [www.eln-voces.com](http://www.eln-voces.com).

<sup>154</sup> *The Miami Herald*, 2 May 2006.

<sup>155</sup> "Siguiendo el conflicto", Fundación Ideas Para la Paz, no. 39, 15 December 2005.

<sup>142</sup> Crisis Group interview, Bogotá, 13 March 2006.

<sup>143</sup> "Comunicado", Office of the High Commissioner for Peace, Bogotá, 10 March 2006.

<sup>144</sup> *El Tiempo*, 23 March 2006.

<sup>145</sup> "Comunicado Conjunto", Office of the High Commissioner for Peace, Havana, 27 February 2006.

<sup>146</sup> *El Tiempo*, 15 March 2006.

<sup>147</sup> "Comunicado a la opinión pública", Comando Central del ELN, Montañas de Colombia, 30 March 2006.

<sup>148</sup> Established in Quirama (Antioquia) on 12 October 2005, the "peace house" is a site where ELN spokesman Francisco Galán can meet, under the auspices of the group of guarantors,

(Valle del Cauca) for an exchange supervised by international observers and the International Committee of the Red Cross points to continued armed confrontation.<sup>156</sup> On 13 April, Reyes confirmed there would be no negotiation or prisoners/hostages exchange with the Uribe administration.<sup>157</sup>

Nevertheless, in an attempt to put pressure on Uribe, the FARC repeatedly raised the humanitarian issue in the run-up to elections. The release on 24 March of two policemen in Putumayo department following the mediation efforts of the presidential candidate Alvaro Leyva<sup>158</sup> and Reyes's praise of PDA candidate Carlos Gaviria's disposition to negotiate a swap<sup>159</sup> show the degree to which it wants to play the hostages/prisoners swap card for political gain. Had the attempt on 27 April to kidnap ex-president Cesar Gaviria's sister succeeded, it would arguably have placed the government in a highly vulnerable position just a few weeks before the presidential election.<sup>160</sup>

Meanwhile, military confrontation has intensified since January 2006. In its quarterly bulletin, the Colombian think tank Fundación Seguridad y Democracia recorded an increase in clashes from 466 between January and March 2005 to 555 in the same period of 2006.<sup>161</sup> A large army operation in January in Meta department, which sought to dismantle FARC strongholds<sup>162</sup> and eradicate more than 4,500 hectares of coca-leaf in the Macarena National park, came under heavy attack. According to official sources, the army suffered 53 casualties, and more than 590 of the original 900 manual eradicators had to be evacuated. The FARC also has attacked pylons and fuel production facilities and enforced armed blockades on remote populations in Caquetá, Putumayo, Antioquia and Arauca departments. An official source revealed that the FARC was expected to try to regain territory left by demobilised paramilitary groups in Norte de Santander, Urabá and northern Antioquia regions.<sup>163</sup> Though the FARC has been progressively isolated, the highly unpredictable nature of its relatively frequent, widely dispersed and

more deadly attacks raises concern about possible army overstretch.

Both the FARC and the government have adopted new strategies. Reyes's announcement on 12 May that the FARC would not sabotage the presidential election but that called on citizens to vote against Uribe<sup>164</sup> was a clear departure from the insurgents' belligerent posture during previous elections. The government has launched a new campaign to promote desertions. Following the announcement by the U.S. attorney general that he would officially request extradition of more than 50 FARC members, including seventeen of its high command, on drug trafficking charges, the Uribe administration declared that it would suspend extradition orders for imprisoned and active insurgents who promote the demobilisation of guerrilla groups.<sup>165</sup> In November 2005, Peace Commissioner Restrepo announced government willingness to negotiate with the FARC, adding that Uribe would grant the group political status and discuss the possibility of establishing a constituent assembly, one of its historical requests, if it agreed to a ceasefire.<sup>166</sup>

Uribe's new willingness to engage the FARC became more apparent in the run-up to elections. In a speech he said that, if re-elected, the first act of his second term would be to establish talks with the FARC.<sup>167</sup> While his election night address did not mention the FARC, he issued a communiqué on 30 May saying that his administration would "decidedly and prudently" move forward to achieve peace with the insurgents.<sup>168</sup>

#### 4. Multilateral cooperation

Multilateral cooperation in support of the new National Peace and Development Strategy should aim at creating greater synergy and strengthening strategic partnerships. The EU's peace laboratories and the projects of various UN agencies such as the UNDP's Reconciliation and Development program (REDES) already pursue similar aims. They try to strengthen civil society participation and produce better governance that favours development and peace at local and regional levels. The UN Office for Drugs and Crime (UNODC) is an important stakeholder in the effort to enhance alternative development, a goal shared by the EU, which is increasing emphasis on it in the

<sup>156</sup> Crisis Group Report, *Colombia: Towards Peace and Justice?*, op. cit.

<sup>157</sup> Agencia Internacional de Noticias Nueva Colombia (ANNACOL), 13 April 2006.

<sup>158</sup> *El Tiempo*, 25 March 2006.

<sup>159</sup> ANNACOL, 13 April 2006.

<sup>160</sup> Liliana Gaviria was killed by her captors during the kidnapping attempt.

<sup>161</sup> "Boletín Trimestral de Coyuntura y Seguridad: Enero- Marzo 2006", Fundación Seguridad y Democracia, no. 12, March 2006.

<sup>162</sup> "Operation Emperor" launched in January 2005 as part of Plan Patriota, has gone into a new phase as of January 2006 seeking to regain FARC strongholds in Meta department.

<sup>163</sup> Crisis Group interview, Bogotá, 3 May 2006.

<sup>164</sup> ANNACOL, 12 May 2006.

<sup>165</sup> *El Tiempo*, 23 March 2006.

<sup>166</sup> Luis Restrepo, "¿Es posible la paz con las FARC?", *El Espectador*, 13 November 2005.

<sup>167</sup> *Cambio*, 21-28 May 2006, p. 34.

<sup>168</sup> *El Tiempo*, 31 May 2006.

third PL.<sup>169</sup> The promotion of human rights and IHL – a continuing PL priority – could benefit from closer cooperation with the UN's human rights office, which has expanded its presence in Colombia's regions during the last years. A joint cooperation strategy would make it easier for the OAS verification mission to obtain funds to monitor both paramilitary reinsertion and any FARC or ELN demobilisation. Speaking with one voice would also help avoid the too frequent situations when donors are at loggerheads among themselves and with the government.

The 2003 UNDP human development report on Colombia contains the most eloquent and systematic proposal for an integrated strategy. It has been elaborated further in follow-up conferences and workshops,<sup>170</sup> and Colombian and international officials would be well advised to read the report again.<sup>171</sup> Building a consensus on how to address the core issues discussed in this report requires extensive consultation between the government and the international stakeholders as well as with Colombian civil society organisations. The G-24 is the logical forum but if it is to do the job, it must be imbued with new political life and enhanced technical capacity. A starting point could be to strengthen its thematic working groups, placing particular emphasis on reinsertion, alternative development, justice sector reform and JPL implementation, human rights and IHL, and peace and development programs.

## VI. CONCLUSION

While Colombians are probably more optimistic about the future today than four years ago, expectations about Uribe's second term are also higher than in 2002.

The March and May 2006 elections profoundly altered the political landscape. The pro-Uribe camp expanded and consolidated a majority in congress, and the PDA maintained its parliamentary representation. For the first time in modern history, a coalition of the Left achieved a significant runner-up position in a presidential race. The Liberals lost badly, reflecting the collapse of the traditional Conservative-Liberal party system.

So far, however, the old parties have not been replaced by new ones with solid, programmatic platforms and strong internal cohesion. The pro-Uribe camp is composed of a variety of political forces, the largest of which – the U Party – is of recent creation and resembles more an electoral vehicle than a true party. Everything indicates that the second Uribe administration will have difficulties managing and maintaining its majority. The PDA also has fissures and will have to work hard to consolidate itself in particular in the regions. Defining its relationship with the centre-left Bogotá mayor, Luis Garzón, and the Liberals headed by former President César Gaviria is crucial.

Uribe must now move quickly and with a clear sense of direction. He has achieved some important goals since 2002, including a significant reduction in homicides and kidnappings, but human rights violations by state police and military, the demobilised paramilitaries' continued political and economic power and criminal activities and the difficulties associated with their reinsertion, the FARC's remaining military capacity and drug policy failures are serious concerns.

The government's strong political standing should not prevent it from taking stock of both successes and failures in order to decide how best to tackle the thorny issues in the four policy areas that are key to ending the armed conflict and achieving sustainable peace: reinserting ex-combatants and rigorously implementing the JPL; stimulating alternative development and reducing coca crops; strengthening local/rural governance structures; and promoting human rights and IHL, including stopping the demobilised paramilitaries from bullying, harassing and killing citizens and infiltrating state institutions.

Above all, the Uribe administration must show now that it is seriously thinking about how to complement

<sup>169</sup> Crisis Group interview, Bogotá, 4 April 2006.

<sup>170</sup> UNDP, *El conflicto, callejón con salida* (Bogotá, 2003), pp. 150-415. "Londres-Cartagena: agenda en marcha", conference proceedings, Universidad Javeriana, Bogotá, 3 March 2005.

<sup>171</sup> In 2005, the National Planning Agency (DNP) published the report "Visión Colombia II Centenario: 2019". While an important effort to sketch where policy emphasis should be put until 2019, it falls short of producing a convincing argument as to which specific steps should be taken to achieve the goals, including how to end the armed conflict and achieve sustainable peace.

its armed force-based security and counter-narcotics policy with a comprehensive three-tier strategy that also incorporates social, juridical and economic measures at the local and regional levels, a restructured DDR strategy and the establishment of a clear and serious format for negotiations with the insurgents. During the campaign and on election night, Uribe failed to speak about this fundamental challenge, and it is high time he does so. Business as usual and policy continuity for its own sake will not be enough over the next four years.

The international community should encourage President Uribe to make this shift and, if he does, then contribute decisively to achieving greater progress toward peace during the next four years. Its support, in particular from the EU and its member states as well as the UN and the U.S., should be embedded in a new multilateral cooperation strategy geared at achieving much stronger synergy between government, civil society and donor programs.

Since 2000, the EU has been trying to address the underlying causes of the Colombian conflict and build the foundations for peace from the regions – “from below”. If its flagship program, the peace laboratories, can now be strengthened through strategic, reinforced political dialogue and partnerships with the government, its National Planning Agency (DNP) and Acción Social, as well as UNDP and other UN agencies and the bilateral programs of the U.S. and European governments, it could become a catalyst for the National Peace and Development Strategy the second Uribe term needs.

**Bogotá/Brussels, 8 June 2006**

## APPENDIX A

### MAP OF COLOMBIA

