



Dialogue with illegal armed groups:

- Humanitarian exchange with the FARC still under discussion
- Demobilisation of paramilitaries faces multiple challenges

Attorney General's Office faces resignation calls.

European Cooperation to Colombia:

- Another Donor Meeting in the pipeline.

US may increase US personnel in Colombia.

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Introduction

This four month period has seen several changes on the political scene in Colombia. In January, the newly elected governors and mayors took office, including the high-profile Bogotá Mayor Lucho Garzón, a leading member of the Independent Democratic Pole (PDI) party. The immense media attention and political lobbying that surrounded last year's local elections means that there is considerable pressure on these new leftist posts to instigate changes both fast and fruitfully. Plenty will be waiting in the wings ready to condemn the first sign of inefficiency, political wavering or weakness. So far, no in-depth analysis of local level PDI policy has been disseminated.

At the international level, President Uribe has been busy carrying out visits to Europe and the US, seeking political support and financial backing for the demobilisation process with the paramilitaries. Although many countries expressed considerable reservations about this process, it is likely that this process of international lobbying by the Colombian government will, in the medium term, yield some fruit, particularly in the light of the government's apparent willingness to make changes to the proposed legislation on demobilisation (see below on Justice and Reparation bill).

Meanwhile, the proposed legislation to extend the term of the presidency is being widely discussed. Members of the government have made a number of statements in favour of the re-election, and it seems that most citizens would vote in favour of the reform. Critics, however, point to the dangers of constitutional reform that might create conditions favourable to old-style dictatorships, as well as distracting the President from the task at hand – namely, governing to the full now without worrying about campaigning for the next election. The bill has a considerable way to go before it is approved however.

The main theme of this issue, however, is dialogue with armed actors. Whilst some space is given to dialogue with the FARC, essentially revolving around the humanitarian exchange discussions, the majority of the issue concerns the developments with the paramilitary process – the main focal point for the government and currently thrown into considerable confusion by the recent disappearance of Carlos Castaño. Dialogue with the paramilitary groups has continued apace during this last four month period, and the legislative bills being debated are designed to assist in this process. Nevertheless, the entire process has been riddled by controversy, from the concerns regarding impunity and the overlooking of rights to truth, justice and reparation, to the participation of the Organisation of American States (OAS) lending credibility to this process, and more recently to the unresolved issue of Castaño's disappearance. This latter has cast a shadow on the already opaque proceedings.

Civil society, human rights organisations, the international community and the UN insist that there can be no resolution to the conflict in Colombia without a negotiated solution, and this year the UN Commission on Human Rights once more made it plain that the human rights situation remains critical. This view is echoed in the US State Department's own 'Country Report' for 2003, which confirms that overall the Colombian "government's human rights record remained poor". It is in this context that international donor countries are planning a follow-up donor meeting to last year's London event. The question that they must consider is how effectively to channel their resources – and their policies – towards a negotiated solution to the conflict and sustainable development initiatives within a human rights framework.

Other topics discussed in this issue are the corruption charges shaking the Attorney General's Office, the re-election proposal for the President, and developments in US policy on Colombia. We also highlight some key issues facing the region as Colombia's conflict continues to impact upon neighbouring countries.

Dialogue with the FARC: slow steps towards a humanitarian exchange

Peace negotiations between the Government and the FARC group continue to be stalled in the absence of any real development regarding the controversial humanitarian exchange proposal. Essentially, this proposal – backed by UN Special Envoy for Colombia James Lemoyne and supported by a gamut of actors from EU External Affairs Commissioner Chris Patten to former President Ernesto Samper – centres upon the exchange of imprisoned FARC rebels in return for the release of dozens of state officials and functionaries from the police, government, army and other public entities. The government is also asking that kidnapped civilians (i.e. those for whom the FARC is asking a ransom), as well as the political hostages, be included in the exchange, although this might be in a second phase. The FARC's list of 'exchangeables' includes approximately 60 politicians and soldiers, plus the three American hostages, but there is no reference to the civilians being held.

Whilst the humanitarian exchange proposal is an end in itself, offering freedom for hostages under conditions of ongoing fighting, it is also important to view it as a means to a greater end, i.e. a possible way of encouraging the FARC and the government to return to the negotiating table. International Crisis Group makes this point in a recent policy paper: "Giving the FARC such de facto recognition would not be easy for the government to accept", says Director Markus Schultze-Kraft,

"but engaging it in talks about such a swap can be justified if it leads to wider political negotiations to terminate the conflict, with the early release of kidnap victims and an end to kidnapping being key elements in that process".

At the beginning of the year, at the request of the Government, Bishop Augusto Castro and the Reverend Dario Echeverri met FARC spokesperson Raul Reyes in an undisclosed location to try to negotiate an agreement to release the hostages held by this group. Shortly afterwards, in January a videotape was released in which a group of Colombian politicians who have been held by the FARC for almost two years, made a dramatic appeal for freedom. In early February, the Colombian government for the first time publicly acknowledged the possibility of an exchange of prisoners between the Colombian State and the FARC group. One point of insistence was that there could be no liberation of members of guerrilla groups without guarantees that they would refrain from any further criminal activities.

At the international level, France is clearly the country that has been most vociferous in their support for the exchange, a position evidently informed by their loyalty towards Ingrid Betancourt, who has both French and Colombian nationality and has acquired heroic and symbolic status in France. A statement made by the French Foreign Ministry in January declared the country willing to help facilitate a humanitarian agreement in Colombia but denied any recent contact with the FARC. This latter was no doubt intended to distance themselves from their secret and unsuccessful air rescue mission of Betancourt last year. However, whilst the offer to accept demobilised FARC members was welcomed by the Colombian Government as providing a measure of security that released insurgents would not return to combat,

it was rejected by the FARC themselves, who refuse to be exiled from Colombia subsequent to their release. The fact that the FARC are on the EU terrorist list makes such a proposal rather difficult to imagine given current sensibilities about terrorists.

However, shortly after the original announcement regarding the exchange, during his visit to the European Parliament in February, President Uribe ruled out the proposal, comparing the FARC to Hitler's regime, whilst Peace Commissioner Restrepo went on to call the humanitarian exchange proposal 'collective blackmail'. One of their absolute conditions to go ahead with the process is a guarantee that FARC will not continue to kidnap after the exchange of current hostages. However, earlier governmental demands for a total ceasefire and the initiation of peace talks before the exchange could be considered, have been dropped. Such mixed messages have characterised the whole debate for the last few months, and this strategy is used equally by the FARC, who on occasion declare the impossibility of negotiating with Uribe's administration, and who are insisting on military withdrawal from Putumayo and Caquetá before they are prepared to consider the exchange. Nevertheless, despite such attempts on both sides to play a strong hand at the negotiating table, it remains clear that neither side is yet ready to 'throw in the towel', as the possibility of an exchange presents clear attractions for both sides if carefully managed. The roles of UN Special Adviser Lemoyne, and of the Catholic Church, remain absolutely critical as they seek to negotiate this key step behind the scenes. Whether or not an exchange would in fact be a step towards long-term peace negotiations between FARC and the government, or whether it would be a self-contained process that fails to really touch the dynamic of the conflict, remains to be seen.

Meanwhile, despite contemplating the possibility of exchange, the government has continued to increase the military pressure that they are exerting upon the FARC, pushing them back into defensive positions in the jungle and other fairly inaccessible areas. The focus of such a campaign is to 'recover the credibility of the state'. Traditional FARC strongholds such as Caquetá which the guerrillas count on for recruits, supplies and intelligence are being targeted, and human rights organisations working in some of these areas have already issued warnings that the civilian population is being increasingly caught between the armed actors. President Uribe has made it plain that he considers military might to be the key to re-gaining territorial control, and this also includes the tricky terrain in which hostages are likely being held by the FARC. The President has declared that he will continue the policy – so disastrously employed last year - of attempting forceful rescues of hostages (see CF Issue 33). A spokesperson for the families of the kidnapped has expressed grave concern about such a policy, criticising the government for adopting strategies that put the hostages at risk. Some critics see it as a dangerously populist policy that sacrifices the safety of hostages to the creation of a strong-man image.

Paramilitary demobilisation

Extradition

There are a number of thorny issues that have not yet been thrashed out in the paramilitary negotiation process. Perhaps one of the most contentious is the issue of extradition to the US, which remains the one sticking point around which both the US government and paramilitary leaders appear to be refusing to budge. Those paramilitary leaders wanted in the US on drug charges are currently resisting any possibility of extradition, refusing to surrender without guarantees that they will remain in Colombia - prepared to

run the gauntlet of the Colombian justice system but not the US justice system. They do not need to cast their gaze very far afield to behold Guantanamo, and unsurprisingly might well entertain serious qualms about the way the US deals with 'international terrorist' suspects. In contrast, if they can insist upon remaining in Colombia, with new laws being put into place that will offer extremely limited sentences or alternatives to prison, demobilisation takes on a considerably rosier hue. And the paramilitaries have found support for their anti-extradition cause in important places: in April, 38 Colombian Congressmen and women proposed new legislation that included a constitutional amendment barring extradition of illegal combatants who disarm.

However, the US government continues to insist on the extradition of a number of paramilitary and FARC leaders accused of international drug trafficking and terrorism – both groups being on the US State Department's terrorist list. Even the most superficial reading of this situation reveals a dilemma for President Uribe, one that helps to explain the procrastination on any governmental pronouncements regarding extradition. Given the vast sums of US backing to Colombia through Plan Colombia, President Uribe is faced with the choice between respect for the demands of key financiers and allies in the fight against armed groups, or responding to paramilitary demands, without which the flagship demobilisation of paramilitaries may fail. President Uribe is concerned that if the current opportunity with the paramilitaries is lost, it will be virtually impossible to get all the different paramilitary actors around the negotiating table again. In the wake of mounting international concern around the implications for impunity, the Colombian government emphasises the need to strike a 'balance' between the right to peace and the rights of victims to truth,

justice and reparation. Civil society groups and the international community frequently remind the government that under International Humanitarian Law (IHL) the Colombian State is obliged to guarantee that perpetrators of gross and massive human rights violations are brought to justice. In an attempt to get over this obstacle in the proceedings, the United Self-Defence United Forces of Colombia (AUC) called for the US to participate in the negotiation process.

At present, Colombia is extraditing a fairly steady trickle of narco-traffickers to the US. 90 people were extradited to the US in the first 16 months of Uribe's term in office. According to Defence Minister Jorge Alberto Uribe, this is simply a question of 'putting the law into effect'. US Embassy statistics highlight the significant increase in extraditions, comparing the number to the 64 people (of whom 54 were Colombians) extradited under the Pastrana administration. Other countries in the region are also prepared to cooperate. Costa Rica recently extradited Colombian Edgar Fernando Blanco Puerta, known as "Comandante Emilio," accused of participating in a \$25 million cocaine-for-guns deal, whilst Panama's Foreign Ministry extradited suspected Colombian drug lord Arcangel de Jesus Henao Montoya, accused of being second-in-command of a top Colombian cartel and also of employing paramilitaries to protect its drug routes and drug laboratories. Critics have voiced concern that there is no transparent guarantee that the US will try many of these narco-traffickers for the human rights violations for which many are also responsible.

Legislation behind the demobilisation
The proposed "Alternative Sanctions" bill caused such an outcry both nationally and internationally for its failure to address the rights of victims to truth, justice and reparation, and for

potentially providing blanket impunity for offenders, that a revised version was drawn up and presented by the government in a public hearing in Colombian Congress, seemingly omitting some controversial points of the earlier bill. The bill raises some concerns. Whilst the “Justice and Reparation” bill, as it has been re-named, contains stronger language acknowledging the right of victims to truth, justice and reparation, there are still loopholes that provide get-out clauses for perpetrators. Effectively, it complements and broadens Decree 128, potentially providing alternative sentences for gross offenders of human rights, and also for groups as a whole who agree to a ceasefire and to sign a peace agreement, but can also be applied to individual combatants who surrender to the authorities and submit themselves to reinsertion programmes.

This bill, for the majority of combatants affected, will come into effect at the point of the peace agreement being signed, whilst Decree 128 applies instantly to guerrillas or paramilitaries who surrender to the authorities, as long as they are not under investigation or have not been sentenced for human rights violations or abuses. The vast majority of rank-and-file paramilitaries or guerrillas have not been sentenced or are not under investigation for such crimes.

It is not clear how paramilitary members participating in the demobilisation process will be obliged to confess or acknowledge all their past crimes. Although the bill provides for the creation of a Tribunal, the limited time to rule on cases raises concerns that this mechanism will not provide guarantees for a full and impartial judicial process in which the rights of victims to truth justice and reparation are guaranteed.

The bill calls on the Office of the Attorney General to set up a special investigative unit, but given the recent

track record of the Office of the Attorney General in dismissing cases of human rights violations despite strong prima facie evidence, few guarantees exist that this unit will be adequately resourced and will truly undertake full and impartial investigations.

Another concern is that while the bill provides the president with authority to conditionally suspend sentences against combatants who commit to promoting IHL standards, there is no clarity as to what this actually means. Again there are no guarantees that this provision will not be a route to *de facto* amnesties for those responsible for serious human rights violations.

For these reasons, this bill provides a potential escape route for those paramilitaries (and potentially guerrillas) against whom there is strong evidence of responsibility in cases of human rights violations or who have been sentenced for such crimes or sentenced in absentia.

Under the new bill, a truth commission would investigate alleged crimes against humanity and recommend punishment to the president, who would decide whether the defendant receives a 5-10 year sentence, or is committed for trial that could result in a longer jail term. The involvement of the Executive and specifically the President seriously erodes the principle of judicial independence. There is inadequate attention given to the issue of the vast lands and wealth accrued by the paramilitaries, in particular in terms of handing the lands back to those who have been displaced from their homes by these armed groups. The UN Human Rights Office in Bogotá, whilst acknowledging improved aspects of the bill, continues to have major concerns about the bill, such as the lack of information regarding concentration zones, lack of proportionality in sentencing,

responsibility of the State, to name just a few.

International and national human rights organisations – as well as many members of Congress and the Senate within Colombia – make two key points. Firstly, justice should never be viewed as an obstacle to peace. It is, in fact, the only way of achieving sustainable and genuine peace. Secondly, the government has no right to offer amnesties to human rights violators, and the victims must play a leading role in the nature of the justice and sentencing procedures, and who must be satisfied that justice is being done. In the absence of a full and impartial judicial process to determine the guilt or otherwise of those implicated in human rights violations and abuses, amnesties are unacceptable.

International monitoring and the role of the Organisation of American States (OAS)

After talks with President Uribe in late January, the Organisation of American States (OAS) Secretary General Cesar Gaviria – himself a former president of Colombia – agreed to President Uribe's proposal that the OAS should monitor the disarmament of paramilitary groups. According to Gaviria, the OAS will only play a technical role in the demobilisation and will not involve itself in issues that are the responsibility of Colombia's "democratic institutions."

The announcement caused widespread concern in Washington, particularly among human rights groups. Human Rights Watch (HRW) and a group of 62 Colombian human rights organisations put out a strongly worded statement criticising the agreement and expressing fear that it would "bestow international legitimacy on a process that grants impunity" to the paramilitaries, many of whom, they reiterated, are responsible for gross human rights abuses. US and Colombian NGOs urged the

Permanent Council to meet with Colombian civil society representatives before implementing the agreement and requested that Gaviria suspend the implementation of the agreement until Colombia ensures that perpetrators of human rights violations are investigated and charged. However, the US Agency for International Development (USAID) subsequently announced approval of \$15 million to assist Colombian peace programme efforts. The funds will be used to help support the Colombian government's peace dialogues and develop an information system for the demobilisation and reintegration programme.

Ceasefire and concentration zones

The negotiations with paramilitaries are meant to be taking place within the framework of a total ceasefire, a unilateral commitment made in December 2002 by the paramilitary organisations. Nevertheless, the Colombian government, the UN Office on Human Rights and the American Ambassador William Wood have all openly denounced the on-going violations of the ceasefire which the main paramilitary groups unilaterally declared. According to Luis Carlos Restrepo, chief peace negotiator for the government, paramilitary groups have killed more than 250 people and carried out sixteen massacres since declaring the ceasefire – other estimates put the figure much higher at around 600 killings. In February, Vice-president Santos, noting the failure to observe the ceasefire, stressed that those not participating in the peace process would be confronted by the military might of the State. According to the Defence Ministry, more than 3,000 paramilitary fighters were captured last year, despite the ceasefire. The paramilitaries' Metro Bloc, for example, was hit hard when its leader refused to go along with the peace process.

Meanwhile, former paramilitary fighters do not appear to be safe from reprisals, which the government supposedly guarantees. Two members of the Cacique Nutibara Bloc (BCN) have been killed since part of the militia group disbanded last November, 870 fighters supposedly putting down their arms. This demobilisation has raised serious questions (see CF issue 34). Earlier this year Giovanni Marin, former leader of the BCN, delivered an unprecedented address in Congress calling for legislation to protect all paramilitaries who put down their arms, whilst apologising for the harm they had committed over the years. According to Marin, legislation to protect these former combatants is critical to prevent the negotiations between the government and the paramilitary groups from derailing.

Such concerns are supposed to be met by the so-called 'concentration zones', special zones in which demobilised paramilitary combatants congregate in order to keep them from violating the cease-fire and to provide them with protection from attack by left-wing guerrilla groups since they would be effectively under the watch of the army. Details of the plan are still being worked out, however. After expressing public doubts as to whether the concentration zones did indeed provide security, and as to whether the State would be capable of keeping guerrillas out of the areas abandoned by the paramilitary forces, Carlos Castaño and Salvatore Mancuso of the AUC and Adolfo Paz of the Central Bolivar Bloc finally agreed to join in negotiating how and where their forces would concentrate for an eventual disarmament. Interestingly, in their public statement they did not mention the issue of extradition to the US. Whilst this may be part of a bargaining process in which they are participating in order to avoid extradition to the US, it remains a troublesome sticking point for the

government, who maintain that this issue is not up for negotiation.

The disappearance of Carlos Castaño and the changing face of paramilitary power

A more recent occurrence has thrown the negotiations with the AUC into further disarray. On 16th April, Carlos Castaño, the highest-profile leader of the AUC and a key player in the governmental negotiations with the paramilitaries, 'disappeared', reportedly following an attack by other AUC leaders tired with Castaño's criticisms of their continued involvement in the drugs trade, his apparent insistence upon the ceasefire that supposedly underpins the negotiations, and the possibility that he might be sorting himself out a deal with the US at the expense of his colleagues. It is not clear whether he himself survived and escaped, or was killed and his body buried. Other rumours put about by AUC leaders suggest that Castaño managed to cut himself a deal with the US where he is wanted on charges of transporting 17 tons of cocaine through Florida. The US denies having had any recent contact with him. At the time of writing, no evidence has yet been found of Castaño's killing. Some observers have drawn parallels with the disappearance of Castaño's brother Fidel, whose body was never found.

The disappearance of Castaño has temporarily halted the talks while authorities sort out the splits in the AUC. For some observers, despite being the founder of the AUC and responsible for horrific atrocities carried out against the civilian population since its foundation in 1997, Castaño's 'moderate' stance and role in the process offered some kind of push towards respecting the ceasefire, and ensured that the different paramilitary factions should sit round the same negotiating table. With Castaño gone, the power vacuum has rapidly been filled by the other AUC leaders including Diego

Fernando Murillo and Castaño's own brother Vicente, both with strong ties to the drugs cartels and both currently implicated in the attack. Monseñor Vidal, the Bishop from the Diocese of Monteria and facilitator of the peace process between the government and the paramilitary groups, announced that if the paramilitary commanders fail to explain what has happened to Castaño, the Catholic Church may abandon the peace negotiations. The withdrawal of the Church might well contribute to the failure of this process.

Attorney General faces resignation calls

Whilst concerns regarding impunity have been very much in the fore during these discussions around the proposed legislation for demobilising combatants, they have only been accentuated by the announcement in March that Attorney General Luis Camilo Osorio will not file charges against General Rito Alejo del Río. A cashiered army officer, Del Río had been under investigation for alleged links to paramilitaries while he commanded the 17th Brigade, in Urabá, between 1995 and 1997. The Del Río case is one of the most important in Colombia, since it concerns allegations of widespread collusion between the Colombian army and paramilitary groups. The evidence was compelling enough to prompt then-President Andrés Pastrana to dismiss Del Río in 1998. The US government also cancelled his visa to the United States in July 1999, on the grounds that there was credible evidence that implicated him in "international terrorism," drug trafficking, and arms trafficking. Why, then, one might ask, did the Attorney General's office choose not to try him?

Under Luis Camilo Osorio's leadership, the Attorney General's office, once the control body that Colombians dreamed would build a justice system capable of tackling the long-running Colombian conflict, has been rocked by corruption scandals,

including recent arrest warrants against top officials, reports of infiltration by paramilitaries, guerrillas, and drug traffickers, and suspicious failures in the programme for the protection of witnesses, resulting in some instances in the killing of witnesses in key cases. Over the past six weeks alone, five top officials – the national director, the replacement national director, the head of the Witness Protection Programme, the Attorney Director in Cucutá and the Attorney Director in Cali — have been forced to resign or have been arrested because serious questions were raised about their integrity.

In January, the Attorney General's office closed the case against former General Velandia for his part in the torture, murder and disappearance of Nydia Erika Bautista in 1987. As in the case against Del Río, there was strong prima facie evidence against Velandia.

Pressure on Osorio increased on 7th April, when the Bogotá daily *El Tiempo* reported that 20 % of the Office's employees had failed a FBI-administered polygraph test. A few days later, Osorio was criticised for firing Luis Fernando Torres Castañeda, chief of the office's anti-drug unit, as well as another top prosecutor for allegedly losing the files of important cases. Torres responded that he was being used as a scapegoat and that drug traffickers had infiltrated the office.

Shortly afterwards, details emerged in the Miami Herald about support by Osorio's office for paramilitary attacks in the province of Norte de Santander. The next day, the newspaper reported allegations of a Medellín taxi driver who claimed to have witnessed two investigators from Osorio's office helping paramilitaries to murder and mutilate suspected guerrillas.

As a result of such credibility-shattering allegations, Colombian judicial system employees have joined

a chorus calling for the Attorney General's resignation. Luis Fernando Otálvaro, President of the Judicial Branch Employees Association (Asonal), said in a statement on 20th April that Osorio should step down "so the image of justice in the country does not continue to deteriorate."

Other criticism has come from the US government, which provides Osorio's office with at least \$7.5 million a year in training. The State Department reported last month that the Office has taken little action in nearly two dozen cases involving the disappearance or death of high-profile figures including lawyers and union leaders.

It is difficult to understand why the Uribe administration is taking so long to react to the evidence being presented. If the government is truly committed to tackling the human rights crisis, it should urgently strengthen the civilian justice system to ensure progress in criminal investigations into human rights violations. In the light of new legislation currently being proposed whereby a special branch of the Attorney General's office could have a key role in investigating those responsible for gross violations of human rights as part of the proposed Justice and Reparation bill, it is all the more urgent that the scandals and allegations are tackled swiftly and appropriately.

Re-election proposal

The discussion concerning the bill for re-election of the President (a second, four-year consecutive term), presented last October and rejected by the

Senate, moved ahead significantly during this four month period. It is controversial as it requires a constitutional reform, and because observers are concerned by the fact that it is being endorsed and promoted by the actual president, painting a picture of self-interest as opposed to long-term constitutional change for better governance. The fact that Uribe loyalists are launching a bid to collect the 1.2 million signatures, or 5% of the electorate, needed to force another bill through Congress does nothing to disabuse observers of this feeling.

In April, President Uribe finally spoke out on the re-election proposal, calling for the people to decide the matter. Other members of the cabinet were also quick to make clear their firm support: "The re-election of a president would be a valuable instrument to consolidate democracy, because a perfect democracy offers the people all possible options, including choosing between continuity and change", Interior Minister Sabas Pretelt said in a statement delivered to Congress. It is crucial for President Uribe to gain the support for this bill from the Conservative party, which, although it does not hold a majority of seats in Congress, has significant legislative clout. The party is currently negotiating important posts for itself in return for its agreement to back the proposal.

According to a poll published in *El Tiempo* at the end of April, most Colombians would vote to re-elect Uribe.

Regional perspective

The Colombian conflict is increasingly fuelled by the in-flow of weapons, explosives and chemical ingredients, and financed by an out-flow of drugs. The faultlines of instability criss-cross the 9000 kilometres of land and water that separate Colombia from its five neighbours: Ecuador, Peru, Brazil, Venezuela and Panama. These borders are largely uncontrolled, and recently the Colombian government has stepped up its demands for fuller regional co-operation. Colombia's neighbours are fairly reluctant, partly due to limited resources and partly due to a desire to limit their own intervention in Colombia's internal conflict.

The first months of 2004 witnessed a marked surge in violence along the Colombian borders. As this Colombia Forum goes to press, the Venezuelan authorities are reporting the detention of 80 paramilitary and Colombian army reservists in the capital Caracas, reportedly preparing armed operations intended to destabilise control and order in this neighbouring country. The Colombian government have denied any involvement.

Venezuela

In January, Venezuelan warplanes strafed a jungle zone near the Colombian border to drive back a column of Colombian armed fighters who had crossed over and clashed with a National Guard patrol. The clash occurred when a 30-strong Venezuelan National Guard patrol hunting for kidnap victims confronted a large group of armed "irregulars" in the rugged Sierra de Perija border region of western Zulia State.

By the end of January, Venezuela was urging Colombia to tighten security along the frontier between the two nations after Caracas blamed Colombian paramilitaries for killing seven of its National Guard troops. Venezuelan Foreign Minister Roy Chaderton asked for more co-operation from the Colombian authorities from their side of the border, "because Colombia really could do more on the frontier". Following clashes between Venezuelan troops and Colombian paramilitary groups, Army chief Gen. Martín Orlando Carreño announced that Colombia would add three mobile army brigades to its patrol of the border with Venezuela.

In February, Spain pledged to supply Colombia with 40 AMX-30 tanks. Some analysts believe the AMX-30 tanks - of limited tactical use in fighting rural guerrillas or drugs-traffickers - will be used to shore up defences on the Venezuelan border, escalating the already troubled relations between both governments. It is certainly likely to make Venezuela uneasy if Colombian tanks begin to take up positions along the border - especially in the light of the recent capture of the 80 Colombian paramilitaries accused of plotting to attack President Chavez.

At the end of March, Venezuelan President Hugo Chavez declared that he had ordered a bombing raid against suspected Colombian irregular forces inside Venezuelan territory. According to local authorities, civil society groups and media sources, some 200 persons, including more than 90 children, fled the remote Rio de Oro area of north-western Venezuela when Colombian paramilitaries entered the zone.

On 10th February, in a historic step towards international refugee protection, Venezuela granted refugee status to the first group of 47 Colombian asylum seekers to pass through its recently established asylum application process. Currently, a total of 2,338 individuals have requested refugee status in Venezuela; however, as many as 15,000 are estimated to be in need of protection.

Ecuador

On 17th March, the governments of Ecuador and Colombia agreed in Bogotá to strengthen cooperation along their shared border. The cooperation is to include efforts against kidnapping, extortion and contraband such as drugs, drug-processing chemicals, illegal weapons and explosives. Ecuadorian President Lucio Gutiérrez said there had been “no hidden requests, either from the Colombian government or from the US government,” for Ecuador to “become militarily involved in the Colombian conflict”. The agreement calls for Colombia to add more than 1,500 military personnel and build a new Marine infantry base along the frontier. It also calls for a joint task force to inspect the border region for effects of Colombia’s anti-drug fumigation on people and the environment. Some human rights advocates and Ecuadorian military officials questioned the pact’s value given the huge length of the border, its porous nature and its control by Colombian guerrillas.

Ecuador receives the highest number of Colombian asylum seekers at the regional level. Between January 2000 and March 2004, the total number of Colombian asylum seekers to Ecuador rose to 35,684. This trend is expected to continue and UNHCR and other international agencies, particularly the International Organisation for Migration (IOM) are responding by expanding the number of co-operation and assistance programmes being implemented in the country. Over the last 18 months, there has been a dramatic increase in the number of asylum claims received. However, verbal reports from Ecuador indicate that there is increasing tension and resentment of Colombian asylum seekers, who are being deported and harassed.

Brazil and Peru

In February, Brazil, Colombia and Peru signed an agreement to join the fight against arms and drug smuggling across their shared borders. Under the accord, the countries will share information about smugglers and co-ordinate military operations. Colombian authorities estimate that 20% of Colombia's drugs are transported along the Amazon to Brazil and other markets.

While Peru and Brazil are confident they can manage any direct spill-over of Colombian migrants and irregular groups, largely because of challenging geography, they worry about drug trafficking and the side effects of Colombian and US counter-drug policy. Peru's apprehension relates to a sudden rise in coca cultivation that may be negating Colombia's recent eradication gains (the so-called ‘balloon effect’). Brazil knows that the rising crime and drug problem in its main cities has direct links to Colombia but the new government is still reviewing its policy; it is clearly uncomfortable with Washington's Plan Colombia approach.

Panama

Security measures have been increased on the coasts of Colon province up to the limits with Colombia through joint operations and the Panama government recently announced a new police station in the community of Miramar. Since February, fighting between FARC and AUC has intensified in north-western Colombia, close to the border with Panama. The escalating conflict has caused the mostly indigenous and Afro-Colombian population to flee repeatedly along the Opogado, Napipi and other tributaries of the Atrato river.

For months, UNHCR and human rights organisations in Colombia and elsewhere have been drawing attention to the deteriorating humanitarian situation in this region, considered to be the poorest area in Colombia. After visiting the area in January, UNHCR's Assistant High Commissioner, Kamel Morjane, made a plea for urgent

action to the Colombian authorities and the international community. However, the communities remain in a state of extreme vulnerability.

**European Union cooperation:
another donor meeting?**

November is forecast to see the next round of talks between the donor governments on how to find – and indeed finance - peace in Colombia. Almost a year ago, 23 nations plus the European Commission met in London to draw up the political framework within which to define cooperation for Colombia. This meeting officially paved the way for a formal donor meeting when, the Colombian Government hoped, a wide range of countries would get together once more to examine the government's funding proposals and, this time, dig deep into their pockets to fund these proposals.

This second donor meeting was formally mentioned in the recent Chairperson's Statement at the UN Commission on Human Rights, which welcomed the planned meeting of the 'international support group' as an important opportunity to evaluate the implementation of the London Declaration, highlighting the need for donor countries to satisfy themselves that the UN recommendations – endorsed in the London Declaration – are in fact being implemented before funds are forthcoming.

So what can be expected from the November meeting? Whilst some donor Governments have stated that there is no more money to pledge, messages coming through are rather mixed (the European Union, for example, is expected to grant 8 million euros "through humanitarian aid" to support the displaced population over the course of a three year plan, as announced by the European Commissioner for Humanitarian Development and Aid, Poul Nielson). This ambiguity is well matched by the lack of clarity surrounding European policy on Colombia. Will peace negotiations be at the top of the

agenda? And if so, negotiations with whom? The main three illegal armed groups are now on the European list of terrorist organisations, since the ELN were included on the 5th April this year – the FARC-EP and the AUC having been included at a much earlier date. This terrorist list – a concept imported by the Spanish Government from the US - can be used as an effective way to stop any member states pursuing a parallel diplomacy policy. One unfortunate aspect of this is that member states who might have employed country-level policies that could lead to the humanising of a conflict have their hands tied.

Now that the Colombian government has successfully ensured the ELN's inclusion on the EU terrorist list, President Uribe can concentrate on obtaining funding and political backing for the rest of his agenda. One priority is the adoption of an apparently environmental programme to protect the natural resources of Colombia, "Guardabosques". According to the Colombian government, 16,796 families are already working as « Familias Guardabosques », a programme part financed by Plan Colombia that employs families affected by aerial fumigation in alternative rural livelihoods. Other key themes for which they would be seeking funding are peace and demobilisation; alternative development; strengthening the rule of law and human rights; regional development and peace programmes; displacement and humanitarian aid. President Uribe has petitioned the European Union to study the possible financing of these schemes through its peace laboratory programme, something that the European Commission has agreed to study and most likely review in the midterm revision of its Strategy Paper on Colombia. On both humanitarian and human rights grounds, these schemes

could complicate the political picture in Colombia. In the case of the Guardabosques, for example, development agencies working in Colombia have raised the concern that the basic right to food is denied by the fact that the beneficiaries (mainly peasant farmers) cannot use the land to cultivate crops, forcing a dependence on the local cash economy which is far from stable. In the same programme, a second concern is that in some of these areas it is the paramilitary groups who control the local cash economy, and this scheme could thus lead to a 'paramilitarisation' of local power structures. This will undoubtedly and significantly render the establishment of the rule of law throughout the national territory an even more distant reality. The results of an EU evaluation team will probably be published before the November meeting.

Who then is really setting the agenda for the meeting in November? With the visit of President Uribe and Vice-President Santos to Europe this spring and the subsequent creation of the roundtable meetings in Colombia by the Colombian Government to discuss international cooperation (known as *mesas temáticas*), to all intents it is the Colombian Government who is behind the wheel. The European Commission, who have in the past taken a strong line over the failure of the Colombian Government to comply with its international obligations, is now seeking to influence the agenda through the established channels, namely the "Group 24" (signatories of the London Declaration). The Ratification of the London Declaration committed not only the Colombian Government but also the other signatories to the protection of the civilian population in Colombian. The recent mass displacement of over 1,200 people in the Department of Caquetá following the implementation of the Patriotic Plan (a government-led military offensive against the FARC) places a question mark over how

serious the countries have been in following up on this commitment. The death of over 75 trade unionists and 17 human rights defenders between the end of 2002 and the beginning of 2004, key stakeholders in any process leading to a long lasting peace in Colombia, again brings into question the Colombian government's and the foreign donors commitment to the implementation of the London Declaration and its emphasis on a negotiated solution to the conflict. If the Colombian Government is to set the agenda for the donors' meeting in November, the EU needs to hold a critical but clear position that prioritises peace and democracy in Colombia, in order to counter the military emphasis that characterises Uribe's war on terrorism and democratic security policies. After all, most EU governments would agree with the assertion of British Minister of State Bill Rammell, that:

"It is ... important not to make generalisations from the Colombian situation in relation to some kind of war on terror. The Colombian conflict started decades before any of the current rhetoric and debate on the war on terror- whatever that might mean; the situation in Colombia is unique and to generalise from it is unhelpful."

The call by the UN Commission for a comprehensive peace policy in Colombia, stressing the need for dialogue between the government and all the illegal armed groups, is one that should ring in the ears of donors as they sit down to consider cooperation.

At the same time, member states continue to wrestle with the Colombian government's request for support for the demobilisation of paramilitaries. Donor countries are concerned by the threat of impunity and by the inadequacy of attention given to the rights of victims to truth, justice and reparation. Some governments, however, seem to be on the verge of agreeing to support the process. This position is highly tenuous, when under

the proposed legal framework those implicated in serious human rights abuses could find themselves sentenced to conditional liberty, in total disregard of any claims to a proportional justice system. It is essential that donor support is given to strengthening the 'rule of law' in the deepest sense, and that the desire to see demobilisation of any armed group does not brush over international humanitarian law and the rights of victims. Donor countries need to think carefully about what they sign up to at the November meeting if they are to invest fruitfully in bringing peace and development to Colombia.

Human rights: Publication of the annual UN Report on Colombia

The annual report on Colombia by the UN High Commissioner for Human Rights provided a critical assessment of the situation in Colombia, despite some improvements in security. There were harsh criticisms of the illegal armed actors who continue to act outside the law and in breach of human rights and international humanitarian law, killing and kidnapping innocent civilians, forcing families to flee their homes, recruiting minors into their ranks and sowing anti-personnel mines. Criticisms were also made of the Colombian governmental policies, in particular the way in which the governmental crackdown on armed groups is affecting the basic rights of civilians. One key element that came in for particular criticism was the anti-terrorist statute, which allows the armed forces to arrest suspects, tap phones and search homes without a warrant, in violation of international law. The document expressed particular concern over an increase in reports of torture and mistreatment by government forces, mass arrests of civilians suspected of having links to rebels, and allegations that officials were collaborating with right-wing paramilitary groups. The report notes a higher degree of tension and polarisation in Colombian society,

despite the popularity of the President. In sum, the High Commissioner concludes that the majority of the UN recommendations were still 'pending implementation' at the time of writing, and that the human rights situation remains critical.

US update

Bush Administration asks Congress to increase "cap" on US military presence in Colombia

Following President Uribe's visit to Washington D.C. in late March, the Bush Administration reportedly asked Congress to consider an increase in the legal limit or 'cap' on the number of US military personnel and contractors authorised to be stationed in Colombia. Rumours that the administration would ask for such an increase had been circulating for some time, and General James Hill, commander of US Southern Command, confirmed this move days later, in his testimony before the House Armed Services Committee when he stated "while US personnel will not be directly on the front lines with the Colombian troops, more training and planning assistance at a variety of headquarters is required since a greater portion of the Colombian military will be directly engaged on a broader front in operations to defeat the narcoterrorists."

The present cap limits the US presence in Colombia to 400 military personnel and 400 US civilian contractors at any given time, while the proposed increase would boost numbers to 800 military personnel and 600 contractors. Although there is support from some on the Hill for such a move, many Members of Congress oppose a raise in the cap, fearing that an already overstretched US military will become even more deeply involved in another complex foreign conflict. The cap was originally put in place in response to concerns raised by Members such as Sen. Robert Byrd (D-WV) and Reps. Gene Taylor (D-

MS) and Ike Skelton (D-MO) regarding the potential for 'growth' in the US military commitment to Colombia. In line with Members' expectations, US military presence in Colombia has tripled over the last two years from 117 in November 2001 to 358 in May 2003.

The issue is further complicated by the plight of three American contractors Marc Gonsalves, Thomas Howes and Keith Stansell, still held captive by FARC guerrillas after their small plane crashed while conducting drug surveillance over Colombia. Despite the US State Department's claim that 'US and Colombian authorities have mobilised every appropriate resource' to obtain the safe release of the men, the men's relatives have begun to publicly criticise the US administration for their lack of action. The families are outraged by US government insistence that Gonsalves, Howes and Stansell are victims of terrorism and not POWs, because of their status as contractors and US military personnel. It is likely that Members concerned about this issue will offer an amendment to the Defence Authorisation Bill to keep the troop cap at its present level. This will most likely be debated on the floor of the House of Representatives and Senate before congressional summer recess at the end of July.

Human rights groups call Colombia's certification "flawed"

US State Department officials announced on 20th January 2004 that once again they had certified Colombia as meeting congressional standards for protection of human rights. This decision allowed the US to release the remaining \$34 million in aid to the Colombian military from the 2003 budget, additional to the approximately \$600 million already granted. US human rights organisations strongly objected to the certification, classifying it as "flawed" and "deeply disappointing" in the light of overwhelming evidence that Colombia has not complied with US conditions requiring the Colombian

government to sever ties between the military and right-wing paramilitary groups, and to prosecute public officials who collaborate with paramilitaries and those who violate human rights. Critics point to the US State Department's own 'Country Report' for 2003, which confirms that overall the Colombian "government's human rights record remained poor", as evidence that the Bush administration is not willing to act on its own intelligence. Many human rights groups now see the certification process as so weak and ineffective that they do not believe that it will ever meet any of its stated objectives. Senator Leahy (D-VT), a ranking Democrat on the Foreign Operations Subcommittee, echoed this sentiment in a letter to Secretary of State Colin Powell, when he demanded that \$10 million of US military aid to Colombia be withheld as a signal to the Colombian government that greater efforts must be made to comply with human rights standards.

Other voices in the US have joined the consensus that US policy must be more balanced to achieve lasting results. The Council on Foreign Relations, traditionally supportive of US policy, published its Andes 2020 report on 8th January, recommending changes in US policy toward the Andean region. The report concluded that the current Plan Colombia, (1999-2005) and the Andean Counterdrug Initiative (ACI) are failing to tackle the main problems in the region, namely political instability, economic stagnancy, widening inequality and social divisions. The document criticises the heavy US emphasis on military and security aid to Colombia while pressing economic and social issues need to be addressed. The Council urges the United States to support policies that favour more equitable distribution of wealth, including land reform, strengthening multilateral approaches to solving the region's problems, and addressing

both supply and demand sides of the drug problem.

Foreign aid budget update

On 2nd February, the Office of Management and Budget released to Congress the Bush Administration's foreign aid budget request for fiscal year 2005. The total requested for Colombia is \$574.15 m of which approximately \$120 m comes from the Department of Defence and the remainder from the Department of State, destined for narcotics control; military and education training; financing and equipment; and anti-terrorism assistance. The administration pointed to evidence of increased impact on coca production in Colombia as justification for increasing spending. Both the State Department and the Office of National Drug Control Policy (ONDCP) figures show a reduction of over 20% in the coca cultivation in Colombia for 2003. Nevertheless, a December report by Monitoring the Future, funded by the Department of Health and Human Services, indicates that cocaine and heroin consumption by youth in the US has remained unchanged.

GLOSSARY

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| ARI | Andean Regional Initiative |
| ACCI | Colombian Agency for International Development |
| ACI | Andean Counter drug Initiative |
| AUC | The United Self-Defence Groups of Colombia. <i>An umbrella for right-wing paramilitary groups.</i> |
| BCN | Cacique Nutibara Bloc. – <i>a paramilitary group based in the city of Medellin that was demobilised this year.</i> |
| CODHES | Consultancy for Human Rights and Displacement |
| ELN | The National Liberation Army. It is now the second largest active guerrilla group |
| FARC | The Revolutionary Armed Forces of Colombia |
| Fiscalía | Attorney General's Office |
| IDP | Internally Displaced Person |
| IMF | International Monetary Fund |
| MoD | Ministry of Defence |
| OAS | Organisation of American States |
| ONDCP | Office of National Drug Control Policy |
| Procurador | Inspector General |
| UNDP | United Nations Development Programme |
| UNHCHR | United Nations High Commission for Human Rights |
| USAID | US Agency for International Development |

RESOURCES

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- **UN High Commissioner Human Rights** – www.hchr.org.co
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