

COLOMBIA:
PROSPECTS FOR PEACE WITH THE ELN

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COLOMBIA: PROSPECTS FOR PEACE WITH THE ELN

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Alvaro Uribe was inaugurated President of Colombia on 7 August 2002 with a strong electoral mandate to fulfil his pledge to enhance the state's authority and guarantee security. In his inaugural address, Uribe promised to search for a negotiated solution to the long-standing armed confrontation with both insurgent groups, the National Liberation Army (ELN)¹ and the Revolutionary Armed Forces of Colombia (FARC)² as well as with the paramilitary United Self-Defence Forces of Colombia (AUC).³ However, in stark contrast to his predecessor, Andrés Pastrana, he conditioned new negotiations on a ceasefire and complete suspension of hostilities.

Uribe's first announcements dealt with both the conflict and related longer-term governance issues. In a setting of general insecurity, epitomised by the FARC's mortar attack on the inauguration ceremony in the centre of Bogotá, he imposed an emergency "state of public unrest" for 90 days, decreed a "security tax" to fund an expanded war effort, and submitted a far-reaching constitutional reform proposal to parliament. The latter would provide authority for election or presidential appointment of representatives of the irregular armed groups to local government chambers and the national parliament if they are seriously engaged in a peace process. The new president also requested the UN Secretary General's good offices to help establish peace negotiations with the FARC - an offer the FARC rejected. However, confidential, direct ceasefire talks have been resumed with the ELN in Cuba.

Both the Uribe administration and the ELN are aware of the shortcomings of the unsuccessful peace process under Pastrana (1998-2002). The talks with the FARC in the Demilitarised Zone (DMZ) overshadowed and prejudiced those held simultaneously, and by the same High Commissioner for Peace, with the ELN, mostly in Cuba and Venezuela. Substantially smaller and militarily weaker than the FARC, and under sustained attack from the paramilitaries, the ELN was possibly perceived as less of a danger. In the Pastrana government's media-oriented peace process, the ELN component was mostly treated as a sideshow. This compromised the progress, however limited, made in previous talks between representatives of Colombian civil society and the ELN under the auspices of the German and Colombian Conferences of Bishops in Germany at the end of the Samper administration (1994-1998). The ELN's demand for its own demilitarised zone became the critical obstacle to an agreement.

The Pastrana administration was never able to commit the ELN to a ceasefire or a permanent halt to kidnapping, and it did not respond appropriately to ELN gestures of goodwill, such as two unconditional releases of numerous hostages. Third party domestic and international actors, including the UN, could potentially have played a more decisive role had they been allowed.

If he learns from past errors, President Uribe has the opportunity for a strong new start. Several points are key. Firstly, his government should adopt the stance that peace with the ELN is at least as important, and more feasible, than peace with the FARC. It would produce an important breathing space for Colombia and an encouraging example for the AUC and FARC. Secondly, while the ELN has suffered

¹ Ejército de Liberación Nacional

² Fuerzas Armadas Revolucionarias de Colombia

³ Autodefensas Unidas de Colombia

battlefield reverses, the government should not treat it as if it were close to defeat. Thirdly, the government should pursue a carefully structured process, with appropriate third party facilitation to follow as quickly as possible the confidence-building talks already underway.

Since the end of the Cold War, the ELN has demonstrated a more political vision than the FARC. Some of its more conciliatory leaders, including its chief commander Nicolás Rodríguez, appear to be relatively realistic about the need to adjust maximalist demands in a negotiation. As substantive negotiations under conditions of ongoing warfare are unsustainable, the current talks in Cuba should aim primarily at a ceasefire, humanitarian accords, security guarantees for the insurgents and perhaps some initial consensus about a new substantive peace agenda. The Colombian and German Catholic Churches could, if requested, help create an appropriate environment of trust during this initial stage. The UN and other neutral third parties could, if requested, play important roles in detailed negotiations over monitoring, verification, logistics and safeguards. Once a ceasefire is in place, substantive talks could begin with some optimism. However, continuing ELN violations of international humanitarian law and criminal activities would seriously jeopardize them, as would continued complicity and coordinated operations between some army brigades and paramilitaries and human rights violations by regular army personnel.

To stress the new approach and make full use of the good offices of important domestic and international actors, the administration should consider eventually broadening the support structure of the negotiations. Without abandoning Cuba as a location for the ceasefire talks or radically altering its confidentiality policy, it would appear beneficial for the government gradually to integrate other countries and mediators into the peace effort. Flexibility is advisable because the different stages of the peace process require the assistance – financial, logistical, political and technical – of a changing set of third parties. However, for continuity and coordination, the government and ELN should consider selecting one such party to facilitate the entire process. Result-oriented convenience of location and facilitation should therefore be the order of the day.

The more time passes without decisive progress toward peace, the more likely it is that hard-liners

on both sides will gain the upper hand. This could produce deeper ELN involvement in criminal activities, including drugs, and military cooperation with the FARC. Government advocates of a military solution would be strengthened, as would the FARC's conviction that the only solution to the conflict is military victory.

While ICG believes that a negotiated settlement with the ELN is achievable in the short to medium-term, this cannot happen unless the government has a clear strategy for the control and, ultimately, disbandment of the AUC. A combination of measures, including enhanced law enforcement and continued military pressure, appears advisable. Any existing ties between army and paramilitaries must be severed.

If any of the three irregular armed groups fail to cut ties to the drug business and other criminal activities, the government and the international community should treat them as criminal organisations or drug cartels. The final goal of the peace process must be to protect the lives and expand the opportunities of all Colombians by democratic, inclusive and legitimate politics. Refusing to tolerate drugs, kidnapping, and crime in the name of "revolution" or "the defence of the state" must be part of that equation. This will also require Colombia to make substantive reforms in health and education and citizen security as well as profoundly reassess its counter-drug, national security and environmental policies.

RECOMMENDATIONS

To the Colombian government:

1. Continue confidential and direct negotiations with the ELN in Cuba as part of a three-stage process that moves from establishing trust and an initial ceasefire agreement to implementation and verification, and then to substantive political negotiations.
2. Consider including during the present talks in Cuba, or in such alternating locations as may be agreed upon to advance the process, the development of the substantive agenda that will need to be discussed at subsequent stages of the peace process.
3. Urge mutual gestures to enhance confidence at this initial stage, including release of kidnap victims, no new kidnapping, and

- conditional release of appropriate ELN prisoners.
4. Ask the UN, Colombian and German Conferences of Bishops, or another neutral third party to provide good offices, at least if ceasefire negotiations stall, but also possibly as general facilitators to help both parties agree to a clear structure and timeline for further stages in the process.
 5. Approach now friendly governments, the Catholic Church, the European Union, the OAS, the Colombian and International Red Cross, and particularly the UN to obtain assistance in implementation and verification of the ceasefire during the second and third stages of peace negotiations.
 6. Conduct now expert meetings on incorporating ELN militias into a ceasefire.
 7. Identify locations for “Neutral Zones” and mechanisms to monitor them and to protect ELN fighters concentrated within them, and clearly distinguish those zones from the former Demilitarised Zone for the FARC and the Zone of Encounter previously discussed with the ELN by planning to keep local civil, police and judicial authorities in place.
 8. Devise a strategy to insulate the ELN negotiations from AUC or FARC interference, including preventing those groups from infiltrating areas formerly under ELN influence and protecting the “Neutral Zones” against attacks.
 9. Continue strengthening the state’s capacity to provide basic services throughout the country; reinforce the commitment to protect civilians against AUC and FARC attacks while reaffirming willingness to pursue appropriate and distinctive mechanisms for ending the conflict with both those groups.

10. Pursue more effective international counter-drug policies.

To the ELN:

11. Accept the principle of a ceasefire and cessation of all hostilities, including kidnapping, prior to the initiation of substantive peace negotiations.
12. Demonstrate goodwill by early release of hostages and stopping all violations of international humanitarian law.
13. Agree to the three-stage negotiation process aimed ultimately at achieving successful substantive negotiations on a reform agenda and the reinsertion of all ELN members into civilian life.

To the international community:

14. Respect the confidentiality and integrity of the ceasefire talks between the Colombian government and the ELN currently underway in Cuba.
15. Be responsive to requests for financial, logistical, technical or political assistance issued by the Colombian government or by the government and the ELN jointly during the different stages of the peace process.

Bogotá/Brussels, 4 October 2002



COLOMBIA: PROSPECTS FOR PEACE WITH THE ELN

I. INTRODUCTION

“The ELN is an armed party and not an army, as the FARC describes itself, which facilitates the negotiating process with this guerrilla group.”

Colombian Vice President Francisco Santos

10 August, 2002

The 7 August 2002 inauguration of President Álvaro Uribe has altered fundamentally the political landscape in Colombia, including offering a new chance to pursue peace with the National Liberation Army (ELN). The president, who garnered a solid first-round victory on 26 May, is invested with a strong mandate to fulfil his pledge to enhance the state’s authority and efficiency and guarantee citizen security. In his inaugural address, Uribe declared that he will search for a negotiated solution to the long-standing armed confrontation with the insurgent ELN and the Revolutionary Armed Forces of Colombia (FARC) and the paramilitary United Self-Defence Forces of Colombia (AUC). However, in stark contrast to his predecessor, Andrés Pastrana, he conditioned renewal of substantive peace negotiations on a ceasefire and the complete suspension of hostilities.

Uribe’s first announcements dealt with both the conflict and related longer-term issues of governance. Faced with continuing security problems, symbolised by a FARC mortar attack on the inaugural ceremony in the centre of Bogotá, the incoming administration imposed a “state of emergency” for a first period of 90 days, citing article 213 of the constitution.⁴ Subsequently he

issued decrees increasing the powers of the security forces to investigate and detain individuals suspected of links with the irregular armed groups.⁵ A new “security tax” to fund the increased war effort was established by presidential decree, and Uribe submitted a far-reaching constitutional reform proposal to parliament. The latter contains a provision that would allow election of representatives of the irregular armed groups to municipal and departmental chambers. Alternatively, the president could appoint representatives to parliament. In both cases, the insurgent and paramilitary groups would have to be seriously engaged in a peace process. The new president further asked the UN Secretary General to extend his good offices to help establish peace negotiations with the FARC – an offer rejected by that group – and with the ELN. According to ICG sources, confidential ceasefire talks have been initiated between the government and the ELN and are underway in Cuba.

This report evaluates the prospects for the constructive advancement and conclusion of peace negotiations with the ELN during the next four years. This is a risky endeavour. President Uribe inherits four years of failed peace talks with Colombia’s two major insurgent groups. On 31 May 2002, outgoing President Pastrana declared the end

president to invoke temporary emergency security powers under an “estado de conmoción interior”, state of public unrest., Political Constitution of Colombia, article 213, 1991.

⁵ Ministry of the Interior, Decree N°2002 of 2002 (Bogotá, s.d). Under Decree 2002, Colombia’s law enforcement and military forces are empowered, inter alia, to arrest without warrants, intercept and register telephone calls on the basis of a warrant, and inspect and search private premises with and without warrants. The decree further stipulates the establishment of “Rehabilitation and Consolidation Zones” in high crime and conflict areas. A military officer will be in charge of coordinating the actions of all law enforcement and security agencies present in the zones.

⁴ Presidency of the Republic, Decree N°1837 of 2002 , 11 September 2002. Colombia’s constitution permits the

of peace talks with the ELN that had started in October 1998.⁶ The announcement came five days after Uribe's electoral victory and little more than three months after the breakdown of negotiations with the FARC.⁷ According to Pastrana and High Commissioner for Peace Camilo Gómez, the government had been compelled to act because the ELN, allegedly at the last minute, would not sign an agreement on a bilateral truce in exchange for government funding of social programs in regions where the insurgents are present. Gómez accused the ELN of unwillingness to concentrate its forces in several specified locations and of insisting on receiving U.S.\$ 40 million from the government to maintain its fighters for the envisaged six-month ceasefire.⁸

In comparison to the dramatic breakdown of peace talks with the FARC in February 2002, the rupture of negotiations with the smaller ELN caused little stir. Pastrana refrained from addressing the nation, as he had done in January and February when the talks with the FARC were at stake. A brief ELN communiqué on 3 June also went largely unnoticed.⁹ On 5 June, ELN commander and negotiator Ramiro Vargas stated in a press interview that the government's "unilateral and unjustified suspension of the peace process" had come as a surprise; despite difficulties in the talks, the ELN had been prepared to continue discussing a ceasefire, in particular the points related to its scope (i.e. whether it pertained only to the military or also the paramilitaries), concentration of rebel units, and international verification. Government negotiators, Vargas said, had never before objected to the ELN's request for funding.¹⁰

Although earlier in the year there had been cautious optimism regarding the imminence of a significant reduction in ELN kidnappings and attacks against economic infrastructure and the possibility of a truce, this withered as the talks in

Cuba produced no results.¹¹ Hence, even though government suspension of negotiations was not a complete surprise, it underscored that the Pastrana administration, which had pledged to achieve peace with the ELN and the FARC, had failed on both fronts.¹²

The peace process with the ELN had been overshadowed by simultaneous talks with the FARC in the demilitarised zone (DMZ).¹³ Throughout the Pastrana administration, the priority was peace with the FARC. Negotiations with the ELN were considered to be less important and less of a politically rewarding media event, in part because the ELN objected to a large press presence. To stand a chance of success, they would most likely have required a wholly different approach and more decisive government engagement.¹⁴ When talks with the FARC collapsed in February 2002, it was probably too late and difficult for the enfeebled Pastrana administration to rekindle the ailing process with the ELN. Time, patience, credibility, ideas and political capital were simply running out.

¹¹ See "Otro aire a diálogo con ELN", in *El Tiempo*, 28 January 2002 and "Vamos despacio, pero bien", in *Cambio*, 11-18 March 2002, p. 26.

¹² High Commissioner Camilo Gómez asserted publicly that the ELN had been pressured by the FARC not to sign the agreement, since the two organisations were about to merge. Although the ELN still propagates the unity of the two guerrilla organisations, and there is some evidence of rapprochement after the rupture of the peace talks, an imminent fusion is by no means certain. The ELN High Command has publicly objected to the recent FARC death threats against Colombia's mayors. See "ELN no firmó por presión de las FARC", *El Tiempo*, 10 June 2002, p. 1-8; *El Tiempo*, 25 July 2002, p. 1-9; and statements by ELN Commander Nicolás Rodríguez in ELN Rueda Radial Nacional, 17 May 2002; also, ICG interview, Bogotá, 25 July 2002.

¹³ The DMZ, an area encompassing five municipalities in the departments of Caquetá and Meta (c. 42,000 square kilometres), was established by President Pastrana in October 1998. It was meant to serve as a location for peace talks with the FARC; it was abolished in February 2002. See ICG Report, *Colombia's Elusive Quest for Peace*, op cit.

¹⁴ There is some evidence that the government may have believed that once decisive results were produced in the parallel talks with the FARC, the ELN would have felt constrained to make important concessions or even join the peace process with the larger guerrilla group. The Pastrana administration may also have been under the impression that the ELN could, in any case, be defeated militarily, an impression perhaps shared by the army and the U.S. government. ICG interviews, Bogotá, 4 June and 30 July 2002.

⁶ *El Tiempo*, 1 June 2002, p. 1-12.

⁷ On the peace process with the FARC and the 26 May 2002 presidential election, see, respectively, ICG Latin America Report N°1, *Colombia's Elusive Quest for Peace*, 26 March 2002 and ICG Latin America Briefing, *The Stakes in the Presidential Election in Colombia*, 22 May 2002.

⁸ "Se rompieron conversaciones con el ELN", in *Caracol Colombia*, 31 May 2002; "Fracasaron las negociaciones de paz con el ELN in Cuba", in *El Tiempo*, 31 May 2002.

⁹ Comando Central Ejército de Liberación Nacional, (COCE) "La paz exige grandeza", 3 June 2002.

¹⁰ *El Tiempo*, 5 June 2002, p. 1-3.

The insurgents, in turn, were distrustful of negotiations during the electoral campaign (parliamentary and presidential elections were held in March and May 2002, respectively), publicly warning against the election of the front-runner, Uribe, deemed to be a hard-liner on the far right.¹⁵

One central obstacle to a negotiated solution was the difficulty and, ultimately, impossibility of establishing a ceasefire during which substantive agreements with the guerrillas could have been reached. Thousands of civilians died or suffered abduction and extortion in the ever more brutal conflict during the Pastrana years. The country's economic infrastructure has been badly hit. The international community's disposition to support Colombia's quest for peace was tested by Pastrana's erratic and controversial tactics.¹⁶ Any future international involvement, be it by friendly states, the Catholic Church, the UN or the OAS, will have to be based on a clear and coherent Colombian strategy to move the conflict progressively toward a final negotiated resolution. President Uribe faces high expectations among Colombians to end the violence. He is under more pressure to deliver tangible results sooner than was his predecessor.¹⁷

It remains an open question whether the ELN's High Command has the necessary unity and control over the rebel "fronts" dispersed across the whole of Colombia. The absence of a functioning chain-of-command and diverging interests and viewpoints have made it difficult to build a solid consensus on how to achieve peace in the past. According to ICG sources, two of the five leaders of the High Command, Pablo Beltrán and Ramiro Vargas, can be considered inclined towards a peace agreement in the short to medium-term. The military chief, Antonio García, and Commander Óscar Santos, appear to be hard-liners.¹⁸ Instead of fostering new negotiations, they could attempt to strengthen the ELN militarily or even to close ranks with the FARC.¹⁹ Moreover, two intellectually important

ELN leaders, Felipe Torres and Francisco Galán, who have been working for a negotiated settlement during the last years, are in prison and cannot directly influence decision-making.²⁰ Political chief Nicolás Rodríguez has supported negotiations but has stood firmly for unity and adherence to traditional ELN objectives.²¹

However, there are reasons to believe that agreement might be easier to achieve with the ELN than with the FARC.²² Since the early to mid-1990s, the smaller insurgent group has been debating the option of a negotiated settlement.²³ Although the ELN still appears to reject agreements that only include rebel demobilisation and reinsertion into society in exchange for security guarantees and the option of participating in future elections, there could be room for rapprochement. However, the ELN's central proposal to establish a National Convention encompassing a broad range of political and social organisations along with government and ELN representatives to discuss, elaborate and "pass" reforms in areas such as social policy and energy resources management may well have to be replaced by a more pragmatic negotiating mechanism.²⁴ After all, the insurgents must be aware that the National Convention and, in particular, the creation of a demilitarised "Zone of Encounter" (ZOE) constituted two main obstacles to an agreement with Pastrana. Moreover, the ELN may not have fully thought through the political implications of the National Convention, which, effectively, might turn out to be detrimental to its goals.

The situation compares to 1998, when negotiations with the Samper administration broke down. The ELN then felt it was being "used" in the electoral campaign. This did not, however, prevent it from subsequently talking with representatives of civil society under the auspices of the German Conference of Bishops. Once Pastrana had taken office, the ELN resumed negotiations. Several statements by ELN leaders after the breakdown of

¹⁵ See ELN, Rueda Radial Nacional, 17 May 2002 and *El Tiempo*, 5 July 2002, p. 1-3.

¹⁶ See ICG Latin America Report, *Colombia's Elusive Quest for Peace*, op. cit.

¹⁷ The attack on Uribe's inauguration ceremony in Bogotá on 7 August 2002, probably committed by the FARC, underlines that the new president is under fire and is not at ease to explore options as casually as his predecessor.

¹⁸ ICG interviews, Bogotá, 30 July and 5 August 2002.

¹⁹ In addition, there is always the danger that parts of the ELN might defect to the drug mafia.

²⁰ See the letter by Felipe Torres and Francisco Galán to the National Conciliating Commission (CCN), 30 July 2002.

²¹ ICG interview, 13 September 2002.

²² This evaluation was shared by former U.S. President Bill Clinton in a talk delivered in Cartagena de Indias, Colombia on 6 July 2002, when he also met with Uribe. "Al oído de los empresarios", in *El Colombiano*, 7 July 2002.

²³ See the statement "Sobre los diálogos con el gobierno" by Manuel Pérez in Carlos Medina, *ELN: una historia contada a dos voces*, (Bogotá, 1996), pp. 228-233.

²⁴ On the National Convention see Sections II and III below.

the peace process in May 2002 and, more importantly, their resumption, indicate the organisation has not ruled out a political solution.²⁵ Of course, it is also possible that, as under Pastrana, the fledgling peace process will be led astray by pressures from other actors, particularly the AUC and the FARC, and the government's lack of a clear negotiating strategy.

The ELN commanders favouring a political settlement are strengthened by apprehension among the insurgents that involvement of some of the "fronts" in the drug business could potentially undermine and, ultimately, destroy the "revolution".²⁶ Further, the ELN has been subjected to heavy attacks by both the reinforced army and the paramilitaries, the latter outnumbering the ELN by more than two-to-one. There have also been armed clashes between the FARC and the ELN in regions formerly under ELN influence, such as the departments of Arauca and Norte de Santander. Although it would be a mistake to assume that the ELN is close to military defeat, continued difficulties may make the organisation more willing to talk peace.

ICG interviews with representatives and members of the Catholic Churches of Colombia and Germany reveal that the Uribe administration and the ELN can count on the good offices of those two Conferences of Bishops.²⁷ This support could be crucial to bolster confidence between the insurgents and the new government if the current direct talks should stall. The ELN has accepted the two churches in the past, not least because some of its leaders were Catholic clergymen. Once confidence has been firmly established by a framework agreement on a bilateral ceasefire and complete suspension of hostilities and violations of international humanitarian law and human rights, other neutral third parties – friendly governments, the OAS, and the International Red

Cross – ideally led by the UN, would enter the stage. They would provide support – financial, logistical and technical – during implementation and verification of the ceasefire and the negotiation of a newly defined peace agenda.

To help clarify the current situation and outline a course of action that might allow the new Colombian government to make progress toward a lasting peace with it, this report explores the ELN's ideology, geographic presence, membership and political-military strategy. It also examines the peace initiatives under the Samper and Pastrana administrations and looks at the constraints and options involved in negotiating an agreement under the Uribe administration. The concluding section summarises findings and recommendations.

²⁵ ELN Comunicado Público, 1964-2002, 4 July 2002; letter by Francisco Galán and Felipe Torres to the National Conciliation Comisión (CCN), 30 July 2002. Open letter by the ELN High Command to President Uribe, 4 September 2002.

²⁶ ICG interview, Bogotá, 4 June 2002. In contrast to the FARC, the ELN has traditionally objected to any involvement in the production and trafficking of drugs. See the statements by the late ELN Commander Manuel Pérez in Carlos Medina, *ELN: una historia contada a dos voces*, op. cit., p. 226.

²⁷ ICG interviews, Bonn, Konstanz and Bogotá, 5 and 11 July and 5 August 2002.

II. THE ELN: PAST AND PRESENT

Commencing its 39th year of armed struggle in the name of “national liberation”, the ELN is older than President Uribe’s minister of culture and several other high-ranking officials of the new government. It has outlasted ten democratically elected Liberal and Conservative administrations and twenty years of peace efforts. It has survived the increased army firepower, the paramilitary onslaught, and sporadic hostile encounters with the FARC. Despite a history of vicious infighting, the death or defection of many leaders, near-fatal military defeats and prolonged economic difficulties, the ELN has proved remarkably resilient. Today, it still is Colombia’s second-largest guerrilla force.

Analysts generally agree that the ELN’s trajectory can be divided roughly into four periods: rise and expansion (1964-74), crisis (1974-80), reconstitution (1980-90), and strategic adaptation (1990-2002).²⁸ Although it has been through numerous crises and changes, important lines of continuity exist to this day.

A. FOUNDING AND FIRST THEATRE OF OPERATIONS

It is often said that the ELN’s 1964 emergence was inspired by the Cuban revolution, but this is only part of the story. To be sure, among the 60 Colombian university students who travelled to Cuba in 1962 were Fabio Vásquez and Víctor Medina, who, two years later, would be the ELN’s first leaders.²⁹ Equally important, however, was the decision to choose San Vicente de Chucurí in the department of Santander as the location for the initial camp.³⁰ Santander, having experienced a communist

uprising in 1929 and the formation of Liberal self-defence or guerrilla forces under the leadership of Rafael Rangel during the 1948-1958 “Era of Violence”, had a history of armed opposition to the government.³¹ The Industrial University of Santander in the department capital was home to a thriving left-wing student movement with close links to farm workers and the Revolutionary Liberal Movement. Further, in the port of Barrancabermeja, on the Magdalena River, a crucial point for oil transshipment, radicalised trade unionists were attempting to foment insurrection.³² Some ELN founding members, such as Heliodoro Ochoa and the current leader, Nicolás Rodríguez, were descendents of families who participated in the 1929 uprising or were part of Rangel’s Liberal guerrilla force.³³ Others, such as Ramiro Vargas, were trade unionists active in Barrancabermeja’s oil industry.

The fledgling ELN insurgency drew members from a variety of social and economic backgrounds and viewed Santander as a ripe breeding ground and suitable theatre of operations from which to advance their cause of [national] “liberation or death”.³⁴ The majority of rebel troops – no more than 30 at the onset – were recruited in Santander. Catholic clergymen, such as Camilo Torres, Domingo Laín and Manuel Pérez, only later came to play a leading role.

²⁸ See Medina, *ELN: una historia contada a dos voces*, op. cit., and *ELN: una historia de los orígenes*, (Bogotá, 2001); Alejo Vargas, “Una mirada analítica sobre el ELN”, *Revista Controversia*, N°173, July-December 1998, pp. 101-118 and “Anotaciones sobre el discurso ideológico y político del ELN”, *Corporación Observatorio para la Paz, Las verdaderas intenciones del ELN*, (Bogotá, 2001), pp. 72-83.

²⁹ Medina, *ELN: historia de los orígenes*, op. cit., pp. 69-72.

³⁰ In its original political-military strategy, the ELN was clearly influenced by Che Guevara’s foquismo doctrine. Basically, this concept of revolutionary struggle stipulated that it was possible for a small group of guerrilla fighters to awaken and enhance the rural masses’ revolutionary consciousness by setting up a military camp in a remote area,

launching spectacular attacks against the armed forces and police from there, and engaging the local population in debate about political and socio-economic ills. In combination, these activities would eventually create the subjective and objective conditions for the revolutionary seizure of state power by the insurgents and the establishment of a socialist regime.

³¹ On the “Era of Violence” see ICG Report, *Colombia’s Elusive Quest for Peace*, op. cit.

³² Vargas, *Una mirada crítica*, op. cit., pp. 103-104.

³³ Vargas, *Tres momentos*, op. cit., pp. 38-39.

³⁴ The ELN adopted this motto in 1964 and continues to use it to this day, reflecting a continuity and seriousness of purpose that should not be underestimated. Especially during the period of the insurgency’s rise and expansion (1964-74), a number of leaders and fighters were tried and executed on charges of treason or desertion. While in some cases this practice was related to internal power struggles, it was also a manifestation of the rule that ELN membership represented a lifetime commitment. See Medina, *ELN: historia de los orígenes*, op.cit., pp. 231-239, 254-264, and the interview with ELN Commander Manuel Pérez in Medina, *ELN: una historia contada a dos voces*, op.cit., pp. 177-178.

B. EARLY IDEOLOGY

The ELN's early ideology, as expounded in the Simacota Manifest and the 1965 Declaration of Principles, emphasised nationalism and "popular democracy", underpinned by strong opposition to foreign investment. The declared aim of the armed struggle was to take power and establish a "democratic and popular government" capable of liberating Colombia "from the international monopolies and the *criollo* oligarchy", while "guaranteeing full equality among [Colombians], granting full democratic liberties to the popular sectors, conceding women their legitimate rights...and assuring respect for human dignity and the free development of all Colombians".³⁵ Although buried in this rhetoric, intense focus on Colombia's energy sector, particularly oil production, has always been a central element of ELN political and military goals. This clearly reflected the group's geographic roots in Barrancabermeja and the strong links to oil sector trade unions, as well as antipathy toward foreign investment, particularly in the oil and natural gas sectors. The focus on energy resources provided the ELN with a useful way to distinguish itself from other insurgent groups emerging at the time, such as the communist FARC and the Maoist People's Liberation Army (EPL).³⁶

C. THE CATHOLIC PRIESTS AND DECLINE IN THE 1970S

The important role of priests, most notably Camilo Torres and the three Spanish clergymen, Manuel Pérez, José Jiménez and Domingo Laín, developed only after the group had become well known as a result of its brief January 1965 military occupation of the town of Simacota. Torres, a member of a wealthy Bogota family, joined the ELN in late 1965 after his attempts at creating a mass movement for far-reaching social, economic and political reforms, the United Front, had failed. His involvement with the ELN was crucial in that it united Christians and Marxists in a revolutionary effort for the first time in Colombia.³⁷ In February 1966, he died when

participating in his first ambush of an army unit in Santander. Notwithstanding his brief association, Torres' untimely death, charisma, commitment and social background transformed him into the martyr and symbolic figurehead of the insurgency, providing it in the eyes of many, particularly outside Colombia, the legitimacy of a good cause.

The three Spanish priests, who came to Colombia in 1969, were attracted to the ELN because of Torres.³⁸ Yet, until the late 1970s, that is, after the first generation of leaders had either died in combat, left the country or been executed by their brothers-in-arms on charges of treason, their influence was circumscribed.³⁹ The priests' somewhat subordinate initial role can be explained by the focus of ELN commanders, in particular Fabio Vásquez, on military action and the strict application of the *foquismo* doctrine.⁴⁰ Political work among rural and urban workers, in which the clergymen could have been more effective, was considered secondary.⁴¹

³⁸ This is also true for a number of priests from other European countries, such as Germany. Good biographies of Camilo Torres and Manuel Pérez are provided by Walter J. Broderik, *Camilo Torres Restrepo* (New York, 1975) and *El guerrillero invisible* (Bogotá, 2000).

³⁹ Domingo Laín was killed in combat with the Colombian armed forces in February 1973. In September 1973, the ELN commanders committed a grave tactical blunder by concentrating 100 fighters near Anorí, Antioquia. The army encircled them, killing 21 and taking 28 prisoner. Among the dead were two brothers of Fabio Vásquez, the ELN's commander-in-chief. In November 1974, Vásquez abandoned the ELN and left for Cuba. This near-fatal blow to the ELN occurred during the presidency of Misael Pastrana, the father of Andrés Pastrana. See Medina, *ELN: historia de los orígenes*, op.cit., p. 344; Daniel Pécaut, *Crónica de dos décadas de política colombiana* (Bogotá, 1989), p. 217.

⁴⁰ For the *foquismo* doctrine, see footnote 30 above.

⁴¹ During the second half of the 1960s the organisation was still committed to political work among rural and urban workers, often carried out in cooperation with Catholic lay persons and clergymen. Of importance was the Golconda group, including numerous Catholic priests inspired by the Theology of Liberation, who emphasised the need for social justice and socio-economic reform. However, the lack of a clear concept regarding the ELN's strategic relationship to the working classes produced a situation in which the latter were primarily considered a handy pool for recruitment. See Medina, *ELN*, op. cit., pp. 229-231.

³⁵ "Declaración Programática del ELN", in *Corporación Observatorio para la Paz*, op. cit., p. 67.

³⁶ The ELN's first attack on an oil pipeline, owned and managed by the Texas Petroleum Company, near Barrancabermeja took place in August 1965. Medina, *ELN: historia de los orígenes*, op.cit., p. 145.

³⁷ Vargas, *Una mirada analítica*, op. cit., p. 105.

D. THE 1980s: RESTRUCTURING AND GEOGRAPHIC EXPANSION

In the early 1980s, after years of relative insignificance and severe economic difficulties, the ELN began to resurface under the leadership of Manuel Pérez and Nicolás Rodríguez. Three factors were crucial. First, the ELN was able to strengthen its links with existing social movements and trade unions, particularly in the oil sector.⁴² Secondly, alongside its increasingly decentralised individual guerrilla “fronts” (for example, the Domingo Laín Front operating in the Sarare region in the departments of Arauca, Boyacá and Norte de Santander) a more complex organisational structure was put in place, composed of the National Congress, the High Command, the National Directorate and the National General Staff. Thirdly, the development of oilfields in areas where the ELN enjoyed relative strength, including the departments of Arauca, Norte de Santander and Cesar, provided unexpected financial windfalls through extortion of domestic and international oil companies.⁴³

In 1983, the ELN held its first national conference, the “National Reunion of the Heroes and Martyrs of Anorí”, in which it was decided to divide and expand considerably its two existing military fronts in northwestern and northeastern Colombia. Over the next twelve years, the group expanded operations by creating new forces in more than 38 areas, including five urban centres in the departments of Antioquia, Atlántico, Caldas, Huila and Valle.⁴⁴ By 1995, more than 50 per cent of the ELN’s armed activities, mostly directed against infrastructure such as pipelines and pylons, were concentrated in the oil

producing regions of Arauca, Boyacá, Norte de Santander and Santander. Moreover, the organisation began to sabotage the Transandino pipeline between Colombia and Ecuador in the southern department of Nariño.⁴⁵

E. IDEOLOGICAL CHANGE AND GUERRILLA UNITY

Restructuring was followed by a gradual change of political discourse. The original revolutionary aim of “national liberation” was replaced by an “emphasis on the control and exercise of power at the regional level, ... which has been denominated by some as a kind of armed local co-government”.⁴⁶ However, when the ELN held its second national conference in November 1989, it still expressed a desire to create a socialist Colombia – an aspiration that developed during the 1970s and was not dimmed despite the fall of the Berlin Wall.⁴⁷ Attempts to unify several guerrilla groups appear to have been directed to this goal. In 1985, during the administration of Belisario Betancur, the ELN, M-19, EPL, PRT and the dissident FARC Front Ricardo Franco created the umbrella National Guerrilla Co-ordinating Instance (CNG). Two years later, the ELN and the *MIR-Patria Libre* merged to form the *Unión Camilista-ELN* (UC-ELN) and created another, even broader umbrella organization, the Simón Bolívar Guerrilla Coordinating Group.⁴⁸ However, owing to internal differences, the CGSB never played an important role and soon splintered.⁴⁹

F. THE 1991 NEGOTIATIONS WITH THE GOVERNMENT

The end of the Cold War did eventually affect the Colombian guerrillas.⁵⁰ In 1991, the now smaller

⁴² “A Luchar”, a group composed mainly of trade unionists with loose ties to the ELN, played a liaison role between rural and urban workers and the insurgents. As such, it effectively constituted a political wing of the ELN. In 1990, “A Luchar” entertained thoughts of competing in the presidential elections; in 1991, it contested the Constituent Assembly elections. The Corriente de Renovación Socialista (CRS), a dissident ELN faction that demobilised in 1994, grew out of “A Luchar”. Antonio López, “A Luchar y ELN: las tensiones entre lo político y lo militar”, in *Corporación Observatorio para la Paz*, op. cit., pp. 200-212.

⁴³ Camilo Echandía, *El conflicto armado y las manifestaciones de violencia en las regiones de Colombia*, (Bogotá, 1999), p. 51; Vargas, *Una mirada analítica*, op. cit., pp. 108-109.

⁴⁴ The new “war fronts” were set up in the north, south-west and centre of Colombia. Echandía, *El conflicto armado*, op. cit., pp. 53-54.

⁴⁵ Ibid., pp. 55-56.

⁴⁶ Vargas, *Una mirada analítica*, op. cit., p. 111.

⁴⁷ Ibid., p. 108 and Vargas, *Anotaciones*, op. cit., p. 80.

⁴⁸ The Simón Bolívar Guerrilla Coordinating Group included the UC-ELN, the Comando Quintín Lame, the EPL, the PRT, the M-19 and the FARC and was the broadest guerrilla alliance established in Colombia since the 1960s.

⁴⁹ The M-19, PRT, EPL and the dissident ELN group Corriente de Renovación Socialista (CRS) withdrew from the Simón Bolívar Guerrilla Coordinating Group and subsequently signed peace and demobilisation agreements with the Barco and Gaviria administrations.

⁵⁰ In comparison to other Latin American insurgencies, such as the Frente Farabundo Martí para la Liberación Nacional

Simón Bolívar Guerrilla Coordinating Group, including the ELN, negotiated with the government in Caracas and subsequently in Tlaxcala, Mexico. By this point, the M-19, PRT and EPL had already signed peace agreements and were either demobilising or fully participating in democratic politics. The M-19, renamed Democratic Alliance M-19, fielded a candidate for the 1990 presidential elections, was represented in the Constituent Assembly elected in May 1990, and obtained 8.8 per cent of the 1991 parliamentary vote.⁵¹ However, the groups within the Simón Bolívar Guerrilla Coordinating Group, particularly the FARC, wanted more than security guarantees and the option of participating in elections. The Gaviria administration had previously insisted that talks be limited strictly to a ceasefire, and not broader political topics. Yet the government, pressured by the guerrillas' military strength, exhausted by the struggle against the drug cartels and, probably, attempting to capitalise on the successful peace process with the smaller M-19, EPL and PRT, finally indicated willingness to engage in broader political discussions with the rebel groups.

The negotiation agendas of Caracas and Tlaxcala ranged from the narrow objective of a truce to thornier topics such as the new constitution of 1991, national security doctrine and the paramilitaries, democracy, human rights and modernisation of the state.⁵² However, this produced little agreement.⁵³ Like the subsequent and equally fruitless peace talks under Pastrana, the encounters were held as military offensives continued. They never got beyond procedure before being ended by the government in 1991.⁵⁴ The Simón Bolívar Guerrilla Coordinating

Group soon faded away, largely due to the FARC's increasing lack of interest.⁵⁵ Moreover, as the FARC began to challenge ELN control in departments such as Norte de Santander and Arauca along the Venezuelan border, relations between the FARC and the ELN soon deteriorated.

G. STRATEGIC ADAPTATION AND THE NATIONAL CONVENTION

In 1996, the UC-ELN held its third national conference during which it readopted the name "ELN" and distanced itself from the objective of the armed struggle for a socialist Colombia.⁵⁶ In part, this reflected adaptation to the profoundly changed international political circumstances. Preoccupation with the Samper administration's political crisis and a return to its roots, inspired by the radical Liberalism of Jorge Eliécer Gaitán and Che Guevara's *foquismo* theory, also played a role.⁵⁷ Taking into account the organisation's increasingly decentralised structure, the new political platform emphasised the need for "alternative popular power" at local and municipal levels, including infiltration into government structures. However, these efforts were carried out by the ELN armed fronts at gunpoint.⁵⁸ Moreover, the insurgents began to consider creation of a "National Convention" to bring together representatives of "all sectors of national opinion, social movements, political organisations, economic associations, the Church,

(FMLN) in El Salvador, the ELN and the FARC have historically been less dependent on external sources of financial, material and political support. Consequently, the demise of the Soviet Union and the socialist regimes of Eastern Europe in the late 1980s and early 1990s did not have the same impact on them.

⁵¹ The Democratic Alliance's candidate was its charismatic leader Carlos Pizarro, who was killed by paramilitary gunmen shortly before the elections. See ICG Latin America Briefing, *The March 2002 Parliamentary Elections in Colombia*, 17 April 2002 and ICG Briefing, *The Stakes in the Presidential Elections*, op. cit.

⁵² Marco Palacios, "La solución política al conflicto armado, 1982-1997", Rafael Pardo, ed. *El siglo pasado* (Bogotá, 2001), p. 514.

⁵³ See Eduardo Posada, Malcolm Deas & Charles Powell, *La paz y sus principios*, (Bogotá, 2002).

⁵⁴ Palacios, *La solución política*, op. cit., pp. 514-515.

⁵⁵ Vargas, *Mirada analítica*, op. cit., p. 114.

⁵⁶ *Ibid.*, p. 114.

⁵⁷ The Samper administration (1994-98) was afflicted by a drug money scandal surrounding Samper's presidential election campaign. In particular, this strained relations between Colombia and the U.S. See ICG Report, *Colombia's Elusive Quest for Peace*, op. cit.; Alejo Vargas, *Anotaciones*, op. cit., pp. 72-83.

⁵⁸ This has been described as "armed clientelism", a situation in which the ELN is able to obtain political support from the population of some localities in exchange for offering protection against paramilitary and FARC incursions or government anti-drug operations, such as the destruction of coca fields. Of course, as with almost every protection racket, the ELN as the "protector" creates and forms part of the threat it is supposedly acting against. See Andrés Peñate, "El sendero estratégico del ELN: del idealismo guevarista al clientelismo armado", in Malcolm Deas & Victoria Llorente, eds., *Reconocer la guerra para construir la paz* (Bogotá, 1999), pp. 53-98.

intellectuals, the Left, democrats and patriots”.⁵⁹ Initially this was conceived to be a broad forum for discussion of political, social and economic problems. By 1997, the ELN began to see it as the central mechanism for advancement towards a peace accord with the government. In effect, the effort to create the National Convention lay at the heart of the fruitless peace negotiations with the Pastrana administration.

H. THE ELN IN 2002

The ELN's base continues to be the Middle Magdalena Valley, encompassing parts of the departments of Bolívar, Santander and Antioquia.⁶⁰ However, over the last years, the group has been under increasing pressure from paramilitaries which have managed to reduce ELN presence in former strongholds.⁶¹ The FARC has also begun to operate more actively along the Colombian-Venezuelan border in the departments of Arauca and Norte de Santander – the oil-rich Sarare region that has been under ELN influence since the 1980s.⁶² According to ELN Commander Pablo Beltrán, hostile encounters with FARC reached a peak in mid-2000. Although the two groups appear to have established a new *modus vivendi* in some regions, tensions remain in others.⁶³ Increasing territorial disputes between the three irregular armed groups reflect their quest for control, or in the case of the ELN, defence of a strategic corridor linking the northeastern parts of Colombia with the departments on the Atlantic coast.⁶⁴ ELN troop strength has probably decreased, owing to casualties and defections to the FARC and the paramilitaries.⁶⁵ It is estimated that it now has

about 3,500-5,000 fighters, compared to the 18,000 and 9,000 of the FARC and the AUC respectively.⁶⁶

It would be a mistake, however, to conclude that the ELN is close to military defeat. One Colombian expert points out that, in contrast to the FARC, the ELN has not recently made increasing its numerical strength a priority.⁶⁷ Rather, it has focused on expanding its political base via “armed clientelism”.⁶⁸ Moreover, between 1999 and 2001, it carried out more than half of its armed actions in only 40 municipalities in twelve departments.⁶⁹ Most were directed at economic infrastructure, usually oil pipelines.⁷⁰ This strategy does not require a large army, and the organisation has maintained a significant capacity to destabilise the region, especially by destroying economic infrastructure and kidnapping. It might be possible for the ELN to increase recruitment and firepower if hard-line commanders, such as Antonio García and Óscar Santos, gain the upper hand over the more conciliatory Pablo Beltrán and Ramiro Vargas. Given that García is not only in charge of military strategy but also of managing funds abroad, he could probably upgrade military capabilities in the medium term. However, Commander-in-Chief Nicolás Rodríguez will be critical to the final direction chosen by the ELN.

ELN practices of kidnapping and extortion, with concentration on foreign and domestic oil sector companies, date back to the late 1960s and 1970s.⁷¹ Early on, selective kidnapping was used as a political weapon. In recent years, the ELN has been responsible for the largest number of annual kidnappings committed by irregular armed organisations.⁷² The overriding motive is financial.⁷³

⁵⁹ Initially, the government was not to be represented in the National Convention. That idea came later. Vargas, “Anotaciones”, op. cit., p. 115.

⁶⁰ León Valencia, “La guerra en Colombia: los cálculos de los actores”, in *Brecha*, May 2002.

⁶¹ Including Barrancabermeja, Santander, Tibú, El Tarra and Cúcuta, Norte de Santander, and San Pablo, Simití and Cantagallo, Bolívar. ICG interview, Berlin, 2 July 2002; Vicepresidencia de la República, Colombia: conflicto armado, regiones, derechos humanos y DIH 1998-2002, Bogotá, 2002, pp. 9-15.

⁶² Vicepresidencia de la República de Colombia, Panorama actual del Norte de Santander, Bogotá, May 2002.

⁶³ Statements by Commander Pablo Beltrán, in ELN Rueda Radial, 30 December 2000; ICG interview with members of the CFC, Bogotá, 5 August 2002.

⁶⁴ Vice Presidencia, Colombia: conflicto armado, op.cit., p. 6.

⁶⁵ Information about clashes between ELN and army units is rarely publicised in Colombia.

⁶⁶ ICG interview, Bogotá, 5 August 2002; ICG Report, *Colombia's Elusive Quest for Peace*, op. cit.

⁶⁷ ICG interview with member of the CFC Marco Romero, Bogotá, 30 July 2002.

⁶⁸ Peñate, “El sendero estratégico”, Deas & Llorente, op.cit., pp. 96-98.

⁶⁹ Arauca, Antioquia, Norte de Santander, Santander, Cesar, Casanare, Boyacá, Tolima, Nariño, Cauca and Valle del Cauca. There are 1,098 municipalities in Colombia.

⁷⁰ Vicepresidencia, *Colombia: conflicto armado*, op. cit., pp. 28, 31.

⁷¹ Medina, *ELN: una historia de los orígenes*, op. cit., pp. 247-49.

⁷² Of 3,041 abductions recorded by the Free Country Foundation in 2001, 917 were perpetrated by the ELN, 840 by the FARC and 262 by the AUC. In the same year 292 people were kidnapped by common criminals. The latter's victims are often “sold” subsequently to the guerrilla

The Colombian Department of Administrative Security estimates that the two guerrilla organisations generated U.S. \$1.5 billion through kidnapping between 1991-1999. In 1998, the ELN alone obtained U.S.\$84 million in ransom and U.S. \$255 million in extortion.⁷⁴ Although the ELN's High Command regularly denies involvement in the drug business, a third source of income is the so-called *gramaje*, a "protection" tax collected from coca and poppy cultivators.⁷⁵ According to ICG sources, individual ELN fronts are involved in this activity, with or without the High Command's consent.⁷⁶

After the failed peace talks with the Pastrana administration, the ELN continues to stress the importance of the National Convention.⁷⁷ While it is questionable whether the insurgents have thought through the practical logistics and actual politics of a National Convention, they do not appear prepared to abandon their armed struggle in exchange for security guarantees and, possibly, an amnesty alone.⁷⁸ Some suggest that the ELN views the M-

19's demobilisation and subsequent unsuccessful participation in electoral politics in the early 1990s as a cautionary tale. The ELN is equally unenthusiastic about the outcome of the peace processes in Guatemala and El Salvador, feeling that while those insurgent groups achieved greater freedom to exercise the right of political representation and received initial benefits, larger economic and social disparities remained virtually unchanged. This is why, thus far, it appears unlikely that the ELN will consider signing a peace agreement and demobilising without the prior implementation of economic and social reforms.⁷⁹ Therefore, one might reasonably predict continued vocal demands, for example, regarding agrarian and political reform and, particularly, modifications in the pattern of economic exploitation of Colombia's energy and mineral resources.

organisations, which then negotiate the payment of ransom with their hostages' relatives. Figures in "El secuestro en Colombia", in www.paislibre.org.co. The unpublished figures for January-July 2002 indicate that the FARC have become the "leading kidnappers" in Colombia, abducting 508 persons compared to 470 and 246 for the ELN and the AUC respectively.

⁷³ Pax Christi, *The Kidnap Industry in Colombia: Our Business?*, (Utrecht, 2001), p. 26.

⁷⁴ Ibid., pp. 33-34; "Radiografía del ELN", in *El País*, 5 July 1998.

⁷⁵ See, for example, the statements by Commander Pablo Beltrán in ELN Rueda Radial, 30 December 2000. In 1998, the ELN obtained an estimated U.S.\$5 million in *gramaje*. "Radiografía del ELN", *El País*, 5 July 1998.

⁷⁶ This appears to be the case, for example, in the Serranía de Santa Lucas, San Pablo and Cantagallo, Bolívar. ICG interviews, Berlin and Konstanz, 2 and 5 July 2002.

⁷⁷ ELN Communiqué, "1964-2002", 4 July 2002.

⁷⁸ Although the ELN conceives of the National Convention as a legitimising body that would provide input for the peace negotiations with the government, it is not clear whether or what results of the discussions in the National Convention would effectively be considered in negotiations. The composition of the National Convention would be a crucial variable. If it is inclusive, as agreed by the parties in the aftermath of the Würzburg accord (see below), consensus on any subject would be almost impossible; even more worrisome for the rebels, the ELN would be one participant among many, including the government. If the National Convention had more restricted membership, it would lose its legitimising function, and the ELN could not speak through it "in the name of the people" with the government.

⁷⁹ ICG interview with member of the CFC Marco Romero, Bogotá, 30 July 2002.

III. THE PASTRANA PEACE TALKS: 1998-2002

In October 1998, President Pastrana formally initiated peace negotiations with both the ELN and the FARC.⁸⁰ Owing to the personal relationship he had established with FARC Commander Manuel Marulanda shortly before taking office, the president was confident an agreement with the FARC could be achieved relatively expeditiously. He did not have the same confidence about the ELN and apparently viewed those negotiations as a lower priority because of the general perception it was a less potent force increasingly under heavy pressure from the paramilitaries. Further, the ELN's central demand for a National Convention bringing together a wide array of social, political, professional and economic associations, and the academic community to tackle broad reforms was not considered a practical mechanism for ending the armed confrontation.⁸¹ Hence, from its onset, the Pastrana administration focussed its attention on the apparently more promising and important peace talks with the FARC.

In hindsight, it is evident that Pastrana mistakenly engaged in parallel peace processes without a clear concept to guide either.⁸² Given that negotiations between the ELN and representatives of Colombian civil society in Germany were already promising at the end of the Samper administration, it is particularly unfortunate that discussions with the ELN were put on a back burner. Ultimately, the talks with the FARC undercut those with the ELN in a number of ways. Perhaps most obvious was the never-resolved dispute about the Zone of Encounter (ZOE), a territory to be treated much as the FARC's demilitarised zone. Pastrana's initial reluctance to integrate international actors into the ELN peace process seemed to ignore the constructive role these played in Germany in 1998. Although the "Group of Friends" – Cuba, France, Norway, Spain and

Switzerland – supported both sets of negotiations, they were not significant until the very end of Pastrana's term when the original format had already been abandoned.

A. PRELUDE: THE VIANA AND WÜRZBURG ACCORDS

The peace negotiations under President Pastrana were preceded by the Viana (Madrid) "pre-accords" – struck secretly between the Samper government and the ELN in February 1998 – which centred on the creation, composition and potential functions of the National Convention.⁸³ However, shortly before the May 1998 presidential elections, these were leaked to a Spanish newspaper and the insurgents jettisoned them, claiming they were tainted by electoral politics.

Nevertheless, ELN representatives met with members of the National Peace Council (CNP) and of the National Conciliation Commission (CCN) in the German cities of Mainz and Würzburg in June and July 1998.⁸⁴ The Colombian and German Conferences of Bishops arranged the two meetings jointly. Probably owing to the failure of a 1996 initiative that sought to bring together the Colombian government and the ELN under the auspices of the German Catholic Church and the Kohl administration, there was no official Colombian or German presence.⁸⁵ Pater Hans Langendörfer,

⁸⁰ Presidential Resolutions N°83 and 85, 9 and 14 October 1998, in www.hechosdepaz.gov.co

⁸¹ Included among the issues to be debated in the National Convention would have been democracy and the state; the role of the armed forces; the economic and social system; the drug trade; corruption; agrarian issues and natural resources. See I Reunión Preparatoria de la Convención Nacional, Itagüí, 14 September 1998.

⁸² The fact that President Pastrana attempted to manage both negotiations with a single understaffed and overworked team as fighting continued was clearly problematic.

⁸³ They were referred to as "pre-accords" since they were not meant to enter into effect until after the presidential elections in May/June 1998.

⁸⁴ The CNP was created in February 1998 and is composed of the president, the high commissioner for peace, the defence, interior and justice ministers, one governor, two members of the lower and upper house of parliament each, two officials of the judicial branch of government, the public prosecutor, the people's ombudsman and a number of civil society representatives. The CCN was established in August 1995 at the initiative of the Colombian Conference of Bishops, until July 2002 presided over by the Archbishop of Medellín, Monsignor Alberto Giraldo Jaramillo. Giraldo's successor is the Archbishop of Bogotá, Monsignor Pedro Rubiano Saénz.

⁸⁵ The "German connection" encompassed three sets of actors: the Chancellery under Helmut Kohl, the Conference of Bishops, and private agent Werner Mauss and his Italian wife. In 1995-96, the shadowy Mauss played a central role in establishing the first contacts between the ELN, the Samper administration and the Chancellery. His involvement grew out of good relations with the ELN High Command, in particular Antonio Garcia, and Minister of the Chancellery and Coordinator of the German Intelligence Services, Bernd

Schmidbauer. The ELN commanders trusted Mauss since he had been “working” with them off and on since 1984: first as intermediary between them and the German company Mannesmann, which was constructing the oil pipeline Caño Limón-Coveñas and was extorted by the ELN; later as middleman helping to free Europeans abducted by the insurgents, including the German Consul in Medellín, Hellmut Lücker and Mannesmann engineers. According to ICG sources, Mauss provided the ELN with modern telecommunication equipment that enhanced the ELN’s capacity for coordination. Mauss also appeared to be, and possibly still is, in charge of managing the rebels’ funds in Europe.

In June 1995, Mauss arranged a secret meeting in Germany between ELN Commanders Manuel Pérez, Nicolás Rodríguez and Antonio García and German government officials to explore German participation in a future peace process. The rebels submitted a document to Minister Schmidbauer asking for German and EU mediation in the Colombian conflict. In May 1996, President Samper and Chancellor Kohl exchanged letters on the issue of peace talks in Bonn between July and October 1996. Schmidbauer, Mauss, Colombian Minister of the Interior Horacio Serpa and President Samper held several talks in Bonn and New York City. As a result, Serpa and Schmidbauer formally established that a first round of peace negotiations between the Colombian government and the ELN would take place in Bonn on 16 December 1996. In August, the Presidents of the Colombian and German Conferences of Bishops, Monsignor Alberto Giraldo Jaramillo and Cardinal Karl Lehmann, and former Nicaraguan President Daniel Ortega agreed to participate in the meeting; in October, the prelates met with Schmidbauer in Mainz.

However, on 17 November 1996 the arrangement, which had been viewed suspiciously by the U.S., collapsed when Mauss, his wife and the wife of a former German BASF manager were arrested in Medellín, Antioquia on charges of carrying falsified documents and illegally paying ransom. The wife of the former German BASF manager had been kidnapped by the ELN a few months earlier, and Mauss had negotiated her release, allegedly for U.S.\$1.2 million. After seven months in prison, Mauss and his wife were released, and in May 1998 all charges against them were dropped for lack of evidence. Clearly, his activities upset the Colombian authorities, including Álvaro Uribe, who was then governor of Antioquia and ultimately responsible for the arrests. According to ICG sources, Pastrana considered the private agent a persona non grata, which might in part explain his lack of interest in continued German support in the peace process.

ICG interviews, Bonn, Konstanz and Bogotá, 5 and 11 July and 5 August 2002; Stefan Aust, Mauss – Ein deutscher Agent (Munich, 1999); “Durchbruch beim kolumbianischen Friedensdialog”, Mainzer Bistumsnachricht, 17 July 1998; “Germany/Colombia: “Free” Agent Werner Mauss Gets Caught”, Intelligence, N°50, 16 December 1996; “Privatagent Mauss”, *Der Tagesspiegel*, 1 August 1999; Peter Schumacher, “Freiheit für den Friedensengel”, 3 June 1998, www.nadir.org/nadir/periodika/jungle_world/_98/23/21a.htm; Albert Sterr, “Bauchlandung in

Secretary of the German Conference of Bishops, and Bishop Emil Stehle served as moderators.⁸⁶

The Würzburg meeting resulted in the signing of the “Door to Heaven”⁸⁷ accord. It emphasised the role of civil society in subsequent negotiations, standards of conduct for warfare and the creation of the National Convention. It also stipulated that the peace talks between the FARC and the new Pastrana government should be tied to those with the ELN, creating a single process. The FARC was invited to join the National Convention.⁸⁸ The Colombian Conference of Bishops, presided over by Monsignor Giraldo, and the Commission of National Conciliation (CCN), which included high-ranking Colombian clerics, welcomed this.⁸⁹ The German Conference of Bishops also announced it was prepared to continue supporting the peace effort

schwierigem Gelände: Kolumbien, Mauss und die Bundesregierung”, www.oeko-net.de/kommune/kommune3-98/zzkolum3.htm; Heidrun Zinecker, Kolumbien – Wie viel Demokratisierung braucht der Frieden? (Frankfurt a.M., 2002), p. 64.

⁸⁶ Though he had been asked to provide logistical support to bring the rebel leaders to Germany and was permitted to attend, Werner Mauss was not granted the right to speak during the negotiations. Pater Langendörfer has stated that there was no cooperation between the German Conference of Bishops and Mauss in conducting the Mainz and Würzburg meetings. ELN representatives had requested Mauss’ presence, feeling that he could help guarantee their security. ICG interview, Bonn, 11 July 2002; “Nur bei der Guerrilla hat Mauss gute Karten”, *Berliner Morgenpost*, 12 July 1998; “Durchbruch beim kolumbianischen Friedensdialog”, op. cit. In the 1960s, Bishop Stehle was acquainted with Camilo Torres and, owing to these early contacts, probably still has the confidence of the ELN. He was approached by Cardinal Lehmann to act as moderator in the talks with the ELN in 1996. Stehle is known for his successful humanitarian interventions on behalf of several foreigners abducted by the ELN. According to Stehle, all these captives were released without ransom. In the 1980s, the bishop was also active in the Central American peace process. Stehle has distanced himself from Mauss, labelling him a “shady figure”. ICG interviews, Konstanz and Bonn, 5 and 11 July 2002.

⁸⁷ Himmelspforten, after the name of the former monastery where the talks were held.

⁸⁸ Vereinbarung von Himmelspforten (Door to Heaven Agreement), 15 July 1998, in <http://dbk.de/presse/pm1998/pm1998071501.html>. The agreement stipulated that the National Convention should be held in Colombia, in a specified region under a bilateral ceasefire with the security of all participants guaranteed.

⁸⁹ See Comisión de Conciliación Nacional, *Hacia la estructuración de una política nacional permanente de paz*, (Bogotá, 1999); ICG interview, Bonn, 11 July 2002.

if asked by its Colombian sister organisation.⁹⁰ The Samper administration endorsed the accord.⁹¹

The progress made in Mainz and Würzburg gave rise to hope. Seven years after the fruitless negotiations under the Gaviria administration in 1991, the ELN seriously considered working toward a political solution to the conflict. Although the accord covered limited substance – the immediate cessation of abducting children, pregnant women and the elderly – it nonetheless was a significant step toward respect for international humanitarian law and confidence building.⁹² Indeed, according to one participant since 1996, Augusto Ramírez Ocampo, by the time Pastrana took office in August 1998 the peace process was at one of its most promising points.

B. PREPARATIONS FOR THE NATIONAL CONVENTION

Following Würzburg, the notion of a National Convention was advanced by the Preparatory Committee stipulated in the Door to Heaven accord and composed of Colombians who had been present in Germany, as well as Francisco Galán and Felipe Torres of the ELN's High Command, who had been imprisoned in the mid-1990s.⁹³ According to ICG sources, the ELN released 60 hostages without demanding ransom in an effort to conform to the humanitarian provisions of the agreement.⁹⁴ An agenda, tentative timetable and list of participants for a potential National Convention were drafted. These

⁹⁰ "Durchbruch beim kolumbianischen Friedensdialog", op. cit.

⁹¹ ICG interviews, Bonn and Bogotá, 5 and 30 July 2002.

⁹² Due to its selective criterion regarding kidnapping, the accord's section on humanitarian issues has been criticised by some as incomplete. ICG Interview with Augusto Ramírez Ocampo, Bogotá, 29 June 2002.

⁹³ Both Galán and Torres have been determined advocates of a political solution to the armed conflict for some time. Their opinions are highly respected by the ELN's High Command. Although the two rebel leaders are held in the maximum security prison in Itagüí, Antioquia, they are occasionally granted the use of communication equipment to contact the ELN High Command. This gives them an important degree of influence in the High Command's political decisions, and provides a direct line of communication between the ELN on one side and the various groups facilitating the process on the other. ICG interview, Augusto Ramírez Ocampo, 29 June 2002, Bogotá.

⁹⁴ Among those released were pupils of German schools in Colombia. ICG interview, Konstanz, 5 July 2002.

preparations led to the Rio Verde declaration of 12 October 1998 in which representatives of civil society and the ELN agreed to establish the National Convention on 13 February 1999.⁹⁵ However, momentum was scuttled a day later when the ELN bombed an oil pipeline in Antioquia; killing more than 70 people in the nearby settlement of Machuca. The government suspended negotiations and ordered a thorough investigation. ELN Commander-in-Chief Nicolás Rodríguez later admitted the attack had been a grave mistake but talks remained stalled until early 1999.

C. TROUBLE WITH THE ZONE OF ENCOUNTER

On 9-10 February 1999, High Commissioner for Peace Victor G. Ricardo and ELN second-in-command Antonio García met in Caracas, Venezuela to discuss what were anticipated to be final arrangements for the National Convention. However, the ELN added a request for demilitarisation of three municipalities in the south of the department of Bolívar and one in the department of Antioquia, to provide a "Zone of Encounter" (ZOE) for the National Convention.⁹⁶ In the Door to Heaven accord the parties had agreed to stage the National Convention in a region under a ceasefire.⁹⁷ However, demilitarisation and creation of a zone similar to that granted to the FARC were not mentioned, nor had the ELN raised the issues in preparatory talks.⁹⁸ Government negotiators objected to what they considered an effort to gain last minute concessions. The insurgents gave two basic reasons: the need for a secure area to stage the National Convention where all participants, including the ELN, could feel safe; and the significance of carrying out the National Convention in a region of Colombia beset by serious social and economic problems, including illicit drug cultivation and processing and paramilitary groups financed by drug trafficking and allied with the Colombian army.

⁹⁵ The declaration also confirmed the government's participation in the National Convention.

⁹⁶ The selected municipalities were: San Pablo, Cantagallo and Santa Rosa del Sur, Bolívar and Yondó, Antioquia.

⁹⁷ Door to Heaven agreement, article 20, paragraph 13.

⁹⁸ See the letter by several members of the Preparatory Committee to Nicolás Rodríguez from 11 February 1999 in which they express their surprise about this new rebel demand, in www.hechosdepaz.gov.co/es/load.php/uid=0/leng=es/5/anexo_XIX.htm

According to the ELN, the ZOE would not only be the stage for the National Convention but also for community-gearred programs of crop substitution, alternative development and environmental recovery.⁹⁹

The ELN demand was driven by political motives as well. Only a few days before the meeting between Ricardo and García, the government had extended the existence of the FARC's DMZ by 90 days due to the lack of progress in the peace talks and despite the unilateral suspension of negotiations by the FARC in January 1999. The ELN, having agreed on the agenda and participants for the National Convention, may have felt that a demilitarised zone was not an extravagant demand. Further, the ELN likely calculated that it needed to raise its profile vis-à-vis the FARC, which, by obtaining the DMZ, had informally been granted a status resembling a belligerent party. In the strange setting of the parallel and competing peace processes, the ELN may have viewed it as in its best interests to ensure that the Pastrana administration understood it would not accept peace easily or be treated as secondary to the FARC.¹⁰⁰ This also explains why the ELN request was not included in either the Door to Heaven agreement or the Rio Verde declaration, both of which were signed before the FARC got its DMZ.

The ELN also faced increasing activity by paramilitaries in its historic strongholds.¹⁰¹ Unlike the FARC's DMZ, demilitarisation in the south of Bolívar would not only mean the army would leave, but that paramilitary groups, already in control of many urban areas there, would either have to be driven out or kept under a tight grip by the army's 5th Brigade. Thus, a fully demilitarised ZOE would

also have given the ELN opportunity to re-establish presence in areas it had previously controlled or at least have halted paramilitary expansion. The government rejected the ZOE proposal, and the ELN announced that the proposed 13 February 1999 date for the National Convention would have to be postponed because the safety of participants could not be guaranteed. Although Ricardo and García met again in Caracas on 14-15 February and exchanged communiqués throughout February and March, no progress was made.¹⁰²

D. HIJACKING AND MASS KIDNAPPINGS

Once the ELN realised the government would not agree to the ZOE, it launched mass kidnappings, the most notorious of which were the hijacking of a commercial airliner and the abduction of parishioners in a church. The Avianca plane was taken on 12 April 1999 between Santander and Bogotá. It was forced to land on a clandestine airstrip in Simití, Bolívar and 46 civilians, including crew, were taken into the jungle. Although kidnapping is, unfortunately, common in Colombia, the hijacking of a large commercial airliner was not. The ELN received unprecedented attention, particularly from the international media. The government promptly suspended negotiations and called for the immediate release of the hostages, 21 of whom were freed within four weeks.¹⁰³ According to ICG sources, the liberation of some was the result of secret talks between a representative of President Pastrana and the ELN in Cuba.

Before there was any chance of obtaining the release of the remaining hostages or renewing negotiations, the ELN kidnapped more than 140 people on 30 May 1999 who were attending mass in the church La María, in a wealthy Cali neighbourhood. Under army attack, the rebels released 80 within a few hours but escaped with the remaining 63. The

⁹⁹ See the letter by ELN Commander Pablo Beltrán to High Commissioner for Peace Ricardo from 15 January 2002, in www.hechosdepaz.gov.co/es/load.php/uid=0/leng=es/5/aneo_XXXIV.htm. The south of Bolívar is rich in oil and energy infrastructure, which explains why the ELN has traditionally been interested in the area. It is also important strategically due to its proximity to the Magdalena River and highway network.

¹⁰⁰ ICG interview with member of the CFC Marco Romero, Bogotá, 30 July 2002.

¹⁰¹ Southern Bolívar became a focal point for paramilitary operations, both military and economic, owing to its strategic location and coca plantations. It is estimated that over 1,500 paramilitaries were present in southern Bolívar while negotiations with the ELN were taking place. *El Colombiano*, 7 February 2001, in www.elcolombiano.terra.com.co/historicod/200102/20010207/ndh001.htm

¹⁰² At the time, the ELN proposed to install the National Convention abroad, but without the participation of the government and in contradiction to previously signed agreements. Several countries offered their territories but this idea never flourished. The government presented several alternatives, such as direct talks within the country without demilitarisation; the retreat of the army (but not the police) from the proposed municipalities; or a demilitarised area somewhere other than southern Bolívar.

¹⁰³ The last two of the remaining hostages were released on 22 November 2000, more than twenty months after being kidnapped. One person died in captivity in June 2000.

abduction of Catholic parishioners was obviously controversial for an organisation that had always had Catholic priests among its leaders.¹⁰⁴ The families of some hostages reported later that the insurgents demanded ransom for the liberation of their relatives, and the move cast doubt on any political purpose the kidnappings might have had and turned public opinion strongly against the ELN. In July 1999, the archbishop of Cali, Monsignor Isaías Duarte, excommunicated the ELN fighters who participated in the La María kidnapping.¹⁰⁵

E. THE CIVILIAN FACILITATING COMMISSION AND INFORMAL DIPLOMACY

The ELN's bold actions certainly stole some attention – international and local – from the FARC. As a result, the Civilian Facilitating Commission (CFC) was established on 30 July 1999. This group, which still exists, includes Colombians from a variety of political, social and academic backgrounds who are knowledgeable about the ELN. Many members have been participating in the peace process since Mainz and Würzburg.¹⁰⁶ Initially, the CFC focused on the release of the hostages from La María and the Avianca plane. Eventually, it grew into an effective facilitating body, contributing on several occasions to the unlocking of stalled negotiations.

With government approval during September 1999, the CFC met several times with ELN representatives in Venezuela to discuss release of the hostages and resumption of talks with the Pastrana administration. Informal negotiations between ELN and government were eventually held in October and December

1999, first in Cuba, then in southern Bolívar, where High Commissioner for Peace Ricardo and Colombian ambassador to Cuba, Julio Londoño, met with members of the ELN's High Command (COCE). Although no agreements were announced, it appeared that a demilitarised zone in southern Bolívar was beginning to be discussed as a viable option. Informal meetings continued in Caracas and Havana, but the government did not officially resume negotiations until 1 June 2000.¹⁰⁷

F. THE GROUP OF FRIENDS

On 22 June 2000, the ELN and the government called upon Cuba, France, Norway, Spain and Switzerland to act as friends and facilitators.¹⁰⁸ However, by the time the Group of Friends was established, negotiations were already deadlocked over demilitarisation and the ZOE, and the five countries never could fulfil their mandate on verification and humanitarian assistance in the zone.¹⁰⁹ Thus, their participation, mostly as conciliators, was discreet and on the margins. The most notable contributions were by Cuba, which hosted the negotiations during 2001 and 2002, and Spain, which had been involved in the process since the 1998 Viana pre-agreement.¹¹⁰

The parties also agreed to a series of meetings abroad to continue working on the methodology and contents of the National Convention. In July 2000, government, ELN and representatives of several

¹⁰⁴ Augusto Ramírez Ocampo believes that the La María kidnapping was conducted without the knowledge of the High Command, which probably would have opposed it. ICG interviews with Augusto Ramírez Ocampo, 29 June 2002, Bogotá.

¹⁰⁵ Monsignor Duarte, an outspoken critic of all irregular armed groups and drug traffickers, was murdered in Cali on 17 March 2002. The identities of those who ordered the assassination remain unclear; subsequent investigations suggest that the FARC or the drug mafia may have been involved. See “¿Quién lo mató?, Revista Cambio”, in www.cambio.com.co/web/indice.php?idp=74.

¹⁰⁶ Several CFC members suffered threats, kidnappings and assassination attempts, mainly from paramilitaries. Founding member, journalist and humorist Jaime Garzón was assassinated in August 1999.

¹⁰⁷ A few days earlier Camilo Gómez replaced Victor G. Ricardo as high commissioner for peace.

¹⁰⁸ The Group of Friends was charged with five tasks: facilitation, conciliation, verification, humanitarian functions and working methodology. The agreement also mentioned the possibility of collaboration with multilateral organisations such as the United Nations. Joint communiqué, 22 June 2000, in www.hechosdepaz.gov.co/es/load.php/uid=0/leng=es/5/anexo_XLIII.htm.

¹⁰⁹ General Luis Alejandre, head of the Technical Mission that made recommendations on the establishment of the zone of encounter, was a member of the Spanish Armed Forces, “If there is an agreement with the ELN, Europe and Spain will not allow it to be betrayed the next day”, *El Tiempo*, 24 March, p 1-11.

¹¹⁰ During the latter stages of the negotiations, Fidel Castro allegedly urged the ELN to take significant steps towards a peace agreement. Likewise, the Spanish, French, Swiss, Norwegian and Cuban ambassadors to Colombia exhibited a high degree of commitment to the peace process. ICG interview with Augusto Ramírez Ocampo, 29 June 2002, Bogotá.

sectors of Colombian society signed the Declaration of Geneva, which confirmed a National Convention, affirmed international participation, and of the CFC and promoted an accord on international humanitarian law.¹¹¹ The latter subject was raised frequently throughout the negotiations. Compared to the FARC, the ELN was always more willing to discuss it and was more aware of its importance. However, while it made limited agreements, e.g. not to kidnap children, elderly people or pregnant women or to attack water reservoirs, they were respected only briefly.

G. OPPOSITION TO THE ZOE

A main obstacle to the ZOE in southern Bolívar was resistance by local inhabitants, who argued that demilitarisation was unnecessary, and they did not want to live in another “Caguán”, the FARC’s DMZ, which was already showing signs of abuse.¹¹² Roadblocks to protest demilitarisation were set up on important highways in 2000 and early 2001. The protests effectively paralysed all transport between Colombia’s coastal and central regions after 24 April 2000, when President Pastrana publicly announced that the National Convention would be installed in a demilitarised ZOE. In contrast to the DMZ, the plan was to bring in national and international verification personnel and keep all civilian authorities on duty. However, the roadblocks caused such disruption that Minister of the Interior Humberto de la Calle and High Commissioner for Peace Gómez visited several times to speak with community resistance leaders. Ultimately, the disruption was stopped in exchange for a “process of dialogue and citizen participation” with the inhabitants regarding the establishment of a demilitarised ZOE.

The negotiations between the government and the communities that followed produced little agreement, and in September 2000 the CFC visited the area at the request of the government and the

ELN to evaluate the situation. The Commission report made it clear that there was much more behind the “popular” protests against demilitarisation: “the region was polarised over the establishment of the Zone of Encounter, and some people feel intimidated by paramilitaries and the guerrilla to express their opinion on the subject”.¹¹³ Some NGOs and municipal authorities supported demilitarisation believing it would reduce the risk of more violence in the area, promote social investment and curb forced internal displacement, but the media and public opinion paid little attention to this view. Moreover, the shortcomings of the peace process with the FARC and the misuse of the DMZ became increasingly evident. Once again, the ELN negotiation suffered from the flaws and setbacks of its counterpart.¹¹⁴

To break the deadlock, the CFC recommended the ELN move gradually into the designated area, concentrating on the rural parts and then extend into others previously “secured” by the army.¹¹⁵ More importantly, the zone would be operated under strict rules that protected the communities and took account of their concerns; the chief civilian authorities, including the People’s Ombudsman, would remain. According to the CFC, the ELN had signalled it would cease all offensive actions in the ZOE, not intensify armed action across the country and accept an agreement on international humanitarian law. Despite the continued resistance of community organisations, government and ELN met in Cuba in December 2000 and January 2001 to draft regulations and verification procedures for the ZOE. The ELN effectively agreed not to carry out offensive operations in or outside the area and to respect electoral processes in the ZOE. The verification procedures, meant to be revised by a five-man verification commission and implemented by 100 national and 50 international verification

¹¹¹ During the conversations held in Geneva, paramilitary forces attacked the ELN in southern Bolívar where the government and the rebel High Command had met in the past. The news of the attacks and the ELN delegation’s uncertainty about the fate of their brothers-in-arms jeopardised the signing of the declaration and threatened the negotiations altogether. For details see “El martes negro en Ginebra”, *Corporación Observatorio para la Paz*, op. cit., pp. 249-254.

¹¹² On the FARC’s abuse of the DMZ, see ICG Report, *Colombia’s Elusive Quest for Peace*, op. cit.

¹¹³ Quoted in CFC working paper presented at the Summit for Peace, 30 - 31 January 2002, Havana, p. 5.

¹¹⁴ Throughout the debate on whether or not to establish a demilitarised zone in southern Bolívar, the ELN accused the government of lacking the will to confront a movement it believed was being manipulated by the paramilitaries and drug traffickers. See the letter from 15 January 2000 by ELN Commander Pablo Beltrán to High Commissioner for Peace Ricardo, in www.hechosdepaz.gov.co/es/load.php/uid=0/leng=es/5/anexo_XXXIV.htm.

¹¹⁵ Here, “securing” would have meant to push the paramilitary forces out of the designated areas.

officers, were also defined.¹¹⁶ Both documents were comprehensive and clear, and the presence of national and international verifiers provided credibility and accountability the similar FARC arrangement lacked. Finally, government and ELN agreed that the demilitarised ZOE would only encompass two municipalities: San Pablo and Cantagallo, in Bolívar.¹¹⁷ As a good will gesture, the ELN released 42 captured soldiers and police.

Nevertheless, the groups opposing demilitarisation refused to yield and staged several roadblocks on the routes from Bogotá to the Atlantic sea coast, Bucaramanga and Barrancabermeja. On 16 February 2001 the General Staff of the paramilitary AUC sent a letter to the ELN military commander, Antonio García, making clear it would continue to attack the guerrillas in southern Bolívar if the government established a demilitarised zone without the population's consent.¹¹⁸ Both President Pastrana and High Commissioner for Peace Gómez accused the paramilitaries and drug traffickers of promoting the demonstrations and manipulating the population; but the government was forced to continue consulting the communities.¹¹⁹

In effect, paramilitary presence in southern Bolívar made it almost impossible to demilitarise the area and guarantee the security of the population and participants in the National Convention. In February 2001, the army launched Operation Bolívar. The aim was to push the paramilitaries and armed groups other than the ELN, such as the FARC, out of the intended ZOE and destroy illicit drug laboratories and crops. Once "cleansed", the area could be demilitarised, and the ELN would assume responsibility for security of the zone. However, the

operation failed, and in March the ELN temporarily suspended participation in the peace talks.¹²⁰ The rebels argued that Operation Bolívar had produced no results against the paramilitary squads; to the contrary, it had been used as an excuse to attack the ELN and spray illicit crops of peasants who had already agreed to eradicate them manually. The insurgents even accused the army of coordinating the operation with the paramilitaries: all paramilitary bases had been vacated by the time the army arrived, and no casualties were reported.¹²¹

Faced again with stalemate, government and ELN invited an international technical mission (ITM), including security experts such as Spanish General Luis Alejandro, who had participated in the Central American peace processes, to visit San Pablo and Cantagallo and recommend how to establish a demilitarised zone.¹²² Their report, released in April 2001, confirmed the observations of the CFC and reiterated the need for clear verification procedures and a neutral verification commission, funded and staffed by Colombia and other countries. It furthermore recommended the zone be established as soon as possible.¹²³

H. DEAD END: THE ELN AND GOVERNMENT SUSPEND NEGOTIATIONS

On 19 April 2001, the ELN suspended negotiations indefinitely. The rebels accused the army of continuing to operate in association with the local paramilitary units and the government of violating agreements by spraying illicit crops in southern Bolívar.¹²⁴ The ELN made renewed negotiations conditional on immediate establishment of the ZOE,

¹¹⁶ The regulations for verification addressed issues such as the fundamental rights and freedoms of civilians, the permanence of all civilian, judicial, administrative and religious authorities, the establishment of civilian police, and the promotion of regional development with community participation and programs of illicit crop substitution. See www.hechosdepaz.gov.co/es/load.php/uid=0/leng=es/5/cronologia_eln00.htm.

¹¹⁷ These two municipalities covered an area of approximately 3,000 square kilometres, fourteen times smaller than the DMZ granted to the FARC (42,000 square kilometres).

¹¹⁸ See www.hechosdepaz.gov.co/es/load.php/uid=0/leng=es/5/anexo_LXIII.htm.

¹¹⁹ See Proceso de Paz, "No vamos a dejar paralizar el País", 17 February 2001, in www.procesodepaz.com/notas/Febrero172001/A617N1.html.

¹²⁰ Among results highlighted by the army were the capture of four "delinquents" and the death of three others, confiscation of 29 rifles and one grenade launcher, and destruction of 21 drug laboratories and 156 hectares of coca plants. See www.hechosdepaz.gov.co/es/load.php/uid=0/leng=es/5/anexo_LXVI.htm.

¹²¹ See the letter by Commander Pablo Beltrán to High Commissioner for Peace Gómez, 8 March 2001, in www.hechosdepaz.gov.co/es/load.php/uid=0/leng=es/5/anexo_LXVIII.htm.

¹²² Although the ITM was sub-contracted by the UN, technically speaking it was not a UN mission. ICG interview, Bogotá, 20 August 2002; "Un General que se acerca al ELN", *El Tiempo*, 24 March 2002, p. 1-11.

¹²³ See the mission's report, in www.hechosdepaz.gov.co/es/load.php/uid=0/leng=es/5/anexo_LXX.htm.

¹²⁴ See comunicado, in www.hechosdepaz.gov.co/es/load.php/uid=0/leng=es/5/anexo_LXXIII.htm.

rigorous efforts to combat paramilitaries in and around the zone, and compensation to farmers in southern Bolívar whose crops had been destroyed. The government, in turn, proposed gradual demilitarisation of the two municipalities, allowing the army to secure one area at a time. The ELN flatly rejected this, probably believing that pending demilitarisation the government would use the areas as bargaining chips. On 7 August 2001, after meetings in Venezuela, President Pastrana finally suspended the talks, claiming the ELN lacked political will for peace.¹²⁵ The ELN responded by accusing the government of dragging out the process and disregarding commitments. For the first time, the ELN also implied a new administration was needed to renew talks.¹²⁶

I. RESUSCITATION: THE AGREEMENT ON COLOMBIA AND THE TRANSITION AGENDA

Thanks to the Group of Friends and the CFC, the ELN and the government met again in Havana in November 2001. On 24 November, they signed the “Agreement for Colombia”, which was intended to embody a “Transition Agenda” to carry negotiations through to the new administration. While the parties recognised that a National Convention during the Pastrana administration was no longer feasible, the agreement was intended to keep discussions alive between government, ELN and civil society, including the presidential candidates. Seminars on subjects such as international humanitarian law and energy resources would be carried out abroad as

part of an effort to develop proposals that could eventually be presented in the National Convention. A planned Summit for Peace would also evaluate obstacles and challenges. Regional peace initiatives, such as agreements between the mayors of eastern Antioquia and the ELN, would also be discussed to link them to the peace process.¹²⁷

On 15 December, the parties signed the Havana Declaration, which contained the timetable for the seminars, working groups and events proposed in the “Agreement for Colombia”.¹²⁸ The ELN furthermore announced it would hold its fire between 18 December 2001 and 6 January 2002. The Summit for Peace took place as scheduled in Havana on 30-31 January. Government and ELN representatives, the CFC, the ambassadors of the Group of Friends and Cuban President Fidel Castro attended along with 100 participants, including from economic associations, trade unions, the international community and humanitarian agencies. Although an early ceasefire was promoted by many participants, the Summit concluded with more modest, to some disappointing, commitments, such as limited humanitarian agreements, suspension of crop spraying and of rebel attacks on energy infrastructure.¹²⁹ The United States was invited to participate as a formal observer in the peace process since the ELN High Command considered U.S. participation essential.¹³⁰

Overshadowed by the simultaneous escalation of FARC attacks across the country and the eventual breakdown of peace talks with that group on 20 February 2002, the post-Summit working sessions with the ELN received little media attention. Four days after the collapse of talks with the FARC, however, High Commissioner for Peace Gómez travelled to Cuba, and the subject of a ceasefire

¹²⁵ The government argued that during those meetings the ELN had agreed to assume responsibility for the security in the zone, but changed its mind at the last minute arguing that the government had to “cleanse” the area of paramilitary units first. The ELN argued that the government had always agreed to secure the area before handing it over to the ELN.

¹²⁶ After the collapse of talks in August, the ELN directly contacted 23 mayors of towns in the department of Antioquia and struck a bilateral agreement to protect the civilian population. The government denounced this “protection racket” as illegal, arguing that the government was the only valid interlocutor with the ELN. Carlos Castaño, the paramilitary (AUC) political chief, kidnapped several of the mayors and released them only after they agreed not to engage in conversations with the ELN in the future. It appears that the “truce” between the mayors and the ELN lasted for six months. In April 2002, the ELN once again took up kidnapping and harassing along the motorway Bogotá-Medellín. *El Tiempo*, 30 April 2002, p. 1-11.

¹²⁷ The “Agreement for Colombia” is available in Spanish at www.ciponline.org/colombia/112802.htm. For details on the Antioquia regional initiative, see footnote N°125.

¹²⁸ “Havana Declaration”, in www.ciponline.org/colombia/121501.htm The Declaration also scheduled a meeting between the ELN and the “Group of Notables”, which earlier had elaborated recommendations for the peace process between the government and the FARC.

¹²⁹ *El Tiempo*, 2 February 2002, p.1-2.

¹³⁰ ICG interview with Alejo Vargas, Bogotá, July 2002. The reaction of the U.S. government was allegedly positive, even though it appears highly unlikely that the Bush administration would agree to participate if negotiations were held in Cuba. Likewise, the Cuban government may not participate if the United States takes part.

took centre stage.¹³¹ After the end of the FARC peace process, the media and public opinion focused on its aftermath, the army's highly publicised recapture of the former DMZ and speculation about the FARC's next steps. The government concentrated on evaluating the new situation and containing the escalation of violence that followed. Indeed, even after its end, the peace process with the FARC continued to overshadow negotiations with the ELN in Cuba.¹³²

Nonetheless, for those involved in the negotiation, it was clear that expectations had risen dramatically.¹³³ Colombians would no longer support peace efforts without evidence of concrete results, and after the terror attacks in the U.S. of 11 September 2001 and the debacle with the FARC, neither would the international community. The experience with the FARC had demonstrated that any serious peace negotiation, unless preceded or accompanied by a ceasefire, even if only temporary, had little chance of success. Thus, during the following three months the main actors in the process met repeatedly to discuss a six-month bilateral truce before President Pastrana left office. By May 2002 the main discussion centred on the logistics. Two disagreements arose: the ELN's degree of military mobility during the six-month ceasefire and the funds to sustain its fighters during this period.

While the government wanted all ELN fighters to concentrate in specified locations and cease military activity, the ELN argued that it was not prepared to stop fighting the paramilitaries, who were not covered by the truce. The ELN asked for approximately U.S.\$40 million for the six months, a figure the government found excessive.¹³⁴ The ELN wanted to receive this in cash and spend it as it saw fit, conditions unacceptable to the government, understandably wary of financing a military foe. Ultimately, the government was also reluctant to provide the ELN with a six-month

break to concentrate on combating paramilitaries and extending its territorial control. In turn, the ELN suspected that the government's terms were part of an army strategy to make it vulnerable to the paramilitaries.

J. THE FINAL BREAKDOWN OF THE PEACE PROCESS

On 31 May 2002, President Pastrana announced the collapse of negotiations with the ELN. This decision came as a surprise to many participants in the talks, including ELN negotiators and CFC members.¹³⁵ Although all were aware of the ceasefire deadlock and that the seminars to be held abroad were largely on hold, some felt it would be a good faith gesture to work on other issues in the Transition Agenda to keep the talks at least symbolically alive until Uribe took office. Jaime Bernal Cuellar, former public prosecutor and CFC spokesman, argued that several years of effort should not be thrown overboard, and "the CFC should have been allowed to search for alternatives so that the new government could take a decision on the future of the process".¹³⁶ The ELN accused the government of unilaterally ending the process and failing to abide by the Havana Declaration, which stipulated that the Transition Agenda would remain in effect until August 2002. According to the rebels, a meeting between Ambassador Londoño and ELN spokesman Vargas to discuss the impasse had already been scheduled.¹³⁷

Many believe that once the government realised that a ceasefire was not in sight, Pastrana saw no point in continuing with the rest of the Transition Agenda. The government had also likely grown increasingly frustrated with the cumbersome consultations that accompanied each round of talks and the fact that Vargas in Cuba had to confer with the ELN High Command in Colombia before he could make decisions.¹³⁸ High Commissioner for Peace Gómez implied that the breakdown was inevitable because the FARC was pressuring the ELN not to sign any

¹³¹ "Ceasefire became a magic word", ICG interview with Augusto Ramírez Ocampo, Bogotá, 29 June 2002.

¹³² For details on the peace process with the FARC, see ICG Report, *Colombia's Elusive Quest for Peace*, op. cit.

¹³³ ICG interview with Augusto Ramírez Ocampo, Bogotá, 29 June 2002.

¹³⁴ Disputes also surrounded ELN troop levels. The government argued there were 6,000 fighters at most, while the ELN countered that their total numbers were secret, but much higher. The ELN numbers appear inflated in this matter. ICG interview with Alejo Vargas, Bogotá, July 2002.

¹³⁵ ICG interview, 30 July 2002, Bogotá.

¹³⁶ *El Tiempo*, 4 June 2002, p. 1-2.

¹³⁷ *El Tiempo*, 5 June 2002, p.1-3.

¹³⁸ ICG interview with Augusto Ramírez Ocampo, Bogotá, 25 July 2002.

accords.¹³⁹ The ELN denies this, and although the guerrilla groups appear to have established military alliances in several regions, it is less evident this cooperation extends into the political realm.¹⁴⁰

IV. THE ELN AND URIBE: CONSTRAINTS AND CHOICES

Understanding the main factors that produced an impasse in the ELN peace process under the Pastrana administration is key to evaluating the constraints and options facing President Uribe. The ELN remains far from a spent military force, as some have claimed. It can continue to be involved in kidnappings, hijackings and extortion, move more heavily into drugs or ally with the FARC. If it is cornered, more conciliatory ELN commanders, including Felipe Torres and Francisco Galán, would lose much of their already precarious influence within the group, and peace chances would further dim.¹⁴¹

Uribe's decision to reinstate negotiations is far less risky. During the initial stage in Cuba, the government is reportedly focusing on a bilateral ceasefire, complete cessation of hostilities, and freeing of all hostages.¹⁴² The latter might well form part of broader humanitarian accords to protect civilians. Ceasefire verification and monitoring procedures and elaboration of a peace agenda dealing with political, economic and social reforms to be debated and advanced within Colombia's existing democratic system are other important aspects. The latter requires that the ELN formulate its political demands in a clear, coherent and practical manner so that they can eventually be taken seriously by the government and legislature.

As part of his effort to modernise the political system, Uribe has already submitted to parliament a bill for a referendum on constitutional reform. It would give the government authority to create additional seats in municipal and departmental chambers that could be held by representatives of irregular armed organizations committed to peace

¹³⁹ According to Gómez, recent joint military operations by the FARC and the ELN underscore this point. *El Tiempo*, 10 June 2002, p.1-8.

¹⁴⁰ The ELN has publicly rejected the FARC's recent strategy to kill all local authorities, including mayors and city councillors, unless they resign from their posts.

¹⁴¹ According to studies in comparative political economy conducted by Paul Collier at the University of Oxford and the World Bank, insurgent movements exhibit a tendency to transform themselves over time into profit-oriented criminal-economic enterprises. Although the ELN is clearly conforming to this theory with its involvement in Colombia's kidnapping industry, it could become even more criminalised. See Paul Collier, "Causas económicas de las guerras civiles y sus implicaciones para el diseño de políticas", in *El Malpensante*, 1 May-15 June 2001, pp. 28-53.

¹⁴² "Gobierno Colombiano se ha reunido con el ELN", AFP 12 September 2002; ICG interviews, Bogota 9-11 September 2002.

negotiations and elected democratically prior to the end of Uribe's tenure in August 2006. The president could also appoint a number of these "special representatives for peace" to parliament.¹⁴³ If this reform materialises, and a bilateral ceasefire succeeds, the ELN could present its political demands directly in parliament.

Within this potential new framework, all efforts should be made to bring the ELN to acknowledge, at least in principle, the government's democratic legitimacy. Instead of insisting on constructing "alternative power at the popular and local level", epitomized in the National Convention, the rebels would have to reconcile their revolutionary demands with Uribe's mandate to strengthen the state, enhance citizen security and combat poverty. After the Pastrana experience, Colombians are not prepared to accept again extra-legal political and territorial spaces, such as the DMZ or the ZOE. The ELN would be well advised to recognise, therefore, that a National Convention is not feasible in a demilitarised zone and, after 11 September, is extremely unlikely abroad. Post-11 September, tolerance for irregular armed movements – be they considered terrorists or not – has diminished. This does not mean that meaningful negotiations with groups voicing non-violent critiques of the status quo are impossible but that appropriate channels are necessary.

Clearly, successful negotiations require, mutually, more commitment and better discipline. Both sides should acknowledge that serious talks above all need less overworked and more empowered negotiators, more technical expertise and a clear concept regarding format and goal. Colombian and international actors, such as the Catholic Church, CFC, CCN and Group of Friends, who have been providing good offices for four years, are capable, as are the UN and the OAS, of helping the parties to achieve a settlement in the short to medium-term. The absence of a neutral third party, as facilitator and, ideally, at some point as mediator, has been noted by many observers. The negotiations, in particular those on substantive issues, should follow a clearly written script, be advanced by committed, knowledgeable full-time staffs on both sides, and use the neutral third parties to help to steer through the different stages. Coordinated and structured

mediation, particularly by an experienced international actor such as the UN, has perhaps been one of the most serious missing elements in the past.

The renewed ELN negotiations also need to be insulated from the ongoing armed confrontations with the FARC and the AUC. Specifically, the government must consider how to counter their capabilities to impede implementation of a ceasefire.

The Uribe administration will have to devise measures against the paramilitaries that take into account their involvement in the drug business, links to some army brigades, and responsibility for deliberate, grave violations of international humanitarian law as well as the possibility of internal divisions within their camp.¹⁴⁴ With the recent indictments of the ranking AUC leaders by the United States and the request for their extradition, the pressure on them and, on the Uribe Administration to go after them, has intensified.¹⁴⁵ These measures might range from the agreed demobilisation of paramilitary units to law enforcement and military pressure, and certainly should include severing any existing ties with the army. AUC elements unwilling to demobilise and that continue criminal activities, such as drugs and kidnapping, must be pursued accordingly. Obviously, this process should follow a different logic from the negotiations with the ELN, aim at a

¹⁴⁴ In July 2002, the AUC's political chief Carlos Castaño "resigned", stating that he opposed the abduction two years earlier of a Venezuelan businessman by paramilitary forces operating in the department of Meta. He also said that he would return to lead the "Self-Defence Forces of Córdoba and Urabá" (ACCU), whence he had come, and act to prevent future kidnappings and violations of international humanitarian law by the paramilitaries. While this episode indicates that the AUC's chain of command is fragile, it remains to be seen whether the organisation is about to divide into "criminal" and "political" wings. *El Tiempo*, 13 July 2002, p. 1-21; *El Tiempo*, 16 July 2002, p. 1-14. Subsequently, following a recent gathering of AUC front commanders, he once more asserted his direction of the unified paramilitary group, *El Tiempo*, 9 September 2002, p. 1.

¹⁴⁵ <http://www.state.gov/r/pa/prs/ps/2002/13652.htm>. Press report of indictments announced by U.S. Department of Justice. However the U.S. request for Castaño's extradition has caused intense debate in Colombia, where many believe that the paramilitary leader should first and foremost be tried in Colombia for his crimes, many of them assassinations. *El Tiempo*, 13 July 2002, p. 1-21; *El Tiempo*; 16 July 2002, p. 1-14; *El Tiempo*, 9 September 2002, p. 1; *Semana*, 30 September-7 October 2002, pp. 24-30.

¹⁴³ Proyecto de Ley: "Por la cual se convoca un referendo y se somete a consideración del pueblo un proyecto de reforma constitucional", 7 August 2002.

different outcome and be conducted by a different group of government officials.

These measures are essential to foster ELN confidence in the peace process, avoid serious setbacks owing to paramilitary attacks on ELN units and civilians they deem sympathisers, and enhance the army's capacity to assure security in the "Neutral Zones" where the ELN fighters will concentrate. They would also facilitate the work of international observers and verifiers. Peace with the ELN and successful control or disbanding of the AUC could also serve as important incentives for an eventual settlement with the FARC. This implies, however, that the Colombian state ensures that areas formerly under ELN or AUC influence are not infiltrated by the FARC and that the latter are prevented from sabotaging the peace process with the ELN.

The ELN must demonstrate with deeds that it seriously seeks a lasting peace agreement. All violations of international humanitarian law have to stop. Kidnappings, such as of 26 Colombian tourists in the department of Chocó on 21 August 2002, put into doubt the ELN's disposition and capacity to negotiate a settlement.¹⁴⁶ Such acts also scorn the goodwill of governments and others, domestic and international, prepared to support the new peace process. Further international isolation cannot be in the ELN's interest.

The government, in turn, ought to be supported internationally in its quest for enhanced citizen security and territorial control. Only a legitimately strong state can make peace with the ELN and, eventually, the FARC and disband the paramilitaries.

Early discussion of a new international counter-drug policy is desirable in order to contribute to a general climate facilitating the resolution of Colombia's civil war. While there has been less argument about the policies of interdiction, law enforcement or alternative development, aerial spraying of illicit crops is highly controversial. It has failed to achieve its goals, in part because environmental and political costs forced curtailment, in part because of the absence of available alternative development options. Even if successful in given areas, an anticipated result is movement by growers deeper into environmentally vulnerable regions. A recent

U.S. Environmental Protection Agency report¹⁴⁷ did not put an end to questions about its health and environmental impacts, its side effects on other crops, and its overall effectiveness. Colombia is the only Andean country where coca is being sprayed from the air. In Bolivia and Peru, aerial spraying is barred and manual eradication is emphasized, but there is no armed threat to voluntary eradication. Colombia pays a high political price for the aerial spraying policy, nationally and internationally. Though it is certainly not easy for Colombia to forge a multilateral alliance to fight drugs, the effort should be given priority. Ultimately, the battle has to be fought by all Colombians determined to end this illegal and highly damaging activity.

Peace would also be facilitated if Colombia enforced an exemplary and sustainable human rights policy. It is clear that much more has to be done. Colombia is among those countries where prolonged internal warfare has been brutal, produced enormous suffering, and involved violations of human rights and international humanitarian law. The imposition of 90-day emergency powers by President Uribe will undoubtedly exacerbate concerns as did initial government statements that did not clarify that the provisions were designed to conform to the American Convention of Human Rights, which permits certain rights, but not all, to be abridged under certain circumstances for temporary periods. However, given the limitations in judicial resources, monitoring of how the military applies the new powers will be exceedingly difficult.¹⁴⁸ Not a single actor in the armed conflict has a clean record. One recent, potentially important achievement was Colombia's ratification of the International Criminal Court (ICC). There is no doubt that because of the assassination of judges, death threats and corruption, it has often been difficult for Colombian courts to try human rights and international humanitarian law violators. An international tribunal, not exposed to those threats, should represent a great advance in strengthening justice in Colombia.¹⁴⁹

¹⁴⁶ *El Tiempo*, 22 August 2002, p. 1-5.

¹⁴⁷ "Report on Issues Related to the Aerial Eradication of Illicit Coca in Colombia", released by the Bureau for International Narcotics and Law Enforcement Affairs, U.S. State Department, September 2002, www.state.gov/g/inl/rls/aeicc/13237.htm.

¹⁴⁸ *El Tiempo*, 12 September 2002, p. 1-7.

¹⁴⁹ The 1997 adoption of a law creating the possibility to extradite Colombian drug traffickers to the U.S. was motivated in part by the same reasons.

Unfortunately, domestic and international pressures are impeding use of the ICC to advance the fight against violations of human rights and international humanitarian law in Colombia. During ratification of the court's statute, the government included a declaration stipulating that, for seven years, the ICC cannot prosecute Colombians who commit war crimes on Colombian territory. It is unclear whether this declaration was made under pressure from the armed forces, or in the belief that it would facilitate negotiations with the irregular armed groups, or to ensure future legal equality of Colombians and U.S. citizens living in the country. Significant opposition to the declaration has arisen, a view ICG shares, particularly because of its potential for implying impunity for war crimes that might be committed over the next seven years.

The United States has requested Colombia to agree to a similar exemption for its military and civilian personnel serving in Colombia. Regardless of the reasons behind this request or whether other countries provide that exemption, it could produce the undesired effect of helping to justify a belief of immunity from prosecution by armed actors in Colombia's conflict.

V. CONCLUSION

Much can be learned from the past peace efforts with the ELN. Certainly, the contributions made by the Catholic Church, the CCN, the CFC and the Group of Friends, among others, are a useful legacy. However, a new negotiating structure must avoid the old mistakes.

Contrary to the widely shared belief that the ELN can be defeated militarily and soon, ICG believes only a negotiated solution can end the conflict. Sporadic desertions (often to FARC or the paramilitaries) have probably not seriously debilitated the ELN. Furthermore, it has forged military alliances with the FARC in regions such as Arauca and southern Bolivar to protect itself against the paramilitaries and the army alike. Although there is no evidence that this kind of tactical deal is either a general trend or reflects a weakened capability, it is certainly a wider option open to the ELN. Proof that the ELN insists on maintaining its independence militarily and politically is its recent public rejection of the FARC policy of threatening to kill all local authorities who do not resign their posts.

It would be a mistake to assume that the ELN's prime motivation for negotiating is fear. ICG believes that the ELN has a capacity for reflection and political assessment that is more developed than that of the paramilitaries and the FARC and that it seeks serious peace talks as a result of its own analysis. Departing from their original ideological stance of "National Liberation or Death" and adopting a more pragmatic posture, several ELN leaders have stated that they are aware that in the current environment more can be achieved through negotiations than armed struggle. If this disposition is not taken seriously, however, the group could go further down the path of criminalisation and militarisation.

A three-stage negotiating process appears to offer the best chance of success. It includes (1) establishing mutual confidence and reaching a bilateral ceasefire, the cessation of hostilities and humanitarian accords; (2) negotiating a newly defined and focused peace agenda; and (3) concluding negotiations with a final peace accord. During the three stages, neutral domestic and international third parties should provide good offices if requested by the government and the ELN. The stages are not mutually exclusive or strictly

chronological. A peace process always is an exercise of political art and a challenge for innovative thinking. What ICG proposes are general guidelines.

Stage one

The first stage of building a negotiating framework for a new ELN peace process must address trust issues. This is already underway in Cuba. Holding talks there has several distinct advantages, including: proximity, security guarantees and adequate privacy from the press. Nevertheless, the negotiations may have better chances, and more political support, if Cuba is not the *sole* site for talks, but one of several alternating locales, perhaps including Europe and Canada. Flexibility is advisable because the different stages of the peace process, ranging from the present confidential ceasefire talks to negotiating humanitarian issues, a focused and substantive peace agenda and verification procedures, require the prompt and effective assistance – financial, logistical, political and technical – of a range of third parties, domestic and international. Result-oriented convenience of location and mediation should, therefore, be the order of the day.

Friends of Colombia's peace process should fully respect the confidentiality of the cease fire talks in Cuba. No country should take measures that may hamper the ongoing talks. At the same time, it is vital, in order to build mutual confidence and international trust, that both the ELN and the government avoid any act that could be considered a violation of human rights or international humanitarian law. This is necessary for countries to feel comfortable enough to offer sites for further negotiations. Likewise, reciprocal goodwill gestures such as release of kidnap victims and a halt to new kidnapping by the ELN and the government's conditioned release into exile of ELN leaders Francisco Galán and Felipe Torres could greatly enhance the process.

If direct talks deadlock during this confidence building stage, and in the interest of managing what will be a difficult process, a new single facilitator should be invited to help disentangle matters. The Colombian and German Catholic Churches are interested and willing. Their participation has historical roots and can have a multiplying effect by strengthening the parties' confidence to use the best outside architects at later stages when the peace plan is to be built. The UN, particularly, has capacity and experience and would be useful in helping to define

a clear structure for the ceasefire, and in monitoring, verification and protection at later stages.

The final objective of the initial stage of negotiation is to establish the conditions under which a serious and substantive peace process will take place. The following issues need agreement:

- ❑ The ceasefire should include an end to all hostilities including kidnapping, extortion, terrorist acts and combat of any kind. ELN members should receive clear guarantees against any hostile acts against them by either the army, the paramilitaries, the FARC, drug traffickers, or other minor guerrilla groups and bandits. During the ceasefire, they should be concentrated in "Neutral Zones" to facilitate their security but be allowed to keep their weapons.
- ❑ Building on the documents developed by the two sides during earlier talks on the Zone of Encounter, the Neutral Zones should be demilitarised, but significantly different from the old FARC DMZ. First, international verification officers should live within the zone, along with representatives from the facilitating churches. All civilian and religious authorities would remain on duty. Local and municipal elections with special seats reserved for ELN representatives of the ELN might be held. The Neutral Zones should benefit from special social investment programs designed in consultation with the local population and funded and implemented by humanitarian organisations affiliated with the Catholic Church, such as the "peace laboratories" of Padre de la Roux supported by the European Union. These efforts aim at keeping life within the zones as peaceful as possible, with opportunity for the state to have a full presence to assure rule of law as well as to protect ELN combatants and pursue community-based development projects.
- ❑ All kidnapped hostages should be unconditionally released.
- ❑ The livelihood of ELN members concentrated in the Neutral Zones during the ceasefire should be guaranteed by the government, which would provide food, clothing and other necessary items. The churches could administer the arrangement.
- ❑ The parties should also agree on the content of the peace agenda that is to be taken up once the ceasefire is in place.

Additionally, the very important issue of how to deal with the ELN's urban "militias" has to be discussed at this stage. These supporters, with presumed access to arms, are not full-time soldiers but provide intelligence and other logistic support. Any peace agreement, ceasefire, and subsequent demobilisation process must encompass them, but it is almost impossible to think about concentrating them in the Neutral Zones.

Stage Two

This stage of negotiations must aim to establish the detailed, logistical, diplomatic and security architecture to develop and implement the agreements. The negotiating group should also have the responsibility to request the participation of the best available organisations or persons to guarantee the appropriate implementation of the ceasefire accords. There should be continuity, if at all possible, with third party facilitators or mediators, regardless whom the parties choose. If peacekeeping authorisation is desired, the UN certainly will have to be actively engaged. Reaching agreements will often be easier than designing and carrying out their implementation. However, agreements not fully implemented will not be helpful and could erode the credibility of any future attempts. It will be essential for military representatives to be included in the government delegation to help ensure their full support for the agreements.

It also would be up to the negotiation team, together with any third party facilitator or mediator, to call at this stage on other experts who might assist the process, for instance, the Colombian and International Red Cross to handle return of kidnapped hostages. The delegations might call on UN peacekeeping experts to establish the rules that would secure the Neutral Zones, as well as countries willing to send verification officers or civilian observers. In sum, it would be up to the negotiators to seek the best possible "architects" for each accord. This might include requesting the support of the European Union, European, Latin American and Asian countries, the U.S. and the UN for implementation of the ceasefire and helping finance and support verification.

Finding ways to neutralise the paramilitaries and so secure ELN safety will be a major challenge. If this does not happen, it will also be very difficult for the United Nations to accept a protection mission in the "Neutral Zones". There is little if any confidence

that the army can deliver this guarantee.¹⁵⁰ The paramilitaries have been the armed group causing most of the forced internal displacement as well as perpetrating the largest number of massacres in the past five years. Moreover, they maintain a close association with drug trafficking, which represents their main source of income. A clear and effective government strategy is needed for their control and ultimate disbandment. They should be informed that any hope to end their illegal status would depend on their respecting the ceasefire, ending hostilities in the Neutral Zones, and either removing or demobilising their forces in those zones. Enhanced law enforcement also is essential, ideally with special law enforcement units backed up by the required military force, as ICG has urged previously.¹⁵¹

The paramilitaries ultimately would have to accept similar conditions to those agreed with the ELN, namely severing any links with illegal financing, a ceasefire on all fronts, including an end to harassment of civilians, concentration in specified areas and rapid disarmament. The government should make it clear that paramilitary groups that do not participate in the process and maintain their close links with drug producing and trafficking will be treated as drug cartels.

Stage Three

The third stage of negotiations must focus on the agenda for peace. Once the initial accords are implemented, and negotiations proceed to substantive discussions for a sustainable agreement, new actors should join, representing civil society, local authorities and parliamentarians. In addition, representation directly from the ELN High Command – not its envoys – may also be desirable.

The delegations will be responsible for both setting and pursuing a result-oriented agenda. The old ELN idea of a National Convention as a forum is likely to be too difficult to implement. Instead, the parties should consider drafting joint bills for submission to the Colombian Congress that contain agreed-upon reforms. If the constitutional modifications proposed by President Uribe have been accepted, the ELN

¹⁵⁰ However, it should be recalled that the AUC did not attack the FARC inside the DMZ, either because the military had a cordon around the region or had simply made it clear that such attacks would not be tolerated.

¹⁵¹ See ICG Report, *Colombia's Elusive Quest for Peace*, op.cit.

could have a small number of seats in parliament and/or local and municipal chambers to facilitate that process. Here, too, a third party could help by pushing for clear timetables to keep the process moving forward.

The final goal in the quest for peace must be to protect the lives and expand opportunities of all Colombians by means of democratic, inclusive and legitimate politics. Confronting drugs, kidnapping, crime, impunity and insecurity and halting the proliferation of these ills in the name of “revolution” or “the defence of the state” are essential to that end. Political and social reforms are required along with a meaningful reassessment of existing counter-drug, national security and environmental policies. A successful peace process with the ELN should be the inspiration for the peaceful solution of all conflicts in Colombia. Without peace, the fight against drugs will never be won and the fight against poverty will never succeed. Peace must come first.

Bogotá/Brussels, 4 October 2002

APPENDIX A MAP OF COLOMBIA



Courtesy of The General Libraries, The University of Texas at Austin

APPENDIX B

LIST OF ACRONYMS

AD M-19	Democratic Alliance M- 19 (<i>Alianza Democrática M-19</i>)
AUC	United Self-Defence Groups of Colombia (<i>Autodefensas Unidas de Colombia</i>)
CCN	National Conciliation Commission (<i>Comision de Conciliación Nacional</i>)
CFC	Civilian Facilitating Commission (<i>Comisión Facilitadora</i>)
CGSB	Simón Bolívar Guerrilla Co-ordinating Group (<i>Coordinadora Guerrillera Simón Bolívar</i>)
CNG	National Guerrilla Co-ordinating Group (<i>Coordinadora Nacional Guerrillera</i>)
CNP	National Peace Council (<i>Consejo Nacional de Paz</i>)
COCE	ELN High Command (<i>Comando Central</i>)
DAS	Department of Administrative Security (<i>Departamento Administrativo de Seguridad</i>)
DMZ	Demilitarised Zone
ELN	National Liberation Army (<i>Ejército de Liberación Nacional</i>)
EPL	People's Liberation Army (<i>Ejército Popular de Liberación</i>)
FARC	Revolutionary Armed Forces of Colombia (<i>Fuerzas Armadas Revolucionarias de Colombia</i>)
MRL	Revolutionary Liberal Movement (<i>Movimiento Revolucionario Liberal</i>)
PCC	Colombian Communist Party (<i>Partido Comunista Colombiano</i>)
PRT	Workers' Revolutionary Party (<i>Partido Revolucionario de los Trabajadores</i>)
UC	Camilista Union (<i>Unión Camilista</i>)
UIS	Industrial University of Santander (<i>Universidad Industrial de Santander</i>)
ZOE	Zone of Encounter (<i>Zona de Encuentro</i>)

APPENDIX C

CHRONOLOGY OF THE ELN PEACE PROCESS, 1998-2002

1998	5 February	The government of President Ernesto Samper Pizano and the ELN High Command sign a secret declaration in Madrid, agreeing to meet in early June 1998 to discuss the methodology, structure and participants of a future National Convention.
	6 April	The ELN announces the death of its leader, Spanish priest Manuel Pérez Martínez.
	28 June	Members of the National Peace Council (CNP) and ELN representatives meet in Mainz (Germany) under the auspices of the German Conference of Bishops. The Mainz Declaration, signed by all participants, provides that talks between the CNP and the ELN will continue under the auspices of the German and Colombian Conferences of Bishops.
	15 July	Representatives of the ELN, Colombian civil society and the CNP meet in Würzburg (Germany) and sign “ <i>La Puerta del Cielo</i> ” (Door to Heaven) agreement, which formalises the peace negotiations between Colombian civil society and the ELN.
	September - January	The Preparatory Committee (PC) meets on several occasions with ELN representatives Francisco Galán and Felipe Torres attempting to define the agenda, participants, methodology and operation of the National Convention.
	9 October	On the basis of resolution No. 83 of 1998, the Colombian government initiates the peace process with the ELN and recognises the political status of the insurgent organisation.
	10 - 12 October	A preparatory meeting takes place in Rio Verde, Antioquia. The negotiation agenda is formally established, and the National Convention is scheduled for 13 February 1999.
	13 October	The ELN destroys a section of the central oil pipeline in Machuca, Antioquia. In a subsequent fire, several houses burn and 70 people are killed. In response, the government suspends the talks.
	11 November	Nicolás Rodríguez, alias <i>Gabino</i> , ELN Commander-in-Chief, acknowledges that the Machuca incident represented a “grave mistake of the comrades who executed the operation”.
	1 December	Peace talks are resumed in a meeting between Presidential Advisor Gonzalo de Francisco and jailed ELN representatives in Itagüí, Antioquia.

1999	9 - 10 February	High Commissioner for Peace Victor G. Ricardo and ELN military chief Antonio García meet in Caracas (Venezuela). The ELN raises the issue of a demilitarised Zone of Encounter (Zona de Encuentro) to host the National Convention. The government rejects demilitarisation.
	11 February	The ELN announces that the inauguration of the National Convention is suspended indefinitely due to lack of security guarantees for participants but suggests it might be held abroad.
	17 February	The governments of Venezuela, Germany, Spain, Norway, Sweden and Costa Rica offer their territory to host the National Convention.
	12 April	The ELN forces an Avianca airliner travelling from Bucaramanga to Bogotá to land on a clandestine airstrip in Simití, Bolívar, and kidnaps 46 people, including the crew.
	April -May	Over the course of the four weeks, 21 hostages are released.
	30 May	The ELN kidnaps 143 people from mass in the Church “La María”, in the city of Cali. Pursued by the army, it releases 80 but escapes with the remaining 63.
	18 June	On the basis of Resolution No. 41 of 1999, the government suspends the peace process and revokes the ELN’s political status.
	30 July	Prominent Colombians, including politicians, academics and union leaders who had been involved in the peace process since the meetings in Germany, send a letter offering good offices to renew the government-ELN talks. This group is then constituted as the Civilian Facilitating Commission (CFC).
	3 August	The government accepts CFC good offices and allows it to contact the ELN directly to facilitate the release of the Avianca and “La Maria” hostages.
	19 - 20 October	Government representative Juan Gabriel Uribe and Colombian Ambassador to Cuba Julio Londoño meet with the ELN’s Pablo Beltrán and Ramiro Vargas in Havana (Cuba) to re-establish “informal” talks.
2000	8-12 February	The inhabitants of southern Bolívar stage roadblocks, protesting possible establishment of the Zone of Encounter there. The main routes connecting the centre of the country and the Atlantic coast are affected.
	14 February	Government-ELN talks are resumed in Caracas.
	17 February	The minister of the interior meets with inhabitants in southern Bolívar who oppose the Zone of Encounter. The Civilian Association for the Peace of Colombia (ASOCIPAZ) is created to promote civilian participation in the peace process and discuss the community’s concerns. The government promises a financial contribution to this organisation.

28 February, 4-5 March	The government and the ELN meet in Havana.
9 - 10, 24- 31 March	The ELN-government meetings are moved to Caracas.
24 April	President Pastrana announces that a National Convention with the ELN will be held within a demilitarised Zone of Encounter, where civilian authorities will remain on duty. Arrangements are to be verified and monitored by national and international commissions.
26 April - 17 May	Protests and roadblocks are staged in Bolívar and Magdalena Medio against a Zone of Encounter.
28 May	Camilo Gómez replaces Victor G. Ricardo as High Commissioner for Peace.
1 June	The government agrees not to establish the Zone of Encounter prior to the initiation of a process of “dialogue and participation with the community representatives”. Protest leaders consent to lift all roadblocks and return to their communities.
6 June	The government legally renews the process of negotiations with the ELN and reinstates its political status.
22 June	The ELN and the government call upon France, Spain, Norway, Cuba and Switzerland to act as friends, facilitators and, in some cases, verifiers of the process.
23 - 25 July	ELN, government and members of civil society meet in Geneva (Switzerland) at the “Conference on a National Consensus for Peace in Colombia”.
3 September	ELN and government ask the Group of Friends and the CFC to provide good offices in analysing problems connected with a Zone of Encounter.
9 September	ASOCIPAZ and the “No to Demilitarisation” movement say they will accept a Zone of Encounter if the ELN releases all military and civilian hostages; declares a ceasefire, ends hostilities and concentrates its members in the designated area.
17 September	The ELN kidnaps 70 people eighteen kilometres from Cali.
1 November	The last sixteen of those hostages are released after three have died in captivity.
13 - 22 December	At another round of talks in Havana, ELN and government draft regulations and verification procedures for the Zone of Encounter and agree on its location and possible extension. The meeting ends with the ELN’s pledge to release 42 hostages the following day.

	23 December	The ELN releases 29 police, ten soldiers and three DAS (Administrative Department of Security) agents.
2001	February	The army carries out operation “Bolívar”, intended to push the paramilitaries and FARC out of the proposed Zone of Encounter and destroy the drug trafficking network in the area.
	15 February	2000 inhabitants of southern Bolívar who oppose a demilitarised zone block the roads that connect Bogotá with the Atlantic coast and Bucaramanga with Barrancabermeja.
	20 February	The vice-minister of interior meets with the governor of Bolívar, the mayors of San Pablo and Cantagallo and the leaders of ASOCIPAZ and the “No to Demilitarisation” movement. The government agrees not to establish a Zone of Encounter before talking with the communities and not to take legal action against the protest leaders. The protesters lift the roadblocks.
	8 March	The ELN unilaterally suspends the peace process, charging that further meetings in southern Bolívar lacked security and credibility and that the army used operation “Bolívar” as an excuse to attack the ELN.
	24 March	At the request of the parties, international verification experts visit the proposed demilitarisation areas to prepare recommendations.
	17 April	The international experts deliver their report and recommendations, including that the Zone of Encounter be established as soon as possible, and detail responsibilities of a Verification Commission.
	19 April	In a brief communiqué, the ELN announces indefinite suspension of talks, blaming the government’s repeated violations of promises, which “show a lack of will to sustain talks with the ELN”.
	26 April	In a letter to the High Commissioner for Peace, the ELN negotiating team conditions renewal of talks on immediate establishment of the Zone of Encounter, action against the paramilitaries in and around the zone, including prosecution of their leaders, and repair of damage caused by aerial spraying of illicit crops in southern Bolívar.
	17 June	The CFC meets with ELN representatives in Caracas to discuss a possible ELN-government meeting.
	25 - 28 June	ELN and government representatives meet on Margarita Island (Venezuela). The agenda includes security and infrastructure in the Zone of Encounter, pending meetings with the president and the communities in southern Bolívar, verification, social investment, and the National Convention.

	3 August	ELN military chief Antonio Garcia declares the government lacks commitment to fight the paramilitaries, demilitarise the zone and carry out the National Convention. The government interprets his declaration as a sign of divisions within the ELN and de-authorisation of ELN negotiator Ramiro Vargas.
	5 - 6 August	Talks stall after the government and ELN meet in Caracas, disagree on the nature of the Margarita Island agreements, and accuse each other of violating them.
	7 August	In a speech commemorating the Day of the Army, President Pastrana announces indefinite suspension of the talks, blaming ELN "lack of will to move forward with the peace process".
	8 August	In response the ELN criticises Pastrana's lack of engagement, says it kept its agreements and demonstrated goodwill, and hopes a future government will understand that peace is more than "rhetoric and publicity".
	9 August	Through resolution No. 97 of 2001, the government formally suspends the peace process with the ELN.
	19 - 20 November	The minister of the interior tells the press a two-day meeting between ELN representatives and the High Commissioner for Peace in Havana was "clearly positive", and he expected the latter to return to Bogotá with good news.
	24 November	Government and ELN sign the "Agreement for Colombia" in Havana, pledging to restart the talks on the basis of a transition agenda meant to keep the process alive until a new government takes office in August 2002.
	12 - 15 December	The parties sign the Havana Declaration, establishing a timetable for the activities in the Agreement for Colombia.
	17 December	The ELN announces that it will hold its fire between 18 December 2001 and 6 January 2002.
	21 December	The government formally resumes the talks with the ELN.
2002	29 - 31 January	The Summit for Peace takes place in Havana, with more than 100 participants, to evaluate achievements in the process so far and discuss proposals for future negotiations.
	1-2 February	An ELN-government working session evaluates suggestions from the Summit for Peace.
	20 February	The government-FARC peace process formally ends.
	24 February	High Commissioner for Peace Gómez meets ELN representatives in Cuba.

	6 - 9 March	A second Havana working session studies ceasefire possibilities.
	20 - 22 March	A third working session is held in Havana.
	10 - 17 April	During a fourth Havana working session, the Group of Friends participates (on 13 April).
	19 April	High Commissioner for Peace Gómez tells a news program a ceasefire is possible.
	25 April	Gómez meets with ELN representatives in an undisclosed location in Colombia.
	14 May	The government negotiating team evaluates the negotiations.
	31 May	President Pastrana suspends the peace process.

APPENDIX D

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (ICG) is a private, multinational organisation, with over 80 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

ICG's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, ICG produces regular analytical reports containing practical recommendations targeted at key international decision-takers.

ICG's reports and briefing papers are distributed widely by email and printed copy to officials in foreign ministries and international organisations and made generally available at the same time via the organisation's Internet site, www.crisisweb.org. ICG works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The ICG Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring ICG reports and recommendations to the attention of senior policy-makers around the world. ICG is chaired by former Finnish President Martti Ahtisaari; and its President and Chief Executive since January 2000 has been former Australian Foreign Minister Gareth Evans.

ICG's international headquarters are in Brussels, with advocacy offices in Washington DC, New York and Paris and a media liaison office in

London. The organisation currently operates eleven field offices with analysts working in nearly 30 crisis-affected countries and territories across four continents.

In *Africa*, those locations include Burundi, Rwanda, the Democratic Republic of Congo, Sierra Leone-Liberia-Guinea, Somalia, Sudan and Zimbabwe; in *Asia*, Indonesia, Myanmar, Kyrgyzstan, Tajikistan, Uzbekistan, Pakistan, Afghanistan and Kashmir; in *Europe*, Albania, Bosnia, Kosovo, Macedonia, Montenegro and Serbia; in the *Middle East*, the whole region from North Africa to Iran; and in *Latin America*, Colombia.

ICG raises funds from governments, charitable foundations, companies and individual donors. The following governments currently provide funding: Australia, Austria, Canada, Denmark, Finland, France, Germany, Ireland, Luxembourg, The Netherlands, Norway, Sweden, Switzerland, the Republic of China (Taiwan), Turkey and the United Kingdom.

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October 2002

Further information about ICG can be obtained from our website: www.crisisweb.org

APPENDIX E

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* The Algeria project was transferred from the Africa Program
in January 2002.

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Chairman of Yabloko Party and its Duma faction, Russia

Uta Zapf

Chairperson of the German Bundestag Subcommittee on Disarmament, Arms Control and Non-proliferation