

MOVING BEYOND EASY WINS: COLOMBIA'S BORDERS

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MOVING BEYOND EASY WINS: COLOMBIA'S BORDERS

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Improved relations between Colombia and its neighbours have not alleviated the plight of border communities. For fifteen years, porous borders that offer strategic advantages to illegal armed groups and facilitate extensive illicit economies have exposed them to an intense armed conflict that is made worse by the widespread absence of public institutions. The warfare triggered a humanitarian emergency and worsened relations especially with Ecuador and Venezuela, the most affected neighbours. Spurring development in the periphery and reconstructing diplomatic ties are priorities for President Juan Manuel Santos. A little over a year into his term, his new policies have paid undoubted diplomatic and some security dividends. But the hard part is still ahead. Efforts to improve the humanitarian situation and build civilian state capacity must be scaled up, tasks that, amid what is again a partially worsening conflict, have been neglected. Otherwise, pacifying the troubled border regions will remain a chimera, and their dynamics will continue to fuel Colombia's conflict.

Border regions were drawn into the armed conflict by the mid-1990s, when they became main theatres of operations for illegal armed groups, often financed by drug trafficking. A crackdown under Alvaro Uribe, Santos's predecessor, brought only elusive gains there. The illegal armed groups have been pushed deeper into the periphery but not defeated. Coca cultivation and drug trafficking remain significant. Violence has come down in most regions, but remains higher along the borders than in the nation as a whole, and security has begun to deteriorate in some zones, as New Illegal Armed Groups and paramilitary successors (NIAGs) extend their operations, and guerrillas gain new strength. The Uribe approach also carried high diplomatic costs. Relations with the neighbours became toxic over a 2008 Colombian airstrike on a camp of the main rebel group, FARC, located just inside Ecuador and over allegations that Venezuela was harbouring guerrillas.

Fixing the border problems has been a priority for Santos. He has moved quickly to restore diplomatic relations with Ecuador and Venezuela, and bilateral platforms are in an early stage of either being revived or created. There is a strong political commitment on all sides to preserve the restored friendships, despite the continuing presence of

illegal armed groups in both neighbouring countries. Security cooperation is improving. The Colombian Congress has passed a constitutional reform to redistribute royalties from oil and mining concessions, a measure that should increase funds for public investment in many peripheral regions that currently do not benefit from that bonanza. In an effort to produce tangible results fast, the foreign ministry is leading implementation of projects aimed at boosting social and economic development in border municipalities.

The Santos agenda represents a substantial policy shift, but as the conflict continues unabated in the border regions and has increasing repercussions on Venezuelan and Ecuadorian soil, problems remain. Three sets of issues need to be tackled. First, more must be done to increase the civilian state presence in the destitute border areas. Militarisation of the borders has failed to deliver durable security gains, and efforts by security forces to increase their standing with local communities continue to stumble over human rights abuses and violations of international humanitarian law. With dynamics along their borders increasingly resembling the situation in Colombia, similar problems are fast emerging in Ecuador and Venezuela. The security forces of all three countries must play by the book and focus more on citizen security, and their civilian authorities must take the lead in providing services.

Secondly, more effective responses to the severe humanitarian problems are needed. Colombia continues to struggle to attend to internally displaced persons (IDPs) and other victims of the conflict, a large number of whom cross the borders in search of protection. But protecting them has not been a priority in Venezuela, leaving an estimated 200,000 highly vulnerable. This contrasts with the response in Ecuador, which has recognised and provided documentation to some 54,000 Colombian refugees. But Ecuador has tightened its policy since January 2011, exposing such individuals to new risks. Governments are hesitant to give more weight to a potentially divisive issue in bilateral relations, but looking the other way will only make matters worse over the long run.

Thirdly, efficient forums to solve problems jointly and promote border development are still lacking. This partly re-

flects the neighbours' reluctance to acknowledge any responsibility for a conflict they consider a domestic matter of Colombia but that in fact is sustained by transnational criminal networks and is increasingly creating victims on all sides of the borders. The high diplomatic volatility has also been damaging efforts to institutionalise cooperation that needs to be grounded in buy-in and participation of local authorities, civil society and the private sector. In a region where the next diplomatic crisis is often not far away, the current improved political climate offers the governments a chance to boost civilian state presence, improve the humanitarian situation and put relations on a more sustainable footing. They should seize it.

RECOMMENDATIONS

To avoid further degradation of the internal armed conflict

To All Parties to the Conflict:

1. Strictly observe international humanitarian law (IHL), in particular by:
 - a) respecting rules to separate combatants from civilian populations;
 - b) protecting services and goods essential for civilians;
 - c) avoiding using landmines and recruiting children; and
 - d) investigating and punishing serious breaches of these principles.
2. Guarantee free access for organisations providing basic humanitarian relief and assistance to victims of the armed conflict.

To strengthen the presence of state institutions, better protect civilians and entrench the rule of law

To the Government of Colombia:

3. Curtail military take-over of civilian roles in conflict zones and strictly limit military accompaniment to civilian missions.
4. Invest, as a matter of priority, in providing public services in the border regions, particularly targeting rural communities.
5. Strengthen capacities of local representatives of the offices of the attorney general, the public prosecutor and the ombudsman as well as of departmental and municipal comptrollers.
6. Prioritise infrastructure development that responds to the mobility needs of local communities and is the subject of appropriate advance consultation with in-

digenous and Afro-Colombian groups and local grassroots organisations.

7. Mitigate risks associated with natural resource extraction in border conflict zones, including by ensuring deeper consultation at grassroots level, enforcing compliance with environmental standards and promoting transparency in revenue management.
8. Strengthen mechanisms to fight corruption in the border areas by:
 - a) including concrete measures in new departmental and municipal development plans;
 - b) addressing issues such as transparency in public contracting, budgets and social spending;
 - c) establishing concrete performance indicators and encouraging monitoring by local civil society; and
 - d) promoting the early detection of infiltration by illegal groups of the local authorities and security forces and prosecuting those responsible.
9. Pursue a more effective citizen-security policy in the border regions that, while maintaining military pressure, protects the population primarily through well-trained and resourced police.

To the Governments of Ecuador and Venezuela:

10. Ensure that security forces do not stigmatise civilians as collaborators of illegal armed groups, and investigate any violations of human rights, including allegations of extrajudicial executions and torture.
11. Implement anti-corruption programs with regard to civilian authorities and security forces and investigate and prosecute any suspected criminal involvement of law enforcement agents.
12. Take effective law enforcement action against illegal Colombian armed groups and the illicit economies that nurture them on Ecuadorian and Venezuelan territory.

To improve the humanitarian situation in the border regions and construct durable solutions for persons in need of protection, including refugees

To the Government of Colombia:

13. Prioritise the border regions while implementing the humanitarian provisions of the new Victims Law and strengthen local capacities to attend to and protect victims' rights.

To the Government of Venezuela:

14. Meet international obligations by ensuring that state agents attend to the rights of refugees and actively

- promote and ensure access of displaced Colombians to procedures for speedy and effective determination of refugee status.
15. Stop arbitrary deportation that endangers the lives of people in need of international protection.
- c) helping community-based (binational) initiatives to spur development and integration in the border regions.

Bogotá/Brussels, 31 October 2011

To the Government of Ecuador:

16. Review and improve implementation of the new two-stage process for determining refugee status, including by clarifying appeals procedures and stepping-up monitoring of field offices to make sure rules are followed coherently across the country.
17. Increase financial and human resources of refugee directorate offices.

To strengthen capabilities to jointly resolve problems

To the Governments of Colombia, Ecuador and Venezuela:

18. Continue intensive high-level dialogue and bilateral institution building aimed at finding effective joint security and development solutions for the border regions.
19. Tackle humanitarian problems head-on in discussions that include the UN High Commissioner for Refugees (UNHCR), giving priority to elaborating durable solutions for Colombians in need of protection, including refugees.
20. Ensure buy-in and increasing participation of departmental and municipal governments, civil society and the private sector in bilateral agendas and platforms addressing border development.
21. Deepen and expand cooperation between military and law enforcement agencies, including intelligence sharing on movements of illegal armed groups and coordinated action to prevent those groups from escaping pursuit across borders.

To the International Community:

22. Support Colombia and its neighbours in stabilising the border region and tackling these areas' underlying structural problems by:
- a) funding additional projects to boost social, economic and sustainable alternative development, institutional capabilities of local governments and integration of refugees into receiving communities;
 - b) aiding grassroots organisations to set local priorities and monitor policy implementation; and

MOVING BEYOND EASY WINS: COLOMBIA'S BORDERS

I. INTRODUCTION

Colombia is a country of many borders. Twelve of its 32 departments have international land borders with its five direct neighbours, Ecuador, Panama, Venezuela, Brazil and Peru. Communities on both sides are bound by deep cultural and economic links. Economic development over the last 50 years, however, has bolstered the preponderance of the main urban centres, deepening the historical isolation of the periphery, which habitually has attracted the attention of policymakers and business only for its important reserves of oil and other natural resources. Underdeveloped, sparsely populated and with little presence of public institutions, the border regions came under stress in the mid-1990s, when they were fully drawn into the long armed conflict.¹ Intensifying warfare has pushed illegal armed groups deeper into the periphery, making the border regions a focal point of a prolonged humanitarian crisis and straining diplomatic relations across the region.

After a long-brewing diplomatic crisis came to a head under former President Uribe (2002-2010), the government of President Santos has significantly adjusted Colombia's border policy. Relations with the neighbours were reconstructed, and the new approach promises to boost social and economic development. Pursuant to a constitutional reform, regions on the periphery stand to receive an increased share of oil and mining royalties.

All border zones have been affected by the centrifugal tendencies of the armed conflict but on vastly different scales. Repercussions have been relatively less important in the areas bordering Panama, Brazil and Peru.² This report thus

focuses on the two most critical borders, those with Ecuador and with Venezuela, which concentrate 95 per cent of Colombia's border population and where, in Uribe's time, the problems posed by substantial operations of illegal armed groups and drug trafficking were compounded by sharp ideological differences between the governments. It analyses current conflict dynamics as well as the security and humanitarian situation along the border corridors and examines the effects of the Santos policies on the ground. It is based on fieldwork in the Colombian departments of Nariño, Putumayo, Arauca and Norte de Santander, the Ecuadorian provinces of Esmeraldas, Carchi and Sucumbíos and the Venezuelan states of Zulia, Táchira and Apure, as well as interviews in the three capitals.

¹ For previous analysis of the situation in the border regions, see Crisis Group Latin America Reports N°3, *Colombia and its Neighbours: The Tentacles of Instability*, 8 April 2003; and N°9, *Colombia's Borders: The Weak Link in Uribe's Security Policy*, 23 September 2004.

² For recent analysis of conflict dynamics, the humanitarian situation and state response along the Panama border, see "Living on the Edge: Colombian Refugees in Panama and Ecuador", Refugee Council USA, 2011, pp. 2-7; "Tensión en las fronteras. Un análisis sobre el conflicto armado, el desplazamiento forzado y el refugio en las fronteras de Colombia con Ecuador, Venezuela y Panamá", Consultoría para los Derechos Humanos y el Desplazamiento Forzado (Codhes), August 2009, pp. 101-122.

II. VULNERABLE BORDERS

The periphery is now an epicentre of Colombia's 47-year-old armed conflict. This is a relatively recent development, but the increasing violence has been driven by both conflict dynamics and policy choices. The situation has been compounded by the absence there of sufficiently robust state capacities to cope with effects stemming from the presence of illegal armed groups, growing illicit economies and intensifying war. A legacy of distrust, misunderstanding and growing ideological division meant that a coordinated response could not be made to repercussions that became increasingly visible in all three countries.

A. CENTRIFUGAL CONFLICT

Between 1980 and 1997, just one border municipality – Saravena in Arauca department – was on the list of the country's most violent places, and just three were classified as relatively violent.³ The border regions became central theatres of the armed conflict only in the mid-1990s, as part of a generalised intensification of violence. Between 1996 and 2002, the four departments with the highest rate of terrorist attacks were on the border: Arauca, Vaupés, Norte de Santander and Putumayo;⁴ and indiscriminate attacks against civilians per municipality were above the national average in Arauca, Vaupés, Chocó, Norte de Santander and Nariño.⁵

Since then, violence has come down nationally – the homicide rate dropped from 56 per 100,000 inhabitants in 2003 to 34 in 2010 – but the border regions have only belatedly and partially benefited.⁶ The rate in southern Nariño de-

partment rose from 34 to 51 in 2006 before falling to 39 in 2010. In neighbouring Putumayo it spiked at 130 in 2005 before declining to 64 in 2010. Security gains were also largely elusive in Arauca, where, despite declining violence, the 2008 rate still reached 133 per 100,000. Two years later this department posted the second highest rate nationwide (88). Of the four border departments analysed in this report in detail, only Norte de Santander had a near steady decrease in homicides, from 116 per 100,000 in 2003 to 38 in 2008, but even there they remained above the national average.

These developments have been driven by three inter-related factors. First, the border regions were increasingly exposed to the operations of illegal armed groups. These had long been relatively scarce, except in Arauca, a traditional stronghold of both insurgencies, the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN). FARC came to Putumayo only in 1984.⁷ The presence of the two groups in Nariño dates only to the 1980s and their increasing operations in Norte de Santander to the 1990s. The conflict became vastly more complicated – and deadly – in that decade, when the paramilitaries appeared. Their expansion to the border regions beginning in the late-1990s triggered an unprecedented spike in violence, for example in Norte de Santander, where the incursion of the Catatumbo Block in 1999 was accompanied by skyrocketing homicides rates and massacres.⁸ The same dynamics are visible in Arauca, Nariño and Putumayo.⁹

³ Figures cited in Socorro Ramírez, "La ambigua regionalización del conflicto colombiano", in Francisco Gutiérrez, María Emma Wills and Gonzalo Sánchez Gómez (eds.), *Nuestra guerra sin nombre. Transformaciones del conflicto en Colombia* (Bogotá, 2006), pp. 126-127.

⁴ See "Cifras de violencia 1996-2002", Departamento Nacional de Planeación, n.d., pp. 5-6. Terrorist attacks are defined as indiscriminate or excessive attacks against civilians, reprisals, acts or threats of violence aimed at terrorising. The statistics of the National Planning Department (DNP) count attacks with explosive devices such as parcel, car or gas cylinder bombs as well as petards, but exclude anti-personnel mines, grenades or Molotov cocktails.

⁵ See "Cifras de violencia 1996-2002", op. cit., p. 8.

⁶ All homicide rates in this paragraph and the following are based on "Homicidios a nivel nacional, 1990 - agosto 2011", dataset provided to Crisis Group by the Presidential Program on Human Rights and International Humanitarian Law, October 2011, and population data from the National Administrative Statistics Department (DANE). Homicides are sourced from the National Police. The numbers differ substantially from those provided by the National Institute for Legal Medicine and Fo-

rensic Science, which counted in 2010 17,459 homicides, compared to 15,459 registered by the police, "Forensis 2010: Datos para la vida", Instituto Nacional de Medicina Legal y Ciencias Forenses, 2011; and Jorge A. Restrepo, Manuel Moscoso and Katherine Aguirre, "¿Qué hay detrás de las diferencia de los datos de homicidios en 2009?", Centro de Recursos para el Análisis del Conflicto (blog.cerac.org.co), 11 July 2011.

⁷ María Clemencia Ramírez, Ingrid Bolívar, Juliana Iglesias, María Clara Torres, Teófilo Vásquez, *Elecciones, coca, conflicto y partidos políticos en Putumayo 1980-2007* (Bogotá, 2010), p. 15.

⁸ The homicide rate increased from 74 per 100,000 in 1998, the year preceding the paramilitary incursion, to 157 in 2002. Massacres sprang from three in 1998 to fourteen the following year, killing 87 persons. The Border municipality Tibú was particularly hit, with 47 victims in 1999, 32 in 2000, 36 in 2001 and 21 in 2002. Data on massacres from "Casos masacres a nivel nacional 1990-agosto 2011"; and "Víctimas masacres a nivel nacional 1990-agosto 2011", datasets provided to Crisis Group by the Presidential Program on Human Rights and International Humanitarian Law, October 2011.

⁹ In Arauca, massacres increased from one in 2001, when the paramilitary incursion began, to seven in 2003; in Nariño, the 1999 entrance of paramilitaries saw a rise in massacres from two to five in 2000; in Putumayo, paramilitaries arrived in 1997 and massacres increased from one that year to six in 1999, with Puerto Asís and Valle del Guamuez particularly hit.

After the end of the imperfect demobilisation of paramilitaries (in 2006), their space was filled by New Illegal Armed Groups (NIAGs).¹⁰ While these have failed to make much headway in Arauca and Putumayo, they have expanded their presence in other border departments. This has been particularly pronounced in Nariño, where the number of municipalities with NIAG presence almost doubled from thirteen to 24 between 2008 and 2010, and in Norte de Santander, where it rose from nine to sixteen municipalities over the same period.¹¹

Secondly, the border regions have become increasingly areas for illicit economies, in particular the production and trafficking of drugs. By the end of the 1990s, Putumayo was Colombia's major coca producer. Its area under cultivation peaked in 2000 at an estimated 66,000 hectares, equivalent to some 40 per cent of the country's entire cultivation.¹² Coca became significant in Nariño in 2002, partly as a consequence of an aggressive fumigation and eradication campaign that reduced cultivation in Putumayo and Caquetá. Since 2006, it has been the country's leading producer, accounting in 2010 for some 14,700 hectares out of a national average ranging from 57,000 to 77,000. In 2010, Tumaco, a Pacific coast municipality in Nariño bordering Ecuador, was the municipality with the largest cultivated area (5,025 hectares, 9 per cent of total cultivation).¹³

¹⁰ The government calls these groups criminal gangs (BACRIM), suggesting that they are primarily a law enforcement problem. While NIAGs are heavily involved in drug trafficking and other organised crime activities, they often have substantial links to the officially decommissioned paramilitaries and, at least in some regions, are rapidly evolving into something different from purely criminal gangs. See Crisis Group Latin America Report N°37, *Cutting the Links between Crime and Local Politics: Colombia's 2011 Elections*, 25 July 2011, pp. 9-10.

¹¹ Figures are based on "V Informe sobre narcoparamilitares en 2010", Instituto de Estudios para el Desarrollo y la Paz (Indepaz), March 2011; and "Informe comparativo de nuevos grupos narcoparamilitares 2008-2009", Indepaz, n.d. Police estimates of NIAG presence are substantially lower: a total of 151 municipalities in 2010, compared to 360 identified by Indepaz. See "Bandas criminales narcotraficantes 2011", presentation, Policía Nacional, Dirección de Carabineros y Seguridad Rural, 7 February 2011.

¹² Historical data cited in "Colombia Coca Cultivation Survey", UN Office on Drugs and Crime (UNODC), June 2004, p. 15.

¹³ "Colombia Monitoreo de Cultivos de Coca 2010", UNODC, June 2011, pp. 16, 21. The 2010 coca cultivation survey includes a statistical adjustment for the tendency of cultivation areas to shrink. This improves the quality but affects coherence of the time series. The adjusted 2010 area for small fields was 62,000-77,000 hectares. "World Drugs Report", UNODC, p. 100, table 22. Coca statistics are notoriously unreliable. The U.S. State Department estimates a significantly higher level of cultivation in Colombia (116,000 hectares in 2010), a less con-

Coca growing has affected the Venezuelan border less. It continues in Arauca, but on a much smaller scale than ten years ago, with crops estimated at 240 hectares in 2010. The more important production zone is the Catatumbo region in Norte de Santander, where cultivation has strongly fallen since the turn of the century, though it remained a significant 1,600 hectares in 2010.¹⁴ Overall coca growing in Colombia has been on a near constant downward trend since 2000. But as cultivation has tended to remain concentrated in the same geographical zones, the border regions remain highly exposed. In 2010, Nariño, Putumayo, Arauca and Norte de Santander jointly accounted for some 37 per cent of the total area under cultivation.

This increased the strategic importance of border regions for illegal actors using drug income to finance their operations. Drug trafficking thrived on traditionally lax controls in a challenging territory and on border agent collusion. Cross-border security cooperation, always weak, lessened as diplomatic ties deteriorated. Border zones are crucial not only for exporting drugs but also for facilitating the entrance of chemical precursors needed for cocaine production, especially since stringent controls in Colombia have made it increasingly difficult to divert these from legal channels.¹⁵ Finally, there is evidence that zones bordering Panamá, Venezuela and Ecuador are important entry points for illegal arms, often exchanged for drugs.¹⁶ A permissive environment and major price differentials have allowed informal activity to flourish, including smuggling of fuel and basic foods. Such activity has long been the main available way for local populations to generate income.¹⁷ But it has also strengthened illegal armed groups

stant reduction in cultivation area since 2000 and a less significant overall decline. Adam Isacson, "Updated coca cultivation estimates", Just the Facts (<http://justf.org/>), 5 October 2011. The overall estimated cocaine production derived from cultivation numbers is often less than global seizures. Crisis Group interviews, counter-narcotics experts, Bogota, August 2011. While absolute cultivation and production levels should thus be treated with caution, conclusions about trends should be more robust.

¹⁴ "Colombia Monitoreo de Cultivos de Coca 2010", op. cit., p. 16. Alternative estimates put coca cultivations in Catatumbo much higher, 3,500 hectares. "Grupos armados están 'casados' por la droga en 'El Catatumbo'", *El Tiempo*, 12 February 2011.

¹⁵ Crisis Group interview, National Narcotics Direction (DNE), Bogotá, 28 July 2011.

¹⁶ See "Situación de conflicto y desplazamiento en las fronteras: el cerco se cierra", Codhes, July 2005, p. 7; also Kim Cragin and Bruce Hoffman, *Arms Trafficking and Colombia* (Santa Monica, 2003).

¹⁷ In Cúcuta (Norte de Santander), some 60,000 people are said to live off the gasoline trade, which exploits the huge difference in price per gallon between Colombia (some \$4) and Venezuela (5 cents). Crisis Group interview, Cúcuta, 27 April 2011. Price differences are largely the product of fuel subsidies in both Venezuela and Ecuador.

that in many border regions control contraband networks or extort the smugglers.

Thirdly, policy plays a role. The frontal military assault on the insurgents under Uribe's Democratic Security Policy and its successor, the Democratic Security Consolidation Policy, reduced the presence of guerrillas across the country but did not defeat them.¹⁸ Rather, it pushed them deeper into more isolated peripheral regions and increased the strategic value of refuge in neighbouring countries, most notably Ecuador and Venezuela. As a consequence, conflict dynamics in the border regions increasingly drive the national trends. Since 2008, conflict indicators have been on the rise again. The authorities registered 151 ambushes nationwide in the first nine months of 2011, only seven less than for the entire 2010.¹⁹ 42 per cent of those occurred in Arauca, Norte de Santander, Putumayo and Nariño. By contrast, in 2004, when ambushes first peaked, just 23 per cent of 141 were in those departments. A similar tendency in attacks against security force facilities underlines the importance of border regions for current conflict dynamics.

Increased conflict has reinforced the border regions' traditional underdevelopment. They have been largely excluded from the economic and social development concentrated in the central Andean region, in particular the triangle spanned by Bogotá, Medellín and Cali. Economic growth since the 1960s has favoured regional polarisation, with some urban areas pulling ahead and the rural periphery falling behind.²⁰ Most border departments, including Nariño, Putumayo, Arauca and Norte de Santander, have higher rates of people with unmet basic needs (ie, living in poverty) than the national average;²¹ 69 of 77 border municipalities fit this category.²²

Institutional capacities tend to be lower in the periphery as well. In 2009, only Norte de Santander and Nariño had higher than average capacities; those in La Guajira, Cesar, Arauca, Vichada and Putumayo departments were below the national average.²³ This reflects the legacy of enduring state absence. Corruption and criminal infiltration of local politics, phenomena that have increased since the late 1990s, have also undermined efforts to build stronger local institutions.²⁴ All this decreases the chance these zones can exit their poverty trap. At the same time, an absent or dysfunctional state provides an ideal opportunity for illegal armed groups to exploit.

B. HUMANITARIAN CRISIS

Poor and with a weak state presence, border regions were in no shape to withstand the pressure generated by the intensifying armed conflict. As a consequence, internal displacement skyrocketed. In Putumayo and Nariño, the annual number of new IDPs grew from low bases in the late 1990s to over 23,000 and 11,000 in 2002 respectively.²⁵ Annual displacements skyrocketed in Norte de Santander from 6,200 to over 27,000. Displacement slowed following a nationwide peak in 2002 but started to increase again from 2005. Numbers went up particularly dramatically in Arauca. In 2008, its Tame and Arauquita municipalities were proportionately among the five most affected places in Colombia.²⁶

parity within departments. Across the territory, poverty rates continue to be substantially higher for rural areas.

²² "Perspectivas del Desarrollo Territorial Fronterizo en el marco del Plan Nacional de Desarrollo 2010-2014 'Prosperidad para Todos'", presentation, Dirección de Desarrollo Territorial Sostenible, Departamento Nacional de Planeación, 5 September 2011.

²³ See "Bases del Plan Nacional de Desarrollo 2010-2014", op. cit., pp. 27-30.

²⁴ Politics in Colombia has been shaken by extensive infiltration of criminal actors, in particular paramilitaries. That in Nariño, Norte de Santander and Putumayo, the number of such "parapolitics" cases has remained low, observers attribute to the capacity of the illegal armed actors to stymie investigations. Arauca is the rare department in which guerrillas have substantially penetrated local politics. Crisis Group Report, *Cutting the Links between Crime and Local Politics*, op. cit.

²⁵ All numbers in this and the following paragraph are based on the Information System for Displaced Population (Sipod) from Social Action, the government agency tasked with attention to IDPs (www.accionsocial.gov.co). It measures displacement by place of expulsion, rather than reception or declaration data. Colombia has one of the biggest IDP populations worldwide, but exact numbers are contested. According to Social Action, there are some 3.7 million IDPs; a local NGO, Codhes, maintains the true number is 5.195 million between 1985 and 2010. "¿Consolidación de qué?", Codhes, March 2011.

²⁶ "Colombia Humanitarian Situation 2008", Ocha, n.d., p. 3.

¹⁸ Crisis Group Latin America Report N°34, *Colombia: President Santos's Conflict Resolution Opportunity*, 13 October 2010, pp. 1-2.

¹⁹ All data in the paragraph based on "Acciones de los grupos armados al margen de la ley por tipo de acción, departamento y municipio a nivel nacional, 1998-Septiembre 5 de 2011", dataset provided to Crisis Group by the Presidential Program on Human Rights and International Humanitarian Law, October 2011. Numbers in this dataset are sourced from the intelligence agency, the Administrative Department of Security (DAS).

²⁰ See Jaime Bonet Morón and Adolfo Meisel Roca, "La convergencia regional en Colombia: una visión de largo plazo, 1926-1995", in Adolfo Meisel Roca (ed.), *Regiones, ciudades y el crecimiento económico en Colombia* (Bogotá, 2001), pp. 11-56.

²¹ Of the four departments, Nariño has the highest rate (43.8 per cent in 2005), followed by Putumayo (36 per cent) and Arauca (35.9 per cent). Norte de Santander's rate (30.4 per cent) is just above the national 27.8 per cent. See "Bases del Plan Nacional de Desarrollo 2010-2014", Departamento Nacional de Planeación, April 2011, pp. 27-30. There is, of course, high dis-

Numbers have again gone down, both nationally and in border departments, but there is little evidence that the humanitarian crisis in the periphery is subsiding. In Nariño, annual displacements roughly halved, from some 37,000 in 2007 to 18,000 in 2010, but remained at extreme levels relative to the rest of the country. In 2010, three of the ten most affected municipalities were there: Roberto Payán, Tumaco and Olaya Herrera.²⁷ In 1998, it had accounted for less than 1 per cent of total annual displacements; by 2010, its share was almost 17 per cent. Similar, albeit less drastic developments in Putumayo and Arauca are a reminder of the continuing high level of conflict in the periphery at a time when national security and humanitarian indicators are showing improvement.

Colombians have fled abroad at least since the 1980s, but acceleration of the conflict has greatly increased the numbers of those looking for international protection.²⁸ Ecuador and Venezuela have been most impacted. Claims for refugee status began to grow in Ecuador in the early 2000s, and by August 2011 Quito had recognised 54,525 refugees, some 98 per cent Colombian. At the end of 2010, an additional 68,344 persons were in a refugee-like-situation, according to the UNHCR.²⁹ Ecuador has also had a substantial influx of partly undocumented economic migrants, bringing its total population of Colombians to an estimated 500,000.³⁰

The humanitarian impact has played out differently in Venezuela. There was economic migration during the oil boom of the 1970s, but at least since the end of the 1990s, the country has also been receiving refugees. Intensifying conflict dynamics linked to the paramilitary expansion

toward the border zones, including Norte de Santander, sparked substantial trans-border displacements. Yet, unlike in Ecuador, the humanitarian problems have remained largely invisible. At the end of 2010, only 2,790, of the estimated 200,000 persons in a refugee-like situation were officially recognised as refugees.³¹

Indigenous and Afro-Colombian communities, which make up somewhat more than a fifth of the population in Colombia's border municipalities, have been particularly affected by the intensifying conflict.³² Since the 1990s, they have been exposed to human rights abuses from both legal and illegal armed actors, for whom their territory is often of high strategic value. Community members have repeatedly been victims of massacres, and many have become IDPs or refugees. In 2009, the Constitutional Court identified 34 indigenous groups at risk of extinction, a number of them living in border regions, and ordered the government to take protective measures against violence and displacement.³³

Again, there is little evidence to suggest that the scale of the problem is diminishing. Following a five-year decline, indigenous murders rose again nationwide, from 40 in 2007 to 119 in 2009.³⁴ As of September 2011, there had been 65 murders, suggesting little change from the 89 cases registered in 2010. In addition to Nariño, where in 2009 half of the total indigenous murders occurred, the northern Córdoba and south western Cauca departments are particularly problematic. But violence against indigenous persons is also pronounced in Arauca, which had ten cases in 2010, and in La Guajira, where violence against them has been steadily increasing since 2009.

²⁷ "Colombia Humanitarian Situation 2010", Ocha, n.d., p. 4. The situation is particularly critical in Tumaco, which accounts for 27 per cent of the total number of displaced people in the department between 1999 and the first trimester of 2011.

²⁸ By the end of 2010, some 400,000 Colombians were refugees or in a refugee-like-situation. The latter category includes persons outside their country of origin and facing protection risks similar to those of refugees but who have not been recognised as refugees. See "Global Trends 2010", UNHCR, 2011, p. 42.

²⁹ This makes Ecuador the Latin American country with by-far the highest number of recognised refugees. Numbers for Ecuador are from the foreign ministry's Refugee Directorate (DR), which is responsible for determining status, and available at www.mmmree.gob.ec/refugiados/estadisticas/indice.html. Numbers of acknowledged refugees of all nationalities in the other neighbouring states are much lower: by the end of 2010, 4,357 in Brazil, 1,146 in Peru, 2,073 in Panama, as well as 15,000 in a refugee-like-situation. See "Global Trends 2010", UNHCR, op. cit., pp. 38-40.

³⁰ Crisis Group interview, provincial government, Carchi, Tulcán, 9 August 2011. The distinction between refugees and other forms of migrants is somewhat indistinct. Some people may cross the border without claiming refugee status due to registration difficulties or ignorance of their rights.

³¹ The number of refugees is taken from "Country Fact Sheet Venezuela", UNHCR, September 2010; for the estimate of the persons in refugee-like-situation see "Global Trends 2010", UNHCR, op. cit., p. 41.

³² Some 854,000 of the 3.9 million population of the border municipalities are members of indigenous or Afro-Colombian communities. See "Perspectivas del Desarrollo Territorial Fronterizo", op. cit. Indigenous people make up 12 per cent of the total border population, compared to 3 per cent nationwide. Important indigenous communities are in the border regions of La Guajira, Norte de Santander, Arauca, Vichada, Putumayo and Nariño. Afro-Colombian communities are particularly concentrated along the Pacific coast and the borders with Ecuador and Panama.

³³ "Auto 004/09", Corte Constitucional, Bogotá, 26 January 2009.

³⁴ All numbers on violence against indigenous peoples are taken from "Homicidios de indígenas a nivel nacional, 2000-agosto 2011", dataset provided to Crisis Group by the Presidential Program on Human Rights and International Humanitarian Law, October 2011. The official numbers likely understate the problem. According to indigenous organisations, murders increased from 111 in 2008 to 176 in 2009; "Palabra dulce, aire de vida", Organización nacional indígena de Colombia, 2010, p. 12.

C. DIPLOMATIC REPERCUSSIONS

Diplomatic relations with Venezuela and Ecuador, as with other South American nations, went downhill under Uribe and hit rock bottom in March 2008, when a Colombian airstrike on a FARC camp just inside the Ecuadorian province of Sucumbíos killed over twenty persons, including the FARC's number two, alias "Raúl Reyes". The incident provided hard evidence for Colombian allegations that the insurgents used Ecuadorian territory as a sanctuary but also triggered the worst diplomatic crisis with the neighbours in recent times. In response to the attack, interpreted throughout the region as a violation of Ecuadorian sovereignty, not, as Colombians saw it, legitimate self-defence, Ecuador broke relations, and both it and Venezuela mobilised additional troops at the border with Colombia.³⁵ War danger subsided, but relations never quite recovered during the Uribe presidency.

The Colombian air attack was the final straw for the increasingly complicated relations with both neighbours, in particular Venezuela. The repercussions of the internal conflict, including the perceived security implications of growing trans-border displacements, the increasing extra-territorial operations of Colombian illegal armed groups and allegations of similar operations by Colombian security forces,³⁶ have gained importance on bilateral agendas since the late 1990s. Security issues had already contributed to deteriorating relations with Venezuela under Uribe's predecessor, Andrés Pastrana (1998-2002).³⁷

But the growing incapacity on all sides to handle armed conflict's external aspects was compounded by three factors. First, diplomacy increasingly became a matter of personal relations with Presidents Hugo Chávez (Venezuela, since 1999) and Rafael Correa (Ecuador, since 2007). As a consequence, Colombia's relations with its neighbours became more volatile, following cycles of bust followed by superficial reconciliation. The 2008 crisis was officially overcome some four months later, with Chávez and Uribe announcing a "new stage" in relations. That lasted just a

year, until Colombia alleged Venezuela had supplied weapons to FARC.³⁸

Secondly, diverging political choices made management of bilateral relations more complex. The rise of left-of-centre governments across the region exacerbated ideological divisions. Sharply different stances toward the U.S. rapidly became central fault lines, leaving Colombia, Washington's staunchest ally, increasingly isolated in South America. This became evident in July 2009 when the announcement that Bogotá was negotiating an agreement allowing the U.S. the use of seven military bases for anti-narcotics and counter-terrorism operations triggered another diplomatic crisis with Venezuela. Low mutual confidence among the presidents, aggressive rhetoric and border incidents again stoked fears of a possible military clash among the increasingly armed neighbours.

Thirdly, subordination of diplomacy under Uribe's Democratic Security Policy cemented the strategic alliance with the U.S. but further alienated the neighbours. Linking its internal conflict to Washington's war on terror became a central foreign policy goal for Colombia.³⁹ Following a 2003 attack on a Bogotá social club, the government scored a modest success when Central American governments listed FARC as a terrorist organisation, but Ecuador, Brazil and Venezuela refused.⁴⁰ With the neighbours failing to fall into line with its agenda, Colombia used multilateral forums to denounce the supposed complicity of left-wing governments with FARC. In 2009, it alleged before the Organisation of American States (OAS) that there were rebel camps in Ecuador. A similar claim in July 2010 that Venezuela was tolerating some 1,500 ELN and FARC fighters prompted another suspension of diplomatic ties.⁴¹

Bilateral institutions were too weak to halt deterioration of relations. Border commissions (COMBIFRON) with Ecuador, Venezuela, Panama and Peru have focused on military security. Presidential border commissions with Venezuela (COPAFs, later COPIAFs) and an Ecuadorian-Colombian Neighbourhood Commission (COVIEC) were created to advance development and integration in the border areas through joint infrastructure, trade and social

³⁵ Various other countries in the region also condemned the attack. Venezuela has not had an ambassador in Bogotá since November 2007. After the attack, it closed its embassy. An ambassador returned in May 2009.

³⁶ The most famous case was the Colombia-engineered December 2004 kidnapping of FARC leader alias "Rodrigo Granda" in Venezuela. It triggered a diplomatic crisis that was resolved in February 2005 after mediation by Latin American countries.

³⁷ See Socorro Ramírez and Miguel Ángel Hernández, "Colombia y Venezuela: vecinos cercanos y distantes", in Socorro Ramírez and José María Cadenas (eds.), *La vecindad colombiano-venezolana* (Bogotá, 2003), pp. 209-229.

³⁸ "Se normalizan las relaciones entre Colombia y Venezuela", Caracol, 11 Julio 2008; Asdrubal Guerra, "Gobierno sueco tiene pruebas de que armas de las Farc fueron vendidas a Venezuela", W Radio, 28 July 2009.

³⁹ Arlene Tickner and Rodrigo Pardo, "En busca de aliados para la 'Seguridad Democrática': La política exterior del primer año de la administración Uribe", *Colombia Internacional*, no. 56/57 (2003), pp. 64-81.

⁴⁰ Socorro Ramírez, "Colombia y sus Vecinos", *Nueva Sociedad*, no. 192 (2004), p. 148.

⁴¹ See the transcript of the session www.oas.org/consejo/sp/actas/acta1765.pdf.

projects.⁴² But instead of mitigating tensions, their effectiveness fluctuated with the quality of presidential relations. In the Venezuela case, suspension of presidential meetings “became part of the sanctions of one government vis-à-vis the other”.⁴³ The lack of resilience in times of crisis was partly a consequence of shallow institutionalisation. Most bilateral cooperation basically consisted of irregular meetings between often rotating national delegates.

III. A FRESH START: THE SANTOS AGENDA

President Santos assumed office on 7 August 2010 with a double promise to the border regions: to construct a relationship of respect and cooperation with the neighbours and to narrow the development gap with the centre.⁴⁴ Policy changes followed. Foreign policy is more diplomatically conducted, in particular with the neighbours, and priorities are shifting. Congress has passed several complex reforms designed to spur development in the periphery, and the government has been reviewing “consolidation” policy, its flagship program for establishing a continuing state presence in strategically important conflict zones.

A. RECONSTRUCTING DIPLOMATIC RELATIONS

The most immediate successes of this agenda came in foreign relations. On the day he was inaugurated, Santos accelerated a process to rebuild relations with Ecuador that had been underway since late 2009 by handing over to Correa the hard disks of computers seized during the attack on the Reyes camp, a key Ecuadorian precondition to mend ties that were fully re-established in November 2010.⁴⁵

Reconciliation with Venezuela was achieved even quicker. Just three days after the inauguration, on 10 August 2010, Santos and Chávez agreed to turn the page and put in place working groups for a series of important, but potentially divisive issues, including security and anti-narcotics cooperation.⁴⁶ The rapid reconciliation reflected both new priorities and pragmatism. Venezuela is a top foreign policy priority, as Santos also made clear with the appointment as foreign minister of María Ángela Holguín, a former ambassador to Caracas. But Bogotá was also convinced that more robust relations were needed to encourage Venezuela to revive bilateral trade and pay some \$800 million in debts owed to Colombian exporters.⁴⁷

⁴² In the framework of the Andean Community of Nations (CAN), integrated border zones (ZIF) were conceived with Ecuador and Venezuela, providing for binational development plans for specific, clearly delimited border areas. Andrés Otálvaro, Francesca Ramos, “Vecindad sin límites”, Universidad del Rosario, 2006, p. 85.

⁴³ Socorro Ramírez, “Colombia-Venezuela: una intensa década de encuentros y tensiones”, in Francesca Ramos Pismataro, Carlos A. Romero and Hugo Eduardo Ramírez Arcos (eds.), *Hugo Chávez: una década en el poder* (Bogotá, 2010), pp. 532-533.

⁴⁴ Santos, “¡Le llegó la hora a Colombia!”, inauguration speech, Sistema informativo del Gobierno, 7 August 2010.

⁴⁵ “Ecuador recibió los discos duros del computador de ‘Raúl Reyes’”, Colprensa agency, 7 August 2010.

⁴⁶ “Presidentes Santos y Chávez acordaron relanzar las relaciones entre Colombia y Venezuela”, press release, Sistema informativo del Gobierno, 10 August 2010. Five working groups were established for the economy; binational infrastructure; social development in the border areas; border security; and payments to Colombian exporters.

⁴⁷ Crisis Group interview, Venezuelan-Colombian Chamber of Commerce, Caracas, 6 September 2011. During the political deadlock, trade fell from \$7.3 billion in 2008 to \$1.7 billion in 2010. Of the \$7.3 billion, \$1 billion corresponded to exports

As levels of U.S. military and civilian assistance continue to drop, Colombia is diversifying the relationship with Washington.⁴⁸ President Santos celebrated the long pending U.S. ratification of the bilateral free-trade agreement in October 2011 as the “most important” treaty Colombia has ever signed, but the country also seeks improved access to alternative markets.⁴⁹ The government has also not put to a legislative vote the contentious and formerly deemed essential military cooperation agreement with the U.S.⁵⁰ Despite some rumblings among conservative U.S. Congress members, there does not, however, seem to be a direct trade-off between improving relations with neighbours and maintaining close ties with the U.S. Greater stability in the Andean region also serves long-term U.S. interest.

Ties with Brazil and Argentina have improved,⁵¹ helping Colombia recover the capacity to act and even lead within the region. It collaborated with Venezuela to push for a return to Honduras of ousted former President Manuel Zelaya and the country's re-admission to the OAS.⁵² Bogotá has also substantially improved ties with the Union of South American Nations (UNASUR), the twelve-member club that it considered, in particular during the

from Venezuela, the rest exports from Colombia. Some observers believe the Santos government's main leverage has been Walid Makled, alleged Venezuelan drug kingpin, who was captured in August 2010 in Colombia and alleged extensive involvement of senior Venezuelan government officials and military with the drug business and corruption. Chávez wanted Makled extradited to Venezuela, not the U.S. which also wanted him. Crisis Group phone conversation, international analyst, 7 July 2011. Also see Crisis Group Latin America Report N°38, *Violence and Politics in Venezuela*, 17 August 2011, p. 25.

⁴⁸ Between 2007 and 2011, total annual U.S. assistance dropped from \$769 million to \$562 million. Military and police aid, mostly for counter-drug operations, declined from \$619 million to \$343 million, while economic assistance increased from \$149 million to \$218 million; data taken from the Just the Facts project, <http://justf.org/>.

⁴⁹ See “‘Llegó el momento de pensar en grande’: Juan Manuel Santos”, *El Tiempo*, 12 October 2011.

⁵⁰ In August 2010, the Constitutional Court returned the agreement to the president, ruling that it could not enter into force unless ratified by Congress. The government had argued that legislative action was not needed, as the accord extended an already ratified treaty. “Comunicado No. 40”, Corte Constitucional, 17 August 2010; and “Corte Constitucional le dijo no al acuerdo militar con Estados Unidos”, *Semana*, 17 August 2010.

⁵¹ Brazil was the first country Santos visited as president; “Las metas del presidente Santos en su visita a Brasil, su primer destino oficial”, *El Tiempo*, 28 August 2010. Relations with Brazil suffered during the crisis triggered by the U.S. military cooperation agreement, but to a far lesser degree than with Venezuela or Ecuador. “Uribe critica posición de Lula sobre crisis diplomática”, EFE agency, 30 July 2010.

⁵² This was described by a diplomat as “icing on the cake”. Crisis Group interview, Bogotá, 27 July 2011.

dispute triggered by the U.S. military agreement, as unresponsive to its drugs trafficking, money-laundering and counter-insurgency concerns. In early 2011, it struck an unprecedented deal with Venezuela to share for two years the secretary general post, left vacant after the death of former Argentinean President Néstor Kirchner.⁵³

B. SPURRING SOCIAL AND ECONOMIC DEVELOPMENT

The 2010-2014 National Development Plan, adopted by Congress in June 2011, outlines a policy framework specifically aimed at closing the gap between the centre and the periphery. Border areas have received special attention since the 1980s, but policies have traditionally lacked continuity and coherence.⁵⁴ According to government officials, the new plan stands out for an approach that not only addresses the specific needs of each border region but also provides for coordination with local authorities and neighbours. It establishes three broad priority areas – border development, trans-border integration and border security – and the government has designed a consultative process for drawing up an integrated policy to be submitted to the National Council for Social and Economic Policy (CONPES) in 2012.⁵⁵

In the shorter term, a Borders for Prosperity (PFP) plan promotes border development through projects in thirteen sub-regions. A small unit directly reporting to the foreign minister coordinates it, reflecting the belief that strengthening the border zones would help improve relations with the neighbours.⁵⁶ Implementation has been prioritised in the Venezuelan and Ecuadorian border areas. Initial work has focused on workshops with local communities, including indigenous and Afro-Colombian groups, to formulate concrete project proposals on development, health, education, water and sewage systems, energy, sports and culture. Their feasibility is being examined with national level agencies, and implementation of selected projects is scheduled to start in 2012.

⁵³ “Colombia ‘mandaría’ en Unasur”, *El Espectador*, 11 March 2011. María Emma Mejía, a former Colombian foreign minister, assumed the post in May 2011; Alí Rodríguez, the Venezuelan electric energy minister, will succeed her in 2012.

⁵⁴ “Colombia y sus fronteras”, Departamento Nacional de Planeación, July 2001, p. 22. Under Law 191 of 1995 and its regulations, there are 77 officially recognised border municipalities. Criteria to select these municipalities are not coherent. The law only recognises territorial borders and the insular municipalities of San Andrés and Providencia. The list, however, includes places not on the border, such as Pasto, the capital of Nariño.

⁵⁵ Crisis Group interview, DNP, Bogotá, 9 September 2011.

⁵⁶ Crisis Group interview, PFP, Bogotá, 26 September 2011.

These policies have been flanked by two reforms aimed more broadly at redressing regional inequality. The government has pushed through a constitutional change to modify the distribution of mining and hydrocarbon royalties that currently are highly concentrated among a small number of regional governments.⁵⁷ To spread the billions of dollars in expected royalties more evenly, the reform calls, inter alia, for establishment of a temporary Regional Compensation Fund to bankroll development projects in poor regions, with priority for coastal, border and peripheral zones.⁵⁸ The June 2011 Statutory Law on Territorial Arrangements (LOOT) paves the way for the association of municipalities and establishment of administrative and planning regions between the department and national level.⁵⁹ The hope is this will improve public service efficiency and boost regional competitiveness.⁶⁰

C. REVIEWING CONSOLIDATION POLICY

The government has also embarked on a reform of the National Territorial Consolidation Plan (PNCT).⁶¹ Con-

solidation policy involves winning military control over conflict zones, installing civilian governance and delivering public services. During the first, "recuperation" phase, military efforts predominate. Once control is established, the balance during the ensuing transition phase between military, police and civilian efforts is supposed to shift toward the latter two. In the third, stabilisation, phase, civilian institutions are intended to take the lead to boost the delivery of services, improve governance and strengthen economic development.⁶²

On paper at least, the PNCT has been the de facto government policy for the border regions. Nine of the fifteen zones it prioritises are principally located in peripheral departments, underlining their central place in conflict dynamics. Nariño, Cauca, Buenaventura, South Chocó and Southern Córdoba were declared principle areas to kick off consolidation. The Sierra Nevada de Santa Marta was labelled an area transitioning toward consolidation. Putumayo, Arauca and Norte de Santander's Catatumbo region were named complementary zones.⁶³ But the plan has never been fully executed. Regional coordination centres are still at an early stage. Efforts have largely been concentrated on two regions, La Macarena (Meta) and Montes de María (Sucre and Bolívar).⁶⁴

A Santos administration review, due to be finalised in November 2011, some six months later than originally scheduled, is meant to overcome such gaps. The number of regions where consolidation policy is to be implemented will drop to seven, and the number of municipalities will halve to 51. Border regions will remain strongly represented, with Catatumbo, Putumayo and Tumaco. There will also be substantial administrative changes. Coordination responsibility will be with a new administrative department of the presidency, a step meant to provide more autonomy and visibility. Field offices are to be staffed by regional teams in an effort to overcome the lack of administrative muscle that has hampered PNCT implementation. In total, some 225 officials are planned to work in the central and regional offices.⁶⁵

⁵⁷ Between 1994 and 2009, almost 80 per cent of royalties, 42.2 trillion Colombian pesos (in constant 2009 prices, some \$21 billion) went to producing regions. Some 95 per cent of this went to seventeen departments and 60 municipalities of 790 eligible territorial entities. Sparsely populated Casanare department has received the most, 23.5 per cent, followed by Meta (12.1 per cent) and Arauca (10.4 per cent). In total, 80 per cent of royalties benefited 17 per cent of the population; numbers cited in the government's justification for the reform. "Proyecto de Acto Legislativo Número 13 de 2010 Senado", *Gaceta del Congreso* No 577/2010, 31 August 2010, pp. 13-15.

⁵⁸ Acto Legislativo 5 de 2011, *Diario Oficial* No 48,134 of 18 July 2011, Article 2. The compensation fund will receive 24 per cent of royalties over 30 years. It will contribute to financing PFP projects. Crisis Group interview, PFP, Bogotá, 26 September 2011. The reform still needs to be reviewed by the Constitutional Court, and Congress must pass a law regulating details, including specific criteria for eligibility and distribution of the fund. See Jorge Espita, "El Sistema General de Regalías", *Caja Virtual*, no. 274 (September/October 2011).

⁵⁹ "Sancionada Ley de Ordenamiento Territorial; se beneficiarán regiones", *El Tiempo*, 28 June 2011. Passage of the law mandated by the 1991 constitution had failed nineteen times.

⁶⁰ Crisis Group interview, DNP, Bogotá, 9 September 2011. See also Alberto Maldonado Copello, "La ley de ordenamiento territorial es una farsa", *Razón pública*, 6 June 2011; and Jorge Iván González, "La frágil ley de ordenamiento territorial", *Cien días*, no. 73 (August-November 2011), pp. 25-27.

⁶¹ Launched by President Uribe as the Policy for the Consolidation of Democratic Security in 2007. Presidential Directive no. 01/2009, 20 March 2009 defines the plan as a "coordinated, progressive and irreversible" effort to improve coordination of state efforts to guarantee a sustainable environment of security and peace. It is rooted in the integrated action doctrine, developed with U.S. support in 2004, that inspired establishment of the Coordination Centre for Integrated Action (CCAI), an in-

teragency platform under the Presidential Program for Social Action and International Cooperation. The plan defines CCAI as the "space of coordination of all national level entities that have a responsibility in the consolidation of the national territory". Adam Isacson and Abigail Poe, "After Plan Colombia: Evaluating 'Integrated Action', the Next Phase of U.S. Assistance", Center for International Policy, December 2009.

⁶² "Reporte Ejecutivo Plan Nacional de Consolidación", CCAI, 2010, pp. 10-11.

⁶³ See Presidential Directive no. 01/2009, 20 March 2009.

⁶⁴ See Crisis Group Report, *Colombia: President Santos's Conflict Resolution Opportunity*, op. cit., pp. 10-12.

⁶⁵ Crisis Group interview, CCAI, Bogotá, 14 October 2011. The redefinition of zones followed a strategic review to identify the

IV. THE ECUADORIAN BORDER

The 586km-long border with Ecuador has at least four distinct zones, whose communities often share more ties across the border than within their own country. Each zone has its own dynamics, but none has escaped the impact of the intensive armed conflict. There is a coastal zone, organised around the municipalities of Tumaco (Nariño, Colombia) and San Lorenzo (Esmeraldas, Ecuador). Further east, is the sparsely populated Andean foothill zone, with an important indigenous component. The Andean region contains the commercially most active strip, along the corridor linking Ipiales (Nariño, Colombia) to Tulcán (Carchi, Ecuador) through the international bridge at Rumichaca. Finally, the Amazonian zone comprises the lower parts of Sucumbíos province in Ecuador and Lower Putumayo in Colombia, including Puerto Asís and Puerto Leguizamo. Putumayo and Sucumbíos are important oil producing regions, linked by the international bridge of San Miguel, the second, far less busy, official border crossing point.

Improved diplomatic ties have led to better security cooperation. The gains are expected to increase over the long term, but in the short-run, they are outweighed by conflict dynamics that increasingly touch Ecuadorian territory, in particular the border provinces of Esmeraldas and Sucumbíos. Civilians on both sides of the border feel the consequences, and responses to the humanitarian crisis have been inadequate. This is notably true for Colombian refugees in Ecuador. With both governments sharing an interest in reducing their visibility, recent changes to Ecuador's refugee policy are fast making Latin America's once most generous haven vastly more restrictive.

A. CONFLICT DYNAMICS

In November 2009, Colombia and Ecuador re-launched the Binational Border Commission, bringing together security forces and the defence and security ministers, who had not met for two years.⁶⁶ This and reestablishment of diplomatic ties breathed fresh air into army and police cooperation that had been affected by the attack on the Reyes camp. Information exchange between security forces and local authorities is better, and an operational dimen-

sion was added by a June 2011 accord.⁶⁷ Ecuadorian forces that month captured in Quito alias "Danilo", the alleged head of finance of FARC's 48th front, in an operation reportedly coordinated closely with Colombia.⁶⁸

But those security gains pale in comparison with the robust strength of illegal armed actors in Colombia's southern border region. FARC remains the dominant one and has gathered new force in parts of Nariño and Putumayo. Its Mariscal Sucre column firmly controls the area around Cumbal municipality in Nariño, which has only an intermittent army presence.⁶⁹ Further east, the 48th front is under heavy fire; security forces have killed or captured at least five of its high-ranking leaders over the past two years.⁷⁰ However, this strategically pivotal front continues to defend its presence in La Victoria, a rural part of Ipiales (Nariño) and an important corridor for arms and drug trafficking activities.⁷¹ It is also present in border regions of Putumayo. In both departments, FARC increasingly hides among civilians and uses smaller, more mobile groups to carry out sniper attacks.⁷² But the 48th front also remains capable of bigger operations, such as the September 2010 attack by 70 combatants on San Miguel (Putumayo) and the February 2011 assault on a navy vessel in Rio Putumayo.⁷³

⁶⁷ Crisis Group interviews, local politician, Ipiales, 8 August 2011; and foreign ministry, Bogotá, 4 October 2011; "Colombia y Ecuador firmaron convenio para reforzar la seguridad en frontera", Colprensa agency, 10 June 2011.

⁶⁸ "Capturan en Ecuador a alias 'Danilo', cabecilla del Frente 48 de las Farc", *El Heraldo*, 28 June 2011; Crisis Group interview, foreign ministry, Bogotá, 14 July 2011. Ecuador remains reluctant to call any such action "joint" operations, Crisis Group interview, foreign ministry, Bogotá, 4 October 2011.

⁶⁹ Crisis Group interviews, Pasto and Ipiales, August 2011.

⁷⁰ Apart from alias Danilo, in January 2010, security forces killed alias "Édgar Tovar", the head of the 48th Front, in Puerto Asís. "Dado de baja Edgar Tovar, jefe del frente 48 de las Farc", *El Espectador*, 24 February 2010. This was followed by the death, in September 2010, of alias "Domingo Biojón", the political leader of the 48th front. "¿Quién era 'Domingo Biojón'?", *Semana*, 20 September 2010. In March 2011, alias "Óliver Solarte", the alleged head of drug-trafficking in the Southern Block and supposed contact with Mexican drug cartels, was killed in the border municipality of San Miguel (Putumayo). "Así cayó 'Óliver Solarte', el duro de Farc en la frontera", *El Tiempo*, 16 March 2011. Alias "Euclides", the alleged successor of alias "Solarte", was killed in a September 2011 operation in La Victoria (Nariño), "Cuatro guerrilleros de las Farc muertos en límites con Ecuador", Colprensa agency, 15 September 2011; and "Un total de 18 mandos de las FARC y el ELN fueron muertos y capturados el mes pasado", EFE agency, 5 October 2011.

⁷¹ Crisis Group interviews, Pasto and Ipiales, August 2011.

⁷² Crisis Group interviews, Pastos, Puerto Asís and Mocoa, August 2011.

⁷³ "Las Farc no utilizaron a Ecuador para atacar pueblo en el que murieron ocho policías", *El País* (Colombia), 10 Septem-

conflict's focal points. Pacifying these regions will, the government hopes, lead to broader structural changes in the conflict. It is also studying whether to add Arauca and Buenaventura to the consolidation zones.

⁶⁶ See "Conclusiones de la Reunión de la Comisión Binacional Fronteriza de Colombia y Ecuador", press release, Presidencia de la República de Colombia, 19 November 2009.

ELN is likewise present along the southern border, albeit on a much smaller scale than FARC. It continues to operate in a reduced number of municipalities in Nariño, where it enjoys a comparatively strong social base and is present in Barbacoas, Samaniego, Santa Cruz, Magüi Payán and Roberto Payán. A sporadic presence in Cumbal gives it access to the border.⁷⁴ As in other parts of the country, it was for years on the back foot in the region, but a December 2009 agreement with FARC ended mutual hostility in Nariño and elsewhere.⁷⁵

Substantial operations of NIAGs further complicate the situation in the Colombian departments of Nariño and Putumayo. The Rastrojos – the strongest group along the southern border – are heavily present in Nariño's coastal areas, in particular Tumaco. In Cumbitara and Rosario they are reportedly able to in effect control movements of the civilian population. Relations with FARC remain complex and somewhat contradictory. In Tumaco, El Charco and Iscuandé, the two partially overlap. In many other areas, there is an implicit division of tasks, under which FARC oversees coca cultivation, while the Rastrojos handle cocaine production and shipment.⁷⁶ But they also have bitter confrontations.⁷⁷ Another NIAG, the Águilas Negras, is also present, but in smaller groups. Rastrojos pressure may have displaced part of its operations further south, to Ecuador.⁷⁸ NIAGs are weaker in Putumayo but are in urban centres of Puerto Asís and La Hormiga.⁷⁹

In fact, Ecuadorian territory is substantially implicated in Colombia's conflict dynamics. Since the attack on the Reyes camp, the military has abandoned its longstanding policy of silently tolerating FARC presence and has pursued the guerrillas somewhat harder, earning President Correa praise from Colombia.⁸⁰ There are some signs that FARC was pushed to partly return to Colombia, questions over the efficiency of Ecuadorian military operations notwithstanding.⁸¹ But the guerrillas are still in Ecuador. FARC's Daniel Aldana column regularly crosses over, and the insurgents operate on both sides of the Mira and Tamara Rivers, which form the border in the eastern part of Nariño.⁸² FARC also continues to operate in Sucumbíos. The large camps with several hundred combatants reportedly are gone, but it now uses smaller units, and fighters no longer wear camouflage, so they can more easily hide among civilians.

Other Colombian illegal armed groups are also present. Paramilitaries made incursions into Sucumbíos in the early 2000s to harass FARC supply lines.⁸³ It is hard to assess the current extent of NIAG operations, but Esmeraldas is probably the most exposed. The Águilas Negras and Rastrojos arrived around 2008. The Ecuadorian military mounted an operation against the groups in Eloy Alfaro and San Lorenzo in 2009. But the Águilas Negras continue to be present at least intermittently in Eloy Alfaro.⁸⁴ The Rastrojos operate particularly in the areas around the border town of San Lorenzo, as well as in the coastal mangrove areas.⁸⁵ In Sucumbíos, both Rastrojos and Águilas Negras have at least temporary presence in Lago Agrio and the border town of Puerto del Carmen.

ber 2010; and "Dos soldados muertos deja ataque de las Farc a patrulla de la Armada", *El Espectador*, 14 February 2011.

⁷⁴ Crisis Group interviews, Pasto, August 2011.

⁷⁵ On the agreement, see Magda Paola Núñez Gantiva, "ELN: Debilitamiento nacional y fortalecimiento regional", *Revista Arcanos*, no. 16 (April 2011), pp. 62-72. The hostilities between the guerrilla groups had prompted the ELN to forge a pact with the NIAG group Rastrojos in 2007, in an effort to prevent FARC encroachments and protect its position in Nariño.

⁷⁶ Crisis Group interviews, Pasto, August 2011.

⁷⁷ These are mostly concentrated in the border region between Nariño and Cauca departments. Crisis Group interview, international organisation, Bogotá, 25 August 2011. In September 2011, at least 30 Rastrojos combatants entered a rural part of Cumbitara, convened the population and accused it of collaborating with the guerrillas. They then publicly executed two persons and kidnapped thirteen. Nine of these were later released; two were killed, and two remain missing. This caused the displacement of over 70 people and followed combat between FARC and Rastrojos. "Oficina de la ONU para Derechos Humanos pide al Estado protección urgente a la población de Cumbitara y municipios aledaños en Nariño", press release, UN Office of the High Commissioner for Human Rights (UNHCHR), Bogotá, 16 September 2011.

⁷⁸ Crisis Group interview, Pasto, August 2011.

⁷⁹ Crisis Group interview, international organisation, Bogotá, 25 August 2011.

⁸⁰ See "Comunicado conjunto de prensa de los gobiernos de Ecuador y Colombia", press release, Quito, 23 February 2010. With Colombia's praise of Ecuador's "permanent efforts" to "prevent, control and sanction" the actions of Colombian illegal armed groups on its soil, a change from the tacit agreement between security forces and FARC under which the guerrillas abstained from criminal activities in Ecuador and the military did not pursue them. Crisis Group interview, NGO, Quito, 10 August 2011; also Arturo Torres, *El juego del camaleón, los secretos de Angostura* (Quito, 2009).

⁸¹ According to local observers, few FARC members have been detained, and the number of open skirmishes remains low. Crisis Group interviews, Mocoa and Lago Agrio, August and September 2011.

⁸² Crisis Groups interviews, Tumaco, April 2011, Pasto, August 2011.

⁸³ Crisis Group interview, NGO, Quito, 15 September 2011.

⁸⁴ Crisis Group interview, military commander, Esmeraldas, 20 September 2011. Águilas Negras activities include extortion of local business and fuel trafficking for cocaine production. Crisis Group interview, Esmeraldas, September 2011.

⁸⁵ Crisis Group interview, military commander, Esmeraldas, 20 September 2011.

A large part of the activities of the illegal armed actors revolves around drug production and trafficking, which builds their financial backbone. The bulk of production remains concentrated in Nariño and Putumayo, but, as Colombian interdiction becomes more stringent, Ecuador is increasingly exposed to trafficking and, to a lesser degree, to processing of coca base.⁸⁶ This is overwhelming the under-equipped security forces that are struggling to contain the corruption and collusion of police agents.⁸⁷ Its dollarised economy has made the country attractive for money laundering. But the illicit activities reach far beyond drugs. Both NIAGs and the guerrillas engage in extortion and sporadic kidnappings in all border provinces. They also control much of the illegal mining business, in particular of gold, that has been increasing on both sides of the border due to rising global prices.⁸⁸ There are, moreover, suspicions that FARC may attempt to profit from the oil boom in Putumayo.⁸⁹

The primary response of both governments has been to deploy more troops. Amid criticism from Ecuador that Colombia fails to control its borders, the number of military in Nariño has risen since 2008 from 6,000 to 14,000. In 2011, extra troops were sent to Nariño's Pacific coast to battle the NIAGs. Following a spat of FARC attacks, including several kidnappings, a new brigade of marines was activated in September 2011, and another 380 police for Tumaco were announced.⁹⁰ Similarly, FARC's strong presence has triggered a troop increase in Putumayo.⁹¹

Numbers have also sharply increased on the Ecuadorian side, in particular since the 2008 air strike, despite President Correa's insistence on fostering social development and his criticism of Plan Colombia's military bias.⁹²

B. HUMANITARIAN SITUATION

As the armed conflict continues unabated, the humanitarian situation remains serious across the southern border regions. On both sides, the increase in military presence was partly a catch-up to assert more robust territorial control, but security gains either never materialised for most citizens, in the case of Nariño, or have flattened off, as violence remains high on both sides of the border. The provinces neighbouring Colombia are among Ecuador's most violent. Esmeraldas's murder rate in 2009 was 62 per 100,000; Sucumbíos had a lower rate, but its 44 was still more than twice the national average of 18.7.⁹³

Civilians are increasingly caught in the conflict's cross-fire. In Nariño and Putumayo, intensifying military efforts to oust FARC from its strongholds have put them in a very difficult spot. Colombian security forces frequently stigmatise civilians as guerrilla supporters, without taking into account that collaboration with the often only temporarily present army risks serious FARC retaliation.⁹⁴ Nariño has had alleged cases of "false positives" – civilians killed by the military, then claimed as members of illegal armed groups killed in combat.⁹⁵ Both the army and the illegals regularly use civilians, including minors, as informants, and seduction to enlist women. However, there seems to be some, albeit slow and insufficient, progress in prosecuting perpetrators, at least in Nariño.⁹⁶

⁸⁶ The Ecuadorian border regions are also cultivation regions, but the level, estimated at 25 hectares in 2010, is fairly negligible. "ONU detecta 25 hectáreas de coca en Ecuador, pese a su ubicación", EFE agency, 21 September 2011. Trafficking is a far bigger problem. An estimated 220 metric tons of cocaine is smuggled through each year, some 60 per cent destined for the U.S., the remainder to Europe. See "Ecuador", International Narcotics Control Strategy Report, U.S. State Department, 3 March 2011.

⁸⁷ Crisis Group interview, military commander, Esmeraldas, 20 September 2011. In September 2011, the police dismantled a drug-trafficking ring supposedly operating with the complicity of some police in Esmeraldas, including a high-ranking official of the provincial commands. "Un alto oficial de la Policía de Esmeraldas fue detenido", *El Comercio*, 29 September 2011.

⁸⁸ Crisis Group interviews, Nariño and Esmeraldas, August, September 2011.

⁸⁹ Crisis Group interview, international organisation, Bogotá, 25 August 2011.

⁹⁰ "Palabras del Presidente Juan Manuel Santos durante la activación de la Brigada de Infantería de Marina número 4 en Tumaco, Nariño", press release, Sistema informativo del Gobierno, 28 September 2011; "Presidente Santos anunció 380 unidades más de la Policía para fortalecer la seguridad en Tumaco", press release, *ibid*, 28 September 2011.

⁹¹ Crisis Group interview, Puerto Asís, 17 August 2011. The number of police in Puerto Asís has also more than doubled, to 160, over the last two years, Crisis Group interview, police officer, Puerto Asís, 16 August 2011.

⁹² Some 1,200 navy and army personnel are deployed in Esmeraldas along the border, a threefold increase from five years ago. Crisis Group interview, military commander, Esmeraldas, 20 September 2011.

⁹³ Murder rates are taken from "Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston", UN General Assembly, A/HRC/17/28/Add.2, 9 May 2011, p. 8. Ecuador's average murder rate has roughly doubled over the last twenty years. The Alston report also says that the murder rates in some border towns exceed 100 per 100,000. Official numbers may be an understatement, given the lack of forensic capacity. Crisis Group interviews, Esmeraldas and Sucumbíos, August 2011. Esmeraldas and Sucumbíos have long been more violent than the national average, suggesting the existence of some underlying causes of violence not directly related to the Colombian conflict. See Daniel Pontón, "Violencia en frontera: una perspectiva desde la seguridad ciudadana", *Boletín Ciudad Segura* Nno. 10, October 2006, pp. 4-9.

⁹⁴ Crisis Group interviews, Nariño and Putumayo, August 2011.

⁹⁵ "En Nariño también hubo 'falsos positivos'", *Semana*, 9 August 2011. The 27 cases cited supposedly were in 2007 and 2008.

⁹⁶ Crisis Group interview, Pasto, 5 August 2011.

Human rights abuses are not confined to the Colombian security forces. Ecuador's current more robust counter-insurgency operations and the ensuing dispersion and integration into the civilian population of FARC combatants have greatly complicated the humanitarian situation in border provinces. Instead of having to cope with a single, relatively predictable and unchallenged illegal actor, civilians now face a situation in which multiple armed actors, including the military, vie for community resources and control. Pressure on border communities is mounting accordingly. In Sucumbíos in particular, troops have harassed and severely abused civilians to pressure them into giving information on insurgents. There are also claims of extrajudicial executions in the province that, while unproven, are being investigated very slowly.⁹⁷ Military abuses thus have a good chance to remain unpunished.

Evolving FARC tactics also have severe repercussions in the border region. The number of victims from landmines – increasingly used – and unexploded munitions is likely to increase in both Nariño and Putumayo, if current trends continue.⁹⁸ Nariño is particularly affected. Civilians in Samaniego, Cumbitara and Policarpa are exposed to conditions of confinement, reducing dramatically their access to social services. FARC has stepped up recruitment across the region, in particular of children, by force and sometimes in consultation with families.⁹⁹ A November 2010 bombardment of a FARC camp in La Victoria (Nariño) killed a Colombian child who had lived in Ecuador, providing

evidence of recruiting in that country, a practice increasing particularly in indigenous communities.¹⁰⁰

The conflict's intensity in the border region continues to drive high levels of internal displacement. Families flee not only combat, the presence of armed actors or imminent threats of child recruitment, but also coca crop fumigation in both Nariño and Putumayo that damages the base for sustainable livelihoods and frequently contributes to food insecurity.¹⁰¹ In some places, including Tumaco, the rising pressure on land for illegal mining is rapidly becoming an additional factor. Even Ecuadorian territory does not escape unscathed. The impact of fumigations and increasing conflict dynamics has triggered internal displacement in border provinces.¹⁰² But little is known about this highly vulnerable group as the government continues to deny an IDP problem.¹⁰³

The conflict in the border areas disproportionately hits vulnerable groups. Violence against women is rampant. Armed actors, including the military, regularly abuse them sexually.¹⁰⁴ Threats or acts of violence are often systematically used as a weapon against human rights and women's rights defenders.¹⁰⁵ Nariño is an important transit point for trafficking of women to Ecuador,¹⁰⁶ where they are often forced to work in the many legal and illegal brothels.¹⁰⁷ That the state response to such trafficking and to improving the often slave-like conditions in the brothels has been muted is blamed by some observers on alleged links between brothel owners and Ecuadorian security officials.¹⁰⁸ Undocumented Colombian women and refugees are particularly vulnerable to sexual violence and abuse, as they often anticipate justice may be biased against them so hesitate to denounce maltreatment.

Indigenous people are also severely affected along the southern border. One of the most hit communities is the

⁹⁷ Crisis Group interviews, Lago Agrio, 21 September 2011; Quito, 23 September 2011. Severe military abuses are also alleged in the Alston report, *op. cit.*, pp. 7-8. The most emblematic case, also mentioned by Alston, involved an Ecuadorian and two Colombians shot dead on the San Miguel River in Sucumbíos. The army maintains this resulted from combat with presumed FARC. In December 2010, the attorney general accused the Fourth Division commander, General Hugo Villegas, of not disclosing information but did not accuse the commanding officers of the operation. "Fiscalía acusa a un oficial del Ejército por muerte de presuntos guerrilleros", *El Universo*, 31 January 2011. The latest case involves the August 2011 killing of an Ecuadorian youth in Puerto Mestanza. Victor Gómez, "Alistan denuncia por muerte de joven", *El Universo*, 15 August 2011.

⁹⁸ According to data from the Presidential Program Against Landmines, there were 42 victims of anti-personnel mines or unexploded munitions in Nariño in 2011 by August, compared to 50 in all of 2010. Putumayo had thirteen by August 2011, the same as in the whole of 2010. An observer said landmine victims in Putumayo's border regions in the first half of 2011 exceeded the 2010 total. Crisis Group interview, Mocoa, August 2011.

⁹⁹ Crisis Group interviews, Pasto, August 2011. In Nariño, the majority of recruited minors reportedly are girls. Though jobs in the border regions are limited, recruitment is rarely freely chosen. Crisis Group interviews, Pasto, Mocoa, August 2011.

¹⁰⁰ Crisis Group interviews, Esmeraldas and Lago Agrio, September 2011. A sizeable number of teachers in schools attended by indigenous people in border regions in Sucumbíos resigned before the 2011 academic year, citing concerns over recruitment.

¹⁰¹ Crisis Group interviews, Pasto and Mocoa, August 2011.

¹⁰² Crisis Group interviews, Quito and Lago Agrio, September 2011. The phenomenon is documented in Laura González Carranza, *Fronteras en el Limbo. El Plan Colombia en el Ecuador* (Quito, 2008).

¹⁰³ Crisis Group interview, NGO, Quito, 15 September 2011.

¹⁰⁴ Crisis Group interview, Pasto, August 2011.

¹⁰⁵ Crisis Group interview, gender consultant, Quito, 11 August 2011.

¹⁰⁶ Crisis Group interview, Nariño government, Pasto, 4 August 2011.

¹⁰⁷ There are some 280 legal and many more illegal brothels in the Ecuadorian border zone. Crisis Group interview, bilateral cooperation agency, Quito, 23 September 2011.

¹⁰⁸ Crisis Group interviews, Quito, September 2011.

24,500-strong Awá.¹⁰⁹ Their territory, principally along the Andean foothills in Nariño and cutting into north-western Ecuador, has become an important theatre for armed illegals who have followed expanding coca cultivation in Nariño since the late 1990s, triggering increased military presence.¹¹⁰ The Awá are forced to share their territory with the FARC's 29th front, the Mariscal Sucre and Daniel Aldana mobile columns, the ELN and the Rastrojos. Between 1993 and 2010, they suffered 88 homicides and ten forced disappearances. At least 2,035 were displaced.¹¹¹ 2009 was one of the bloodiest years in their recent history, with three massacres, presumably by the FARC, the last of which killed twelve Awás, including six children.¹¹²

In 2009, the Constitutional Court declared the Awá in danger of extinction, and their situation remains precarious. In February 2011, due to fighting and anti-personnel mines, at least 1,045 persons from the Magüi and Cuchilla del Palmar reservations congregated in five educational institutions in the Ricaurte area. The Awá declared a "permanent assembly" (*minga*) and for self-protection decided to remain there until it was safe to return.¹¹³

C. SHIFTING REFUGEE POLICIES

Changes in Ecuador's refugee policy further complicate the situation. The government has made an important effort to respond to the influx of Colombians.¹¹⁴ Between March

2009 and March 2010, it implemented "enhanced registration", a unique effort that helped grant refugee status to an additional 28,000 Colombians who had not sought recognition. But recent changes threaten to erode this progressive stance. Since January 2011, the Refugee Directorate (DR) of the foreign ministry has applied new rules introducing as an additional step to the refugee status determination (RSD) procedure a first interview to determine the eligibility of a refugee claimant to a subsequent more substantial examination of his or her case. The aim is to identify "manifestly unfounded or abusive" claims.¹¹⁵ While Ecuador is within its rights to filter out such applications, there are doubts whether the new procedures will help concentrate scarce resources on those who truly need international protection.

During the first months, the procedures have been applied inconsistently. Unsuccessful applicants in Esmeraldas, just across Tumaco, were told that no legal recourse was possible against a decision. Following protests, inter alia by NGOs, pointing out that every administrative decision should be appealable, the DR agreed to fifteen days, later extended to 30 days, to appeal a decision.¹¹⁶ In Lago Agrio, another reception centre for the refugees, appeals have been permitted only since mid-summer.¹¹⁷ While practice now seems almost everywhere in line with legal requirements, the status of negative decisions handed down before appeals were allowed is unclear.¹¹⁸

Secondly, the interview to determine admissibility is too short and general insufficient to fully assess whether a candidate has a plausible claim to be considered for the refugee status. The interviews are very short, and the questions being asked do not allow ascertaining whether the story of a person contains elements for a refugee status.¹¹⁹ There are also widespread doubts whether DR officials who conduct the interviews are sufficiently trained for

¹⁰⁹ The Eperara-Siapidaara people, located in Nariño and Cauca, is another heavily-affected group. Crisis Group interview, Esmeraldas, September 2011. The presence of illegal groups causes forced confinement and displacement. The group has also denounced fumigations in its territory, leading to river contamination and destruction of traditional, subsistence cultivation. The Eperara-Siapidaara are among indigenous groups the Constitutional Court found in danger of extinction in 2009.

¹¹⁰ "Diagnóstico de la situación del pueblo indígena Awá", Observatorio, op. cit., n.d. The Awá are principally in Tumaco, Barbacoas, Ricaurte, Mallama and Roberto Payán municipalities.

¹¹¹ See "Situation of Indigenous People in Danger of Extinction in Colombia", summary of the report and recommendations of the mission by the Permanent Forum to Colombia, UN Economic and Social Council, 11 February 2011, E/C.19/2011/3, p. 12.

¹¹² In a December 2008 "Risk Report", the ombudsman's office had warned the government about the potential of serious violence against the Awá. A formal "Early Warning", adopted later that month by the Inter-institutional Early Warning Committee (CIAT), however, did not receive adequate attention. See "Defensor del Pueblo condenó masacre de 12 indígenas Awa en Nariño", press release, Defensoría del Pueblo, 26 August 2009.

¹¹³ "Desplazamiento Masivo de comunidades Awá en Ricaurte, Nariño", Informe de Situación no. 2, Ocha, 23 March 2011.

¹¹⁴ Ecuador has ratified the 1951 UN Convention Relating to the Status of Refugees and its 1967 protocol. It also adheres to the 1984 Cartagena Declaration on Refugees. The basic domestic norm on refugees is Decree 3301 (6 May 1992). "Política

del Ecuador en materia de refugio", Ministerio de Relaciones Exteriores, Comercio e Integración, 2008.

¹¹⁵ Article 3, Decree 163 (25 March 2009) authorises DR to implement an admissibility mechanism, subject to regulation in what became Ministerial Accord 003 (11 January 2011). Reportedly partial implementation began before the legal regulation, in December 2010.

¹¹⁶ Crisis Group interviews, Esmeraldas, September 2011.

¹¹⁷ Crisis Group interview, DR, Lago Agrio, September 2011.

¹¹⁸ Crisis Group interview, Esmeraldas, September 2011. As an observer noted, the procedure is odd in that claimants actually appeal to the same entity that has already ruled on their application. There are also concerns that the new rules unduly boost DR's importance as a gatekeeper, giving it, not the eligibility commission in which an UNHCR representative is present (but has no vote), the de facto power to decide cases. Crisis Group interview, ombudsman's office, Quito, 16 September 2011.

¹¹⁹ Crisis Group interviews, Esmeraldas and Sucumbíos, September 2011.

dealing with applicants, who are mostly peasants with little formal education. The DR officials say that most cases are clear-cut and that those people who need international protection speak out without hesitation.¹²⁰ But reality can be more complex. Colombian refugees who might have endured human rights violations from state actors or who had experienced the incapacity of their state to offer protection often have little or no confidence in public institutions and can thus be reluctant to reveal the full, and often highly sensitive, details of their cases in a first interview.¹²¹

Moreover, the DR appears unable to cope with the high number of applications. In September 2011, the backlog for interviews in Esmeraldas province was three months; it is better in Lago Agrio and Tulcán, but still takes some 45 and 30 days, respectively.¹²² Police do not recognise the paper indicating an interview is pending, leaving applicants at this stage vulnerable to detention or deportation, a problem that appears particularly critical in Esmeraldas. During the waiting time, applicants are undocumented and unprotected, as Ecuador only accepts responsibility to protect once an interview has been held, at which point applicants receive a document valid for three months that certifies their status as refugee seekers.¹²³

In response to capacity problems, the government has a program aimed at improving working conditions for DR officials and bolstering their presence in reception centres. There is a new office in Esmeraldas, and discussion about new quarters is under way in Lago Agrio. In a bid to be closer to where claimants enter, the DR has also reorganised its territorial presence, moving the Ibarra office to Tulcán, a border town just across from the Colombian Ipiales.¹²⁴ However, progress has been insufficient. Central control over offices remains weak, field offices are understaffed, and high turnover of personnel (mostly on yearly contracts), is disruptive.¹²⁵ The DR is under great

strain, not only because of the new obligation to conduct admissibility interviews but also because of the need to renew one-year visas for those recognised under “enhanced registration”.¹²⁶

Finally, the new rules are being applied retroactively. In Sucumbíos and Esmeraldas provinces, the DR has applied them to persons whose provisional documents certifying them for three months as refugee seekers have expired. Their cases are closed and immediately reopened under the current rules. A substantial number of them reportedly have then been declared inadmissible.¹²⁷ Changing the game for these individuals is inconsistent with the state’s responsibility to provide reliable procedural guarantees. In fact, the process to determine eligibility to be considered for refugee status is painfully slow, obliging applicants to return several times to DR to renew provisional documents. Many do not live in Esmeraldas or Lago Agrio, so struggle to pay travel costs estimated in Esmeraldas to equal a month’s income. The DR decision to suspend its mobile teams has made this problem worse.¹²⁸

The DR says that some 26 per cent of all claims in 2011 have not been admitted to the full procedure.¹²⁹ The characteristics of this group are hard to pin down, but flawed implementation of the admissibility procedure lends credibility to widespread concerns that some have been refused who should not have been.¹³⁰ There is also a worrying possibility that the new admissibility-to-eligibility examination is part of a more widely restrictive refugee policy, as status recognition rates are believed to be slipping also.¹³¹ Apart from the likely negative impact on refugee rights, stiffening policy and practice at a time when the Colombian conflict continues unabated, in particular in the border departments, can be expected to increase the number of undocumented Colombians in Ecuador and so strengthen the secondary market for false IDs and other documents.

¹²⁰ Crisis Group interviews, DR, Quito and Lago Agrio, September 2011.

¹²¹ Crisis Group interview, Esmeraldas, September 2011.

¹²² Crisis Group interviews, Esmeraldas and Lago Agrio, September 2011.

¹²³ *Ibid.* The fate of refugee seekers detained for lack of documents critically depends on access to legal advice or institutions such as the ombudsman’s office. Crisis Group interview, ombudsman’s office, Esmeraldas, 20 September 2011.

¹²⁴ Crisis Group interviews, DR, Quito, Esmeraldas, Lago Agrio, September 2011. In addition to offices in Lago Agrio, Esmeraldas and Tulcán and the headquarters in Quito, DR is present in Cuenca and Guayaquil. Some 42 per cent of refugees are concentrated in the three border provinces; the largest number lives, however, in Pinchincha province, some 29.7 per cent of total refugees. See “El refugio en Ecuador: el dilema de los derechos frente a la seguridad”, Codhes, 19 September 2011, p. 5.

¹²⁵ Crisis Group interviews, NGO, Quito, 12 August 2011; Esmeraldas and Lago Agrio, September 2011.

¹²⁶ Crisis Group interview, NGOs, Quito, 10, 12 August 2011.

¹²⁷ Crisis Group interviews, Esmeraldas and Lago Agrio, September 2011.

¹²⁸ Brigades were suspended in 2010 in Esmeraldas; in Sucumbíos, such brigades have reportedly been promised for years but not yet organised. Crisis Group interviews, Esmeraldas and Lago Agrio, September 2011.

¹²⁹ Crisis Group interview, DR Quito, 15 September 2011.

¹³⁰ Crisis Group interviews, Esmeraldas and Lago Agrio, September 2011.

¹³¹ Delays in the procedure and the existence of some 25,000 pending claims that five temporary commissions are to decide by the end of 2011 make it almost impossible to know what percentage of claims in any given year has been recognised. But observers on the ground agree that the practice has become more restrictive. Given continuing conflict in Colombia, the falling number of recognised refugees is unlikely merely to reflect more fraudulent or unfounded claims. Crisis Group interviews, Quito, August 2011; Lago Agrio, September 2011.

The government's tougher stance is driven by both domestic and international factors. The change of procedures for handling prospective refugees officially responded to an increase in supposedly fraudulent asylum or refugee claims from Cubans and Haitians.¹³² But as importantly, President Correa is under pressure for the deteriorating security situation, an issue particularly pushed by the political right. The government has contributed to a discourse that blames Colombians of all types for the security problems.¹³³ Such claims are not based on empirical evidence. In 2010, just 3.4 per cent of all detainees were Colombians.¹³⁴ That the government is responding to pressure, however, was indicated in June 2011, when officials announced plans to review for security concerns refugee visas handed out during the enhanced registration.¹³⁵ Again, there is no evidence that either criminals or FARC combatants have used this mechanism to regularise their situation.¹³⁶

Xenophobia against Colombians is on the rise, stirred also by incorrect perceptions that refugees are receiving preferential treatment and represent unfair competition for jobs, and the government's response is further stimulating it, making local integration more difficult.¹³⁷ The xenophobia problem is worse in cities, such as Quito and Guayaquil, that host important refugee populations. In rural areas closer to the border, refugees frequently have family ties with local communities, but this is often insufficient to guarantee integration.¹³⁸

The refugee issue was politically important for Ecuador when the Uribe administrations was denying there was still an armed conflict in Colombia and, by extension, any refugees caused by it. It served then to highlight the impact

of that very real conflict on the country,¹³⁹ but it is now slipping down the diplomatic agenda. As relations improve, refugees have gone from being a humanitarian issue to being cast, unfairly, as primarily a domestic security issue.

¹³² Crisis Group interview, Esmeraldas, 23 September 2011.

¹³³ Crisis Group interviews, NGOs, Quito, August 2011.

¹³⁴ Police data cited in "El refugio en Ecuador: el dilema de los derechos frente a la seguridad", op. cit., p. 11. Colombians reportedly also make up 1 per cent of the country's prison population.

¹³⁵ See, for instance, "Delincuencia motiva depuración del plan de visa de refugiados", *El Universo*, 27 June 2011. It cites a high government official as saying that "enhanced registration" has allowed criminal infiltration, but that the crimes involving Colombians are less than press reports suggest. See also, "El refugio en Ecuador", op. cit., pp. 6-10.

¹³⁶ Crisis Group interviews, Quito, August and September 2011. The claim that FARC combatants may use the enhanced registration for cover was reportedly part of the concern of the Colombian and U.S. governments.

¹³⁷ Crisis Group interviews, Tulcán and Esmeraldas, August and September 2011. An emblematic case is the 2009 attack on a Colombian youth in Otavalo province, who was beaten and sustained serious burns after being accused of robbery. "Rebrote de xenofobia en Ecuador, colombiano es incinerado en ese país", *El Espectador*, 14 February 2009.

¹³⁸ Crisis Group interviews, Tulcán, August 2011.

¹³⁹ Crisis Group interviews, NGOs, Quito, August 2011.

V. THE VENEZUELAN BORDER

Based on geography and community characteristics, the 2,219km land border with Venezuela has five distinct segments. In the north, the Caribbean peninsula of Guajira is shared by the Colombian department of that name and the Venezuelan state of Zulia. Populated by the binational indigenous Wayúu community, its arid territory hosts gas and coal resources on the Colombian side. It is also an area of unresolved territorial disputes between Bogotá and Caracas.¹⁴⁰ The Serranía del Perijá mountain chain and the Catatumbo river basin connect the south west of Cesar and north east of Norte de Santander departments in Colombia with Zulia and are characterised by abundant water, national parks, indigenous Yuko, Bari and Arhuaco communities and oilfields.

The Andean mountain area – central and southern Norte de Santander and the south of Zulia and Táchira states – also has important river basins and the three busiest formal crossing points of the entire border.¹⁴¹ The fourth area comprises the Andean foothills and plains that facilitate transit between Colombia's Boyacá, Arauca and Vichada departments and Apure and the north west of Amazonas in Venezuela. It also concentrates many indigenous groups, as well as important cattle and oil economies, and has one formal border crossing, between Arauca and Guasdalito. The fifth area, marked by the Orinoco River, Venezuela's most important, connects Colombia's south of Vichada and Guainía departments with the east of Amazonas state.¹⁴² In many parts of the border, communities share strong cultural and (largely informal) economic links. The isolated location of many places on both sides, including poor roads to connect them with centres, reinforces mutual dependencies.

The remote and difficult to control border areas offer great advantages to illegal armed groups, who can escape military pressure, rest, re-equip and develop illicit businesses.¹⁴³ Natural resource extraction promises attractive

possibilities, while price and exchange controls and generous state subsidies on certain basic goods in Venezuela make for excellent contraband opportunities. The illegals further benefit from lax law enforcement in Colombia and a permissive environment in Venezuela, which has become a major transit corridor for drugs going to the U.S. and, above all, Europe and West Africa.¹⁴⁴

As in Ecuador, the diplomatic sea change under the Santos government has affected local conflict dynamics and security as yet only very slowly, if at all. Rural and to an extent also urban life in many border regions continues to be dominated and confined by the presence and activities of illegal armed groups that move freely across the border and are responsible for increasing violence. The many displaced Colombians in need of protection in Venezuela represent the humanitarian impact of these dynamics, an issue notably absent from the bilateral agenda.

A. CONFLICT DYNAMICS

The cold war between Caracas and Bogotá led to the complete shutdown of communication channels.¹⁴⁵ Since August 2010, the two governments have been gradually rebuilding mutual confidence, communication and cooperation mechanisms. President Chávez has publicly declared he will not tolerate guerrillas and organised crime in Venezuela.¹⁴⁶ By July 2011, Venezuelan authorities had captured at least fourteen alleged drug traffickers and guerrillas, although none of the leaders who are presumably still just across the border.¹⁴⁷ An April 2011 bilateral agreement to improve cooperation against drugs, including intelligence sharing, strengthened judicial cooperation and joint operations.¹⁴⁸ Members of the Colombian security forces in Arauca and Norte de Santander acknowledge the benefits of talking again with their counterparts, alt-

¹⁴⁰ Subject of disputes is the Golfo de Venezuela situated in the Caribbean Sea and surrounded by Venezuelan states Zulia and Falcón and the Colombian Guajira department. Both countries have not been able to agree upon maritime borders leading to periods of tensions in the past.

¹⁴¹ The international bridge Unión between Puerto de Santander and Boca del Grita; the international bridge Francisco de Paula Santander between Cúcuta and Ureña; and the international bridge Simón Bolívar linking Villa del Rosario with San Antonio.

¹⁴² Characterisation based on Socorro Ramírez, "Ambitos Diferenciados de las Fronteras Colombianas", in Convenio Andrés Bello (ed.), *La Integración y el Desarrollo Social Fronterizo* (Bogotá, 2006), pp. 72-100.

¹⁴³ Crisis Group Report, *Violence and Politics in Venezuela*, op. cit., pp. 6-7, 12-13.

¹⁴⁴ "World Drug Report 2010", UNDOC, p. 234; see also Crisis Group Report, *Violence and Politics in Venezuela*, op. cit.

¹⁴⁵ Crisis Group interviews, military commander, Cúcuta, 27 April 2011; military commander, Arauca, 1 September 2011.

¹⁴⁶ "Chávez dice que ni permite ni permitirá presencia de guerrilla en Venezuela", WRadio, 10 August 2010.

¹⁴⁷ "Colombia destaca cooperación de Venezuela en seguridad", *El Universal*, 5 July 2011. Captures include Joaquín Pérez, head of the Anncol news agency, allegedly linked to FARC, who has been extradited to Colombia and leading FARC member Guillermo Torres, alleged one-time right-hand man of alias "Raúl Reyes".

¹⁴⁸ Jorge Enrique Meléndez and Luis Guillermo Forero, "Así será el pacto antidrogas con Venezuela", *El Tiempo*, 3 April 2011. The agreement's contents are confidential. Crisis Group email communication, Colombian government, 9 August 2011.

though distrust remains.¹⁴⁹ They report positive responses by the Venezuelans to alerts.¹⁵⁰

A year after the two presidents smoked the peace pipe, however, local conflict dynamics do not seem substantially altered. FARC fronts operate along the entire border, from rural areas in south Guajira and Cesar to Vichada.¹⁵¹ The Catatumbo region also hosts the last remnants of the Popular Liberation Army (EPL),¹⁵² whose commander is said to be a drug kingpin there. Building on the legacies of the once strong paramilitary presence, NIAGs have established themselves in and control urban centres in Guajira, Cesar and Norte de Santander and are pushing into rural areas of the Catatumbo region and Vichada. Engaged in a constant effort to control territory, resources and trafficking routes, the groups engage in temporary alliances in some places while fighting for hegemony in others. Drugs, arms, gasoline and other goods are traded at the many informal border crossing points, although drugs reportedly also transit the official crossing points, including Norte de Santander's international bridges.¹⁵³

In Norte de Santander, following demobilisation of the paramilitary Catatumbo Bloc in 2004, FARC and to a lesser extent ELN and EPL have been regaining control of the coca economy in the Catatumbo region. According to sources on the ground, the Rastrojos, however, are push-

ing north to dispute this.¹⁵⁴ Fighting has substantially increased in the area, with regular attacks on oil installations and other infrastructure.¹⁵⁵ Close to half the 1,500-strong Catatumbo Bloc is believed to have stayed in the urban centres, joining NIAGs.¹⁵⁶ Disputes among the two most prominent in the area, Rastrojos and Urabeños, account for a significant increase in homicides in Cúcuta and Villa del Rosario.¹⁵⁷ The groups control the main contraband networks, including the gasoline trade.¹⁵⁸ Given old links with members of local elites, authorities and security forces, their activities allegedly enjoy more impunity than those of smaller smugglers.¹⁵⁹

FARC and ELN have maintained military and economic power in Arauca despite sustained pressure. They have so far largely defended territory against the incursion of NIAGs.¹⁶⁰ The ceasefire between the two groups, who fought particularly hard in Arauca, came into effect in September 2010.¹⁶¹ Since then, they have divided up territory, with

¹⁴⁹ Crisis Group interviews military commander, Cúcuta, 27 April 2011; military commander, Arauca, 1 September 2011; senior police official, Arauca, 1 September 2011; senior police official, Bogotá, 9 September 2011.

¹⁵⁰ Following Colombian alerts, in March 2011 the Venezuelan National Guard captured two alleged guerrillas who had killed two Colombian marines in Arauca and fled across the border. Crisis Group interview, military commander, Arauca, 1 September 2011. On 10 August, the director of the Colombian National Police, General Oscar Naranjo, announced the capture of ten pilots belonging to the organisation of one of the country's most wanted drug traffickers and celebrated cooperation with Venezuela in the operation. "Capturan a 10 pilotos de 'El Loco Barrera' con ayuda de Venezuela", *Semana*, 10 August 2011.

¹⁵¹ Crisis Group interview, humanitarian organisation, Bogotá, 21 September 2011. Hurt by the paramilitary expansion at the beginning of the century, FARC's 59th front has reportedly recuperated. Crisis Group interview, humanitarian organisation, Bogotá, 21 September 2011.

¹⁵² Founded in 1965, the EPL is the third Colombian guerrilla group, after FARC and ELN. In 2006, it was said to have no more than 200 combatants, operating in three fronts in Risaralda, Caldas, Santander, Norte de Santander and La Guajira. Clara Vélez, "El EPL, un grupo que opera a las sombras de las Farc", *El Colombiano*, 4 May 2006.

¹⁵³ Crisis Group interviews, La Parada, June 2011. With little interdiction activity in the southern part of the border, Vichada has many illegal airstrips; the northern peninsula is used to ship drugs to the Caribbean. Crisis Group interview, senior police official, Bogotá, 9 September 2011.

¹⁵⁴ Tibú and Gabarra municipalities, former paramilitary strongholds, are now under FARC control, although, according to informed sources, the epicentre of FARC influence has moved north linking up to South Cesar and the Perijá zone. Crisis Group interview, international organisation, Bogotá, 25 August 2011.

¹⁵⁵ Crisis Group interviews, international organisation, Bogotá, 25 August 2011; security expert, Cúcuta, 27 April 2011. The army interprets the increase of attacks as a response to military pressure. Reportedly, the guerrillas also use attacks to distract military attention from drug transports elsewhere.

¹⁵⁶ Crisis Group interview, Cúcuta, 27 April 2011.

¹⁵⁷ Crisis Group interview, La Parada, June 2011. According to the ombudsman's office, at least sixteen individuals were killed in the two municipalities between the last week of May and the first two weeks of June 2011. "Defensoría alerta por incremento de muertes violentas en Norte de Santander", *Caracol*, 22 June 2011.

¹⁵⁸ The groups either organise transport and distribution themselves or extort transporters and small businesses who sell the goods. Crisis Group interviews, San Antonio, La Parada, June 2011.

¹⁵⁹ Crisis Group interview, local analyst, San Cristobal, 7 July 2011. See also "Informe especial de riesgo electoral", Defensoría del Pueblo, July 2011, p. 189.

¹⁶⁰ The ELN is present through its strongest front, Domingo Laín; several FARC fronts operate in the department, notably numbers 10, 28 and 45. Crisis Group interview, international organisation, Bogotá, 25 August 2011. See also Ariel Avila, "La guerra contra las FARC y la guerra de las FARC", Corporación Nuevo Arco Iris, 2011, p. 21. NIAGs have reportedly been able to advance as far as the south-western municipality of Tame. Crisis Group interview, Tame, August 2011. There are reports that a NIAG, the Popular Revolutionary Anti-Communist Army of Colombia (ERPAC) is pushing north from Casanare department into Arauca. Crisis Group interview, humanitarian organisation, Bogotá, 21 September 2011.

¹⁶¹ According to the NGO Arco Iris, this is due to the relative autonomy of the Domingo Laín front. "ELN: Debilitamiento", op. cit., p. 64. When it was fighting FARC, the ELN reportedly

the ELN controlling the northern part of the department, including most of the illegal transit points into Venezuela, and the FARC handling the south.¹⁶² Despite the significant increase in their numbers in Arauca and Norte de Santander, security forces have not been able to gain control beyond urban centres.¹⁶³ Guerrilla action in Arauca, mostly targeting infrastructure and army posts, has been increasing since 2007 and intensified after the FARC-ELN accommodation.¹⁶⁴ In 2009, the guerrillas paralysed the department for 52 days with blockades.¹⁶⁵ Industry around Arauca's Caño Limón oilfield is a major income source for the insurgents, who systematically extort local officials and some contracting firms.¹⁶⁶

Although observers claim the ELN's "co-government" in Arauca has decreased since 2005, guerrillas, particularly the ELN, allegedly maintain strong influence over local affairs and budgets.¹⁶⁷ With access to alternative resources, the ELN is said to have kept its traditional distance from drug trafficking, which remains a major FARC income source.¹⁶⁸ According to press reports, FARC and ELN agreed to expand their presence in Arauca, cooperate

established alliances with the army. Crisis Group interview, Arauca, August 2011; *ibid*.

¹⁶² *Ibid*, p. 68; Crisis Group interview, Arauca, August 2011.

¹⁶³ "Las dinámicas territoriales", *op. cit.*, p. 32.

¹⁶⁴ While 2010 had a total of 63 actions, there were 127 in the first semester of 2011. Numbers from "Observatory and Solidarity with Arauca, Obsar", Caritas, Arauca, paper copy in Crisis Group possession.

¹⁶⁵ Crisis Group interview, Arauca, August 2011. An armed blockade imposes substantial mobility restrictions for locals. Shops and other installations remain closed in many places for fear of reprisals. Between 12 and 15 September 2011, the ELN carried out a blockade in Arauca, also affecting parts of Boyacá and Casanare, "Defensor del Pueblo rechaza las restricciones a la movilidad en departamentos del nororiente del país y solicita de las autoridades brindarles el acompañamiento correspondiente a las comunidades", press release, ombudsman's office, 14 September 2011.

¹⁶⁶ Some contracting firms are said to pay 5-10 per cent of the contract volume. Crisis Group interview, Arauca, August 2011. The pipeline between Caño Limón and Coveñas (Sucre department) is the second largest in the country (approximately 770 km). Arauca department and municipalities received close to \$149 million in royalties in 2009 and close to \$125 million in 2010 through November. Energy and mining ministry, cited in "ELN: Debilitamiento", *op. cit.*, p. 70.

¹⁶⁷ Crisis Group interviews, Arauca, August 2011; humanitarian organisation, Bogotá, 21 September 2011. At least four ex-governors, three ex-mayors, three ex-members of the departmental assembly and one ex-congressman have been under investigation for alleged links to the ELN. Attorney General's Office and Supreme Court, cited in *ibid*, p. 70. Some, including former member of Congress José Vicente Lozano and former Governor Héctor Federico Gallardo, have been sentenced.

¹⁶⁸ Crisis Group interview, military commander, Arauca, 1 September 2011. "Las dinámicas territoriales", *op. cit.*, p. 33.

to influence the October 2011 local elections and share the benefits.¹⁶⁹

Its length and characteristics make the border difficult to control. At the same time, the weak presence and reportedly low activity of security forces and agencies on the Colombian side suggest it is not a priority. In Norte de Santander, not only there is no migration control at the official transit points, but according to local sources there is also no tax control. Anti-narcotics police establish sporadic checkpoints that are easily detectable.¹⁷⁰ Part of the explanation may be in the opportunities for corruption that the border offers. A senior police official said efforts to control contraband undermined the goal of building trust with locals whose living is based on the activity.¹⁷¹

By contrast, the Venezuelan National Guard is more visible, and checks of Colombian travellers are frequent. Seizures and captures figure prominently in its reports.¹⁷² Yet, corruption and complicity in crime are allegedly rampant. This not only allows contraband to flourish and illegal armed groups to cross the border freely but also likely frustrates any breakthrough in cross-border security cooperation.¹⁷³ Young national guards reportedly compete for posts in the border regions, attracted by the prospect of bribes, even though a large share must go to superiors.¹⁷⁴

Venezuelan border-state inhabitants do not report significant security improvements. In addition to the long-standing presence of Colombian guerrillas, who in some areas compete with the home-grown Bolivarian Liberation Forces (FBL),¹⁷⁵ increasing NIAG incursions in Zulia, Táchira and Apure are confirmed by locals.¹⁷⁶ Rather than

¹⁶⁹ "Pactos de ilegales en Arauca", *El Espectador*, 3 October 2011.

¹⁷⁰ The Colombian tax authority is the Tax and National Customs Direction, DIAN. Crisis Group interviews, Los Patios, La Parada, June 2011. In Arauca, river control by the marines is reportedly insufficient, with one control post only. DIAN allegedly only focuses on small contraband traffic. Crisis Group interviews, Arauca, August, September 2011.

¹⁷¹ Crisis Group interview, senior police official, Arauca, 1 September 2011.

¹⁷² See http://frontera11.blogspot.com/2011_09_01_archive.html.

¹⁷³ For more on guerrilla presence in Venezuela, see Crisis Group Report, *Violence and Politics in Venezuela*, *op. cit.*

¹⁷⁴ Crisis Group interview, Cúcuta, 28 April 2011.

¹⁷⁵ The FBL, a paramilitary organisation with alleged links to the Venezuelan government, is largely confined to the states of Apure and Barinas, along with south-east Táchira. Crisis Group Report, *Violence and Politics in Venezuela*, *op. cit.*, pp. 16-17.

¹⁷⁶ C.L. Smith, "Aguilas Negras: Rising From the Ashes of Demobilisation in Colombia", *Upside Down World*, 13 April 2011; "Seguridad Binacional: 'Las Bacrim ya operan en Venezuela': Arco Iris", video, *Cablenoticias2*, YouTube, 9 April 2011. Crisis Group interviews, Zulia, 3-5 March 2011; and Guasdalito, 28-29 April 2011.

fighting the guerrillas, there seems to be a policy of lowering their profile and taking action against them only when necessary and convenient. The groups appear to have moved camps and be organised in smaller units.¹⁷⁷ There is also evidence of considerable FARC presence along the southern border (Amazonas state), where access is widely restricted by the National Guard, and it can operate relatively freely.¹⁷⁸

B. HUMANITARIAN SITUATION

Conflict dynamics along the eastern border continue to leave severe humanitarian traces. In the absence of effective state presence and services, social control by the guerrillas has long been a reality for rural communities in places like Arauca and the Catatumbo area. Residents of deprived neighbourhoods of Cúcuta and other urban centres increasingly suffer from the incursion of illegal armed groups.¹⁷⁹ ELN-FARC confrontations were a major source of danger for civilians, particularly in Arauca, between 2006 and 2010. Communities in the line of fire were forcibly aligned with one and targeted by the other.¹⁸⁰ The guerrillas' 2010 ceasefire brought some relief to communities, but they are still struggling with the deep divisions that the war left in the social fabric.¹⁸¹

Arauca and Norte de Santander are among the departments at highest risk of child recruitment, according to the early alert system of the ombudsman's office.¹⁸² Children are

used as fighters and informants, while sexual abuse of girls is common, by both illegal groups and members of the security forces.¹⁸³ Illegal armed groups also operate human trafficking networks that in the past have most affected communities in Norte de Santander, many of them displaced.¹⁸⁴ In 2010, Arauca ranked as the department with the second highest index of sexual violence.¹⁸⁵ Though it has decreased significantly at the national level, kidnapping is on the rise in Arauca, with 55 cases in 2010 compared to eight in 2009 and five in 2008.¹⁸⁶ Taking advantage of the lack of border control, victims are frequently moved across the river to Venezuela.¹⁸⁷ FBL participation in such operations inside Colombia has been reported.¹⁸⁸

Colombian government attention to the humanitarian problems, such as displacements or sexual violence, is weak. According to a 2009 report from the NGO Codhes, authorities in the border departments have tried to keep the number of recognised displaced at low levels.¹⁸⁹ Humanitarian organisations on the ground claim the authorities often meet displaced persons with prejudices, ignore procedures and display an attitude of doing favours instead of complying with their legal obligations.¹⁹⁰ Officials recognise in private that the responsible agencies lack administrative capacity.¹⁹¹ Appropriate prevention and education programs are lacking.

Extortion is widespread and increasingly affects communities on the Venezuelan side of the border, as guerrillas

¹⁷⁷ Crisis Group interviews, former military intelligence officer, Bogotá, 18 February 2011; former military intelligence officer, Maracaibo, 3 March 2011; and senior Colombian army member, Cúcuta, 27 April 2011.

¹⁷⁸ See Crisis Group report, *Violence and Politics in Venezuela*, op. cit., p. 15.

¹⁷⁹ NIAGs and ELN reportedly enforce their own "law" and kill people whose behaviour they do not approve of in poor neighbourhoods of Cúcuta. Crisis Group interviews, Cúcuta, 5 July 2011.

¹⁸⁰ "El Defensor del Pueblo registra con preocupación incremento de muertes violentas en Arauca", ombudsman's office, 2 June 2010.

¹⁸¹ Crisis Group interviews, Arauca, August 2011.

¹⁸² According to reports from the departmental education ministry, over 4,100 pupils (7.4 per cent of all those enrolled) left school in 2010 in Arauca; close to 2,700 (4.8 per cent) asked for transfer. Although recruitment risks do not figure among the causes listed in the official reports, humanitarian organisations believe it is one of the most important. School teachers and personnel hesitate to talk about this out of fear. Crisis Group interviews, Arauca, August 2011; Bogotá, 21 September 2011. "Conferencia Internacional relativa a las recomendaciones del sistema de Naciones Unidas sobre los niños y niñas afectados por el conflicto armado en Colombia", press release, COALICO, UNICEF and ombudsman's office, 22 June 2011. FARC, Rastrojos and others NIAGs allegedly recruit minors in Cúcuta and Villa del Rosario offering up to \$450. "Farc y 'Los Rastrojos'

hacen reclutamiento forzoso en Cúcuta y Villa del Rosario", *La Opinión*, 6 July 2010.

¹⁸³ Crisis Group interviews, Arauca, August 2011; and humanitarian organisation, Bogotá, 12 July 2011. See also "Procuraduría pide protección para comunidades indígenas en Arauca", *El Tiempo*, 17 July 2011.

¹⁸⁴ "Cinco niñas desplazadas raptadas para prostitución en Norte de Santander", Codhes, 8 July 2008; Crisis Group focus group discussion, Bogotá, 11 October 2011.

¹⁸⁵ 83.6 per 100,000 inhabitants; this does not include the presumably many unreported cases. "Violencia sexual contra la mujer en los conflictos armados", Instituto Nacional de Medicina Legal y Ciencias Forenses, 2010, p. 178. Amazonas department has the highest rate (120.8/100,000). Local hospitals often do not have what is needed to treat victims of sexual violence. Crisis Group interview, Tame, August 2011.

¹⁸⁶ Crisis Group interview, Arauca, August 2011. Many victims are oil workers, but also ranchers and business people. Employees are reportedly instructed not to report the crime if they want to keep their jobs. Crisis Group interview, Arauca, August 2011. On 29 September 2011, the kidnapping of the ten-year-old daughter of the mayor of Fortul municipality (Arauca) generated national protests, but responsibility in the case is still not clear.

¹⁸⁷ Crisis Group interview, Arauca, August 2011.

¹⁸⁸ Crisis Group interviews, Arauca, August, September 2011.

¹⁸⁹ "Tensión en fronteras", op. cit., p. 103.

¹⁹⁰ Crisis Group interview, Arauca, August 2011.

¹⁹¹ Crisis Group interview, Arauca, September 2011.

and NIAGs demand money from local businesses, land owners and cattle ranchers and sporadically kidnap those who do not pay.¹⁹² In Táchira state, NIAGs allegedly employ both Venezuelans and Colombians to extort small businesses in Ureña y San Antonio.¹⁹³ Inhabitants of the latter report that groups violently enforce their own “law”.¹⁹⁴ Territorial disputes between FARC and ELN in Venezuela – occasionally also with the Venezuelan FBL and, more recently with Colombian NIAGs – have left local communities between the fronts, subjected to forced displacements and recruitment, particularly in Zulia and Apure.¹⁹⁵ Contract-killing is also said to be increasingly frequent in the area.¹⁹⁶ In some municipalities in Apure, guerrillas actively intervene in community life.¹⁹⁷ Crisis Group field research suggests these dynamics have not substantially changed following the diplomatic détente.¹⁹⁸

Indigenous communities on both sides of the border have been particularly hurt by illegal armed groups that seek refuge on their land or use it as trafficking corridors. Communities have suffered massacres, assassination, confinement, forced displacement, recruitment and prostitution and sexual violence.¹⁹⁹ As many groups are hunter-gatherers, landmines not only limit their mobility, but also threaten their very existence. The impact of natural re-

source extraction and aerial coca crop fumigation on land and livelihoods is considerable.²⁰⁰ Following up on its previous ruling,²⁰¹ the Colombian Constitutional Court issued a specific decision in 2010 describing the Hitnu community in Arauca as “in danger of cultural and physical extinction” and instructing the social protection ministry to “urgently develop and implement health, nutrition and food security programs”. In July 2011, the public prosecutor’s office charged that the ministry had not complied with this mandate.²⁰²

The legitimacy of security force action has suffered from human rights and IHL violations by the military and police, particularly targeting rural communities (many indigenous) in areas of guerrilla influence. Counter-insurgency has been accompanied by stigmatising individuals or communities, extrajudicial executions and, at times, massive detentions of community leaders, partly based on testimony of demobilised ex-combatants.²⁰³ The military claims its increased focus on human rights policy, training and compliance has improved community trust in places like Arauca.²⁰⁴ Yet, incidents such as the rape of a fourteen-year old girl and the subsequent murder of her and two younger brothers by an army officer in October 2010 in Tame, Arauca, show that the legacy of a culture of abuse persists.²⁰⁵

¹⁹² Extortion, part of guerrilla activities in the Venezuelan border departments since the 1990s, increased markedly after 1999. Crisis Group Report, *Violence and Politics in Venezuela*, op. cit., p. 13. A local analyst from San Cristobal, Táchira, stated that “the paramilitaries and the guerrilla exert control in the entire area and they all have their business with ‘la blanca’ [cocaine] and the militaries Here in San Cristobal, for example, taxi drivers have to pay 10 Bolívares (\$1.50) for every taxi that they drive”. Crisis Group interview, San Cristobal, July 2011.
¹⁹³ Crisis Group interviews, San Antonio, July 2011. “Acusaron de secuestro y extorsión a cinco ‘Águilas Negras’”. *La Opinión*, 15 May 2011.

¹⁹⁴ Crisis Group interviews, San Antonio, June, July 2011.

¹⁹⁵ Crisis Group interviews, Guasdalito, 28-29 April 2011. Also see “Guerrilla asesina y desaloja a venezolanos en la frontera”, *El Nacional*, 20 October 2006; Casto Ocando, “Guerrilla Colombiana gobierna pueblo en territorio venezolano”, *El Nuevo Herald*, 3 October 2008. After the ceasefire, FARC-ELN disputes have diminished also on the Venezuelan side. A recent massacre in the Venezuelan border town Ureña, Táchira, was attributed to a dispute between Colombian NIAGs. “Masacre en Ureña, Norte de Santander, Venezuela”, *El Nuevo Día*, 17 September 2011.

¹⁹⁶ Crisis Group interview, San Antonio, July 2011.

¹⁹⁷ “Guerrilla Colombiana gobierna pueblo en territorio venezolano”, op. cit.

¹⁹⁸ Crisis Group Report, *Violence and Politics in Venezuela*, op. cit. p. 15.

¹⁹⁹ “Documento Interno de Seguimiento de la Situación de los Pueblos Indígenas en Colombia compartido al Relator Especial sobre la situación de los derechos humanos y las libertades fundamentales de los indígenas, Sr. James Anaya en su misión a Colombia 22-27 Junio 2009”, UNHCR Colombia.

²⁰⁰ Codhes reports that in order to mine coal in Norte de Santander, the government has been pushing for a new delimitation of the forest reserve, home to the Bari community, while in Arauca, oil extraction has led to the drying up of rivers, particularly threatening the Hitnu community. “Tensión en fronteras”, op. cit., p. 88.

²⁰¹ See Section II.B above.

²⁰² “Auto 382/10, Seguimiento Sentencia T-025/04 y auto A004/09”, Corte Constitucional, 10 December 2010. “Procuraduría pide protección para comunidades indígenas en Arauca”, *El Tiempo*, 17 July 2011.

²⁰³ Norte de Santander has had the most “false positive” killing cases in the border departments. The attorney general’s office, between 1985 and 2008, registered 66 there, 41 in Cesar, 34 in Guajira, 30 in Arauca, one in Vichada and none in Guainía. “MAPA: Investigaciones de falsos positivos por departamentos”, *Semana*, 5 June 2009. See also “Congresista denuncia captura masiva de sindicalistas en Arauca”, *Caracol*, 4 November 2008; “Tensión en fronteras”, op. cit., p. 70; “Denunciamos la fuerte persecución y estigmatización contra líderes campesinos en el Catatumbo”, press release, Asociación Campesina del Catatumbo, 24 February 2010. High levels of impunity persist, and some social leaders, including indigenous, are still in prison. Crisis Group interview, Arauca, August 2011.

²⁰⁴ Crisis Group interview, military commander, Arauca, 1 September 2011.

²⁰⁵ “El crimen de Arauca”, *Semana*, 6 November 2011. “¿Militar violador?”, *La Opinión*, 4 September 2011. The killing of the judge hearing the case of the three siblings in March shows the challenges facing law enforcement in these regions adding

C. INVISIBLE REFUGEES

In the first semester of 2011, several municipalities in Guajira, Norte de Santander, Arauca and Vichada still registered high rates of displacements of individuals and families, many of whom continue to seek refuge in Venezuela.²⁰⁶ According to a 2008 UNHCR survey, 200,000 Colombians in Venezuela – 118,000 in border states – need international protection.²⁰⁷ But as of May 2010, Venezuelan authorities had registered only 2,790 refugees of over 15,000 who had filed a request.²⁰⁸

The Venezuelan government prides itself on not discriminating between refugees, those seeking such status and other foreigners.²⁰⁹ Independently of status and ID, all receive access to education and health services. Yet, these rights have limits. Without a Venezuelan ID, a school or university certificate is not granted. Venezuelan nationality is needed to be included in the social security system, leaving others confined to the informal labour market.²¹⁰ Access to social services is an incentive for both refugees and economic migrants to cross the border.²¹¹ The downside of this seemingly generous policy, however, is that many in need of protection remain invisible and vulnerable. Until recently, the Venezuelan National Commission for Refugees (CONARE) could take four years to process a refugee status request.²¹² After a recent change in lead-

ership that humanitarian organisations interpret as an indication the refugee issue has become more of a priority, CONARE has not only caught up with a significant backlog but also begun campaigns in border regions to give legal aid to persons needing protection.²¹³

This positive development contrasts with reports of increasing hostility of Venezuelan security forces toward the Colombian population in the border areas, the majority of which remains without Venezuelan nationality. According to UNHCR, the National Guard deported 171 Colombians to Arauca in 2008, 300 in 2009 and 323 in 2010.²¹⁴ With over 300 deported by September 2011, it appears improved diplomatic ties have not translated into changed practice. Back in their country, displaced Colombians from Venezuela are in effect without protection.²¹⁵

to impunity. "Asesinada juez que investigaba asesinato de los niños Torres en Tame", RCN Radio, 22 March 2011.

²⁰⁶ "Colombia Humanitarian Situation, Synopsis January- June 2011", OCHA, p. 3.

²⁰⁷ Zulia (48 per cent), Táchira (36 per cent), Apure (13 per cent) and Amazonas (3 per cent). According to the study, close to 40 per cent of the refugees come from the Colombian departments bordering Venezuela, with Norte de Santander leading (21 per cent). The rest flee to Venezuela, mainly from the Atlantic coastal departments. More than 40 per cent of the displaced had to leave homes in Colombia at least twice before crossing the border. "El perfil de la población Colombiana con necesidad de protección internacional. El caso de Venezuela", UNHCR, 2008, pp. 37-90.

²⁰⁸ UNHCR Venezuela country fact sheet, September 2010. Venezuela has not ratified the 1951 Refugee Convention, but ratified its 1967 protocol in May 1986. In 2001 the National Assembly passed the Law for Refugees and Asylum Seekers. "Ley Orgánica sobre Refugiados o refugiadas y Asilados o asiladas", Gaceta Oficial, no. 37,296, 3 October 2001.

²⁰⁹ "La Comisión Nacional para los Refugiados y Refugiadas de la República Bolivariana de Venezuela", 2009.

²¹⁰ Crisis Group interview, humanitarian organisation, Caracas, 7 September 2011.

²¹¹ Crisis Group interviews, humanitarian organisations, Caracas, 7 September 2011; Bogotá, 15 July 2011.

²¹² Crisis Group interview, humanitarian organisation, 30 August 2011. Requests are supposed to be processed within 90 days. "Ley Orgánica sobre Refugiados", op. cit., Article 17. CONARE, created in 2003 by that law, consists of representa-

tives of the foreign, interior and justice and defence ministries (with vote), and non-voting representatives of the prosecutor's and ombudsman's offices and the National Assembly. It has local offices in the border states but no centralised and integrated information system. Many Colombians do not file a request for international protection due to dysfunctional bureaucracy. The majority, however, are not aware of their rights or prefer to remain invisible. "El perfil", UNHCR, op. cit., p. 15.

²¹³ Crisis Group interviews, humanitarian organisations, Bogotá, 15 July 2011; Caracas, 7 September 2011. Campaigns are carried out in cooperation with UNHCR and refugee NGOs.

²¹⁴ In December 2009, the Venezuelan army deported over 300 undocumented miners from the area of the Yapacama National Park in Amazonas state. "Una mina de problemas", *El Espectador*, 1 December 2009. Crisis Group interview, Arauca, August 2011.

²¹⁵ Crisis Group interview, humanitarian organisation, Bogotá, 29 July 2011.

VI. MOVING BEYOND EASY WINS

A bit over a year into the Santos administration's term, its new policies have produced tangible results. Security cooperation with the neighbours is improving, trade links have revived, Venezuelan debts are being repaid to Colombian business, and, more broadly, Colombia has ended its diplomatic isolation in the region. Yet, progress in tackling the more structural issues underlying the endemic problems of the border regions has been slow, even conceding that important parts of the agenda, including redistribution of royalty earnings, will only have an impact over the medium term. To move beyond the already realised easy wins and lay the foundations for conflict resolution and sustainable development in the border regions, three critical issues must be addressed. First, civilian state presence must be strengthened. Secondly, the humanitarian situation needs to be moved to centre stage, domestically and bilaterally. Thirdly, effective institutions to attack joint problems and drive development need to be built. For all this, Colombia and its neighbours require continuing international community support.²¹⁶

Decisive progress on this agenda is all the more important as there are latent risks that another diplomatic crisis could abruptly close the window opened by constructive relations. The likelihood of turbulence with Ecuador is smaller, but cases at the Inter American Commission on Human Rights (IACHR) and the International Court of Justice (ICJ) could still upset relations.²¹⁷ To a lesser degree, proceedings in an Ecuadorian court against the commanders of Colombia's armed forces and police who authorised the 2008 attack on the FARC camp may also spark ten-

sions.²¹⁸ Risks are bigger with Venezuela, whose volatile political situation has been compounded by its president's illness. Also, Santos increasingly faces domestic pressure. Stimulated by an election campaign, certain sectors in Colombia have started to publicly express concern about a honeymoon policy that is seen as not producing results on the ground.²¹⁹

A. STRENGTHENING STATE PRESENCE

Civilian state presence along the southern and eastern borders remains precarious. Some border communities in Nariño and Arauca have no permanent access to medical or educational services.²²⁰ There are public health posts but no nurses or doctors and schools but no teachers. Access to health services is no better in Putumayo, and frontline workers are not regularly paid.²²¹ Other public services, including the judiciary, are just as remote and inaccessible. More broadly, access to regular jobs in the southern and eastern border departments is as narrow as ever, with drug trafficking or joining an armed group frequently appearing as the only viable option.²²²

Some parts of the border, in particular some larger urban centres, may offer the conditions to implement programs for strengthening public services or improving social development. However, the real challenge is to advance civilian state presence in smaller municipalities, where public order

²¹⁶ The strides made by the Santos administration, epitomised by a 2011 law to repair a large number of victims and return land stolen by the paramilitaries and their associates, as well as a draft law to create a legal framework for future peace talks with the guerrillas, have strengthened the impression abroad that Colombia is finally coming to grips with the conflict and entering a post-conflict stage in which it no longer needs support for humanitarian assistance. But this is belied by the continuing conflict dynamics in the border regions.

²¹⁷ The claim before the IACHR concerns the death of Franklin Aisalla, an Ecuadorian citizen, in the 2008 attack on the Reyes camp, which Ecuador alleges contravened the American Convention on Human Rights by violating Aisalla's rights to life and humane treatment as well as judicial guarantees. "Report no. 112/10, Inter-state Petition IP-02, Admissibility", IACHR, OEA/Ser.L/V/II.140, 21 October 2010. Ecuador brought the ICJ case in 2008, complaining of fumigation at locations "near, at and across" its border. The parties made initial submissions, and the court in July 2010 directed them to deliver further written materials during 2011. See Press Release, 2010/20, International Court of Justice, 2 July 2010.

²¹⁸ In September 2011, the provincial court of Sucumbíos ordered the detention of Colombian police director Óscar Naranjo and the former heads of the Colombian armed forces, Freddy Padilla (general commander), Mario Montoya (army), Guillermo Barrera (navy) and Jorge Ballesteros (air force). It also seeks the detention of Colonel Camilo Álvarez. This order was strongly criticised by the Colombia government. See "Decisión del tribunal de Sucumbíos es absurda: Angelino Garzón", *El Espectador*, 9 September 2011. Colombia has long rejected the competence of Ecuadorian courts to judge the Angostura attack; Ecuador's government argues it cannot interfere in proceedings of independent courts.

²¹⁹ Crisis Group interview, foreign ministry, Bogotá, 4 October 2011. In August 2011, the then head of the armed forces, Admiral Edgar Cely, said "what had been demonstrated at the end of President Uribe's government [FARC camps on Venezuelan territory] is still there". "Las Farc y el ELN siguen en Venezuela: Almirante Cely", Caracol, 1 August 2011. In September 2011, Arauca Governor Luis Fernando Ataya denounced guerrilla presence across the border, adding that the border was the principal problem in his department. Juan Carlos Monroy Giraldo: "La guerrilla sigue en Venezuela, dice Ataya", *El Colombiano*, 16 September 2011. Colombian departmental and municipal elections took place on 30 October 2011. Domestic pressures are mainly associated with the Uribe camp. "Roces Santos-Uribe", *El Espectador*, 12 April 2011.

²²⁰ Crisis Group interviews, Ipiales and Tame, August 2011.

²²¹ Crisis Group interview, Mocoa, August 2011.

²²² Crisis Group interviews, Pasto and Mocoa, August 2011.

problems complicate or threaten implementation. Winning a war and building civilian state presence at the same time is not easy, but the failure over the better part of the last decade to attain either goal in the border regions warrants rethinking the balance and focus of the military and civilian components of state intervention. Four considerations should guide such efforts.

Disentangle military and civilian agendas. Across the border regions, efforts to beef up the civilian state in conflict zones has often taken the form of civil-military brigades, in which doctors, nurses and other frontline providers of social services are accompanied by troops. The combination of military and civilian action has become more sophisticated under the consolidation policy, though the gradual transfer of responsibility to civilian institutions has been patchy, and the policy has largely remained dominated by the military.²²³ Government officials say military protection is often the only way to ensure that service providers can access remote populations.²²⁴

Military accompaniment of civilian missions, however, has several drawbacks. First, while broadening access to some basic services, the brigades potentially expose communities to retaliation from illegal armed actors.²²⁵ Secondly, the combined forms leave the civilian institutions, such as hospitals, dependent on military protection and stall the development of their own capacities.²²⁶ Thirdly, the involvement of troops in provision of social services constrains humanitarian actors, for whom independence is vital for their ability to operate in conflict zones. Officials in Bogotá working on implementing consolidation policy are well aware of past shortcomings and of the complexities involved in joint civilian-military action.²²⁷ What is now needed is to review critically the inherited operation models in an effort to eliminate undesirable side effects.

Focus on citizen security. Tumaco is a case point. Despite a massive military intervention over the last years, the municipality continues to display extreme violence, and coca cultivation remains the highest in the country.²²⁸ It

also has just 150 police per 100,000 inhabitants, about half the national average, suggesting that improvement in policing has not ranked high on the agenda.²²⁹ If the state is to recover its legitimacy in the border zones, citizens must get security benefits and more rapidly. Competing demands for security must also be better balanced. Efforts to protect roads, oil fields and installations reportedly absorb 70 per cent of military capacity in Arauca and a similar amount in Putumayo.²³⁰ Of course, these are worthwhile things to keep safe, but the apparent bias in efforts has engendered distrust of security forces among the local population.²³¹

Foster economic development based on people's needs. Trust has been sagging over allegations that infrastructure and mining projects are carried out against community wishes. Improvements to infrastructure are sorely needed to enable better access to state services, propel economic growth and widen the base of legal economic activities in border regions.²³² Upgrading infrastructure is an important component of the National Development Plan. The neighbours share an interest in boosting transport links, so there is a focus on binational projects with Ecuador and Venezuela. The Initiative for the Integration of Regional Infrastructure in South America (IIRSA) adds an explicit trans-regional dimension under which a number of important projects for improving mobility are to be executed.²³³

Tumaco: La marcha de la desesperación", Indepaz, 17 September 2011.

²²⁹ This rate has been cited by the Nariño governor, Antonio Navarro Wolff. See, "'Aumento del pie de fuerza no es suficiente': Gobernador de Nariño", *El Tiempo*, 28 September 2011. The deployment of an additional 380 police, announced by Santos in September 2011, would more than double the current number.

²³⁰ Crisis Group interviews, Putumayo, August 2011; León Valencia, Ariel Avila, "La nueva realidad de las Farc", Corporación Nuevo Arco Iris, 2011, p. 11.

²³¹ Crisis Group interview, Puerto Asís, August 2011.

²³² Colombian infrastructure is ranked 79th of 139 countries surveyed by the World Economic Forum. See "The Global Competitiveness Report 2010-2011", 2010; also "Colombia's Infrastructure, Bridging the Gaps", *The Economist*, 17 September 2011. Difficult access to the markets is one reason why switching from coca to alternatives, such as fruits or cacao, can be problematic. Illegal armed groups often collect coca leaf directly from the producer.

²³³ IIRSA was launched at the First Summit of South American Presidents, Brasilia, 2000. By mid-2010, this initiative supported 524 transport, energy and communication infrastructure projects worth some \$96 billion. Projects with relevance for the Colombian border regions include upgrading the Tumaco-Pasto-Mocoa-Puerto Asís highway, building a Binational Border Service Centre (CEBAF) on the international bridge at Rumichaca and border crossing improvements in Norte de Santander (Colom-

²²³ Crisis Group interview, NGO, Bogotá, 5 October 2011.

²²⁴ Crisis Group interviews, CCAI, Mocoa, 18 August 2011; foreign ministry, Bogotá, 26 September 2011.

²²⁵ Crisis Group interview, NGO, Bogotá, 30 August 2011. According to a Crisis Group source, in one incident, several people collaborating with the organisation of a brigade in Piñuña Negra (Puerto Leguizamo, Putumayo) were assassinated.

²²⁶ Crisis Group interview, Mocoa, August 2011.

²²⁷ Crisis Group interview, CCAI, Bogotá, 14 October 2011.

²²⁸ Crisis Group interviews, anti-narcotics police, Bogotá, 9 September 2011; NGO, Bogotá, 5 October 2011. Since 2004, the consolidation policy in Tumaco has had equally elusive results. Just 9 per cent of the 262 affected zones have been declared "stabilised"; 60 per cent remain to be recovered. "En

Yet, often infrastructure projects move at a snail's pace, are tainted by corruption and do not deliver on the high expectations they encourage.²³⁴ There are recurrent complaints in areas such as Putumayo that infrastructure projects are mainly intended to benefit the oil industry, rather than civilian mobility.²³⁵ Projects need a clear focus on that mobility and to be extensively consulted with indigenous and Afro-Colombian communities that have in the past been critical of them.²³⁶ Their concerns should inform policy decisions so that a development opportunity does not become another factor of vulnerability.

This also holds true of mining projects, which the government considers a "locomotive of growth". There is growing evidence that fostering mining in conflict zones can cause more harm than good. Throughout border regions, illegal armed groups increasingly control illegal mining projects, creating new risks for the population and driving local corruption, as well as environmental threats to indigenous communities. While economic development in the border regions is part of the solution, it must be adequately consulted at grassroots level and comply with environmental and transparency standards. Pushing development would otherwise do little except prolong and accelerate the cycle of violence and displacement of indigenous communities.

Escalate efforts to strengthen civilian state capacity and local ownership of development projects. Local government's weakness, corruption and lack of technical capacity seriously impair key social services, including education and health that to a large degree are local and regional responsibilities. Efforts to ensure transparency in key risk areas such as public contracting or social spending need to be stepped up, in particular given the prospect of an increased inflow of royalties to local coffers in peripheral regions.²³⁷ Mechanisms to detect the infiltration by illegal groups of local authorities or security forces must be strengthened and any allegations swiftly investigated and prosecuted. Local representatives of the offices of the attorney general, the public prosecutor and the ombudsman, as well as of departmental and municipal comptrollers, need to be in a position to fully assume their responsibilities.

bia) and Táchira (Venezuela). See www.iirsa.org/Cartera_ENG.asp?CodIdioma=ENG.

²³⁴ Crisis Group interview, Nariño departmental government, Pasto, 4 August 2011.

²³⁵ Crisis Group interview, Puerto Asís, August 2011.

²³⁶ See "Palabra dulce", op. cit., pp. 15-19.

²³⁷ In the past, royalties have failed to improve social and economic development in receiving regions, largely because of corruption and other irregularities. To counter the rampant misuse of royalties, the constitutional reform calls for newly created "collegial institutions", in which central government officials are to be present to define projects.

Civil society monitoring of budget and project execution should also be encouraged.

Strengthening local government is likewise important to guarantee the sustainability of initiatives such as the Consolidation Policy and the Borders for Prosperity (PFP) plan. The latter contributes to bolstering local planning capacities, but is largely about specific projects, not long-term public policies. Even if successfully implemented, these projects will kick-start wider development and create positive external effects only if local government and society are capable of leading them.²³⁸ Unless national institutions as well as departmental and municipal governments have multi-year earmarked resources to implement border development programs, these will not deliver the hoped-for durable impact. In municipalities where the Consolidation Policy is being executed, authorities also need to make sure that the strengthening of its administrative presence does not further undermine local ownership of projects, possibly exacerbating a shortcoming already visible during the first phase.

Strengthening civilian state presence and fostering social mobility are challenges to be taken more seriously also in Venezuela and Ecuador, as dynamics in their border regions are increasingly similar to those on the Colombian side.²³⁹ Ecuador has made the more systematic efforts to balance border militarisation with stronger civilian state presence. Its flagship vehicle is the 2007 Plan Ecuador, successor of the ill-fated Unit for Northern Development (UDENOR),²⁴⁰ has few concrete results.²⁴¹ This reflects a series of factors. The plan has insufficient monetary and

²³⁸ It is a reflection of local weaknesses that in some PFP regions, communities and governments have reportedly had difficulties in coming forward with project proposals. This has been interpreted as the prevailing "culture of informality and illegality" not creating incentives for alternative development. Crisis Group interview, analyst, Bogotá, 28 September 2011. In some places, their representatives are tired of participating in workshops they believe do not lead to long-term improvement. Crisis Group interviews, Arauca, September 2011; Cúcuta, 5 July 2011.

²³⁹ In Sucumbíos there is just one secondary school in the border region; most families struggle to pay tuition fees and expensive river transport. Children who work as drug mules can earn up to \$80 in two hours, a multiple of weekly family income, but this creates tensions within families and border communities. There is also an increasing practice of paying them partly in drugs, thus fostering dependency and local consumption. Crisis Group interview, Sucumbíos, September 2011.

²⁴⁰ The aim of UDENOR, which was developed in open contrast to the Washington-inspired Plan Colombia, was to drive economic development and improve security in the northern border regions. It was increasingly instrumentalised for political purposes and in dispute with border municipalities. President Correa abolished it in 2007. Crisis Group interview, international cooperation agency, Quito, 23 September 2011.

²⁴¹ Crisis Group interview, NGO, Quito, 15 September 2011.

human resources; turnover at the top (five coordinators since 2007) undermines policy coherence; and its status as technical secretariat means that it lacks the institutional clout needed to push policies. Capacity building is an area where donors should assert their comparative advantages more comprehensively. Some projects already aim at strengthening state capacity, including on citizen security, but given the intrinsic difficulty of producing better governance and local institutions' weakness, donors admit that more are needed.²⁴²

B. IMPROVING THE HUMANITARIAN SITUATION

In order to mitigate the severe impact of conflict dynamics in the border regions, the humanitarian agenda needs to have higher priority, both domestically and bilaterally. Crisis Group research has revealed important protection gaps on the ground. Capacity problems of local agencies have been compounded by the increase in displacements in places like Nariño and Putumayo, where confidence in the state is low, and many people do not want to declare their situation for fear of violent retribution.²⁴³ At times, protection measures are not suited to local circumstances and needs,²⁴⁴ and victims are frequently met with prejudice and stigmatised.²⁴⁵

Halting the escalation of violence should be the first priority of state forces. This includes stopping the use of civilian informants, respecting human rights under all circumstances and swiftly investigating all alleged abuse. IHL obligations apply to all parties to the conflict, including illegal armed groups responsible for severe violations, such as forced recruitment and use of land mines. For security forces, complying with international norms is not just an obligation; it is also in the state's best long-term interest. If troops do not respect such rules, improving relations with the local population and jointly constructing functioning local governance will remain uphill battles.

In order to respond effectively to victims, the government should prioritise the border regions while implementing the humanitarian provisions of the new Victims Law. Humanitarian considerations need their own place in the municipal and departmental development plans and policies to be prepared by new authorities emerging out of the

October 2011 elections. Those plans and policies need to recognise the special, conflict-ridden nature of their target regions, reflecting that development must include attention to and empowerment of the most vulnerable. Protection mechanisms are best designed and implemented in consultation with affected communities and should address individual needs while strengthening communities.²⁴⁶

Ecuador should review and improve implementation of its new two-stage process for determining refugee status. Officials need to be better trained to administer the admissibility interview. The DR should clarify the appeal process and step up monitoring of field offices to ensure rules are implemented coherently. Strengthening DR field presence should be speeded up to avoid further slowing of procedures. The DR ought also to assess the admissibility process regularly, taking into account expertise of civil society organisations working to protect refugee rights. More broadly, officials and media should stop scapegoating refugees for the crime rate.

In Venezuela, tens of thousands of Colombians in need of international protection should not remain invisible and vulnerable. While their (limited) access to social services is welcome, it is not to be confounded with the responsibility of the Venezuelan authorities to promote and ensure access of people in need of protection to speedy and effective refugee determination procedures. The recently initiated CONARE campaigns in the border regions and its efforts to accelerate procedures are positive developments that need to be built on. At the same time, arbitrary deportations that endanger the lives of people in need of protection are unacceptable.

The humanitarian situation should receive more priority in Colombia's relations with both neighbours. The issues have been part of the initial reconciliation agenda with Ecuador,²⁴⁷ but progress has been limited. A major stumbling block is Quito's insistence that Bogotá formally recognise it shares responsibility in refugee matters, something Colombian diplomats describe as a "red line".²⁴⁸ Though Colombia recently pledged \$500,000 to fund UNHCR operations supporting Colombian refugees

²⁴² Crisis Group interviews, international cooperation agencies, Quito, 14-15, 23 September 2011.

²⁴³ Crisis Group interview, humanitarian organisation, Bogotá, 29 July 2011.

²⁴⁴ In some remote places, people were reportedly given cell phones to denounce threats that they could not use for lack of coverage. Crisis Group interview, humanitarian organisation, Bogotá, 29 July 2011.

²⁴⁵ Crisis Group interview, Arauca, August 2011.

²⁴⁶ Crisis Group interview, humanitarian organisation, Bogotá, 29 July 2011.

²⁴⁷ See "Comunicado Conjunto Ecuador-Colombia", press release, New York, 24 September 2009, which makes reference to mechanisms for improving the humanitarian situation of Colombian refugees in Ecuador. Colombia also pledged to "provide, together with other nations and institutions, the appropriate support in funding and services" for refugees in Ecuador.

²⁴⁸ Crisis Group interview, foreign ministry, Bogotá, 4 October 2011.

in Ecuador,²⁴⁹ there are few prospects the debate will go beyond trying to minimise the number and importance of refugees. Discussion about durable solutions should move beyond voluntary return, which, given conflict dynamics, is an option for relatively few.²⁵⁰ UNHCR representatives should participate in all such talks and make suggestions according to international standards and best practices.

Humanitarian problems also have been largely absent from the agenda with Venezuela, which has remained focused on security and trade.²⁵¹ There have been exceptions, including a 2003 memorandum of understanding acknowledging the problem of massive Colombian displacement and a 2007 joint mission to La Guajira examining the conditions for return of 300 indigenous Wayúu under temporary protection in Zulia.²⁵² But Colombian diplomats cautiously argue that the small number of recognised refugees does not warrant including a highly sensitive issue that could complicate a still difficult-to-manage relationship.²⁵³ Looking the other way will prolong the exposure of a large number of Colombians in need of international protection, however, and the long-run consequences could be severe.

International support remains critical for improving the situation. Given the likely small demand for voluntary return and the increasingly difficult living conditions of refugees confronted with hostilities and limited access to public services, more needs to be done to foster local integration.²⁵⁴ Integrating the support for refugees and receiving

communities would help to counter the widespread but misleading perception by locals that refugees enjoy special privileges. Third countries also need to accept more Colombian refugees for resettlement.²⁵⁵

C. BUILDING JOINT PROBLEM-SOLVING CAPACITY

Many of the thornier issues driving conflict in the border regions cannot be solved unilaterally. Problems such as drug trafficking and smuggling are transnational, hence best tackled with a coordinated policy response. Promoting border development would also be more successful if plans were compatible, and there was a strong integration component. The repair of diplomatic relations has given a new impetus to bilateral institution building, but problem-solving forums remain inadequate, particularly those with Venezuela.

The absence of sufficiently robust cooperation platforms partially reflects that Colombia's neighbours have been slow to acknowledge their share of responsibility for conflict dynamics in the border regions. Too frequently, their diplomats continue to frame the problem exclusively as a "spill-over" from Colombia. The conflict there is the single largest cause of the problems afflicting the borders, but also relevant are the operations of Colombian groups in both neighbouring countries, the complicity of segments of neighbouring security forces with organised crime and, not least, the existence of trafficking routes in both Venezuela and Ecuador that supply the conflict with arms, drug precursors and drug-trade money.

Relations with Ecuador have made the most progress on institution building. Officials praise the level of communication, and the capacity to deliver coordinated responses to security problems has increased with reactivation of the border commission (Combifron) as well as the signing of the border security agreement. The neighbourhood commission (COVIEC), tasked with promoting integration, cooperation and development in particular in the border region, was restructured in July 2011 to give for-

²⁴⁹ See Juan Francisco Valbuena, "Colombia girará 500 mil dólares para atender a refugiados en Ecuador", *El Tiempo*, 29 September 2011.

²⁵⁰ Under this plan, some 16,500 Colombian refugees would return by 2014. Catalina Oquendo, "Colombia y Ecuador discuten plan de retorno de refugiados", *El Tiempo*, 14 November 2010. Some observers note that the number of Colombians willing to return appears to be rising, as they face a worsening labour market. Crisis Group interview, Catholic Church, Ipiales, 8 August 2011. However, a recent study of urban refugees concluding that 84 per cent are unwilling to return suggests that the plan's goal is wildly optimistic. See "Refugiados Urbanos en Ecuador", Flacso Ecuador, February 2011.

²⁵¹ Crisis Group interview, humanitarian organisation, Bogotá, 29 July 2011.

²⁵² See "Memorandum de entendimiento entre la República Bolivariana de Venezuela y la República de Colombia sobre el tratamiento de las personas desplazadas en territorio Colombiano que llegan a la frontera Venezolana", 23 April 2003; and "Dadas las garantías para retorno de indígenas wayú al país", press release, Acción Social, 4 May 2007.

²⁵³ Crisis Group interview, foreign ministry, Bogotá, 4 October 2011. A humanitarian organisation suggested the governments have little interest in addressing an issue that "could spoil the party". Crisis Group interview, Bogotá, 29 July 2011.

²⁵⁴ Crisis Group interview, international cooperation agency, Quito, 15 September 2011.

²⁵⁵ In Esmeraldas (Ecuador) alone, eleven refugees or refugee claimants, including eight children, were killed in the first eight months of 2011. Crisis Group interview, Esmeraldas, September 2011. The motives are unclear. There are also many reports of conflict victims meeting the perpetrators again in Ecuador. Crisis Group interviews. NGOs, Tulcán and Quito, August 2011. Numbers of Colombian refugees accepted for resettlement in the U.S. have been declining, from 524 in 2004 to 24 (as of May 2011). See Ana Guglielmelli White, "In the Shoes of Refugees: Providing Protection and Solutions for Displaced Colombians in Ecuador", UNHCR Research Paper no. 217, August 2011, pp. 7-11.

eign ministers a greater role.²⁵⁶ In September, large delegations met in the Colombian border town of Ipiales to produce policy proposals intended to lead to bilateral agreements by the end of the year.²⁵⁷

Less headway has been made with Venezuela, where new institutions have replaced old ones that had deep problems. Nevertheless, starting over involves some limitations. While Bogotá celebrates the “magnificent climate”, senior officials admit that implementing commitments is slow and complicated. The counter-drugs agreement is yet to be made operational. Five working groups established in August 2010 meet only sporadically. Colombian officials deplore the lack of interlocutors “who could resolve things for you”.²⁵⁸ Conscious of sensitivities in Caracas, Colombian regional and local authorities have not been permitted to link up with their counterparts across the border, many of them members of the political opposition. With rising pressure on Santos from the Uribe camp and parts of the Venezuelan opposition to address the issue of continuing presence of Colombian illegal armed groups on Venezuelan soil, the window for building robust institutions could begin to close soon.

Important challenges lie ahead. Past decisions affecting the border too often were made top-down. Some policy instruments, such as PFP, use a participatory approach, but its projects-based reach is limited. Management of ties with Venezuela, in particular, remains under firm control of the presidents and foreign ministers.²⁵⁹ It is crucial to involve the border communities as key pillars to sustain bilateral relations, hence the need to create and support cooperation and integration initiatives from below and bring in civil society and the private sector.²⁶⁰

The objectives of bilateral instruments need to be better defined, avoiding past overlap. Dedicated instruments must focus on border development and integration to improve access to regular jobs and reduce incentives for contraband.

Multilaterally, UNASUR could play an increasingly important role in stabilising regional relations and fostering trust. Building it into a more robust institution is all the more important, as other, more established forms of intergovernmental cooperation, such as the Andean Community of Nations (CAN), are on a downward path.²⁶¹ UNASUR has already helped dampen the crisis over the U.S.-Colombia military base agreement. Former Secretary General Kirchner was instrumental in reconciling Colombian and Venezuela in August 2010. In 2009, UNASUR launched the Latin American Defence Council (CDS) as a new platform for military exchange and defence policy information.²⁶² UNASUR still has a long way to go, but, with the more active role Colombia now assumes, it can become a major regional forum.

²⁵⁶ Crisis Group interview, foreign ministry, Bogotá, 4 October 2011. See also “Ecuador y Colombia reestructuran comisión de vecindad”, press release, of foreign relations, trade and integration ministry (Ecuador), 25 July 2011.

²⁵⁷ Crisis Group interview, foreign ministry, Bogotá, 4 October 2011. Technical committees are working on migratory issues; extension of the border integration zone (ZIF); human trafficking; oil infrastructures and interconnections; disaster prevention and relief; and libraries. “Reestructuración de la COVIEC marca un hito histórico en las relaciones Ecuador-Colombia”, foreign relations, trade and integration ministry (Ecuador), 29 September 2011.

²⁵⁸ Crisis Group interviews, foreign ministry, Bogotá, 14 July 2011; anti-narcotics police, 9 September 2011.

²⁵⁹ Crisis Group interview, foreign ministry, Bogotá, 4 October 2011.

²⁶⁰ Such as the so-called “Grupo Promotor Binacional” in Norte de Santander, a binational civil society initiative to promote development and integration along the Colombia-Venezuela border. www.parcosun.org/institucional/452/grupo-motor-binacional-publico-memorias-de-seminario-taller. Created in 2009 by former Cúcuta Bishop Jaime Prieto

Amaya, it is only slowly moving again after his death in August 2010.

²⁶¹ Venezuela’s withdrawal from CAN, announced in 2006, became effective in April 2011. Aldo Rodríguez Villouta, “Venezuela sella su salida de la CAN y busca la entrada en el Mercosur”, EFE agency, 22 April 2011. The exit is significant for CAN, as trade between Colombia and Venezuela, now regulated bilaterally, accounted for the bulk of its commercial activity. It also led to the collapse of the Colombia-Venezuela ZIF initiative. In October 2011, Ecuador threatened to leave CAN over a border blockade by Colombian truck drivers. “Ecuador amenaza con retirarse de la CAN por lío camionero con Colombia”, *El País* (Colombia), 17 October 2011.

²⁶² More transparency and mutual information in defence spending is vital for improving regional relations. Growing military expenditure throughout South America over the last years has triggered speculation about whether the region is entering into a new arms race. see Naomi Mapstone and Benedict Mander, “Fears grow of South American arms race”, *Financial Times*, 2 January 2010. Such concerns are based on trends in a number of countries, including Chile and Brazil, but Colombian spending and a series of Venezuelan arms deals have also been part of that development.

VII. CONCLUSION

The improvement in bilateral relations between Colombia and its neighbours is a big step forward for tackling the problems of the border zones. But over a year into the term of President Santos, not enough of the diplomatic honeymoon has reached the realities on the ground. Security forces communicate more, but the resulting gains pale in comparison with the intensity of conflict dynamics. On the Colombian side, border-region violence remains above the national average, and in parts, including stretches of Arauca, Norte de Santander and Nariño, the security situation is deteriorating again. Dynamics in Ecuador's and Venezuela's border regions increasingly replicate the situation in Colombia. As a consequence, the humanitarian situation on all sides of the border is as critical as ever.

Responses from all governments to this have remained insufficient. Much of the onus is on Colombia. It must pay more attention to the humanitarian challenges and boost measures to build civilian state capacity in its border zones. But Ecuador and Venezuelan also need to do more to tackle drug trafficking and organised crime and to comply better with international obligations to protect refugees. All governments need to use the window of opportunity to build trust and platforms that are capable to provide solutions to joint problems and more resilient against the ups and downs of presidential and diplomatic relations. Given the scale and urgency of the problems, the international community should also extend far greater support for the fragile and troubled border regions.

Tackling the thorny problems that fuel the conflict in these regions will require much determination and political capital, but failure to act jointly would mean accepting prolonged and potentially intensifying warfare. This would not be in the long-term interest of any of the three governments, and it would make the humanitarian emergency ever harder to solve. Domestic security in both Ecuador and Venezuela would worsen, as organised crime and drug trafficking organisations took further advantage. Colombia will not see an end to violence without negotiating a settlement with the guerrillas. Given the importance of the border region to wider conflict dynamics, laying the foundations for sustainable development there is the best bet to set the stage for such negotiations and thus lasting peace.

Bogotá/Brussels, 31 October 2011

APPENDIX A

MAP OF COLOMBIA



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

APPENDIX B

MAP OF COLOMBIA-ECUADOR BORDER



APPENDIX C

MAP OF COLOMBIA-VENEZUELA BORDER



APPENDIX D

GLOSSARY OF TERMS

BACRIM	Criminal groups (bandas criminales), term used by the government to refer to illegal armed groups formed after the end of the paramilitary demobilisation.
CAN	Andean Community of Nations (Comunidad Andina de Naciones), regional body formed by Colombia, Ecuador, Peru and Bolivia, weakened by Venezuela's withdrawal, effective in 2011.
CCAI	Coordination Centre for Integrated Action (Centro de Coordinación de la Acción Integral), central coordination mechanism for institutions with responsibility for executing consolidation policy.
CDS	South American Defence Council (Consejo de Defensa Suramericano), institution linked to UNASUR tasked with improving measurement of regional arms purchases and coordination for humanitarian and peace missions.
Codhes	Consultancy for Human Rights and Displacement (Consultoría para los derechos humanos y el desplazamiento).
COMBIFRON	Binational Border Commission (Comisión Binacional de Frontera), bilateral security cooperation mechanism.
CONARE	Venezuelan National Commission for Refugees (Comisión Nacional de Refugiados), body created in 2003 responsible for processing refugee requests.
CONPES	National Council for Social and Economic Policy (Consejo Nacional de Política Económica y Social), technical adviser to Colombia's National Planning Department.
COPAF	Presidential border commissions (Comisiones Presidenciales de Asuntos Fronterizos), platform for political coordination between Venezuela and Colombia.
COPIAF	Presidential integration and border commissions (Comisiones Presidenciales de Integración y Asuntos Fronterizos), successor to COPAF, replaced in August 2010 by five working groups.
COVIEC	Ecuadorian-Colombian Neighbourhood Commission (Comisión de Vecindad e Integración Ecuador-Colombia), bilateral mechanism to promote binational integration, cooperation and development in border areas.
DIAN	Colombian Tax and Customs Authority (Dirección de Impuestos y Aduanas Nacionales de Colombia).
DNE	National Narcotics Direction (Dirección Nacional de Estupefacientes), anti-narcotics body in Colombia that is being liquidated due to mismanagement of assets seized from drug-traffickers.
DNP	Colombia's National Planning Department (Departamento Nacional de Planeación).
DR	Refugee Directorate (Dirección General de Refugiados), unit in the Ecuadorian foreign ministry in charge of processing refugee requests.
ELN	National Liberation Army (Ejército de Liberación Nacional), Colombia's second largest guerrilla group.
EPL	Popular Liberation Army (Ejército de Liberación Popular), Colombia's smallest guerrilla group, the bulk of whose fighters demobilised in 1991 and formed a political party.
ERPAC	Anti-terrorist Popular Revolutionary Army of Colombia (Ejército Revolucionario Popular Antiterrorista de Colombia), a NIAG and drug-trafficking organisation whose stronghold is in the eastern plains.
FARC	Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia), Colombia's main insurgent group and the oldest guerrilla force in the Americas.
FBL	Bolivarian Liberation Forces (Fuerzas Bolivarianas de Liberación), paramilitary organisation in Venezuela.
IACHR	Inter-American Commission on Human Rights, autonomous organ of the OAS tasked with promoting and protecting human rights.

INDEPAZ	Institute for Peace and Development Studies (Instituto de Estudios para el Desarrollo y la Paz).
ICJ	International Court of Justice.
IDPs	Internally Displaced Persons.
IHL	International Humanitarian Law.
IIRSA	Initiative for the Integration of Regional Infrastructure in South America (Iniciativa para la Integración de la Infraestructura Regional Suramericana), regional scheme promoting the integration of transport, energy and communication infrastructure.
LOOT	Colombia's Statutory Law on Territorial Arrangements (Ley Orgánica de Ordenamiento Territorial).
NBI	Unsatisfied basic needs (Necesidades Básicas Insatisfechas), proxy term for poverty.
NIAGs	New Illegal Armed Groups and paramilitary successors, generic term to describe illegal armed groups that have emerged after the end of the demobilisation of paramilitaries in 2006.
OAS	Organisation of American States.
OCHA	UN Office for the Coordination of Humanitarian Affairs.
PFP	Borders for Prosperity Plan (Plan Fronteras para la Prosperidad), initiative led by the Colombian foreign ministry to spur economic and social development in the border municipalities.
PNCT	National Territorial Consolidation Plan (Plan Nacional de Consolidación Territorial), Colombian government strategy for recovering control over and improving state presence in selected conflict zones.
RSD	Refugee Status Determination.
UDENOR	Unit for Northern Development (Unidad de Desarrollo Norte), Ecuador government entity intended to promote productive and security projects along the Colombia border, abolished in 2007.
UNASUR	Union of South American Nations (Unión de Naciones Suramericanas), twelve-nation regional body founded in 2008.
UNHCR	UN High Commissioner for Refugees.
ZIF	Border integration zone (Zonas de Integración Fronteriza), initiative under the CAN to foster development in border zones of member states.

APPENDIX E

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 130 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group'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, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and made available simultaneously on the website, www.crisisgroup.org. Crisis Group 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 Crisis Group Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is chaired by former U.S. Ambassador Thomas Pickering. Its President and Chief Executive since July 2009 has been Louise Arbour, former UN High Commissioner for Human Rights and Chief Prosecutor for the International Criminal Tribunals for the former Yugoslavia and for Rwanda.

Crisis Group's international headquarters are in Brussels, with major advocacy offices in Washington DC (where it is based as a legal entity) and New York, a smaller one in London and liaison presences in Moscow and Beijing. The organisation currently operates nine regional offices (in Bishkek, Bogotá, Dakar, Islamabad, Istanbul, Jakarta, Nairobi, Pristina and Tbilisi) and has local field representation in fourteen additional locations (Baku, Bangkok, Beirut, Bujumbura, Damascus, Dili, Jerusalem, Kabul, Kathmandu, Kinshasa, Port-au-Prince, Pretoria, Sarajevo and Seoul). Crisis Group currently covers some 60 areas of actual or potential conflict across four continents. In Africa, this includes Burundi, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Guinea-Bissau, Kenya, Liberia, Madagascar, Nigeria, Rwanda, Sierra Leone, Somalia, Sudan, Uganda and Zimbabwe; in Asia, Afghanistan, Bangladesh, Burma/Myanmar, Indonesia, Kashmir, Kazakhstan, Kyrgyz-

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CRISIS GROUP REPORTS AND BRIEFINGS ON LATIN AMERICA SINCE 2008

- Latin American Drugs I: Losing the Fight*, Latin America Report N°25, 14 March 2008 (also available in Spanish).
- Latin American Drugs II: Improving Policy and Reducing Harm*, Latin America Report N°26, 14 March 2008 (also available in Spanish).
- Colombia: Making Military Progress Pay Off*, Latin America Briefing N°17, 29 April 2008 (also available in Spanish).
- Bolivia: Rescuing the New Constitution and Democratic Stability*, Latin America Briefing N°18, 19 June 2008 (also available in Spanish).
- Venezuela: Political Reform or Regime Demise?*, Latin America Report N°27, 23 July 2008 (also available in Spanish).
- Reforming Haiti's Security Sector*, Latin America/Caribbean Report N°28, 18 September 2008.
- Correcting Course: Victims and the Justice and Peace Law in Colombia*, Latin America Report N°29, 30 October 2008 (also available in Spanish).
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- Violence and Politics in Venezuela*, Latin America Report N°38, 17 August 2011 (also available in Spanish).
- Keeping Haiti Safe: Police Reform*, Latin America/Caribbean Briefing N°26, 8 September 2011 (also available in French).
- Guatemala: Drug Trafficking and Violence*, Latin America Report N°39, 11 October 2011.
- Keeping Haiti Safe: Justice Reform*, Latin America/Caribbean Briefing N°27, 27 October 2011.

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