

Colombia: Moving Forward with the ELN?

I. OVERVIEW

A three-year peace process between the government of Alvaro Uribe and the left-wing National Liberation Army (ELN) is at a standstill, with concern rising that it is doomed by mutual recalcitrance. The insurgent group, while much smaller than the more prominent (and notorious) Revolutionary Armed Forces of Colombia (FARC), is probably both militarily stronger than the government believes and politically weaker than its leaders think. To counteract the spread of frustration and prevent failure, the government and the rebels should immediately explore creative options, as much to begin to establish some badly needed mutual confidence as to tackle the persistent procedural and substantive bottlenecks.

The peace process has moved from an exploratory phase with intermittent Mexican facilitation toward formal dialogue with the accompaniment of Norway, Spain and Switzerland. Although it is important that it has not broken down, eight rounds of talks, from the formal December 2005 start in Havana, have produced no tangible results. Some observers, citing the more serious threat that the FARC represents and the growth of new illegal armed groups, even assert that the ELN negotiation is a sideshow of little relevance. Nevertheless, while the ELN's military capability has clearly been reduced by Uribe's tough security policy, the movement has survived by staying mobile and adapting to local conflict conditions.

A ceasefire is the first hurdle. There is agreement in principle on a bilateral, "experimental" (i.e. temporary) one, during which further negotiations would take place, but disagreement on the concentration of rebel fighters, verification of the accord and the government's demand for a complete end to kidnappings. The government wants the ELN to concentrate its forces in specific locations and identify its combatants, while the ELN wants to be able to stay mobile within specified corridors. The basic disagreement over the type of ceasefire has prevented the parties from defining the international mission needed for verification. With no movement on a ceasefire, unilateral humanitarian measures have been suggested as a possible way to unblock the process. Both sides agree that de-mining and a halt to kidnappings could be important steps toward peace but questions remain as to the viability of undertaking these actions outside the framework of

a ceasefire, and it is doubtful that humanitarian measures alone would overcome the more substantive bottlenecks.

The ELN and the government also differ on such fundamental matters as the origins of the Colombian conflict and whether simple reforms or deep structural changes are needed to resolve it. The insurgents demand a National Convention with civil society participation but have yet to offer clarity on how such a body might actually produce the transformation they insist upon. Political and socio-economic issues have been broached in Havana but drafting of even an agenda for a political negotiation has been postponed to an indefinite subsequent stage. The ELN's bottom line and what the government would be prepared to offer in an endgame remain unclear.

Judicial guarantees for the ELN leaders will eventually be another key issue. While the government has said it will apply the Justice and Peace Law (JPL) to all illegal armed groups, and the ELN has not ruled out assuming responsibility for its actions, the insurgents have also called for an amnesty in exchange for agreeing to a truth commission that would be charged with establishing the responsibility of all actors in the armed conflict, including the government. However, most ELN leaders are accused of atrocities which would be difficult to excuse with an amnesty consistent with international humanitarian law and without creating new pressures for more lenient treatment of demobilised and imprisoned paramilitary leaders.

Both sides, with the support of the three accompanying European countries, need to explore ways to restore momentum in the negotiating process, including unilateral measures aimed at establishing a degree of mutual trust. Specifically:

- ❑ the ELN should release its kidnap victims and de-mine some areas;
- ❑ the Uribe administration should seek a ceasefire as an important step in the process rather than insist on an immediate and complete cessation of all hostilities, and should show more flexibility in addressing ELN concerns about concentrating and identifying its fighters; and
- ❑ Norway, Spain and Switzerland should consider offering international experience with lessons

learned on implementation of ceasefires, temporary concentrations of fighters, protected corridors, the importance of full involvement of civil society and local communities, and verification by third parties.

II. THE ELN TODAY

A. MILITARY STRENGTH

1. Capabilities

The ELN's military capabilities have been considerably reduced since the late 1990s. While some analysts contend that it has consciously prioritised a political strategy,¹ the rapid expansion of paramilitary groups in many of its strongholds, the competition with the FARC² and the increasing mobility and firepower of government security forces have all worked against Colombia's smaller insurgent group.³ In 2000, the ELN was estimated to have some 4,500 armed combatants.⁴ Today, according to the estimates of government security forces and independent observers, it has around 2,200 to 3,000 combatants, in 75 "fronts", of which only 22 were active in 2006.⁵ This reflects a steady rate of demobilisations and captures by the authorities.⁶

¹ Mario Aguilera Peña, "El ELN entre las armas y la política", in Maria Emma Wills and Gonzalo Sánchez (eds.), *Nuestra Guerra Sin Nombre* (Bogotá, 2006), pp. 211-266.

² See section II.A.2 below.

³ Germán Espejo and Juan Carlos Garzón, "La Encrucijada del ELN", *Fundación Seguridad y Democracia*, 27 July 2005, pp. 10-12.

⁴ *Ibid.*, p. 16.

⁵ The front is the ELN's basic military unit, normally comprising some 30 to 40 fighters. Only seventeen fronts have so far undertaken actions in 2007. The strongest military structures include the Domingo Laín front in north eastern Arauca, which serves as the axis for the operations of fronts in Boyacá and Casanare such the José David Suárez, Capitán Parmenio, and Adonai Ardila fronts and the Simacota mobile company. Eight armed structures with between 600 to 700 men operate in the area; the Comuneros del Sur front in south-western Nariño and Cauca leads up to 180 combatants, including the Heroes de Sindagua mobile company; the Armando Cagua Guerrero front, with close to 50 combatants, is the leading structure in the zone, which includes mobile companies such as the Compañero Diego and Capitán Francisco Bossio and fronts in the Serranía de Perijá. Crisis Group interviews, Bogotá, August-September 2007.

⁶ Between 2002 and 2007 over 1,900 ELN combatants have deserted and close to 2,100 have been captured. Observatorio del Programa Presidencial de DDHH y DIH, Vicepresidencia de la República and Centro de Investigaciones Criminológicas, Dirección de Policía Judicial (DIJIN), Policía Nacional. Crisis

According to government sources, from 2002 to 2007 ELN military actions, including combat with security forces, ambushes, piracy and acts of terrorism, have gradually fallen from 195 per year to nineteen.⁷

Despite the overall reduction in its offensive capability, there are differences in the regions where the ELN is active. Since 2002, ELN armed actions have been concentrated along strategic corridors leading to and from the Venezuelan border and in areas in the Pacific coast.⁸ Insurgent units such as the José Solano Sepúlveda front in southern Bolívar and the Bolcheviques del Líbano front in northern Tolima have been gradually reinforced by fighters from other regions and are still operational.⁹

In Antioquia, the ELN has survived due to its ability to stay mobile but its once important presence was reduced¹⁰ by army offensives in 2002 and 2003 and the increasing presence of paramilitary groups in the north eastern part of the department between 1997 and 2002.¹¹ In eastern and north eastern Antioquia, the disbanding of highly active and relatively large fronts¹² has resulted in the atomisation and relocation of forces toward areas such as southern Bolívar and the border between the western

Group interviews, Barrancabermeja, 7 September 2007 and Bogotá, 14 September 2007.

⁷ An act of terrorism refers to an attack that puts civilians and public property at risk. Piracy refers to theft of merchandise transported by land. Acts of terrorism dropped from 79 in 2002 to two in the first seven months of 2007. Combat with security forces dropped from four in 2002 to one each in 2006 and the first half of 2007. Ambushes dropped from eight in 2002 to five in 2006 and one in 2007. Observatorio del Programa Presidencial de DDHH y DIH, Vicepresidencia de la República.

⁸ Since 2006 security forces have recorded armed action only in the Cauca, Chocó and Nariño departments on the Pacific coast and the Boyacá, Casanare and Norte de Santander departments, through which corridors run to the Venezuelan border, illustrating the shift in the ELN theatre of operations. *Ibid.*

⁹ Security forces believe the Bolcheviques del Líbano front in northern Tolima has around 50 combatants. Crisis Group interview, Bogotá, 17 August 2007.

¹⁰ At their highpoint, ELN fronts were in over 90 per cent of all municipalities in Antioquia. The dramatic reduction of their presence is shown by the drop in terrorist acts, from 34 in 2002 to none in 2006.

¹¹ Military operations in 2002-2003 were successful in protecting highways and infrastructure, some preferred ELN targets. During the late 1990s, the growth of paramilitary groups in north eastern Antioquia with links to drug trafficking placed ELN fronts, which relied on extortion, piracy and kidnapping for financing, at a disadvantage.

¹² Between 2002 and 2007, 414 ELN fighters demobilised in Antioquia, the highest rate nationally. Observatorio del Programa Presidencial de DDHH y DIH, Vicepresidencia de la República. Some strong fronts in eastern Antioquia, such as Heroes de Anorí and Carlos Alirio Buitrago, survive with less than twenty men each. Crisis Group interview, Bogotá, 14 September 2007.

Chocó, Risaralda and Valle del Cauca departments.¹³ Combatants have been known to join other fronts in these regions, the coffee belt and even northern Tolima. Security forces believe that small units, sometimes disguised as civilians, are attempting to regroup in eastern Antioquia.¹⁴

In other regions, where traditional ELN fronts were hard hit by paramilitary action in the late 1990s and early 2000s, reduced units moved to high mountain ranges. In southern Bolívar, ELN fronts remain in the high areas of the Serranía de San Lucas but seldom launch offensive actions.¹⁵ Their use of anti-personnel mines is a defensive reaction to increasing army activity.¹⁶ Fronts in Cesar similarly seek to remain mobile in the higher areas of the Serranía de Perijá as well as on the side of the Sierra Nevada de Santa Marta.¹⁷ These fronts combine the use

of landmines and explosives for defence in the higher regions with the use of militia members who provide logistical support and intelligence for extortion and kidnappings in lower regions.¹⁸ Small fronts of around twenty each also persist in the mountain ranges between Santander and Norte de Santander departments.¹⁹

The smaller scale of government offensives in Arauca, the Cataumbo region and the border between Cauca and Nariño has allowed ELN units there to regroup from the fighting with paramilitaries in the early 2000s. Fronts deployed in these areas have remained larger and have maintained their offensive capability. Illegal activity there has both produced income and supplies and made it necessary to control territory and populations. These fronts are led by experienced military commanders²⁰ and have strong, mobile companies able to control and move along strategic corridors.²¹

Although in general their numbers have dropped, several ELN fronts have maintained high technical and tactical know-how. ELN forces have traditionally been skilled in the manufacture of explosive devices and weapons

¹³ Traditionally present along the border between Antioquia and Chocó, the Ché Guevara front has been more active toward the border between Chocó and Valle del Cauca, where in February 2007 there were reports of combat and demobilisations in El Dovio and San José del Palmar municipalities. "Destruyen Campamento del ELN", *La Tarde*, 26 February 2007; "La increíble y dramática historia del militar que el ELN mantuvo cautivo durante cuatro años", *Semana*, 8 February 2007. The José Antonio Galán front has stayed mobile between north eastern Antioquia and southern Bolívar, in municipalities such as Cantagallo and San Pablo, acting jointly with the Mariscal Sucre and Luis Carlos Hernandez companies to compensate for its reduced power.

¹⁴ Crisis Group interview, Bogotá, 17 August 2007.

¹⁵ Between 2002 and 2007, government sources recorded only two acts of terrorism, one ambush and three light armed attacks in Bolívar. According to security forces, the ELN fronts in the region are unlikely to total more than 150 men: the Edgar Amilkar Grimaldos front has no more than twenty men and is active in Santa Rosa and San Lorenzo municipalities; the José Solano Sepulveda front has some 40 and is active around Morales and Arenal municipalities; the Guillermo Ariza front in Santa Rosa municipality has close to 25; and the Heroes y Mártires de Santa Rosa front has 40 well-armed and equipped fighters. However, local sources believe these fronts total up to 400, Crisis Group interviews, Barrancabermeja, 7 September 2007, southern Bolívar, 8 September 2007.

¹⁶ Crisis Group interviews, Barrancabermeja, 7 September 2007. Attacks by security forces against the ELN in Bolívar increased from three in 2002 to 21 in 2006. Observatorio del Programa Presidencial de DDHH y DIH, Vicepresidencia de la República.

¹⁷ The Camilo Torres front, which security forces believe has close to 35 experienced fighters, operates mainly in the higher areas of Aguachica, Curumaní, Pailitas and Pelaya municipalities; the Six December front operates in the Copey and Pueblo Bello municipalities; the Luciano Ariza front, mainly confined to the higher areas of the Serranía de Perijá, is believed to have around 25 combatants; the José Manuel Martínez Quiroz front operates in Codazzi and Becerril municipalities. The Francisco Javier Castaño front is confined to the higher areas of the Sierra Nevada

de Santa Marta, with around 25 men. Crisis Group interview, Bogotá, 17 August and 14 September 2007.

¹⁸ "En Curumani, desarticulada estructura de milicias urbanas del Frente Camilo Torres del ELN", ANNP, 11 September 2007; Crisis Group interview, Bogotá, 14 September 2007.

¹⁹ The Claudia Isabel Escobar front, with no more than twenty men, still acts in Charta, Tona, Surata and Matanza municipalities; the José Fernando Porras front is active in the highlands of Tona municipality, with around fifteen men. "Centro de operaciones y de entrenamiento militar busca frenar accionar de la guerrilla", *Vanguardia Liberal*, 9 September 2007. According to security forces, the Manuel Gustavo Chacón front, responsible for much kidnapping and extortion in areas of Lebrija, Rionegro and El Playón municipalities in Santander and San Alberto and San Rafael municipalities in Cesar, was dismantled in May 2007 by a special joint unit of the attorney general's office, the police, secret police (DAS) and army. "Se acabó el frente Manuel Gustavo Chacón, del Eln", *Vanguardia Liberal*, 1 June 2007.

²⁰ According to security sources, fronts in Arauca, Casanare and Boyacá have the highest percentage of experienced ELN commanders. The experienced "Abelardo" controls operations in Nariño. In Norte de Santander the presence of Central Command (COCE) members has ensured the military capacity of the fronts. Crisis Group interviews, 3 and 14 September 2007.

²¹ The Heroes de Sindagua mobile company moves along the corridor leading from Samaniego to Tumaco; the Capitán Francisco Bossio mobile company controls the route from the midlands in the Cataumbo to the Venezuelan border close to Cúcuta; the Simacota mobile company, one of the most effective and highly trained, controls the path through Tame as well as some of the waterways to the Venezuelan border. Crisis Group interviews, Bogotá, 17 August, 3 and 14 September 2007.

and continue to train some small, elite units for special operations.²² They remain highly mobile so that they can reinforce fronts as needed.²³ Moreover, the ELN retains networks of unarmed militia, which are difficult for the security forces to detect, and is still able to attract some recruits, especially in regions where it has good community relations.²⁴

Historically, the ELN has had a lower fighter-to-weapon ratio than the FARC or the paramilitaries.²⁵ According to security force sources, the better armed fronts are those in Arauca, Casanare and Norte de Santander, as well as some smaller elements in northern Tolima. While the bulk of the ELN's armament consists of rarely replaced old Hungarian and East-German AK-47s and some old Swiss FAL rifles, there appears to be no shortage of ammunition.²⁶ The ELN has traditionally favoured the Venezuelan border for moving its arms through Norte de Santander,²⁷ La Guajira²⁸ and Arauca,²⁹ although it has also used the corridor through Bahía Solano (Chocó) for weapons coming from Central America.³⁰

The Central Command (COCE) remains formally the movement's highest decision-making body³¹ but it is

questionable whether it fully controls all fronts. Historically, it has been at odds with a trend toward independence among units in some regions.³² Discontent is not unusual among mid-level commanders in Antioquia, Tolima and Santander departments, and even Guajira, where units have been reduced in clashes with security forces and paramilitaries and have gone long periods without receiving COCE support.³³ Fronts in other areas, such as Bolívar and Norte de Santander departments, have traditionally had a more cohesive relationship with the COCE.³⁴ Certain fronts in Arauca, Nariño, Valle, Cauca and even Chocó have inserted themselves along corridors for drug trafficking and other illegal purposes and have thereby been able to keep up their strength while maintaining some independence from the central command.³⁵

2. Interaction with other illegal armed groups

At senior command levels, the ELN and the FARC acknowledge they have similar interests but appear only to tolerate each other rather than cooperate actively. The breakdown in 1991 of the "Simón Bolívar" Guerrilla Coordinating Body (CGSB), which provided a joint platform for negotiations with the Gaviria administration, first revealed FARC-ELN differences.³⁶ Since then, the COCE has continued to seek a rapprochement with the

²² Crisis Group interview, Bogotá, 3 and 14 September 2007.

²³ For instance, reinforcements from other regions are said to have been relocated to the Serranía de San Lucas to reinforce the José Solano Sepulveda front in 2007. Crisis Group interviews, southern Bolívar, 8 September 2007.

²⁴ Crisis Group interviews, Barrancabermeja, 7 September, southern Bolívar, 8 September and Bogotá, 14 September 2007.

²⁵ According to intelligence sources, the ELN has approximately a 1:1 weapon per combatant ratio, while the FARC (and formerly the paramilitaries) has approximately a 2:1 ratio. The ELN uses mostly 7.62mm ammunition. "Violence, Crime and Illegal Arms Trafficking in Colombia", United Nations Office on Drugs and Crime (UNODC), 20 December 2006.

²⁶ Crisis Group interview, Bogotá, 17 August 2007.

²⁷ Preferred routes include waterways through El Tarra, Convención and Ocaña, and by land through Cúcuta, Pamplona and Bucaramanga. According to security forces, corrupt members of the Venezuelan National Guard sell weapons to the Capitan Francisco Bossio mobile company, which operates in Norte de Santander. "ELN involucrado en tráfico de armas y drogas en Venezuela", Caracol Radio, 4 February 2005. Security force sources say members of the ELN's urban militias in Cúcuta have obtained Venezuelan identification cards and operate from Venezuela. Crisis Group interview, Bogotá, 17 August 2007.

²⁸ Use of arms caches has grown as a result of the loss of men in these areas. Crisis Group interview, Bogotá, 17 August 2007.

²⁹ Kim Cragin and Bruce Hoffman, *Arms Trafficking and Colombia* (Washington DC, 2003), p. 29.

³⁰ Crisis Group interview, Bogotá, 17 August 2007.

³¹ The ELN has a fifteen-member high command: the COCE, with five members, is the highest decision-making body; the other ten members form the National Directorate, five of whom are the links to the war fronts, and five of whom take care

of finances, logistics, cohesion, propaganda and international relations.

³² Carlos Medina Gallego, *ELN Una Historia de los Orígenes* (Bogotá, 2000), pp. 287-288.

³³ After being captured in Lebrija (Santander) on 30 May 2007, the commander of the Manuel Gustavo Chacón front, alias 'Miguel', said his front had received little support and had gone without supplies for long periods of time. "Se acabó el frente Manuel Gustavo Chacón del ELN", op. cit. On 1 June 2004, 58 members of the Carlos Alirio Butrago front in south eastern Antioquia established a dissident faction and declared their willingness to demobilise. Commanders complained that many of their fighters were hungry and suffering, while COCE members such as Antonio García, Ramiro Vargas and Pablo Beltrán lived abroad for long periods. "Texto de la Carta Enviada por el Frente Ricardo Lara Parada al Presidente de la República", Frente Ricardo Lara Parada, 1 July 2004, www.altocmisionado.paralapaz.gov.co. Similar letters and communications have been traced by security forces in Guajira and Tolima. Crisis Group interview, Bogotá, 17 August 2007.

³⁴ Crisis Group interview, Bogotá, 20 August 2007.

³⁵ Crisis Group interviews, Bogotá, 17 August and 14 September 2007.

³⁶ Since its establishment in 1987, the CGSB had included the EPL, the M-19, Quintín Lame and the PRT among other insurgent groups. During talks with the Gaviria administration, the FARC showed little interest in maintaining the CGSB as a coordination body. Crisis Group Latin America Report N°2, *Colombia: Prospects for Peace with the ELN*, 4 October 2002, p. 8.

FARC secretariat;³⁷ the FARC publicly recognises the ELN as part of the revolutionary movement but clearly disagrees with its decision to negotiate with the Uribe administration.³⁸ The divergence between formal relations and field actions is starker. Recently, the FARC has shown uneasiness about the contradiction between fraternal messages sent by the COCE and hostile actions by some ELN fronts against its units.³⁹ There is growing evidence that while the two movements cooperate in certain areas, they are in serious, armed dispute in others.

The insurgent organisations have long cooperated in the Catatumbo region, a traditional ELN stronghold. The presence of COCE members and an elite group of FARC commanders, as well as pressure from paramilitaries and government forces, have prompted this,⁴⁰ particularly for rearguard defence.⁴¹ De facto delimitation of territory has kept incidents to a minimum.⁴² The ELN's independent ability to control strategic corridors, secure supplies, and maintain well-armed fighters has given it some autonomy, even though the FARC is the stronger force.

The ELN and the FARC cohabit in the higher regions of the Serranía de San Lucas in southern Bolívar, the Serranía de Perijá in Cesar and the Sierra Nevada de Santa Marta in Magdalena. In southern Bolívar, where they operate in the same areas, they have only occasionally coordinated actions.⁴³ Even though the FARC is more powerful, commanders with long experience in the area have quickly calmed the sporadic

tensions.⁴⁴ There is a similar relationship in the Cesar and Magdalena highlands, where weaker ELN fronts have sought shelter behind the stronger FARC.⁴⁵

In Chocó, Valle and Cauca, efforts to control corridors for drug trafficking and troop movements to the Pacific have prompted the ELN to establish links with the FARC or new illegal armed groups.⁴⁶ In southern Chocó, recent attempts to gain territory by new illegal armed groups linked to the Northern Valle Cartel have led the ELN to cooperate with the more powerful FARC fronts.⁴⁷ In Cauca, on the other hand, tensions between the ELN's Milton Hernández company and the FARC's 8th front have increased as a result of a non-aggression pact the ELN concluded with the "Rastrojos", the army of the Norte del Valle Cartel faction led by Wilber Varela "Jabón".⁴⁸

In Nariño, clashes between the ELN, the FARC and new illegal armed groups have been due not only to competition for control of strategic corridors, territory and population, but also to the recent government offensive against the FARC, spearheaded by marines stationed in Tumaco. The counter-offensive of the FARC's 29th front aimed at expanding control of coca crops, drug processing, and trafficking has prompted tensions with the ELN around

³⁷ During the sixth plenum of its command structure in late 2004, the ELN asked the FARC to join forces against Uribe's security policy. During its fourth congress, at some point between July and August 2006, the ELN reportedly established a special commission to seek rapprochement with the FARC in light of the talks with the government. Crisis Group interview, Bogotá, 17 August 2007.

³⁸ "FARC justifica guerra contra rebeldes del ELN en Colombia", Associated Press, 13 February 2007.

³⁹ "Carta de Manuel Marulanda Vélez al Comandante Nicolas Rodríguez", 6 December 2005. The FARC has accused the ELN of being infiltrated by military intelligence. "La volteada del ELN", FARC-EP, 10 February 2007, at www.farcep.org.

⁴⁰ "Comunicado de las FARC y el ELN sobre la operación militar en Catatumbo", FARC-EP, 23 July 2007, at www.farcep.org.

⁴¹ Cooperation includes coordinating security around their rearguard positions, Crisis Group interview, Bogotá, 20 August 2006.

⁴² The FARC has presence in the highlands in Toerama, El Tarra and much of the Tibú municipalities, the ELN in the midlands in the Ocaña, Convención, San Calixto, El Carmén and El Tarra municipalities. Security forces say there have been isolated cases of coca collectors (*raspachines*) being killed by other insurgent groups. These incidents have been worked out by local commanders. Crisis Group interview, Bogotá, 17 August 2007.

⁴³ Crisis Group interviews, southern Bolívar, 8 September 2007.

⁴⁴ For instance, a recent incident over a stolen drug load was resolved through ties between ELN and FARC commanders. Crisis Group interview, Bogotá, 17 August 2007.

⁴⁵ Crisis Group interviews, Bogotá, 26 July and 17 August 2007.

⁴⁶ Crisis Group Latin America Report N°20, *Colombia's New Illegal Armed Groups*, 20 May 2007.

⁴⁷ On 19 May 2005 the 57th front of the FARC and the Manuel Rodríguez "El Boche" front of the ELN ambushed a police squad between Quibdo (Chocó) and Pereira (Risaralda). "Policía asesinado en Chocó", Agencia de Noticias Policía Nacional (ANNP), 19 May 2007. The attempt by the FARC to regain territory previously controlled by the AUC's Calima and Pacific Bloc in the mid-Sipí, San Juan and Garrapatas rivers in Chocó and Valle could prompt it to seek ELN support. "Informe Febrero-Marzo 2007", Oficina para la Coordinación de Asuntos Humanitarios (OCHA), vol. 6, no. 2, p. 5.

⁴⁸ In their attempt to enter Argelia and El Tambo municipalities, the Rastrojos have raised tensions between the FARC and ELN fronts. Crisis Group interview, Bogotá, 14 September 2007. In December 2006, FARC and ELN commanders in the region met to reduce tensions. According to the FARC, the ELN ambushed them after the meeting, killing the 8th front commander "Ramírez". "La emboscada del ELN al comandante del 8 Frente", Comando de Occidente de las FARC, FARC-EP, 27 December 2006.

Samaniego municipality,⁴⁹ where both insurgencies are well structured and armed.⁵⁰

Though recent fights between commanders play a role,⁵¹ the ELN-FARC dispute in Arauca – where bloody clashes have left an estimated 300 people, mostly non-combatants, dead – has a long history of competition for financial resources and control over the corridor to the Venezuelan states of Apure and Bolívar. Both groups have bases on the Venezuelan side of the border from where they obtain supplies, weapons and chemical precursors for the processing of illegal drugs. The Venezuelan side is also used for training facilities,⁵² for holding kidnap victims and as an escape route when pressured by Colombian security forces. The ELN's more established presence, as well as its strong military structure, has allowed it to keep the upper hand there vis-à-vis the FARC.⁵³

B. POLITICAL AND SOCIAL BASES

Since its foundation in 1964, the ELN has generally favoured a political rather than military struggle. Initially inspired by Ché Guevara's *foquismo* theory and drawing members from a variety of social and economic backgrounds, including the Catholic clergy, university students and radical elements of the Liberal party, it has emphasised expanding its influence among communities at the local level.⁵⁴ Its sixth plenum in October 2004,

attended by representatives from all fronts, recognised the key role its rural fronts have played in the consolidation of its military strategy. As had previous national conferences, however, it also asked militants to focus on building a wider social movement in tune with the surge of social movements elsewhere in Latin America, including Bolivia, Venezuela, Brazil and Argentina.⁵⁵ In July 2006, during its fourth congress and with participation from all its fronts, the ELN approved preliminary dialogue with the government, while also stressing the importance of developing both legal and clandestine urban networks.⁵⁶

The decision to move toward urban areas responds to the decline of the ELN's social base in the countryside. In Arauca, its military strength allowed the ELN to establish a patronage system based on armed threats against economic and political elites which profited from oil royalties in the region during the 1980s and early 1990s.⁵⁷ Similar relationships developed in mining regions such as north eastern Antioquia, southern Bolívar, Norte de Santander and Guajira.⁵⁸ However, the growing involvement of local elites with paramilitary groups to protect their interests weakened the ELN in these areas during the late 1990s, though it continues to maintain strong social control in Arauca.⁵⁹

Rather than relying on armed threats to control communities, ELN militants historically have been active as local political entrepreneurs.⁶⁰ This generally has resulted in a

⁴⁹ The ELN has used anti-personnel landmines to protect rear positions against FARC incursions but has also ambushed FARC units in border areas between Cauca and Nariño. Crisis Group interviews, Bogotá, 14 August and 3 September 2007.

⁵⁰ In the Calima-Darien municipality, there has been friction between the Rastrojos, the FARC's Arturo Ruiz Mobile Column and the ELN's Luis Carlos Cardenas front over control of corridors from Chocó to the coast in Valle. "Informe March - April 2006", Oficina para la Coordinación de Asuntos Humanitarios (OCHA), vol. 5, no. 5, p. 3.

⁵¹ According to the FARC, an ELN commander killed an experienced FARC commander during a meeting between members of the groups. That sparked clashes which resulted in between 200 and 500 deaths. Despite attempts to mediate a truce by church members, FARC fronts in the region led by "Grannobles" have been ordered to target ELN combatants. "Exterminio al ELN", *Revista Cambio*, 5 February 2007.

⁵² Crisis Group interview, Bogotá, 17 August 2007.

⁵³ According to informed sources, at the height of the confrontation in December 2006, FARC was unable to subdue ELN forces and in some cases was forced to give up positions, Crisis Group interviews, Bogotá, 6 December 2006, 17 September 2007.

⁵⁴ Guevara's *foquismo* concept involved setting up insurgent camps in remote rural regions and progressively expanding the guerrillas' influence and range of operations through political and social work with the local communities, thereby expanding their "revolutionary conscience". On this and the history of the ELN,

see Crisis Group Report, *The Prospects for Peace with the ELN*, op. cit., pp. 5-10.

⁵⁵ "Conclusiones del Sexto Pleno del la Dirección Nacional del ELN", *Revista Unidad (Revista de la Dirección Nacional del ELN de Colombia)*, October 2004, at www.cedema.org.

⁵⁶ Crisis Group interviews, Bogotá, 16-17 August 2007; "Proceso de Dialogo Goberno Nacional – Ejercito de Liberación Nacional, ELN 2005-2007", Oficina del Alto Comisionado para la Paz, August 2007, at www.altocomisionadoparalapaz.gov.co.

⁵⁷ The term "armed clientelism" has been used to define the use of armed military pressure to establish a patronage system between the ELN and a region's elites. Andrés Peñate, "El Sendero Estratégico del ELN: Del Idealismo Guevarista al Cleintelismo Armado", in Malcolm Deas and Maria Victoria Llorente (eds.), *Reconocer la Guerra para Construir la Paz* (Bogotá, 1999), pp. 96-98.

⁵⁸ Garzón and Espejo, op. cit., pp. 7-8.

⁵⁹ According to security force sources, the ELN established legal businesses, including stores and factories, in Arauca during the 1980s, Crisis Group interview, Bogotá, 14 September 2007. The announcement that the Arauca public health care system would close operations in Arauca, Saravena and Fortúl as a result of ELN pressure reflects the rebels' extensive infiltration in this area. "En Arauca, 60 mil sin salud por el ELN", *El Tiempo*, 18 July 2007.

⁶⁰ Medina Gallego refers to this strategy as "toderismo" ("handymen"), wherein experienced militia members were given

less fearful response by civilians and the convergence of interests with trade unions in natural resource extraction areas and with peasant movements. However, it has also made the ELN and its local supporters highly vulnerable to attacks by both security forces working with paid informants and, before their demobilisation, paramilitaries. Not surprisingly, some historic ELN strongholds have had high internal displacement rates for some years.⁶¹

In reaction to army and paramilitary pressure, the ELN has been forced to adopt more mobile methods that have gradually distanced it from its social base.⁶² To survive in certain regions it has started resorting to tactics that undermine civilian support. Communities traditionally supportive of the ELN in Samaniego (Nariño) and Tame (Arauca) and Micoahumado (Bolívar) have condemned its use of make-shift anti-personnel landmines.⁶³ Some fronts have resorted to small-scale extortion (*boleteo*) of peasants and the forced expropriation of food to survive.⁶⁴ Local Afro-Colombian and indigenous organisations in parts of Chocó, Nariño and Arauca departments have resisted ELN controls.⁶⁵

C. ECONOMICS AND FINANCE

The ELN has gone from heavy reliance on extortion during the 1980s, to kidnapping during the 1990s, to a mixture of illegal activities today. Whereas it conducted 3,931 kidnappings between 1996 and 2001, which brought it an estimated \$11 million in ransom,⁶⁶ the

number dropped to 1,458 kidnappings between 2002 and 2006.⁶⁷ Security sources believe it has become increasingly difficult for ELN fronts to carry out abductions, due to the high maintenance cost for hostages and problems in keeping them safe while under pressure from the authorities and other illegal armed groups. In areas such as Caldas and Risaralda, this has forced some ELN fronts to outsource kidnapping to criminal gangs.⁶⁸ Some of the stronger fronts in Arauca and Norte de Santander have been able to use the Venezuelan border, especially towns in Apure, Zulia and Tachira, as a safer source for kidnapping.⁶⁹

Until recently, ELN spokesmen denied that some fronts were involved in drug trafficking, as Colombian public opinion has believed for several years, and maintained there were only isolated cases of “taxing” coca farmers.⁷⁰ However, though the movement traditionally rejected drug trafficking, it has become increasingly apparent that fronts have come to rely on income from it in several regions. According to the security forces, this is so in five departments: Arauca, Cauca, Nariño, Norte de Santander and southern Bolívar.⁷¹ However, there are reports that ELN fronts in Valle del Cauca, Chocó⁷² and even Cesar⁷³ are also involved. Government sources believe that between 2005 and 2007, drug trafficking gradually replaced kidnapping as the ELN’s main source

military as well as political and social tasks. Medina Gallego, *op. cit.*, p. 286.

⁶¹ According to government figures, Antioquia, Bolívar, Magdalena and Cesar have had the highest totals of expelled internally displaced people between 1997 and 2007. “Tabulados según evento de expulsión”, Agencia Presidencial para la Acción Social y la Cooperación Internacional, 6 August 2007, at www.accionsocial.gov.co.

⁶² In southern Bolívar, where veteran ELN commanders still operate, communities tolerate but do not appreciate the presence of ELN troops due to fears of retaliation by the security forces. Crisis Group interviews, Bogotá, 1 August and 3 September 2007, southern Bolívar, 8 September 2007.

⁶³ A former combatant said, the ELN sometimes warns the communities where it has planted the mines but communities “just don’t listen”, Crisis Group interview, Bogotá, 3 September 2007.

⁶⁴ For instance, between February and March 2007 alleged members of the ELN’s Ernesto Ché Guevara front entered the municipality of Argelia (Valle del Cauca) to extort peasants and coffee traders during the harvest. “Informe Febrero – Marzo 2007”, Oficina para la Coordinación de Asuntos Humanitarios (OCHA), vol. 6, no. 2, p. 6.

⁶⁵ Crisis Group interview, Bogotá, 20 August 2007.

⁶⁶ María Eugenia Pinto, Ivette Altamar, Yilberto Lahuerta, Luis Fernando Cepeda and Adriana Mera, “El Secuestro en Colombia:

Caracterización y Costos Económicos”, Departamento Nacional de Planeación, 9 June 2004, p. 38. In 2003, government sources estimated the ELN received \$74 million annually from kidnappings. United Nations Development Programme (UNDP), *Informe Nacional de Desarrollo Humano Colombia – 2003: Conflicto Callejón con Salida* (Bogotá, 2003), p. 285.

⁶⁷ The ELN has gone from 797 abductions in 2002 to 66 in 2006. Fonderlibertad figures provided by the Observatorio del Programa Presidencial de DDHH y DIH, Vicepresidencia de la República.

⁶⁸ Crisis Group interview, Bogotá, 17 August 2007.

⁶⁹ “Investigación contra el ELN se hizo en Venezuela”, *Semana*, 7 April 2005; “Restrepo: Extranjeros son blanco de secuestros de guerrilla colombiana en Venezuela”, *El Universal*, 3 August 2007. The ELN kidnaps both Venezuelans and Colombians in Venezuela. Many Colombians live and work on the Venezuelan side of the border. Some victims seized in Colombia are also held in Venezuela.

⁷⁰ Crisis Group interview, Medellín, 29 August 2006.

⁷¹ Crisis Group interview, Bogotá, 17 August 2007; “Proceso de Dialogo”, *op. cit.*

⁷² Crisis Group interview, Bogotá, 17 August 2007.

⁷³ In a rural area in the municipality of Pailitas (Cesar), security forces discovered a camp of the ELN’s Camilo Torres Restrepo front. It had a 35-hectare coca crop field and a facility to process coca base into crystal cocaine. “Avanzada militar contra el ELN en Pailitas”, *Diario El Pilón*, 18 January 2007.

of income.⁷⁴ It is thus no coincidence that the most active fronts today are in important coca-growing regions and drug-trafficking corridors, such as the southern Pacific coast and the Venezuelan border. While the government's interest in tarnishing the image of the ELN may prompt it to play up the movement's reliance on drug trafficking, ELN attempts to minimise its involvement are no longer credible.

Nevertheless, there are regional differences in the drug-trafficking involvement of ELN fronts. In areas where the insurgents maintain good relationships with civilians and where their fronts have been militarily weakened, such as in southern Bolívar, they mainly only "tax" coca-crop growers.⁷⁵ In the corridors to the Venezuelan border through Cesar, Norte de Santander and Arauca departments, as well as to the Pacific through Nariño, however, there is increasing evidence that the ELN is involved in the whole chain of production.⁷⁶ ELN sources have shown concern about the effect involvement in lucrative, larger-scale drug trafficking will have on mid-level command discipline.⁷⁷

III. PAST AND PRESENT DIALOGUES

During the 2002 presidential campaign, the ELN declared it would not negotiate with Alvaro Uribe if he were elected. This changed fairly quickly, when talks were started in Cuba, with help from Norway, Spain and Switzerland. Their main achievement to date, analysts tend to agree, is that they have not broken down. Though they have gone through numerous crises and profound differences remain, they have evolved from indirect contacts toward more formal negotiations.

A. TALKS WITH THE URIBE ADMINISTRATION

After the breakdown of peace talks between the Pastrana administration and the FARC on 20 February 2002, contacts with the ELN received little media attention and were considered of relatively little importance. At first, the ELN saw the rupture of the government's talks

with the FARC as an opportunity. During the following weeks, the government met repeatedly with the ELN to discuss a bilateral ceasefire but an impasse soon developed.⁷⁸ At the end of May 2002, five days after Uribe's election, President Andrés Pastrana surprisingly ended the talks.⁷⁹ The news went almost unnoticed in the new political landscape, which included not only Uribe's election with a mandate to restore security, but also the European Union (EU) decision to follow the U.S. example and include the ELN on its list of foreign terrorist organisations.⁸⁰

Upon taking office on 7 August 2002, Uribe nevertheless announced he would pursue a negotiated solution to the conflict, offering negotiations to both the FARC and the ELN. Within a few days, his administration resumed confidential talks on a ceasefire with the ELN in Cuba and Itagüí prison.⁸¹ But Uribe's hardline approach to the conflict soon raised questions about his intentions. His new government regarded talks with the paramilitary AUC as the most promising (in hindsight not least because, as mounting recent evidence indicates, there were multiple contacts between Uribe's political party allies and the AUC) and, like the Pastrana administration, assigned lower priority to dealing with the ELN than the FARC, which was perceived as the main threat. In January 2003, the ELN's Central Command (COCE) announced suspension of contacts following the government decision to initiate peace talks with the AUC.⁸²

⁷⁸ Crisis Group Report, *Prospects for Peace with the ELN*, op. cit.

⁷⁹ The 26 months of talks between Pastrana and the FARC, which were accompanied by several European countries and Mexico and which the UN Secretary-General's special envoy tried to facilitate, produced no tangible results. Following the FARC's hijacking of a commercial airplane, the president ended negotiations on 20 February 2002. See Crisis Group Latin America Report N°1, *Colombia's Elusive Quest for Peace*, 26 March 2002.

⁸⁰ Council Decision 2003/902/EC, 2 April 2004, implementing Article 2(3), Regulation (EC) n°2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism.

⁸¹ At that time, two ELN leaders were imprisoned in Itagüí: Francisco Galán and Felipe Torres.

⁸² "Uribe ha dado prioridad a los diálogos con los paramilitares que a nuestro entender no son más que una maniobra política que producirá para la patria la más grotesca impunidad, puesto que los que hoy son responsables de las masacres serán mañana miembros de las fuerzas armadas institucionales" ["Uribe's giving priority to the dialogue with the paramilitary in our view is no more than a political manoeuvre which will produce the most grotesque impunity, since those who are responsible for massacres today will become members of the armed forces tomorrow"], ELN communiqué quoted in "Colombia ELN suspends dialogos", BBC, 14 January 2003.

⁷⁴ According to security force estimates, the ELN receives over \$1 million annually from drug trafficking, Crisis Group interview, Bogotá, 17 August 2007.

⁷⁵ Crisis Group interviews, Barrancabermeja, 7 September, southern Bolívar, 8 September 2007.

⁷⁶ Security forces have seized 86 laboratories, 1.4 tons of cocaine chlorohydrate, 1.2 tons of coca base and 17.7 tons of coca leaf belonging to the ELN. "Proceso de Dialogo", op. cit.; Crisis Group interview, Bogotá, 14 September 2007.

⁷⁷ Crisis Group interview, Medellín, 31 July 2007.

The first change occurred one year later. On 12 September 2003, an ELN front in the Sierra Nevada de Santa Marta took foreign tourists hostage (one German, four Israelis, two British, one Spanish). Faced with strong pressure from the armed forces and protests from European governments, the COCE eventually established communication with the government, through the Catholic Church and UNICEF. A few days later, the ELN released the foreign hostages on condition (fulfilled) that an independent humanitarian mission would be sent to the region.

Henceforth, the COCE began to reevaluate its position. In the face of the government's tougher security policy, continuing military confrontation was considered harmful. The ELN began to consider abandoning some of the conditions it had set for talks, such as establishment of a Zone of Encounter (ZOE).⁸³ At the end of May 2004, the ELN and the government made a surprise announcement of new talks, having accepted a Mexican proposal to help by sending former Ambassador to Colombia Andrés Valencia to act as facilitator.⁸⁴

In early June 2004, ELN spokesperson Francisco Galán revealed a three-point humanitarian proposal at an International Forum on Anti-personnel Mines and Humanitarian Agreements in Bogotá: limitation of the use of antipersonnel mines (though not a complete ban), amnesty for political prisoners and a bilateral truce. On 18 June, the government said it would consider the proposal. However, difficulties soon resurfaced and, though communications did not break down, confidence remained low. On 6 September 2004, an ELN communiqué invited the government to be more flexible regarding its humanitarian offer. In turn, Uribe asked the ELN not to limit talks to humanitarian issues, though with Pastrana's experience in mind, the government continued to insist on a complete cessation of hostilities as a precondition for new negotiations. Still, it did not appear to limit talks to a ceasefire, and

On 1 December 2002, the AUC announced a unilateral ceasefire. A few days later, the congress approved reform of the Public Order Law (*Ley de Orden Público*), authorising the government to pursue peace talks with any illegal armed groups.

⁸³ In February 1999, the ELN requested demilitarisation of three municipalities in southern Bolívar department and one in Antioquia for a "Zone of Encounter" (ZOE) in which to hold a National Convention, a vague demand it maintains for a forum with broad representation from civil society, local and regional organisations, revolutionary movements and the government, to discuss such issues as land distribution, national resource policy and development. Its objective would be to promote a new political pact and recommend policy and state reforms. Among the associated problems is whether the FARC would participate.

⁸⁴ Press conference, Presidents Uribe and Vicente Fox, 30 May 2004, at www.altocomisionadoparalapaz.gov.co.

its proposal offered judicial benefits for ELN prisoners prosecuted for rebellion.

Nevertheless, the ELN continued to suspect that the government was only trying to use it to legitimise the peace process with the paramilitaries and to discredit the FARC. On 10 October 2004, the COCE sent a letter to the FARC's secretariat proposing a political alliance against the Uribe government.

B. THE LIMITATIONS OF THE MEXICAN FACILITATION

Although some progress was made in the ten months of Mexican facilitation,⁸⁵ during which Valencia met regularly with both sides, the parties again clashed over what had been the main obstacles during previous negotiations: cessation of hostilities and kidnappings. When talks were resumed in March 2005, the ELN made a new offer to cease all violence against the armed forces and public infrastructure. The government refused the proposal as it would have allowed the ELN to continue kidnapping while negotiating. Uribe maintained there would have to be a complete cessation of hostilities.⁸⁶

What eventually ended the facilitation was the unilateral ELN decision to suspend talks on 17 April 2005, on the grounds that the Mexican government attempted to obstruct leftist Mexico City Mayor Andrés Manuel López Obrador's presidential campaign, and Mexico had voted against Cuba in the UN Human Rights Commission.⁸⁷ Some observers argue the breakdown was predictable, because the ELN always viewed Ambassador Valencia as an Uribe ally with limited independence. But the ELN had deeper reasons for its unhappiness. When a month

⁸⁵ For instance, at the end of January 2006 the ELN unilaterally announced removal of 50 mines it had planted on the road from Micoahumado (Serranía San Lucas) to La Caoba (Magdalena Medio). This was generally perceived as a gesture of goodwill. However, it later re-mined the road. Crisis Group interview, Bogotá, 25 September 2007.

⁸⁶ Uribe said this at the Guyana City presidential summit, 29 March 2005, during an allegedly private conversation, after which he said he did not know he was being taped. Whether his words were intended to be private or not, they put pressure on the ELN.

⁸⁷ "The Mexican vote against Cuba during the 61st Session of the Commission of Human Rights in Geneva, supporting the unfair resolution presented by the United States, condemning Cuba, makes it clear that the current Mexican government is not qualified to be the facilitator in the Colombian Peace Process". The ELN also accused the Mexican government of "obstructing the fair aspiration to the Presidency of Mexico of the current mayor of the Federal District and PRD leader, Andrés Manuel López Obrador". "Rechaza el ELN labor de México", *El Universal México*, 19 April 2005.

later, the Colombian government proposed establishment of an “approach table” (*mesa de acercamiento*) abroad to discuss a full truce, the insurgents objected for three reasons: the government’s persistent denial that an internal conflict existed; its bias in favour of the paramilitaries; and its reluctance to resolve the humanitarian crisis.⁸⁸

C. THE “PEACE HOUSE”

After a brief facilitation attempt by former Spanish Prime Minister Felipe Gonzalez in June 2005, a new scenario materialised. On 7 September 2005, President Uribe authorised the temporary release of ELN Commander Francisco Galán from Itagüí prison so he could consult with civil society.⁸⁹ The next day, five civil society representatives – the Group of Guarantors: Moritz Ackerman, Daniel García-Peña, Alvaro Jiménez, Gustavo Ruiz, and Alejo Vargas⁹⁰ – announced the “Peace House Initiative” (*Iniciativa Casa de Paz*), conceived as a “scenario for preparation, encounter and entryway to direct dialogue between the government and the ELN”.⁹¹ However, according to the Guarantors, its underlying objective was not just to promote a new peace process but also to reduce the impact of the conflict on civilians and facilitate Galán’s

consultations. The Peace House rapidly set a new dynamic in motion.⁹² However, both sides remained very cautious.⁹³

Creation of the Group of Guarantors produced some discontent. Both the Civilian Facilitating Commission and the National Conciliation Commission⁹⁴ privately expressed lack of enthusiasm. Some even questioned the new group’s objectivity, since some of its members were accused of sympathising with the ELN.

The ELN continued consultations from September to December 2005.⁹⁵ Due to the provisional nature of the initiative, the guarantors were concerned about how to capitalise on and maintain it.⁹⁶ At the end of November, both sides decided to inaugurate a new “approach table” (*mesa de acercamiento*). This marked the beginning of the exploratory dialogues, in Medellín until 12 December 2005, then in Cuba. After he met with Peace Commissioner Luis Restrepo, ELN military commander Antonio García said he hoped this phase would establish a new model of conversations, with active civil society participation. Restrepo was more circumspect, warning against false expectations.⁹⁷

D. THE CUBA ROUNDS

The conversations resumed in Cuba in February 2006, in an effort to define an agenda and discuss the framework for future negotiations. Along with the Group of Guarantors, the National Conciliation Commission, the Civilian Facilitating Commission and the Accompanying

⁸⁸ “Letter from the ELN High Command to the High Commissioner for Peace”, 24 July 2005, at www.eln-voces.com/Correo_del_Magdalena/Respuesta-propuesta-dialogo-25-7-05.htm.

⁸⁹ Francisco Galán, who had spent thirteen years in jail, was originally granted a three-month special permit through Resolution n° 251 of 2005. A few days earlier, President Uribe had ambiguously said he could recognise the existence of an internal armed conflict in Colombia, leaving aside his personal convictions: “If the ELN accepts a cessation of hostilities, which would mark the beginning of the search for peace, I would recognise whatever they want. At that point I would say: in benefit of national interests, I would place my personal convictions aside and admit there is an armed conflict in Colombia”. Uribe’s intervention at the twentieth anniversary celebration of the Sabana University’s leadership and business school, Escuela de Dirección y Negocios de la Universidad de la Sabana (Inalde) Servicio de Noticias del Estado (SNE), 6 September 2005.

⁹⁰ Businessman Moritz Ackerman had participated in talks during the Mexican facilitation; Daniel García-Peña had been peace commissioner during the Samper administration; Alvaro Jiménez was director of the Colombian Campaign to Ban Landmines; Gustavo Ruiz is a lawyer; and Alejo Vargas a political science professor and ELN expert at the National University.

⁹¹ “Casa de Paz para Todos los Colombianos: Consulta a las Partes”, document published by Guarantors Moritz Ackerman, Alvaro Jiménez, Alejo Vargas, Daniel García-Peña, and Gustavo Ruiz, 6 December 2005, at www.altocomisionado.paralapaz.gov.co/noticias/2005/septiembre/sep_09_05a.htm.

⁹² In the words of a guarantor, the initiative made it possible “to restart the engine, put the wheels back on and gain some traction”, Crisis group interview, Bogotá, 3 August 2007.

⁹³ “Without attempting to disturb the time set aside for consultation and looking to get the highest level of efficiency out of it, the Commissioner of ELN and the Commissioner of the Government could meet to start the elaboration of drafts that could provide an outline – of method and contents – for a formal exploratory meeting between the COCE and the Government”, ELN High Command, communiqué, 19 November 2005.

⁹⁴ The Civilian Facilitation Commission (CFC) was established on 30 July 1999 and includes Colombians from a variety of political, social and academic backgrounds who are knowledgeable about the ELN. The National Conciliation Commission was established in August 1995 at the initiative of the Colombian Conference of Bishops.

⁹⁵ As with the FARC in the Caguán DMZ, everybody was eager to visit Francisco Galán at the Peace House in Medellín.

⁹⁶ In case of no progress, Francisco Galán would be returned to Itagüí prison.

⁹⁷ “An abyss still separates both sides”, said Restrepo during the exploratory formal meeting between the government and the ELN in Havana, 16 December 2005, at www.altocomisionadoparalapaz.gov.co/noticias/2005/diciembre/dic_16_05.htm.

Episcopate Commission for dialogue with ELN,⁹⁸ the parties invited Norway, Spain, and Switzerland as witnesses. Two further rounds of preliminary talks were held in Havana, 25-28 April (third round), and 20-25 October (fourth round). During the fourth round, there was vague agreement on what would be the axes of future talks: “construction of an environment for peace and civil society participation”; and a move toward “formal peace dialogues”. By year’s end, however, there were a few goodwill gestures,⁹⁹ but no breakthroughs on an agenda or a basic agreement. In December, the Uribe administration offered to allow the ELN to participate in the 2007 local elections in exchange for a complete cessation of hostilities.¹⁰⁰

During the meetings, the parties discussed almost every possible issue but this did not significantly increase the level of confidence, and old problems resurfaced. The lack of confidence became particularly apparent before the fifth round in March 2007. Commissioner Restrepo accused the ELN of continuing kidnapping while negotiating.¹⁰¹ The ELN, in turn, accused the government of intransigence and a confrontational attitude.¹⁰²

The problem was not only lack of confidence. It soon became apparent no consensus was possible on basic

goals of the negotiations and on the nature of the conflict.¹⁰³ While the insurgents claimed the conflict was driven by structural, mostly socio-economic causes, such as unequal income distribution and massive poverty, the government spoke simply of a “terrorist threat”. Procedurally, the sides differed over what should be discussed first: the ceasefire or the agenda. While the government argued that a ceasefire did not necessarily have to be linked to the agenda, the ELN was reluctant to negotiate one first. As it became clear that an agenda would not be easily elaborated, it was decided to concentrate on a “base agreement” (*acuerdo base*) to keep the process on track.

After the fifth round, expectations began to rise again. Garcia, perceived as a hardliner,¹⁰⁴ was replaced by the more conciliatory Pablo Beltrán as head of the ELN delegation,¹⁰⁵ which began to take a more flexible approach on some key issues. A few days before the beginning of the sixth round in April 2007, Beltrán announced the ELN would not oppose an “experimental” (i.e. temporary) bilateral ceasefire, while Uribe declared his government would envisage freeing all ELN prisoners prosecuted for political crimes. In early June, Beltrán said that once a ceasefire was in place, the ELN would release all hostages and stop kidnapping.¹⁰⁶ Consequently, many observers believed that the “base agreement” could be signed by the end of June or July.¹⁰⁷

When talks resumed in Cuba in mid-June, however, the ELN was faced with a new ceasefire demand. It accused the government of stiffening its position, requesting not only the concentration of troops in a “special zone” but also the identification of combatants.¹⁰⁸ Confusion, frustration and pessimism increased after the seventh round in Havana, 14-18 July. The government declared the ELN could not continue to make new requests every time a solution appeared to be in sight.¹⁰⁹ The

⁹⁸ The Group of Guarantors had been hesitating between two options: looking for a successor or embarking on a broader, new phase.

⁹⁹ A few days after the fourth round, the ELN promised to remove landmines from various zones in the municipality of Samaniego (Nariño). “Eln se compromete a desminar varias veredas del municipio de Samaniego (Nariño)”, *El Tiempo*, 30 October 2006. It had been under growing pressure from the inhabitants of that municipality.

¹⁰⁰ *El Tiempo*, 11 December 2006; Proceso de Diálogo, op. cit.

¹⁰¹ During a recent declaration, High Commissioner for Peace Restrepo said, “we are talking since December with the ELN in Cuba, and during this time of the talks they have kidnapped 54 people”. “Comisionado reitera que el proceso con ex AUC continua”, 10 December 2006, at www.altocomisionadoparalapaz.gov.co/noticias/2006/diciembre/dic_09_06a.htm.

¹⁰² Before the talks resumed, Uribe questioned the results of the peace process with the ex-insurgent group M-19 and called some of its former leaders “terrorists in civil clothes”, an allusion to Senator Gustavo Petro, who was putting pressure on the government by making public information he had gathered on links, including campaign financing, between the AUC and Uribe party supporters. A few days later, Antonio Garcia strongly reacted saying, “a position threatening leaders of the opposition jeopardises and questions the future of the dialogue”. “Eln y Gobierno comienzan quinta ronda de conversaciones exploratorias, en La Habana”, *El Tiempo*, 20 February 2007.

¹⁰³ “En la mesa de conversaciones hay dos idiomas diferentes, dice el ELN”, Caracol Radio, 5 February 2007.

¹⁰⁴ Uribe called him a “saboteur of peace” during a forum on restorative justice in Cali in February 2005.

¹⁰⁵ The appointment of Pablo Beltrán (real name Israel Enrique Pineda) apparently was a collective ELN decision. The COCE denied it resulted from internal rifts.

¹⁰⁶ “When the ELN signs a ceasefire it will also commit to the liberation all hostages it holds, and to cease kidnapping for economic purposes”, “ELN planea cese al fuego y libertad de secuestrados”, *Semana*, 6 June 2007.

¹⁰⁷ Crisis Group interviews, Bogotá, 3, 6 and 8 August 2007.

¹⁰⁸ The ELN said the demand was unacceptable; some, however, consider it a government tactic to put the ELN under pressure.

¹⁰⁹ “Referendo para solucionar conflicto en Colombia propone guerrilla del Eln al Congreso”, *El Tiempo*, 3 August 2007. “Como ‘árbol de Navidad’ calificó el Gobierno referendo para la paz propuesto por Eln”, *El Tiempo*, 4 August 2007.

ELN said that due to government intransigency, it would not consider demobilising, disarming or concentrating its forces.¹¹⁰ Subsequently various actors offered proposals in an attempt to disentangle the problems, some analysts suggesting ELN troops concentrate in ten to fifteen specified locations instead of one.¹¹¹ The government said the concentration and identification could be done abroad.¹¹²

The parties met again, 14-20 August in Havana, with fifteen members of the National Peace Council,¹¹³ including the ombudsman, members of the congressional peace commission and civil society representatives, witnessing for the first time under the Uribe administration. According to Crisis Group sources, the dialogue progressed on many points but not the fundamental ones. ELN negotiators said they needed to consult the COCE. A week later, the ELN announced the dialogue was at a standstill.¹¹⁴ Two reasons were given: government insistence that all ELN fighters be concentrated and identified; and disagreement over what peace entails.¹¹⁵ The government noted neither side had left the table, and dialogue had not collapsed. ELN negotiator Beltrán said the process had to ripen.¹¹⁶

The roles of Norway, Spain and Switzerland have not yet been clearly defined. They have gone from serving as guarantors during the initial stages of the talks, to a brief facilitation during the third round of dialogue, when both parties consulted with them on substantive issues, to being

virtually excluded from the last two rounds.¹¹⁷ While both sides pay lip service to involving the international community, the government is concerned about the ELN taking advantage.¹¹⁸ The insurgents see the international community as a source of legitimacy and potential financial support. The three nations have reiterated willingness to continue accompanying the process, even if only from a distance, and tell Crisis Group they do not expect tangible results soon.¹¹⁹

IV. BOTTLENECKS

A. THE CEASEFIRE

The ceasefire remains the principal bottleneck.¹²⁰ There appears to be basic agreement on a bilateral, “experimental” ceasefire requiring the two sides to abstain from attacking each other during an initial six-month period. However, the government insists that, to be viable, a ceasefire must be verifiable, while the ELN objects that its verification conditions – concentration and identification of troops – are not acceptable before there is a comprehensive peace agreement.

Since the truce would not cover other armed groups (FARC, new illegal armed groups and paramilitary remnants), security is an issue. The ELN argues that only their mobility can shield the insurgents from attacks by other groups. The government acknowledges the concern but says the ELN’s proposal would allow it to recruit, undertake reconnaissance and traffic drugs.¹²¹ Tactically, the ELN fears that concentrating and identifying its combatants could reduce its negotiating leverage by revealing its real military strengths and weaknesses. Commanders believe that concentrating their fighters would prove to be “military suicide” should the negotiations collapse.¹²²

More than these technical and logistical reasons, the lack of mutual confidence explains why no ceasefire has been agreed. Both the government’s insistence on including the ELN’s urban militias and the ELN’s rejection of anything resembling identification of its fighters mainly reflect this distrust. The government suspects the ELN

¹¹⁰ “Ni se desmoviliza, ni se desarma, ni se localiza”, *El Tiempo*, 27 July 2007.

¹¹¹ “Gobierno está dispuesto a firmar acuerdo con Eln e iniciar negociación por etapas dice Comisionado”, *El Tiempo*, 17 August 2007.

¹¹² The government said foreign territory would be safer. The ELN dismissed the offer, saying “as Colombians we have the right to stay in Colombia and continue participating in peace-building efforts toward a political solution....we do not envision the ELN operating abroad, that is not the ELN’s policy”, *El Tiempo*, 22 August 2007.

¹¹³ The National Peace Council, created in February 1998, is composed of the president, the high commissioner for peace, the defence, interior and justice ministers, one governor, two members of the lower and upper houses of parliament each, two officials of the judicial branch, the public prosecutor, the people’s ombudsman and a number of civil society representatives.

¹¹⁴ “Eln afirma que diálogo con el Gobierno en La Habana está en un ‘punto muerto’”, *El Tiempo*, 30 August 2007.

¹¹⁵ For the ELN, peace cannot be limited to demobilisation and reinsertion. It must also include political and socio-economic reforms. “Un acuerdo difícil de alcanzar”, *Revista Insurrección* no. 079, 29 August 2007, at www.eln-voces.com.

¹¹⁶ “Peace building is like a fruit which will be ripen when given time”, “El Gobierno de Colombia y el ELN siguen sin llegar a un acuerdo”, *El Comercio*, 25 August 2007.

¹¹⁷ Crisis Group interview, Bogotá, 6 August 2007.

¹¹⁸ Crisis Group interview, Bogotá, 16 August 2007.

¹¹⁹ Crisis Group interviews, Bogotá, 6 August 2007.

¹²⁰ During the Barco administration (1986-1990), the ELN was negotiating a truce that was jeopardised by this issue. During the Pastrana administration (1998-2002) it again led to a stalemate in talks; see Crisis Group Report, *Prospects for Peace with the ELN*, op. cit.

¹²¹ Crisis Group interview, Bogotá, 16 August 2007.

¹²² Crisis Group interview, Medellín, 31 July 2007.

would continue to do intelligence, logistical and political work through the urban militias;¹²³ the ELN believes the government wants combatant identification only to gain a military advantage in case negotiations break down.

Deep-seated distrust has also become apparent in discussions about verifying a ceasefire. While the ELN has not ruled out international verification,¹²⁴ it believes that “political will...and respect [between the parties]” is more important.¹²⁵ The government has stressed that if special concentration zones were not properly monitored by international officers, other illegal armed groups, in particular the FARC, could try to benefit from them.¹²⁶

Both sides seem to agree on a ceasefire based on “communication and trust”,¹²⁷ and the ELN has accepted the possibility of concentration zones but many details remain to be settled. There are differences over the location and number of zones, responsibility for verification¹²⁸ and whether “technical and communitarian verification”, as the ELN proposes, would be sufficient.¹²⁹ Talks on methodology and scope of verification have been postponed.¹³⁰

Unless both sides show more flexibility, the ceasefire is likely to remain an obstacle. To overcome the standoff, alternatives need to be explored. The government’s proposal to create an independent, international commission for identification of fighters and militias may be a promising

way to address ELN fears of a hidden government agenda.¹³¹ The ELN will need to reassess its view of mobility as its sole protection from attacks by other groups.¹³² Other concerns also need to be considered. Concentration in special zones could put communities in regions currently under ELN influence at risk. It is unclear who would protect them, and how, once ELN fighters left. In southern Bolivar, for instance, communities have little confidence the government could or would fill the power vacuum and guarantee their security against the FARC or new illegal armed groups. Community leaders are concerned the concentration zones could lead to further confrontations between the FARC and the government, especially in gold-rich regions like the Serranía San Lucas, which the government is believed to seek to secure for business investors.¹³³

More than the ceasefire itself, many believe the biggest challenge would be its implementation, not just because of possible spoilers but also due to questions regarding the COCE’s capacity to control its forces. There are doubts whether the strong Domingo Laín front in Arauca, the Comuneros del Sur front in Nariño or the Manuel Vazquez front in Cauca would agree to concentrate. Any ceasefire might have a limited geographic scope.

B. KIDNAPPINGS

Kidnapping, as Peace Commissioner Restrepo has said, is a central issue.¹³⁴ Since he took office in 2002, Uribe has always insisted he would not accept a ceasefire that did not include a complete cessation of hostilities, in particular an end to kidnapping. Until recently, the ELN had refused to

¹²³ Crisis Group interview, Bogotá, 16 August 2007.

¹²⁴ Crisis Group interview, Medellín, 31 July 2007.

¹²⁵ According to Beltrán, “if problems arose during an experimental cease fire, they would simply be identified as accidents and not as intentional or premeditated violations”. “ELN espera llegar a acuerdo con Gobierno colombiano para fines de Julio”, *Univision*, 27 June 2007.

¹²⁶ The government fears the FARC could use the ELN special zones to shelter from government offensives (as occurred in 1994 with the Corriente de Renovación Socialista’s concentration zones, when FARC front eighteen used the Cordoba zone), or conceal itself behind ELN units to move from one area to another. In either case, it is doubtful whether the ELN would inform the government. Crisis Group interview, Bogotá, 16 August 2007.

¹²⁷ “2. Verification: ... national and international components will be introduced into the procedures for verification, based on communication and trust”, *Propuesta de integración de textos del Acuerdo Base Mesa de Diálogo*, 20 June 2007.

¹²⁸ The sides now apparently agree on inviting international organisations to monitor the ceasefire but not which ones. The government favours the OAS, the ELN a UN body.

¹²⁹ In the case of community verification, the government suspects that those sympathetic to the ELN would not denounce it in case of ceasefire violations.

¹³⁰ “2. Verification: Through the establishment of internal regulations, the parties will agree on the methodology and reach of the verification, the roles of those undertaking it, and the type of organisations that will implement it”, *Propuesta*, op. cit.

¹³¹ Since the ELN suspects the government could easily take advantage of the identification of concentrated ELN fighters, the Uribe administration offered this alternative; the identities of ELN’s combatants would be known only by impartial parties.

¹³² As stated above, there are few reports of confrontation between ELN units and new illegal armed groups. The ELN has even made some non-aggression pacts with these groups. The FARC situation is more difficult. Even if concentration of ELN forces resulted in abandonment of all illegal activities, which would remove reasons for the ELN and the FARC to fight each other, the stronger FARC might still try to sabotage a peace process it opposes. Of course, there are also questions whether government forces would abide fully by the ceasefire without independent verification that would likely need an international component.

¹³³ The gold mine near Micoahumado could be Latin America’s biggest; the government has begun to grant exploration concessions to multinational companies, Crisis Group interviews, Bogotá, 8 August 2007.

¹³⁴ “The ELN should announce it will stop kidnapping, and we will be willing to re-start based on the advances made with Mexico toward a serious peace process”, *El Tiempo*, 23 April 2005.

envisage this.¹³⁵ In 2004, military chief Antonio Garcia even denied ELN involvement in such activities.¹³⁶ During previous peace talks, there were divergent views on how to tackle the issue. Successive governments have seen it as predominantly a humanitarian matter, while for the ELN it has been almost exclusively a financial one. In October 2006 Uribe revived the idea of financing the ELN if it committed to ceasing kidnapping but the idea did not catch hold.¹³⁷

It is unclear whether the ELN realised it would be hard to get international financial aid while on the U.S. and EU terrorism lists or whether it concluded that hostages were a political burden, not an asset. After intense internal debate, it announced it would seriously consider abandoning abductions as a source of income.¹³⁸ But it has little room for manoeuvre: halting all kidnapping activities risks that its fronts become more involved with drugs.

Recently, Pablo Beltrán expressed the ELN's wish to be removed from the terrorism lists and asked the Colombian government to help.¹³⁹ This will not be easy, however, not least because the procedure for removing organisations from the lists is unclear.¹⁴⁰ Unless the ELN makes a goodwill gesture, the international community will see no reason to make the effort.¹⁴¹ Since an initial ceasefire would only last six months, the EU in particular could be reluctant to help the ELN financially. To get international aid, therefore, the ELN will need to prove that the peace process is on the right track, and it is committed to reaching a peace agreement.

¹³⁵ In 1998, however, by signing the "Door to Heaven" accords, the ELN agreed to cease kidnapping pregnant women, children and the elderly. During the Pastrana administration, the issue had been indirectly dealt with, when the ELN requested \$40 million from the government to maintain its fighters for the envisaged six-month ceasefire.

¹³⁶ Sandra Bibiana Flórez, "El ELN no hace secuestros ni rehenes, lo que hacemos lo denominamos retenciones económicas o retenciones políticas", *Revista Rebelión*, 9 August 2004, at www.rebelion.org.

¹³⁷ "Presidente Álvaro Uribe se ofrece a buscar recursos para que el Eln deje de secuestrar", *El Tiempo*, 12 October 2006. Although Uribe argued his intention was not to finance an insurgent group but a peace process within transparent mechanisms, many considering it would be like rewarding a thief for ceasing to steal, *El Tiempo*, 12 October 2006; see also Frédéric Massé, "Financiar el desminado", *El Tiempo*, 28 October 2006.

¹³⁸ "When the ELN signs a ceasefire", op. cit.; "Guerrilla del Eln estudia abandonar secuestro como forma de financiación", *El Tiempo*, 2 August 2007.

¹³⁹ "Acuerdo de cese del fuego con el Gobierno abre esperanza para secuestrados del Eln", *El Tiempo*, 27 June 2007.

¹⁴⁰ Crisis Group interview, Bogotá, 13 August 2007.

¹⁴¹ "Pide UE al ELN gestos de paz para sacarlo de lista terrorista", *Revista Cambio*, 16 July 2007.

Many believe that the future of the peace process depends on an end to kidnapping. The ELN should start by freeing its hostages unilaterally. It may be debating whether to do so all at once or progressively, but ultimately a complete halt is a price that must be paid to achieve peace and its political reintegration.

C. ANTI-PERSONNEL MINES

The use of anti-personnel mines became a significant issue in 2005 talks. Under increasing pressure from both domestic and international opinion,¹⁴² the ELN began contemplating removal of some of its mines as a goodwill gesture toward the communities under its influence. Previously, the ELN – historically the biggest user of anti-personnel mines in Colombia¹⁴³ – had always justified them as "weapons of the poor".¹⁴⁴ It claims to restrict use to unpopulated areas and to tell communities where they will be laid. However, fighters have increasingly fallen victim to their own devices, and the military utility of the mines seems to be questioned within the ELN.¹⁴⁵

Nevertheless, whether the ELN is serious about the mine issue is far from clear. There is evidence it still uses them and has even re-mined previously cleared areas, such as in Micoahumado (Bolívar).¹⁴⁶ But the government and the insurgents have recently announced they will remove mines jointly with international aid, though there are questions how the agreement would be implemented. It is doubtful the ELN will agree to conduct such activities if the mines are outside its concentration zones, and if, after a ceasefire, the vacated areas are subjected to intense fighting between government forces and other illegal armed groups. It is also uncertain whether an experimental ceasefire

¹⁴² Unlike other countries affected by anti-personnel landmines, the bulk of Colombian casualties from these and other unexploded ordnance has been mainly military. However, figures show an increasing number of civilian victims.

¹⁴³ The ELN uses M18A1 (Claymore) mines, Chinese hat mines and Vietnamese mines, as well as make-shift "quebrapatas" or "cazabobos" mines. "Colombia", International Campaign to Ban Landmines, in *Landmine Monitor Report 1999*.

¹⁴⁴ The ELN uses mines to protect its camps and rear and, increasingly, to ambush security force commandos and around towns to prevent security forces from venturing into rural areas. Crisis Group interviews, Bogotá, 14 September 2007, Barrancabermeja, 7 September 2007.

¹⁴⁵ "I contacted the second in command, called the rest of them, and told them this did not make sense any more; in the jungle we are only getting weaker and dying, and we are even likely to step on one of the landmines we planted", said "Edward", *El Tiempo*, 7 June 2005.

¹⁴⁶ Crisis Group interview, Bogotá, 25 September 2007.

would be sufficient to convince the international community to support de-mining activities.¹⁴⁷

D. CIVIL SOCIETY PARTICIPATION

Along with constructing an environment for peace, the parties have set civil society participation as the other key aspect of the current talks. According to Beltrán, “the dialogue is in a state of crisis because democracy is in a state of crisis... Participation of the whole of society has not been promoted during the dialogue”.¹⁴⁸ This insistence on including civil society in the peace process is not new,¹⁴⁹ but of late the ELN has adopted a more realistic approach. Reportedly, it has become increasingly aware of the limitations of a National Convention for producing political and socio-economic change.¹⁵⁰ It has also fallen victim to its own discourse, however, as its leaders are increasingly under pressure from sympathisers (non-governmental organisations and local communities) who demand quicker, more significant results.

The Peace House was also conceived to foster public participation but its results are questioned.¹⁵¹ A political agenda has not been decided for a National Convention. A new proposal is under discussion for regional “peace houses” that would allow the ELN to continue consultations with civil society in preparation for a National Convention.

¹⁴⁷ Many donors were angered in Angola, when the parties remained areas after the ceasefire broke down.

¹⁴⁸ “Declaración del ELN ante el Foro sobre los retos de paz”, Bogotá, 14 August 2007.

¹⁴⁹ In the mid-1990’s, the ELN distanced itself from taking power by military means and started emphasising construction of “alternative power at the popular and local level”. It concluded it was very important to promote civil society participation in the negotiations through a National Convention. The Vienna “pre-accords” struck with the Samper administration centred on the National Convention. During the Pastrana administration, the National Convention and its corollary, a demilitarised Zone of Encounter, remained a core ELN request but the issue became a major obstacle to agreement. See Crisis Group Report, *Prospects for Peace with the ELN*, op. cit.

¹⁵⁰ Many observers agree that if the National Convention proposes reforms, they would likely have limited impact because it is unclear who would participate in, and which sectors of society would feel represented by, the convention. Others say this is precisely why the Uribe administration does not oppose such a convention. Crisis Group interviews, Bogotá, 3 and 8 August 2007.

¹⁵¹ International observers believe the ELN consultations with civil society organisations were not systematic. For instance, the ELN failed to meet with indigenous and Afro-Colombian communities, as well as peasant organisations. Crisis Group interviews, Bogotá, 3 August 2007.

Many fear that these new houses would produce only more debates without tangible results.¹⁵²

The nature, purpose, and methodology, as well as objectives, of a National Convention remain unclear. The draft of a basic agreement that the two sides issued on 20 June 2007 sheds little light: it affirms the importance of convening such a body but does not specify who would participate, how it would work and what would be discussed.¹⁵³ According to sources close to the dialogue, these are issues to be discussed at a second stage.¹⁵⁴ The ELN has repeatedly said its dialogue with the Uribe administration needs to be different from the process with the AUC. It adamantly opposes any agreement that would only include its disarmament, demobilisation and reintegration into society in exchange for participation in elections and insists the peace process must include significant socio-economic reforms. However, talks on political and socio-economic issues have been put off to the National Convention, and it is uncertain whether the peace process will result in any substantive reforms.

V. CONCLUSION

Due to its reduced military capability, many in Colombia believe the ELN is no longer a threat, will eventually disappear on its own, and hence the government is under no pressure to conclude the negotiations. This reasoning is flawed. While the ELN is more a “party in arms” than an insurgent army, it is not defeated. Insurgent groups rarely just go away. The ELN has shown a capacity to survive and revive after coming close to demise.¹⁵⁵ In addition,

¹⁵² For some observers, it is not clear whether these houses would replace the National Convention or help implement possible accords at a regional level, Crisis Group interview. Bogotá, 3 August 2007. The Civilian Facilitating Commission, along with a few other groups such as the Church, the National Conciliation Commission and the Group of Guarantors, has played an important role in the negotiation process and is one of the persistent conduits for communication between the government and the ELN. It has met on numerous occasions with ELN representatives and government officials and was among those who invited Norway, Spain, and Switzerland to serve as witnesses during the Cuba rounds.

¹⁵³ The ELN has made various statements on economic issues in the last six months; for instance, in May 2007, it reaffirmed opposition to the privatisation of Ecopetrol, the state-owned oil company, and rejected the free trade agreement with the U.S. *El Tiempo*, 22 May 2007. However, there are no references to previous core ELN demands on energy and mineral resources policy, agrarian and political reform and social policy in the 20 June draft document.

¹⁵⁴ Crisis Group interview, Bogotá, 3 August 2007.

¹⁵⁵ The Anorí operation in Antioquia in October 1973 almost destroyed ELN’s high command but commanders such as Fabio

a peace agreement would be highly beneficial, not only politically for Uribe but also for the ELN, which, however, must find answers to a number of serious questions.

Some of its fronts are in a more favourable situation than others. Some interact with other illegal armed groups, in particular the FARC, while others are at loggerheads with them; their financial solidity and grip on local communities differ a great deal. The movement risks implosion or fragmentation as well as the possibility that it could not fully implement a ceasefire, since its internal cohesion is weak. Since the death in 1998 of its leader, Spanish priest Manuel Pérez, Nicolás Rodríguez, alias “Gabino”, is responsible for political and military unity, but there are rifts within the COCE itself. Antonio García is allegedly more hardline than Pablo Beltrán and Ramiro Vargas. The interests of Francisco Galán, who is not a COCE member and has spent a decade in prison, from where he has been working for a peace agreement, are not the same as those of the still active commanders.

The so-called political shift to the left at the Latin American level has contributed to the ELN’s decision to enter peace negotiations.¹⁵⁶ Its leaders say it wants to become a political option for Colombians.¹⁵⁷ Its recent call on the congress to participate in defining a political agenda reflects its desire for political recognition. Yet, how it would participate in politics is still unclear. An alliance or integration into the heterogeneous left-wing Polo Democrático Alternativo (PDA) party could be problematic. While many PDA sympathisers view such a move favourably, some leaders, such as former M-19 member Gustavo Petro, have made it clear they want to distance themselves from the armed left.

It is not certain that the ELN is willing and able to transform into a political party or whether it will seek to build on the base it retains in society and represent its interests legally. Transforming its role without changing its structure will be a major challenge. Sources close to it believe it will not seek to build a political party.¹⁵⁸ Some

of its leaders would probably try to act on their own at the national level but on the whole, the ELN would prefer to be active in local politics.

Timing is important for both the government and the ELN. The negotiations are dependent on short- and medium-term political developments, such as the regional and local elections in late October 2007, progress in negotiating a prisoners-for-hostages swap with the FARC and the 2010 general elections. It remains uncertain whether, or how much, the FARC will allow the ELN peace process to progress.

An eventual solution must also have a judicial component. While the government has said it will apply the Justice and Peace Law (JPL) to all illegal armed groups, the ELN claims, with substantial evidence, that it is historically different from the AUC. Although it has not ruled out accepting responsibility for its actions, and some members have allegedly approached the imprisoned paramilitary leadership to see what common interests there might be, it demands special judicial treatment. The ELN has called for an amnesty in exchange for establishment of a truth commission. However, impunity for the ELN could make it harder to resist impunity for the paramilitaries, which is unacceptable to the Colombian government and internationally. Most ELN leaders are accused of grave crimes that are difficult to forgive under international humanitarian law.¹⁵⁹ There is also a possibility Washington might request extradition of ELN commanders wanted for kidnapping U.S. citizens.¹⁶⁰

With the parties apparently committed to continuing the process but not much more, it is of paramount importance to focus on incentives and guarantees that would help them overcome bottlenecks and ultimately advance toward more substantive, political negotiations. To this end:

- ❑ The ELN and the government should make unilateral goodwill gestures with the aim of establishing some mutual trust.
- ❑ The ELN should release kidnap victims; de-mine some areas; make available information on what percentage of its combatants and unarmed militia members are women and children; and propose a model for ceasefire implementation and verification as a first step toward a complete cessation of

Vasquez Castaño fled to Cuba, and the movement survived. During the 1974 election, the military suspected that the then liberal candidate Alfonso López Michelsen would prevent the army from annihilating ELN fighters and would establish contacts with ELN commanders through people linked with dissident Liberal party MRL.

¹⁵⁶ In 2003, the ELN welcomed the elections of alternative local political leaders such as Luis Eduardo Garzón, Angelino Garzón and Sergio Fajardo. The 2006 elections in Latin America confirmed acceptance of several additional leftist leaders in the region, notably Daniel Ortega in Nicaragua and Rafael Correa in Ecuador.

¹⁵⁷ “Declaración del ELN ante el Foro sobre los retos de paz”, op. cit.

¹⁵⁸ Crisis Group interview, Bogotá, 3 August 2007.

¹⁵⁹ ELN leaders have admitted that the Machuca incident was a grave violation of international humanitarian law. On 18 October 1998, the ELN blew up the Cusiana-Coveñas pipeline in Machuca, municipality of Segovia (Antioquia). The explosion killed 100 people and injured 30 more. Nine years later, the Supreme Court handed down a 40-year sentence against the ELN leaders in absentia.

¹⁶⁰ “Extradición de guerrilleros del Eln pedirá EE.UU., asegura jefe del FBI en Colombia”, *El Tiempo*, 15 July 2007.

- hostilities, including exploration of international experience with third-party protection of combatant concentrations and corridors to permit return to sanctuaries in the event of a collapse of negotiations.
- The Uribe administration should be more flexible on a complete cessation of hostilities and the concentration and identification of ELN troops in a ceasefire. Given that ELN military capability has been reduced, kidnapping has declined, and the ELN is carrying out only sporadic hostile action against the armed forces, it should be flexible about the ceasefire model proposed by the ELN.
 - If ELN concentration and demobilisation occur, measures should be designed that respond to the special needs of combatants and unarmed militia members who are women and children.
 - Norway, Spain and Switzerland should continue to accompany the process and, if asked by the parties, make available know-how on ceasefire implementation and third-party verification, and seriously consider how they could help with ceasefire verification and humanitarian action, such as de-mining.

Bogotá/Brussels, 11 October 2007

APPENDIX A MAP OF COLOMBIA



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APPENDIX B

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 printed copy to officials in foreign ministries and international organisations 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.

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