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## Negotiation with the ELN. Missed Opportunity?

Conflict Resolution Brief

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*Aldo Civico, the director of the Center for International Conflict Resolution at Columbia University, traveled to Colombia from February 6-10, 2008, to assess the negotiation between the Colombian government and the guerrilla of the Ejército de Liberación Nacional (ELN). Since the summer of 2005, Aldo Civico has been analyzing and observing the development of the process, traveling regularly to Colombia and meeting with the parties and other stakeholders. He has been involved in the facilitation efforts, and in this briefing he provides a comprehensive survey and assessment of the process, which is currently at a critical moment.*

## Introduction

The history of the armed conflict in Colombia is not only a history of war, but also one of missed opportunities for a negotiated solution.<sup>1</sup> The recent cease-fire negotiation with the Colombian National Liberation Army (ELN) is a case in point. Initiated in the summer of 2005, the negotiations have reached a dead end, and have lost momentum.

Which circumstances frustrated the dialogue efforts? How did the contending parties interpret the negotiation? What were the shortcomings of the process? Can the momentum be reengineered and under what conditions? Relying on dozens of interviews and my direct observation between August 2005 and February 2007, I offer an in-depth analysis of the negotiation with the hope of providing some useful suggestions for reviving a dialogue and a process that is strategically important in reaching a negotiated solution to this almost half-century long armed conflict. In my conclusions, I emphasize the need for a strong and credible third party to reanimate and facilitate a moribund process.

In the latest turn of events, the negotiations with the ELN had a significant obstacle in the form of the President of Venezuela, Hugo Chavez. Both the FARC and the ELN are in adoration of Chavez<sup>2</sup>, because of his unilateral actions and public statements offering ideological legitimization to Colombian insurgents groups. As someone told me recently in Colombia, "It is as if the Virgin Mary appeared to the FARC and the ELN." The metaphor, rooted in the Catholic culture that shapes Colombian thinking, highlights not only the considerable influence that Caracas exerts today on the insurgents (and as a

counterpoint, the insignificance that Bogotá now represents for the FARC and the ELN), but also their inability (or unwillingness) to look beyond President Chavez to grasp the larger context. An apparition is an all consuming and blinding experience, and this aptly describes the current relationship of the FARC and ELN with the President of Venezuela.

The ideological oxygen provided by Chavez to the ELN, has resulted in the radicalization of their belligerence. On December 23, 2007, for instance, ELN troops assaulted the military base of San Luquitas, in the Sur de Bolivar province. It was a major operation that caused the death of 15 Colombian soldiers and wounded 8. At the same time, the death in combat of a major commandant of the ELN (alias Timoleón), and the arrest of another in January, Pablito, have not deterred the ELN, which since the fall of 2006 has been also fighting against the FARC in Arauca, a region in north-eastern Colombia bordering Venezuela.

The relationship between Colombia and Venezuela has been rapidly and dangerously deteriorating over the past three months. President Chavez's aim, and what he expects to achieve by escalating the war of words and widening the rift between the two countries is still unclear. Is he provoking the conditions for a state of emergency, which would allow him to suspend the constitution and thus perpetuate his power? As for the Colombian armed conflict, what can certainly be observed is that the relationship between the negotiation table and the battlefield is inversely proportional. As political scientist Marc Chernick underscored in a recently published study, in Colombia an increase of belligerence only further distanced the parties, keeping them away from the negotiation table.<sup>3</sup> In Colombia, an increase of violence did not bring the conflict to ripeness for solution. Rather it has

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<sup>1</sup> This is highlighted by Marc Chernick, *Acuerdo Posible, Solución negociada al conflicto armado colombiano*. Ediciones Aurora, Bogotá 2008

<sup>2</sup> The President of Venezuela has been instrumental in negotiating the freedom of two FARC hostages last January.

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<sup>3</sup> Marc Chernick, *ibidem*, pp.41-45

becoming increasingly intertwined and intractable.<sup>4</sup>

It would be wrong to put the blame of the current situation entirely on the President of Venezuela. Despite months of negotiations and the production of many documents and memos signed by both parties, the negotiation between the Colombian government and the ELN has been characterized by a deep distrust between the two parties, by untimely inflexibility on behalf of the government, and by the ELN's lack of courage and generosity. A review of the process will help to clarify the flow of the negotiation and identify the challenges. This is crucial to be able to identify new opportunities, transcend the current reality, and to allow the process to naturally mature.

### The Mediation of Hugo Chavez

Until last August, the President of Venezuela, Hugo Chavez, had been maintaining a neutral stance toward the Colombian conflict and its parties. He had never looked for a specific role to play. It was President Alvaro Uribe who made the first move. Facing mounting pressure from public opinion demanding a humanitarian agreement for the liberation of the FARC hostages, President Uribe - known for his reluctance to achieve any agreement with the FARC guerrillas - proposed to Chavez that he facilitate negotiations with the FARC and the ELN guerrillas. People close to President Uribe affirm that it took some convincing for Chavez to take on this role as third party.

When President Alvaro Uribe and President Hugo Chavez met in Hato Grande, near Bogotá, on August 31, 2007, the relationship between the two countries was at its best. Not only did there seem to be empathy and trust between the two Heads of State, but the two countries had reached important agreements for the inauguration of a gas pipeline from the Colombian region of La Guajira to the Venezuelan city of Maracaibo. Moreover, the possibility of an additional pipeline to Panama was also under revision.

Despite the difficulties in dealing with insurgent groups, Chavez proved to be effective: In the first weeks of his efforts, President Chavez was

able to open channels of communication with both the FARC and the ELN guerrillas. Top leaders from the two insurgent groups traveled to Caracas and met with him and his emissaries. Chavez's idiosyncrasies have always caused concern among analysts and observers, but after the first few weeks, skepticism was increasingly countered with hope and some degree of optimism. The sense was that the Venezuelan President would be able to achieve results with both the guerrilla groups. This was perceived as being even more likely for the ELN process.

Though with far less publicity or attention from the media, President Chavez was making progress in his talks with the Central Command of the ELN guerrillas. After talks had reached a dead end in August (see below), the ELN went through two months of in-depth internal consultation to evaluate the process and to plan the road ahead. The ELN now saw the role of Chavez as a unique opportunity to give oxygen to a moribund process, and to advance their demands. In the eyes of the ELN, the President of Venezuela represented that trusted and credible third party which they perceived had been missing since the process with the government of Uribe had begun in the fall of 2005. The ELN had confidence that Chavez would listen to their claims and trusted his ability to facilitate a cease-fire agreement that would be fair to them.

To highlight the importance of the moment, the commandant of the ELN, Nicolás Rodríguez Bautista, alias Gabino, left the security of the Central Command headquarters in the mountains for Caracas to meet with President Chavez. Gabino was accompanied by the number two of the organization, the hard-liner Antonio Garcia. The ELN delegation met in the Miraflores presidential palace with President Chavez on November 15, 2007. President Uribe's High Commissioner for Peace, Luis Carlos Restrepo was also present. In an interview with Colombian analyst Leon Valencia, commandant Gabino declared that the ELN was ready to sign a framework agreement with the government of President Uribe.<sup>5</sup> "There is a different kind of atmosphere in Latin America - Gabino declared - and I am enthusiastic about the possibility of engaging in a dignified peace process. This is why I took the risk to come [to Caracas]." Gabino

<sup>4</sup> I use here the term "intractable" in the meaning that it usually applied in the field of conflict resolution. Intractable does not mean without solution, but only that the conflict is very complex and so are its solutions.

<sup>5</sup> Leon Valencia is the president of the think-tank Nuevo Arcoiris, based in Bogotá. He himself was a member of the ELN Central Command and demobilized with his faction in 1994 under President Cesar Gaviria.

added that to sign an agreement with Uribe, who the ELN considers as the most genuine representative of the oligarchy they have been fighting against, would give even more authority and credibility<sup>6</sup> to the agreement.

Despite some progress, the mediation efforts by Chavez were soon clouded by his inopportune public statements, which became increasingly embarrassing to President Uribe. In addition, the President of Colombia was concerned that the FARC and the ELN were gaining excessive international limelight and political legitimacy. President Uribe grew increasingly uncomfortable with the Venezuelan President's handling of the negotiation.

It was President Chavez himself who provided his Colombian counterpart with the pretext to fire him. When on November 21, the Venezuelan President broke protocol and spoke directly over the phone with the Colombian military command, President Uribe abruptly called off Chavez's role as a go-between. That same night, a spokesman for Uribe went on national television to declare that the breach had terminated his mediation.

Chavez's reaction was one of outrage and relations between the two countries have since plummeted down into a worrisome downward spiral. Chavez called the Colombian President a "liar" and a "coward," while Uribe, referring to his Venezuelan colleague, affirmed that "we need a mediation against terrorism and not legitimizers of terrorists."<sup>7</sup> The Ambassador of Venezuela was called to Caracas, and Chavez threatened to shut down commercial relations between the two countries. On January 21, 2008, President Chavez declared that both the FARC and the ELN were not terrorist groups and invited President Uribe and foreign governments to recognize the two guerrilla groups as insurgent organizations.<sup>8</sup> Furthermore, he accused the Colombian government of looking for war<sup>9</sup>. On January 17, the National Assembly of Venezuela, whose members are by enlarge supporters of President Chavez, approved a resolution granting political status to both the FARC and the ELN. The resolution recognized "the belligerent

feature of the two insurgent movements, the FARC and the ELN, in an effort to grant them a political treatment to generate trust for future negotiations in searching for peace in Colombia."<sup>10</sup> Under this resolution, both the FARC and the ELN are now able to engage in diplomatic relations with the Venezuelan government. Moreover, the provision rejected the terror organizations' list "unilaterally imposed by the United States."<sup>11</sup>

Despite the termination of his role as go-between, Hugo Chavez remained engaged with the two guerrilla groups, and at the beginning of last January the FARC reciprocated his efforts by freeing two women, Consuelo Perdomo and Clara Rojas, who had been held hostage for almost seven years. The liberation was not the product of a humanitarian exchange, but rather of a political action by which the FARC meant to recognize and emphasize Chavez's role as a facilitator and at the same time embarrass President Uribe. In recent weeks, the FARC declared that they were ready to free more hostages whilst at the same time repudiating the facilitation of the Catholic Church and the Spanish government for a humanitarian agreement. It has become obligatory to go through Caracas for any negotiation with the Colombian guerrilla groups.

Though mainly directed at Chavez's handling of the FARC, President Uribe's abrupt decision also had a profound and negative impact on the negotiation with the ELN, which deeply resented the unilateral decision to call off the facilitation of the Venezuelan President. In a communiqué, on November 27, 2007, the ELN pointed the finger at the enemies of Chavez (the United States most likely included) for boycotting his efforts and for having as their priority goal "the purpose to deny him space and political role as a protagonist."<sup>12</sup> A scheduled new round of talks with the Colombian government in Cuba on December 15 was called off.<sup>13</sup>

Since President Uribe terminated the role of President Chavez there has been no contact between the Colombian government and the Central Command of the ELN. In December, the government sent to the Central Command a new proposal to resume talks, but to date has

<sup>6</sup> See El Tiempo, December 1, 2007. Leon Valencia (who met Gabino on November 20) in a conversation I had with him clarified Gabino was not talking of a peace agreement but rather of a cease-fire.

<sup>7</sup> See [http://www.actualidadcolombiana.org/pdf/compilado\\_prensa\\_eln\\_dici5.pdf](http://www.actualidadcolombiana.org/pdf/compilado_prensa_eln_dici5.pdf)

<sup>8</sup> See El Pais, January 12, 2008, p.4

<sup>9</sup> See El Mundo, January 18, 2008, p.1

<sup>10</sup> See El Mundo, January 19, 2008, p.28

<sup>11</sup> Idem.

<sup>12</sup> See

[http://www.actualidadcolombiana.org/pdf/compilado\\_prensa\\_eln\\_dici5.pdf](http://www.actualidadcolombiana.org/pdf/compilado_prensa_eln_dici5.pdf)

<sup>13</sup> The date was initially a product of Chavez's mediation efforts.

not received a reply. To the contrary, the ELN has intensified its own belligerent attitude. The present crisis of the negotiation represents only the peak of the tensions that have been simmering between the parties since the beginning of the negotiations last summer.

### The Dialogue Efforts with the ELN

The recent talks between the ELN and the Colombian government had begun in the fall of 2005. After a frustrated attempt for direct talks led by the Mexican government between 2004 and 2005, in the high-security prison of Itagui, near Medellín, secret talks began between the spokesman of the ELN Francisco Galán and emissaries of the Colombian government. It was an attempt to identify the conditions necessary to revive a peace process.

On June 9, 2005, at the outset of his reelection campaign, President Alvaro Uribe during a meeting with demobilized paramilitary members near Medellín, uttered statements that caught the attention of the ELN Central Command and paved the road for new talks. "To the ELN, said President Uribe, I want to give all the chances for peace...If the ELN accepts a cease of hostilities, the government accepts not to advance military operations against it, as long as the cease-fire is upheld.... The ELN does not have to demobilize; neither does it need to disarm. What is needed is a cease of hostilities. The demobilization, and the disarmament are points of arrival."<sup>14</sup> The government ratified the President's words in a document that was sent to Francisco Galán.

In response, after overcoming deep skepticism expressed in many documents over the summer, the Central Command proposed an exploratory dialogue between the ELN and society, and foresaw a possible summit with the Colombian government in a foreign country. In another document it had also identified the principal obstacles which have been hindering a negotiated solution to the armed conflict: (1) the denial of social, economic, and political causes at the root of the conflict; (2) to presume that peace is a matter concerning the insurgency and the government, and not a right and a duty for all Colombians; (3) to deny the existence of a deep humanitarian crisis produced by the conflict; (4) the government denial's of the existence of an

armed conflict; (5) the fault negotiation of the government with paramilitary groups.<sup>15</sup>

In September of 2005, the Colombian government granted house arrest to Francisco Galán who, in the hills surrounding Medellín, opened the Casa de Paz (House of Peace). This was a space conceived and negotiated by a group of civil society leaders, called the guarantors of Casa de Paz, where society could elaborate and present proposals for a possible peace process with the ELN. The participation of society in a peace process, in fact, has always been an emphasis of this guerrilla organization. The ambitious aim of Casa de Paz was to nourish and sustain with ideas and proposals a possible dialogue between the ELN and the government in order to generate mediation and a transformation of the conflict first within society.

After three months of preparatory meetings at Casa de Paz, from December 16 through the 2st1, 2005, talks between the delegations of the Colombian government and of the ELN began in Havana, Cuba. This was the first of eight rounds of talks, which inaugurated the exploratory phase.

Over a period of almost two years, the negotiation produced a total of 18 documents. The parties reached the first major accomplishment at the end of the fourth round of talks (October 2006). They agreed that a framework agreement should contemplate the participation of society, create an environment conducive to peace (cease of hostilities, and humanization of the conflict), and the participation of the international community. In addition, they mutually recognized the good will of each of the negotiation parties, and they agreed to establish a formal negotiation table. The exploratory phase was thus over and the process entered its second phase.

In the spring of 2007, tensions between the two parties arose, and in April the sixth round of talks in Cuba begun under a thick cloud of pessimism and tension.

Spain, Norway and Switzerland had been the foreign countries designated to facilitate and to be the guarantors of the talks, but the Colombian government, preoccupied that the ELN had manipulated their participation to raise international awareness and to delay the decision-making, had suspended the participation of all foreign observers. Between April and August 2007, there was no facilitator assisting the par-

<sup>14</sup> Speech by President Alvaro Uribe in Rionegro, Antioquia, June 9, 2005

<sup>15</sup> Document of the ELN "Superemos los obstáculos", August 25, 2008 in [www.eln-voces.com](http://www.eln-voces.com)

ties in their negotiation. This was the firm stance of President Uribe's government. In New York at a meeting with the United Nations Department for Public Affairs, the Colombian Vice-President, Francisco Santos, declined the UN offer to facilitate the negotiation.<sup>16</sup>

Despite the initial tensions, during the months of May and June, the parties were able to make substantial progress and to draft the framework agreement. During a recess of the talks at the beginning of June, meetings at Casa de Paz were colored by optimism. Members of the ELN negotiation team were comfortable that between June and July a cease-fire would be signed. The parties admitted that much more progress needed to be done on how to monitor the cease-fire, but the ELN was confident that a solution could be worked out. Never in the history of the negotiations between the ELN and the Colombian government, they admitted, had there been so much progress. Most importantly, the ELN had agreed to the liberation of their hostages and the government had advanced proposals to finance the ELN in its transition from clandestine to politics, as long as the cease-fire was implemented.

Statements made by the parties before convening again in Havana justified the optimism also. "This round of talks - declared the High Commissioner for Peace, Luis Carlos Restrepo - will be very productive and will provide very positive news to the country."

### The Framework Agreement

The draft of the framework agreement reflects a sound and comprehensive document that mirrors the hard work and dedication of the parties. In the agreement the ELN accepted to suspend every kind of military action, including against the civilian population. The ELN committed to suspend attacks on the infrastructure of the country, while the government committed to suspend any offensive activity against the guerrilla group. Moreover, the ELN committed to stop kidnapping and to free their hostages and to engage with the governments in de-mining programs. In addition both parties agreed on the importance of including civil society in a peace process.

Despite the optimism, in July the talks ran into a new crisis, which has since deepened. On June 28, the FARC guerrillas announced that eleven

regional parliamentarians of the Valle del Cauca province, kidnapped in 2002, were killed. Outraged, people took to the street calling for the guerrillas to stop kidnapping and to free all the hostages. Almost 5 million people participated in the marches throughout Colombia. This massive outcry made it more difficult for Uribe's government to negotiate with a guerrilla group. It was a time to show an iron fist and not to be perceived as weak and accommodating. The High Commissioner, Luis Carlos Restrepo, made his demands to the ELN guerrillas more radical and inflexible. With this shift in attitude, the possibility of signing a framework agreement faded away.

In June 2005, (as outlined above) Uribe had declared that all he demanded from the ELN was a cease-fire agreement, and that disarmament and demobilization were not a prerequisite for talks. In July 2007, the government reversed that position and asked the ELN to publicly declare their firm commitment to disarm and to demobilize. In an interview, Restrepo affirmed: "The government requests that the members of the ELN concentrate in delimited areas of the national territory and that they can be identified, so that we can do an adequate verification [of the cease-fire]."<sup>17</sup> Moreover he spoke about the necessity for the ELN to make the "immediate decision" not to be a clandestine organization anymore. Restrepo responded that the Colombian state would be responsible for monitoring the cease-fire, and not a neutral third party. Furthermore, Restrepo suggested that the ELN should convene a congress in which they had to decide if they wanted to enter the democratic game.<sup>18</sup> What the Colombian government de facto demanded from the ELN was not only to sign a ceasefire as a first step towards a larger and more comprehensive peace process, but also demanded (mimicking the process with the paramilitary of the United Self-Defense Organization of Colombia) a commitment to surrender and to disarm. It was as if the British government had forced the IRA, as a prerequisite for signing the Good Friday agreements, to concentrate in a delimited area of Ireland, identify their members and commit from the start to the decommissioning of their weapons. This was a possibility that Senator George Mitchell, acting as a facilitator, had excluded.

<sup>16</sup> See El Tiempo, April 25, 2007

<sup>17</sup> Interview of Luis Carlos Restrepo with Caracol Radio, July 27, 2007

<sup>18</sup> Interview of Luis Carlos Restrepo, El Tiempo, July 28, 2007

The proposal of Uribe's government was vigorously rejected by the ELN, which defined the proposal, if accepted, as suicidal. It affirmed that at the negotiation table the ELN declared with clarity that it was ready "neither to demobilize, nor to disarm, nor to concentrate in response to the government's needs."<sup>19</sup> In a document they referred also to a speech of President Uribe in Chaparral, in the province of Huila, when, referring to the ELN, Uribe declared: "either they demobilize or we annihilate them." Moreover, in a statement to the press, the closest political adviser to President Uribe affirmed that "nobody in the country gives a damn about the political destiny [of the ELN], beside some compatriots interested in perpetuating a sterile armed struggle."<sup>20</sup> These statements, probably meant to pressure the ELN, only widened the differences and deepened the mistrust.

At the same time, the ELN did not show any readiness to unilaterally free the hostages, showing little ability to understand or appreciate the mood of the country. In addition, evidence provided by the Colombian government showed an increasing involvement of some of the ELN war fronts in the production and the trade of cocaine. Was the ELN really committed to a peace process? In its congress of July 2006, it reaffirmed the need to continue and to deepen its resistance against the oligarchy. Was the ELN really searching for a political solution to the conflict, as claimed? The inflexibility of both parties, and the distrust between them, stained the atmosphere of the negotiation, which after a moment of hope reached a demise.

In August 2007 various attempts were made to reanimate the process. The chief negotiator of the ELN, Pablo Beltran, wrote a letter to the newly elected president of the Colombian senate Nancy Patricia Gutierrez, a member of Uribe's coalition. In her inaugural speech she gently pressed the government to pursue a cease-fire agreement with the ELN.<sup>21</sup> In addition, on

August 14, the National Peace Council (NPC) was summoned to discuss the peace process with the ELN as well as the status of the framework agreement.<sup>22</sup> The same day, the newspaper *El Tiempo* had organized an international seminar on the concept of cease-fires, where the cases of Northern Ireland and the Philippines were presented in depth.<sup>23</sup> At the end of that day, both President Uribe and High Commissioner Restrepo made statements that hinted toward greater flexibility. Senator Gutierrez affirmed that the intense lobbying for the peace process had reached its hoped for effect.

When talks resumed on August 20 in Cuba, a delegation of the NPC was invited to listen to the presentations of the two negotiation teams. However, when the two sides met again face-to-face, in the solitude of the Cuban diplomatic compound of El Laguito, mistrust, frustration, and resentments surfaced again leading to a negative outcome of the round. High Commissioner Restrepo left Cuba without setting a new date for follow-up talks. It was at this point that President Uribe knocked on the door of the President of Venezuela Hugo Chavez.

### Is there still a process with the ELN?

The peace process with the ELN is moribund. Officially the talks between the Colombian government and the ELN have not been called off. The negotiation table is still open, although nobody is sitting around it. In a document dated December 24, 2007, the ELN affirmed that the process had reached a "dead end" and that "peace...has made no progress this year; more intertwined as ever and with a bleak horizon." For months now, the phone of High Commissioner for Peace, Luis Carlos Restrepo, has remained silent.

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conflict." Beltran continued by underlying that "it of most importance that sectors of the US society support the peace and reconciliation efforts in Colombia."

<sup>22</sup> The National Peace Council was created by law in 1998 and is made up of representatives of the three branches of government, oversight and monitoring bodies, churches, trade union confederations, business associations, universities, and organizations representing small farmers, ethnic minorities, retired members of the security forces, women, peace activists, human rights defenders, and victims of forced displacement.

<sup>23</sup> The seminar was promoted and organized also by the Center for International Conflict Resolution at Columbia University, the Project on Justice in Times of Transition, and the Bogotaá based Nuevo Arcoiris think-tank.

<sup>19</sup> ELN document of July 24, 2007

<sup>20</sup> *Colprensa*, July 2007

<sup>21</sup> The speech by the president of the Senate met with the support of a group of U.S. democratic leaders, who encouraged any attempt to find a negotiated solution to the armed conflict in Colombia. The letter to the president of the senate was signed by representatives James McGovern, Ike Skelton, Tom Lantos and Eliot Engle. The letter was acknowledged by ELN chief negotiator Pablo Beltran, who in a letter to an international symposium on cease-fire wrote that "in the hands of the elites of the US and Colombia lies the key that will allow not to perpetuate the conflict, but to open the path towards a political solution [of the

In sum, the process currently faces many challenges and obstacles: (1) the absolute relevance of Caracas, and the current absolute irrelevance for the ELN of Bogotá; (2) as a consequence, the radicalization of the ELN belligerence and the strengthening of a discourse of “war as a necessity”; (3) the United States request for extradition of three ELN members for the kidnapping of an American citizen; (4) the increasing involvement in narco-trafficking of some of the ELN fronts in certain areas of Colombia; (5) the lack of a credible and strong third party able to bring the parties back to the negotiation table; (6) a growing frustration among Colombians who have ceased to believe that an agreement of the parties can be reached; (7) the general and erroneous belief that the ELN is a secondary guerrilla group that can be defeated militarily.

Beside these external factors, there is a further, more ideological obstacle to the resumption of the talks: the different, if not polarised perspectives that the Colombian government and the ELN have of the negotiation and its objectives.

Capitalizing on the frustration broadly felt by Colombians because of the fiasco in the peace process with the FARC during the Pastrana administration, President Alvaro Uribe won his first election with a land-slide victory in 2001 on the promise to defeat militarily the guerrillas. The sense of security that he was able to transcend with his fellow citizens through his democratic security policy, assured Uribe a triumphant reelection in 2006. While he agreed to engage in negotiations with the paramilitary in 2003, the President of Colombia always resisted committing to direct talks with the guerrillas, and opted instead for the use of force. When he opened this opportunity to the ELN in 2005, it happened at the outset of his campaign for reelection. At this time he needed to consolidate and broaden the scope of his democratic security policy. For Uribe’s government, a negotiation is considered a tool for a forced resolution to the conflict; it is not a space to explore solutions and transformations, but rather a strategy to subjugate rebels and to force them to bend to the will of the state and its indisputable legitimacy.

for the ELN, since 1996, the negotiations have been part of their strategy to advance the structural transformation of the country, removing the root causes of the armed conflict. A peace process, for the ELN, is the loci in which to generate a broad and deep consensus not only between the government and the insurgents, but also within the totality of Colombian society. It

is this broad, still very vague and undefined scope, that makes the ELN’s position weak at the negotiation table. The process for the ELN would certainly benefit if they could bring well-formulated and detailed demands to the negotiation table. As long as the ELN remains vague in its demands, their more intransigent wing will strengthen, thereby gaining greater internal consensus. This type of consensus is currently pushing the ELN towards a more belligerent attitude and farther away from the negotiation table. If this tendency radicalizes further, reviving a negotiation will be even more challenging.

### **Conclusion: the Need for a Third Party.**

In this briefing I have highlighted the positions, the missed opportunities, the spoilers, and the challenges that the negotiation with the ELN currently faces. Keeping faith with its promise to impose a forced resolution, the government of Colombia was unable to recognize moments for opportunities that would have bound the ELN to a cease-fire agreement and would have committed them to the liberation of dozens of hostages. The ELN, on the other hand, has been struggling to formulate concrete and precise demands, meanwhile leaving the aim of their negotiation foggy. This has allowed for the hard-liner within the ELN to gain a stronger voice internally. Finally, the Colombian government, by losing control over the role of facilitator (President Chavez), provided the guerrilla groups with a strong ideological point of reference that is further spoiling the peace process and favoring the radicalization of the insurgents.

At a moment when many are ready to give up, or move to the sidelines and wait for better times, it is urgent that a strong, reliable and credible third party (or a group of facilitators) is identified, and steps in. In fact, it is not clear for how long President Chavez will be able to sustain his role as legitimizer of the FARC and the ELN. Important allies such as Argentina, Brazil and Ecuador have given Venezuela the cold shoulder. Moreover, the kidnapping of many Venezuelan citizens by both the FARC and the ELN is eroding Chavez’s discourse domestically, giving space to the opposition. Without being able to be a mediator, how long can Chavez sustain his current game as a spoiler?

The process with the ELN has been marked by the lack of third parties. The role of credible third parties is now needed to bring the parties back to the negotiating table, advance the cause

of peace, and avoid the peril of the radicalization of the armed conflict. Third parties should immediately work towards the opening up of a channel of communication with Venezuela. This would be likely to tone down the war of words between Colombia and Venezuela, and persuade President Chavez not to hinder facilitated negotiation efforts between the Colombian government and the ELN. In addition they should facilitate a viable and dignified formula for a cease-fire as a preventive measure to create confidence between the parties; assist the ELN in formulating precise and concrete demands to be negotiated at the table; assure that the ELN returns to the negotiation table having shown concrete commitment to the process by liberating, for instance, a group of hostages. In exchange, the Colombian government could momentarily suspend the extradition to the United States of the three members of the ELN.

Who could the third party be? This is the time for the international community to step in, in both a respectful and determined manner. The Colombian government should welcome this opportunity and not perceive it as a breach of its sovereignty. Searching for a negotiated solution to the armed conflict falls under the responsibility of the state to protect its citizens. The Colombian government should consider the international community as a support to the consolidation of Colombia's democratic security program.

The ELN too should welcome this opportunity in order to ensure a fair and transparent negotiation, with the aim of finding a resolution and transformation of the causes perpetuating and deepening the conflict in Colombia. This has been a consistent position of the ELN, but for this to happen the logic of war needs to be set aside.

In this complex situation, more than one third party should be identified. If the appropriate third parties are engaged, they will be able to build synergies, and use their leverage in a constructive manner on both the Colombian government and the ELN, resulting in bringing the negotiating parties back to the table. The Colombian government has recently given assurance today that it is ready to sign the framework agreement and be flexible with respect to the monitoring formula of the cease-fire. The first step the Colombian government should take is to allow facilitators to engage in shuttle diplomacy between the relevant cities of the parties involved and the Central Command in order to explore a viable path for the negotiation to be revived.

### *Chronology of Rounds of Talks*

Rounds	Dates
	2005
Round 1	December 16-21
	2006
Round 2	February 17-27
Round 3	April 25-28
Preparatory Meeting	September 22-23, Caracas
Round 4	October 20-26
Fund Consitution	November 24, Caracas
	2007
Working Meetings	January 22-24, Caracas January 27-28 January 31-February 2 February 11-16
Round 5	February 22-28
Round 6	April 11-May 10 May 16-31
Round 7	June 14-31
Evaluation Meeting	July 14-18
Round 8	August 20-24
Working Meeting	September 4-7, Caracas

### **The Center for International Conflict Resolution at Columbia University in the City of New York**

The Center for International Conflict Resolution (CICR) contributes to conflict transformation and peace-building of deadly conflict worldwide through research, education and practice. CICR's partners respond directly to the expressed needs of parties involved in ongoing conflicts, empowering individuals and organizations to address conflicts constructively. CICR's partners also coordinate their efforts with academics and practitioners from international, governmental and non-governmental organizations in joint research and action.

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