



# The Missing Peace: Colombia's New Government and Last Guerrillas

Latin America Report N°68 | 12 July 2018

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*Preventing War. Shaping Peace.*

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# Principal Findings

**What's new?** Peace talks with Colombia's last guerrilla group, the National Liberation Army (ELN), could be under threat after the election of Iván Duque as the new president. Tangible short-term results are essential to ensure negotiations continue when Duque takes power on 7 August.

**Why does it matter?** In several regions of Colombia, the ELN is trafficking in drugs, imposing control through violence and clashing with other armed groups. Without a peace agreement, these regions will continue to suffer the impact of a conflict that even the state's vastly superior military cannot win.

**What should be done?** Before the new government's inauguration, Colombia's current government and the ELN should agree on confidence-building measures, mechanisms for civil society participation in the negotiations, steps to mitigate the conflict's humanitarian costs, and the terms of a new ceasefire. Civil society and interested foreign governments should convey support for peace talks to Iván Duque.

## *Executive Summary*

The National Liberation Army, or ELN, is Colombia's last guerrilla movement standing. Forged in the tumult of the 1960s and influenced by a mix of Marxist and religious creeds, the group has withstood infighting, government offensives and clashes with other insurgents. But its "armed resistance" to a state it sees as serving the interests only of economic elites appears dated and damaging. Even as other guerrillas and paramilitaries have negotiated peace deals with the government, talks with the ELN stumble along at an agonising pace. Several ELN units whose strength and involvement in drug trafficking is growing appear reluctant to end their armed struggle, though their position could change if talks make progress. President-elect Iván Duque, due to take power on 7 August, has established strict conditions for continuing negotiations, heightening the risk of resumed hostilities. The parties should quickly agree on an improved bilateral ceasefire, greater civic participation in the peace process and confidence-building measures if they are to persuade the new president not to scrap negotiations.

Having been suspended in January 2018, with the participants later expelled from Ecuador, talks between the ELN and the government resumed in Cuba in early May. But overcoming the setbacks and lost opportunities of the past two years will be a challenge. A loosely defined agenda laid the basis for the start of the peace process in 2017, while a bilateral ceasefire starting that October and lasting for more than 100 days instilled guarded optimism. Against the backdrop of demobilisation and the hand-over of arms by the Revolutionary Armed Forces of Colombia (FARC), formerly the country's largest guerrilla movement, the apparent progress created a sense, in late 2017, that President Juan Manuel Santos could achieve peace with both insurgencies.

These expectations were confounded in early 2018. Recalcitrant ELN units, above all in the Pacific region of Chocó and along the eastern border with Venezuela, used their power in the movement's command structure to block a renewal of the ceasefire. A 27 January attack by an ELN unit on a police station in the northern port city of Barranquilla killed seven policemen and injured more than 40 more, stirring great public anger and prompting the government to suspend talks.

Meanwhile, deep in its rural strongholds, where the ELN has long acted as an armed supporter of social organisations and a provider of public order, many locals chafe at its growing brutality and belligerence. Clashes between ELN units and other armed groups in the Catatumbo and Chocó regions have displaced thousands. Participation in drug trafficking, nominally prohibited by the guerrillas' top command, has become conspicuous in certain regions. Long sympathetic to the Venezuelan government, the guerrillas have a cross-border lifeline to the neighbouring country, with senior commanders residing there while fighters act ever more openly in Venezuelan towns and villages.

The ELN's scepticism toward the peace process, and the violence it deploys, have won it no friends in national politics. President-elect Duque insists that strict conditions be imposed on the group's 2,000 combatants before talks go ahead – conditions that the ELN would almost certainly reject. His opponent in the 17 June run-off, former guerrilla fighter Gustavo Petro, warned that the ELN faced a stark choice: opt for

peace or transform into a drug trafficking group. At the same time, the risk is high that a new government will dilute the implementation of the FARC peace agreement, thereby deepening the ELN's already profound mistrust of the Colombian state. A scenario in which Duque ditches the ELN process and declares open war on the group is a real possibility. His government appears likely to treat the ELN as a "terrorist" group, operating from a safe haven in a pariah state in Venezuela, thus justifying such a move.

Yet a resumption of fighting is not inevitable. Already galvanised by the possibility that the Duque government will abandon President Santos's dedication to negotiated peace, the two sides should use this round of talks in Havana to strike landmark deals. Government officials have noted a change in the ELN's willingness to take major steps at the negotiating table, especially following various unilateral ceasefires and a significant reduction in violence in recent months. Should the two sides agree on confidence-building measures and a framework for civil society participation in the peace process, push through local accords to reduce the human costs of the conflict, and lay down the terms of a new bilateral truce with clearer conditions and improved verification, then the negotiators will have the momentum. The new president is definitely no avid supporter of the process. But he may become a grudging one, if agreements are in place that reduce violence and enjoy the backing of civil society and foreign states.

Finally, all supporters of the negotiations need to stress to Duque the grave dangers of returning to conflict. The ELN has been hurt by state military offensives, including attacks on the group earlier this year after the ceasefire lapsed. But across the border in Venezuela, the safety and protection the guerrillas have historically enjoyed will continue to work to their advantage. The territories across the country in which the movement operates are difficult to penetrate and control, while the ELN's fighters, often disguised as civilians, remain hard for authorities to identify. Declaring war on the group may sate the new government's desire to impose state control over the entirety of Colombia's national territory, but firepower alone will not bury the last of its guerrillas.

## *Recommendations*

*To reinvigorate the peace process and help persuade the incoming government not to resume hostilities with the ELN*

### **To the government of Colombia and the ELN:**

1. Agree upon and carry out specific, timely confidence-building measures, potentially including the ELN's release of recent kidnapping victims and amnesties for prisoners – both guerrillas and civilians – found guilty of minor crimes. Invite the Catholic Church and Human Rights Ombudsman's Office to verify compliance with these agreements, as well potentially as members of the ceasefire verification mechanism and guarantor nations.
2. Agree and implement as soon as possible mechanisms for local civil society participation in the peace talks, as envisaged in the original agenda for the talks, with special mechanisms for the engagement of women and women's movements, ethnic groups and social leaders who are victims of violence.
3. Create and roll out a joint communications strategy to promote the benefits of confidence building measures and a bilateral ceasefire, civil society participation mechanisms, and regional agreements that reduce the conflict's humanitarian costs.
4. Finish agreement on a new bilateral ceasefire, after agreeing upon confidence-building measures, to hand over to Duque government on 7 August without necessarily having implemented it beforehand.

### **To the government of Colombia:**

5. Invite representatives from the incoming presidential administration to meet with the government's negotiating team and prepare for a handover.

### **To the incoming government of Colombia:**

6. Name a person on the handover team to deal exclusively with the ELN negotiations, while reviewing the conditions President-elect Duque suggested during his campaign for the ELN talks to continue.
7. Extend any bilateral ceasefire in place with the ELN before making a final decision on policy regarding the negotiations.

### **To the ELN:**

8. Announce a short unilateral ceasefire starting, or willingness to extend any bilateral ceasefire in place beyond, 7 August as a gesture to encourage the continuation of peace talks.
9. Accept and sign the humanitarian agreement for Chocó; and send a representative of the Western War Front – the unit operating in that coastal province – to Havana to guarantee quick, consistent communication with civil society organisations that signed the agreement.

10. Put an end to the conflict with the Popular Liberation Army (EPL) in Catatumbo, heeding calls along those lines from local civil society, and use the opportunity of talks in Havana to do so if necessary.

**To the Catholic Church:**

11. Verify confidence-building measures and humanitarian agreements signed between the government and ELN as part of a new ceasefire.

**To the guarantor countries (Brazil, Cuba, Chile, Venezuela and Norway) and accompanying countries (Germany, Switzerland, Italy, the Netherlands and Sweden):**

12. Publicly and privately, in meetings with the incoming government, state support for, and willingness to, continue funding the peace talks.
13. Continue to promote and support the proposed humanitarian agreement in Chocó and to push the ELN to end the conflict with the EPL in Catatumbo.

**To the UN mission and Security Council:**

14. State continued support for the ELN peace talks and willingness to continue to verify any ceasefire in place, potentially through a visit by the UN secretary-general, or other senior UN official, to the new president.

**Bogotá/Brussels, 12 July 2018**

# The Missing Peace: Colombia's New Government and Last Guerrillas

## I. Introduction

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For the first time in its almost 54-year history, the National Liberation Army (ELN) has entered into formal peace negotiations with the Colombian government. Yet it has done so with no guarantee that Iván Duque, the new president who takes power on 7 August, will be as devoted to the search for peace as his predecessor Juan Manuel Santos. Duque, a disciple of former President Álvaro Uribe, beat left-leaning Gustavo Petro in the 17 June presidential run-off. He has proposed a series of conditions to negotiate the guerrillas' disarmament, demobilisation and reintegration (DDR). In mid-June, he declined to explicitly rule out political negotiations with the organisation, although he has previously described it as a "terrorist group".<sup>1</sup>

The prospect of a new president with little commitment to the two-year government-ELN peace process has focused minds in Havana, where negotiators from the two sides reassembled in early May. Rapid, substantive progress in these talks appears more urgent than ever. But previous setbacks, notably the failure in January to renew a ceasefire that had largely held since October, illustrate the extent of the differences between the government and the guerrillas. Within the government, doubts linger that the ELN as a whole can comply with any deal, due to opposition from within the movement, namely from powerful, expanding regional units on the Pacific coast and the border with Venezuela.<sup>2</sup> The success of three recent unilateral ceasefires by the guerrilla has nevertheless begun to alter government perceptions.

The ELN has its own reasons to be cautious. It distrusts the Colombian state, which it believes represents only the elite's interests. At the same time, it watches with palpable concern the stuttering progress of the peace deal signed between the government and what was Colombia's largest guerrilla movement, the Revolutionary Armed Forces of Colombia (FARC), late in 2016.

Certainly, some factions within the ELN resist striking a peace deal with the state. Their opposition is indicative of a deep identity crisis emerging within the movement. People who live in the ELN's domain report the fighters' growing readiness to mete out violent punishment to residents for breaches of discipline. The group has killed a number of social leaders, as well as suspected drug users, thieves and informants, in Arauca, on the Venezuelan border. Along the Pacific, in Chocó and Nariño, the ELN's involvement in drug trafficking is blatant, even though its central command nominally prohibits units from participating in that trade. The ELN has long

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<sup>1</sup> "No aceptaré ningún mecanismo distinto a una negociación bilateral con Nicaragua", *El Tiempo*, 13 May 2018. "Diálogos con Eln continuarán si hay verificación internacional: Duque", *Caracol*, 19 June 2018.

<sup>2</sup> For more on the recent ELN expansion and background to the peace process, see Crisis Group Latin America Reports N°63, *Colombia's Armed Groups Battle for the Spoils of Peace*, 19 October 2017, and N°51, *Left in the Cold? The ELN and Colombia's Peace Talks*, 26 February 2014.

portrayed itself as an ally of Colombia's poor and oppressed, but its increasingly cruel and authoritarian bent suggests that some in the current cadre of leaders, at least on the ground, have a different political outlook.

Government negotiators face an uphill battle in handling the complexities of a decentralised and deeply ideological movement. They need to make rapid progress in talks not only to convince the incoming Duque government to continue negotiations, but also to bring sceptical ELN units on board. The challenges of doing so, while overcoming the legacy of previous failures, are great but not insuperable.

This report examines the nature of the ELN, especially during the period of expansion it has enjoyed since the FARC peace deal, as well as the status of the peace talks in the wake of the presidential election. It identifies a number of areas where agreements in Havana might help tilt the incoming Duque government toward persevering in the peace process. The report is based on over 40 interviews with community leaders, state officials, international organisation representatives and local analysts, carried out in 2017 and 2018 in the main regions of ELN activity, including Arauca, Cauca, Norte de Santander, Chocó and Nariño. Interviews were also conducted in Bogotá and Quito with international and government officials, as well as government and ELN negotiators at the peace process. The ELN unit in Chocó – the Western War Front – received and answered questions sent by Crisis Group through a series of videos. The National Urban War Front received questions, which it promised to answer, but had yet to do so at the time of publication.

## II. What is the ELN of 2018?

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Drawing on an amalgam of radical left-wing traditions while deepening its links to criminal economies, the ELN stands out for its resilience in modern-day Colombia. After nearly 54 years of existence, it does not constitute a national insurgent threat, but its regional units exert firm territorial control over increasingly large parts of Colombia's peripheries, in which they perpetrate a great deal of violence. Because of its clandestine operations and small military branch in comparison to that of the FARC, the ELN remains a mystery to many Colombians.<sup>3</sup> Better understanding of the guerrilla group and its recent evolution is essential to ensure that negotiations survive a change in government.

### A. Ideology

The ELN's ideology interlaces elements from several radical political traditions, including socialism, communism and Christian liberation theology, and reveres the feats of the Cuban Revolution.<sup>4</sup> Unlike many other Colombian guerrilla movements, it did not originate as the armed wing of a political party, but as an independent group with its own political agenda. Since the 1980s, it has striven to form strong relationships with civil society and the communities where it operates.<sup>5</sup>

The ELN professes opinions on a range of Colombian political and social issues but its main focus is opposition to neoliberal economic policies and extractive industries, especially mining and oil exploration and production. It sees Colombia's political and economic elite as a homogenous bloc, a puppet of U.S. imperialism devoted to wringing profit from the country while oppressing the poor, which it calls the "popular majority". It argues that the elite deploys violence against popular movements to maintain a status quo rooted in gross inequality and cosmetic democracy.<sup>6</sup>

The ELN also looks to international political dynamics to guide its strategy and ideology. In the 1980s, the group expressed solidarity with international guerrilla and social movements. In the 2000s, Latin America's leftward shift convinced the guerrillas that their cause would be vindicated.<sup>7</sup> More recently, Venezuela has taken centre stage in the ELN's views on international affairs. The group defends the government of President Nicolás Maduro and promotes the idea of a worldwide, united popular front opposed to U.S. imperialism. Should unrest in Venezuela worsen, ELN

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<sup>3</sup> For example, the ELN keeps the names of some members of its Central Command secret. Crisis Group interview, ELN commander, Quito, 7 April 2018.

<sup>4</sup> Liberation theology is a religious movement stemming from Latin America which argues that the Church has a role in "liberating" the poor from the conditions of inequality, poverty and repression in which they suffer. See Eduardo Pironio, "Teología de la liberación", *Teología: revista de la Facultad de Teología de la Pontificia Universidad Católica Argentina*, no. 17 (1970), pp. 7-28.

<sup>5</sup> Crisis Group interview, ELN commander, Quito, 7 April 2018. See also Marta Harnecker, *Reportajes sobre Colombia: entrevista a dirigentes de la Unión Camilista-Ejército de Liberación Nacional* (Quito, 1988).

<sup>6</sup> The ELN announced its anti-oil production stance in 1986 with the campaign, "Wake up Colombia! They are stealing our oil!" Crisis Group interview, Víctor de Currea Lugo, Bogotá, 24 April 2018. See also Milton Hernández, *Rojo y negro* (Bogotá, 2004).

<sup>7</sup> "Un país en paz", ELN, December 2003.

elements would likely volunteer to defend the Maduro government by force of arms.<sup>8</sup> The group also decries U.S. influence over Colombian politics, including, it argues, over the country's elections.<sup>9</sup>

The ELN insists that local communities should control their own destinies and enjoy autonomy in the places where they live. It declares its primary role to be that of an armed supporter and political defender of the inhabitants in areas under its control. While the group has not ruled out taking over the central state, it sees itself as a vital part of a larger movement looking to tilt the balance of power in favour of what it calls "the popular majority".<sup>10</sup> Within the ELN leadership, however, views differ as to how far military action is justified toward such ends. Some guerrilla commanders see the war as inherently just resistance to a predatory state and its paramilitaries; they believe they must fight on because, were they defeated, the cost to Colombia would be too great.<sup>11</sup> Others view the war as a political strategy that has merit at certain but not all moments.

### B. *Internal Workings*

The internal hierarchy of the ELN differs sharply from other guerrilla movements in Colombia's history. Its pinnacle of authority is a national congress, at which its top bodies – the Central Command and National Directorate – meet to make strategic decisions regarding the group's future. For example, in 2014, at its fifth congress, it voted in favour of continuing discussions with the government to define an agenda for possible peace negotiations, and what the mandate of the negotiating team would be. It remained ambivalent as to whether the group would lay down its arms and voted to prepare for both war and peace, thereby accommodating conflicting interests within the organisation.<sup>12</sup>

Below the congress, the hierarchy splits in two, with the Central Command and National Directorate on one side, and on the other, "extraordinary events", such as special directorate meetings or the group's ethics committee. The two sides of the hierarchy in effect operate at specific moments in time. The Central Command,

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<sup>8</sup> Crisis Group interviews, ELN expert, Bogotá, 27 April 2018; high-level diplomat, Bogotá, 22 February 2018.

<sup>9</sup> See Harnecker, *Reportajes sobre Colombia*, op. cit.; Crisis Group interviews, ELN commander, Quito, 7 April 2018; ELN expert, Bogotá, 3 October 2016. See Colectivo Andrea Antorcha Estereo, "Sinopsis de una falsa crisis humanitaria", 1 April 2018. The ELN also has what it calls an International War Front, led, apparently, by alias Ramiro Vargas, a Central Command (COCE) member. See "Venezuela no está sola", Frente de Guerra Internacional "Milton Hernández", 14 August 2017.

<sup>10</sup> "Colombia: la paz es posible y necesaria (entrevista al Eln)", ELN, 2 November 2014.

<sup>11</sup> ELN leader Nicolás Rodríguez described the essence of armed resistance as follows: "If we go to Chocó, north-east Antioquia, southern Bolívar ... if Colombian guerrillas or the ELN cease to exist, in ten or twenty years, those mountain ranges will be mines for large-scale gold mining". "Como están las cosas, la rebelión sigue vigente: ELN", *Semana*, 3 June 2017. Crisis Group interviews, ELN expert, Bogotá, 15 January 2018; researcher, Peace and Reconciliation Foundation, Bogotá, 11 May 2018; ELN commander, Quito, 7 April 2018.

<sup>12</sup> Crisis Group interviews, ELN commander, Quito, 7 April 2018; ELN expert, Bogotá, 27 April 2018; researcher, Peace and Reconciliation Foundation, Bogotá, 11 May 2018; video sent to Crisis Group, Commander Uriel, 6 July 2018.

historically consisting of five members, leads the ELN most of the time, when no extraordinary events are taking place and the directorate as a whole is not in session. The directorate is much larger, generally numbering between fifteen and 25 people, comprising the Central Command and representatives from regional ELN units, thus allowing those units to voice their opinions and have direct influence over the leadership and future of the organisation. Though on paper the directorate is equal to the Central Command, its larger size makes it cumbersome to assemble, and therefore the moments when it exercises genuine leadership are few. Both bodies follow a model of “collective leadership”, in which multiple people play decisive roles. They strive to avoid the personalised command system typical of the movement’s first decades of existence, which led to internal rows and brutal purges.<sup>13</sup>

Given the ELN’s history, cohesion is of utmost importance for the group. Throughout the late 1970s and early 1980s, the group’s current leader, alias Gabino, together with then political commander Manuel Pérez, steered the group out of various crises and put in place an organisational structure that has generally allowed the movement to avoid internal disputes or at least keep them bloodless.<sup>14</sup> The ELN on all levels votes regularly, using a simple majority rule, in what the group calls “centralised democracy”. As one commander explained: “You know what the dumbest thing we voted on was? The number of buttons the uniform shirt should have. Here we vote a lot, but less and less on dumb things”.<sup>15</sup>

A crucial part of the ELN is its civilian members, who may be plainclothes fighters leading normal lives but lend support to the guerrillas when need be, through violent actions, intelligence gathering or coercive political control. Others are activists who “insert” themselves into grassroots social and political movements. These activists have many tasks, not merely promoting the ELN’s political agenda. Their role includes efforts to strengthen the movements in which they are embedded, while giving them indirect, secretive armed backing.

According to ELN leaders, the group is growing more rapidly in this social and political domain than it is militarily.<sup>16</sup> They claim that much of this growth is at the request of local communities that either seek protection from alleged paramilitaries’ incursions or who simply support the guerrillas. In contrast, most analysts and community leaders concur that the ELN’s growth is connected to the drug trade and

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<sup>13</sup> Crisis Group interview, ELN commander, Quito, 7 April 2018. For a history of the ELN and its various internal crises, see Hernández, *Rojo y negro*, op. cit.; Harnecker, *Reportajes sobre Colombia*, op. cit.; Carlos Medina Gallego, *Ejército de Liberación Nacional – Notas para una historia política (1964-2014)* (Bogotá, 2014); “Estatutos”, ELN, n.d.

<sup>14</sup> Crisis Group interviews, Víctor de Currea-Lugo, Bogotá, 24 April 2018; ELN experts, Bogotá, 25 and 27 April 2018. See also Hernández, *Rojo y negro*, op. cit.

<sup>15</sup> De Currea-Lugo, *Historias de guerra para tiempos de paz*, op. cit., p. 64.

<sup>16</sup> Journalist Juanita León has argued that the ELN is an NGO with an armed wing, rather than a traditional guerrilla group, which the group’s leadership says is “true to an extent”. Crisis Group interview, ELN commander, Quito, 7 April 2018; high-level diplomat, Bogotá, 2 February 2018; humanitarian aid worker, Tumaco, 6 December 2017 and 7 March 2018; social activist, Bogotá, 27 April 2018; researcher, Peace and Reconciliation Foundation, Bogotá, 11 May 2018. See Juanita León, “Proceso con el ELN: un paso adelante, dos saltos atrás”, *La Silla Vacía*, 28 February 2017.

the group claiming territories previously held by the FARC.<sup>17</sup> For example, in Nariño, the ELN's efforts to expand are directly related to the drug trade, as it has attempted to gain control of trafficking routes, such as the Patía river, and the towns of Llorente and La Guayacana, that likely see the highest number of drug transactions in all of Colombia. The group's expansion in Catatumbo is also linked to its increased control over the drug trade.<sup>18</sup>

Finally, regional units within the ELN make and carry out decisions with a high degree of autonomy. This licence is most visible when it comes to illegal economies and the treatment of civilians. Whereas some units are deeply involved in drug trafficking, such as in Chocó and Catatumbo, others – such as the unit in the eastern border state of Arauca – are not.<sup>19</sup> In some areas, such as Arauca and Chocó, the ELN maintains social control mainly through violence; in others, such as Cauca, it allows local organisations more freedom to politically lead their communities.<sup>20</sup>

Likewise, some units, as in Arauca and Cauca, appear to have placed representatives inside local governments or to enjoy direct relationships with officials, while others, as in the south-western region of Nariño, have no local government ties at all. Lastly, and most importantly, different units (known as “war fronts”) have adopted contrasting postures toward peace talks. Some, such as the Darío Ramírez Castro War Front in Antioquia and Bolívar, have consistently supported negotiations. Others, notably the Eastern and Western War Fronts, appear determined to fight on.<sup>21</sup>

### C. *Military Strength*

The ELN does not pose a national military threat to the Colombian state, but it does undermine the work of the national, regional and local authorities in a number of regions and impede the government's efforts to establish control over the entirety of

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<sup>17</sup> The group says it cannot give armed protection but can guide communities as to how best to protect themselves. Crisis Group interviews, ELN commander, Quito, 7 April 2018; Víctor de Currea-Lugo, Bogotá, 24 April 2018; researcher, Peace and Reconciliation Foundation, 11 May 2018; ELN experts, Bogotá, 25 and 27 April 2018. On agreements between the FARC and ELN to cede territory, see Crisis Group Report, *Colombia's Armed Groups Battle for the Spoils of Peace*, op. cit., p. 6, footnote 20.

<sup>18</sup> Crisis Group interviews, researcher, Peace and Reconciliation Foundation, 11 May 2018; international organisation representative, Cúcuta, 17 April 2018; community leaders, Tumaco, 14 and 15 May 2017.

<sup>19</sup> Crisis Group interviews, international organisation representatives, Cúcuta, 17 April 2018; humanitarian aid worker, Cúcuta, 16 April 2018; conflict analyst, Arauca, 9 April 2018 and Bogotá, 9 June 2017. The Western War Front denies accusations that it is linked to the drug trade, arguing that it taxes the trade just like any other economic activity in areas under its control. Video sent to Crisis Group, Commander Uriel, 6 July 2018.

<sup>20</sup> Crisis Group interviews, international organisation representatives, Quibdó, 8 May 2018; humanitarian aid worker, Cúcuta, 16 April 2018; conflict analyst, Arauca, 9 April 2018; human rights defenders, Quibdó, 8 May 2018 and Arauca, 12 April 2018; community leaders, El Plateado, Sinaí and Argelia, Cauca, 3 and 4 May 2018.

<sup>21</sup> Crisis Group interviews, conflict analyst, human rights defender and local leader, Arauca and Fortúl, 9, 10 and 12 April 2018; international organisation representative, Tumaco, 6 December 2018; human rights defender, humanitarian aid worker and international organisation representative, Tumaco, 5 and 6 December 2017; ELN expert, Bogotá, 25 April 2018. “Jefe del Eln trabajaba con bajo perfil en entidad pública del Cauca”, *El Tiempo*, 26 June 2015.

national territory. The group has incontrovertible de facto rule in the areas where it operates, from which it launches sustained guerrilla warfare such as ambushes, sniper shootings, attacks with a variety of explosives and gas and oil pipeline bombings. This military activity, however, is not the sole or the most prominent part of the ELN's insurgent strategy.<sup>22</sup>

During 2017 and the first five months of 2018, the conflict with the ELN affected 118 – or about one in ten – Colombian municipalities.<sup>23</sup> Overall, the group has about 2,000 fighters, organised into six regional war fronts, themselves divided into 29 rural fronts and 22 companies, as well as one national urban guerrilla front, the National Urban War Front (FGUN, in Spanish). It also has a network of what it calls militia fighters (*milicianos*), who carry out intelligence operations, support the rural guerrillas, control villages and small urban dwellings, and perpetrate attacks as well (see map, Appendix A).<sup>24</sup>

During the first half of 2018, when the government and FARC signed their peace agreement, the ELN has carried out attacks in 22 municipalities more than it did in 2008. This military expansion has been far from robust, however, as many of these areas have seen little violence at all. Regional ELN units act differently in different places, usually based on four variables: local politics, relationships and rivalries with other armed groups, connections with the Central Command, and the prominence of illegal economies, especially the drug trade and illegal gold mining.

The largest military growth has taken place in Chocó, in part because of local agreements between the ELN and the FARC, increased participation in the drug trade and the fight against the Gaitanistas.<sup>25</sup> The Western War Front, in Chocó, operates in areas inhabited by indigenous peoples and Afro-Colombians who enjoy the legal right to collective land ownership, leading it to compete and occasionally negotiate with these movements so as not to lose territorial control. It has used the pretext of its battles with the Gaitanistas and army to kill civilians and social leaders, sometimes overtly. But locals have pushed back against the front's brutality, demanding a humanitarian agreement that limits its use of violence and spares civilian harm. The Western Front is also close to Pablito, the most recent addition to the Central Command, who was previously in charge of rebuilding the ELN presence in

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<sup>22</sup> It is common for the ELN to carry out political work without committing violent acts, especially when it first moves into a territory – as in parts of Cauca, for example. Crisis Group interviews, community leaders, El Plateado, Sinaí and Argelia, Cauca, 3 and 4 May 2018.

<sup>23</sup> There are 1,122 municipalities in Colombia. The data in this section came from UN Colombia Analysis Unit databases, filtered for ELN “conflict events” – actions carried out either by the ELN or armed forces that affect the opposing force or the civilian population – between 2008 and 2018, and by location. The results were compared with other sources, such as NGO reports and documents from the Human Rights Ombudsman's Office, and were tested in interviews. The databases are available at: <https://monitor.umaic.org>.

<sup>24</sup> Official intelligence sources put the ELN's military strength at 1,675 combatants, without including members of the FGUN. Crisis Group interviews, conflict analyst, Bogotá, 12 February 2018; ELN commander, Quito, 7 April 2018; high-level diplomat, Bogotá, 17 January 2018; conflict analyst and human rights defender, Arauca, 9 April 2018.

<sup>25</sup> For example, the ELN's first registered action in Riosucio, in northern Chocó, was a joint attack alongside the FARC against the Gaitán Self-Defence Forces. “Van 27 alertas de la Defensoría y aún nadie detiene el avance de los paras en Chocó”, *La Silla Vacía*, 17 April 2017.

the region, and who prefers to exert control through military rather than political means. Money generated by controlling routes for drug trafficking and Chocó's countless illegal gold mines also shapes the movement's outlook.<sup>26</sup>

In northern Cauca, in contrast, ELN expansion began through political work aimed at infiltrating indigenous and peasant movements in 2014. It has included agreements with FARC dissidents. In Vichada province, in Colombia's east, ELN expansion has served to establish control over corridors leading to Venezuela's mining arc.<sup>27</sup> In other regions, the group has tightened its grip rather than expanded. In parts of Arauca, it has completely taken over areas in which it previously enjoyed less influence than the more dominant FARC. In Catatumbo, also on the border with Venezuela, it has looked to gain control of places where its presence had been otherwise weak, including Tibú, La Gabarra and even Cúcuta.<sup>28</sup> Similarly, it has enhanced its presence in Cauca, notably in Argelia, El Tambo and Guapi.<sup>29</sup>

The ELN's hybrid tactics of expansion and regional consolidation will not improve its negotiating position with the central state since these have not changed the military balance of power. In fact, they may well weaken its hand in talks. For example, when, in late January 2018, the National Urban War Front placed a bomb at a police station in Barranquilla, Colombia's fourth largest city, killing seven officers and wounding more than 40, the whole movement's political standing fell steeply. Popular disgust at the attack was so great that President Santos suspended negotiations in the aftermath.<sup>30</sup> Even so, the ELN feels that violence has a role to play in its negotiating strategy, and that weapons are the most effective way to ensure the government fulfils the agreements it signs. Its leadership has stated that the group will not disarm until the reforms pledged in a final deal are achieved, while some regional war fronts go further, arguing that armed rebellion is still valid in Colombia.<sup>31</sup>

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<sup>26</sup> Crisis Group interviews, community leaders and international organisation representatives, Quibdó, 28 and 29 August 2017, 8 and 9 May 2018. The ELN in Chocó has held meetings with local civil society and claims that has led to an improved relationship, and also that it is not involved in the drug trade. Video sent to Crisis Group, Commander Uriel, 6 July 2018.

<sup>27</sup> Crisis Group interviews, journalist, Bogotá, 24 January 2018; conflict analyst, Bogotá, 9 June 2017.

<sup>28</sup> Crisis Group interviews, human rights defenders, conflict analyst and international organisation representative, Arauca and Arauquita, 9, 10 and 11 April 2018; international organisation representative and humanitarian aid worker, Cúcuta, 16 and 17 April 2018.

<sup>29</sup> Locals in Guapi, Cauca recently accused the ELN of killing two social leaders there. During a Crisis Group visit to the town in 2016, the ELN were absent. Yet they had been there in the late 2000s. Argelia was mainly, but not completely, under FARC control after 2009, when the two guerrillas signed an agreement to divide territory at the end of their conflict in the region. See "Comunidad señala al ELN como autor de asesinatos de líderes sociales en el Cauca", *Prensa Rural*, 12 February 2018; "Informe estructural: situación de riesgo por conflicto armado en la costa pacífica caucana municipios de Guapi, Timbiquí y López de Micay", Defensoría del Pueblo, April 2014, pp. 77-82. In one case, in Sinaí, Argelia, the ELN rounded up the townsfolk and announced that it would be taking over. The residents rejected the ELN, saying they would take care of themselves, and asked the guerrillas to leave, which they did. Crisis Group interviews, community leaders, Sinaí and Argelia, Cauca, 3-4 May 2018.

<sup>30</sup> "Comunicado a la opinión pública", FGUN-ELN, 27 January 2018. "Presidente Santos suspende diálogos de paz con el Eln", *El Tiempo*, 29 January 2018. Crisis Group interview, ELN expert, Bogotá, 25 April 2018.

<sup>31</sup> The ELN has stated that if it sees the transformations it believes the people want, it will consider giving up its weapons. An ELN commander at the negotiating table stated that one of the biggest

#### D. *Illegal Economies*

In areas where the ELN dominates, it has stepped up illicit economic activity since 2006, when it entered into conflict with the FARC in parts of the country, and even more so since 2015, when, in effect, the FARC stopped fighting due to progress in peace talks. This activity includes increased direct involvement in drug trafficking; stronger control over illegal mining activities and over informal border crossings with Venezuela; and continued extortion. Kidnapping, by contrast, no longer plays the prominent fundraising role it once did, but is now essentially a means of enforcing extortion rackets.

The ELN directly participates in Colombia's booming coca production and cocaine trafficking, despite an internal prohibition on doing so.<sup>32</sup> In Chocó, for example, a government attack on a guerrilla camp during the bilateral ceasefire in late 2017 led to the discovery of a half-tonne of cocaine, though the Western War Front denies this was the case.<sup>33</sup> During 2017, in Nariño, the ELN made a concerted effort, albeit with limited success, to gain control over La Guayacana and Llorente, two of the most important towns for drug transactions in all of Colombia. The group managed to tax coca paste buyers in the former, if only temporarily. Additionally, the group has fought for control over the Patía river, a vital drug trafficking corridor in the province.<sup>34</sup> In southern Cauca, the group has looked to strengthen its grip on the municipalities of El Tambo and Argelia, towns that host some of the country's highest concentrations of coca crops, as well as trafficking routes to the Pacific coast.<sup>35</sup> In Catatumbo, the group has also increased its involvement in the drug trade and control of trafficking routes into Venezuela.<sup>36</sup>

The ELN is also increasingly involved in extorting illegal mining operations, especially in Chocó, Antioquia and Nariño. In central Chocó, the group shakes down miners who illegally bring machinery into areas under its control, as well as small-scale miners looking for gold. More generally, extortion is a crucial revenue source

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mistakes the FARC made was to hand over their weapons – “their only way to pressure [the government] to implement [the peace agreement]”. Crisis Group interview, ELN commander, Quito, 7 April 2018. The group has also stated that if it concludes that “arms are no longer necessary, [it] would be willing to consider no longer using them”. “Declaración Política V Congreso del Ejército de Liberación Nacional”, ELN, 7 January 2015. In Arauca, the ELN contrasts the negotiations to the “reality” in that region. Crisis Group interviews, human rights defender, conflict analyst, Arauca, 9 April 2018.

<sup>32</sup> In its internal documents, the ELN claims only to tax the drug trade and to bar any other involvement in it. See “Nada tenemos que ver con el narcotráfico”, Nicolás Rodríguez Bautista, 7 May 2018; “Táctica: cuadernos del militante no. 2”, ELN, 4 July 2006. Nonetheless, there are units in the ELN that believe in using the drug trade to raise money for the war effort. Crisis Group interviews, conflict analyst, Bogotá, 9 June 2017; researcher, Peace and Reconciliation Foundation, Bogotá, 11 May 2018.

<sup>33</sup> Crisis Group interview, ELN expert, Bogotá, 18 January 2018. “Evaluación del Cese al Fuego Bilateral, Temporal y Nacional”, Delegación de Diálogos: Ejército de Liberación Nacional, 8 February 2018, p. 54.

<sup>34</sup> Crisis Group interviews, community leaders, Tumaco, 17-18 May 2017; international organisation representatives, Tumaco, 6 December 2017 and 7 March 2018.

<sup>35</sup> Crisis Group interviews, local leaders, El Plateado, Sináí and Argelia, Cauca, 3-4 May 2018.

<sup>36</sup> Crisis Group interviews, humanitarian aid worker and international organisation representative, Cúcuta, 16-17 April 2018.

for the ELN, especially in Arauca, where it demands money from local governments, oil companies, contractors and numerous local businesses. Such is the group's sway in the region that, according to multiple sources, it "co-governs" with local authorities, obstructing or permitting public works projects, as long as politicians and wealthy locals pay it "taxes". It also controls all 55 of the illegal border crossings to and from Venezuela in the province, where it extorts people involved in smuggling – above all of gasoline – a major trade carried out openly across much of Arauca.<sup>37</sup>

The regional war fronts most directly involved in illegal economies – the Eastern, Western and North-Eastern – are also the strongest militarily. These fronts have expanded or consolidated more rapidly than others in the last two years. At the same time, as the ELN embarks on a generational transition, many of its younger leaders appear more interested in keeping local political power and the economic benefits that accompany it than in seeking peace.<sup>38</sup> Yet the ELN undoubtedly harbours members who for political and ideological reasons are not convinced that the movement should negotiate with the government.<sup>39</sup> It would be inaccurate to reduce the guerrilla's wavering commitment to peace talks to greed alone.

#### E. Local Political Power

The ELN prides itself on being an important political actor at the local level, claiming to support civil society and promote "popular power".<sup>40</sup> But this relationship has been changing. The group increasingly treats local political movements as subordinates, instead of equals, in parts of the country.

For example, strains are visible in the ELN's relations with the FARC's former fighters and support base, following the ELN's alleged role in the killings of FARC

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<sup>37</sup> Crisis Group interviews, conflict analyst, human rights defender and local authorities, Arauca and Saravena, 9 and 13 April 2018. Andrés Peñate, "El sendero estratégico del ELN: del idealismo guevarista al clientelismo armado", in Malcolm Deas and María Victoria Llorente (eds.), *Reconocer la guerra para construir la paz* (Bogotá, 1999). The sale of contraband gasoline is conspicuous in Arauca, with vendors operating along the main roads and even inside city centres. Contraband gasoline in the area costs about 25 per cent less than petrol at a licenced station.

<sup>38</sup> These differences between younger and older commanders has even led to internal violence within the ELN in Arauca in 2015. So serious was the violence that the ELN's second-in-command, Antonio García, had to publicly remind the Eastern War Front that "the problems between comrades, we must resolve them through dialogue". "Saludo del comandante Antonio García al Frente de Guerra Oriental", Antonio García, 4 July 2015.

<sup>39</sup> Crisis Group interviews, conflict analyst, Arauca, 9 April 2018; high-level diplomat, Bogotá, 25 January 2018; Víctor de Currea-Lugo, Bogotá, 24 April 2018; researcher, Peace and Reconciliation Foundation, Bogotá, 11 May 2018; humanitarian aid worker, Cúcuta, 16 April 2018. "Despite peace talks, Colombia's ELN guerrillas continue expansion", *Insight Crime*, 31 July 2017.

<sup>40</sup> Mario Aguilera Peña, "ELN: entre armas y la política", in Francisco Gutiérrez Sanín, María Emma Wills and Gonzalo Sánchez Gómez (eds.), *Nuestra guerra sin nombre: transformaciones del conflicto en Colombia* (Bogotá, 2006), pp. 211-266. The ELN uses the term "popular power" to describe the power structures it supports aimed at weakening the role of the state. The group does not rule out continuing its struggle from within government institutions, as it has done in Arauca, for example. Crisis Group interviews, ELN commander, Quito, 7 April 2018; conflict analyst and human rights defender, Arauca, 9 April 2018. Carlos Medina Gallego, "El poder popular en la vida del ELN: el camino hacia su lucha social y política", in Víctor de Currea-Lugo (ed.), *Y sin embargo, se mueve* (Bogotá, 2015), pp. 159-169. Video sent to Crisis Group, Commander Uriel, 6 July 2018.

political activists in Nariño and Bolívar, and of civilians perceived to be supporters of the ex-guerrillas in Arauca. ELN leaders, meeting in April 2018 in Quito with a delegation of their FARC counterparts, pledged that there was no official ELN policy of killing FARC members. They agreed to investigate the cases, adding that some former FARC fighters had been guilty of mistreating the population.<sup>41</sup>

In parts of the country, selective killing of civilians has also become a common ELN practice, aimed at buttressing local political control. In Arauca, the group has carried out killings of suspected thieves, drug users and informants in the name of social cleansing. As one human rights defender in Arauca put it, “I have had mothers here crying, concerned about their children [being killed for doing drugs]”.<sup>42</sup> When the ELN attempted to establish control last year in La Guayacana, Nariño, it published a pamphlet announcing “social cleansing” and the imminent execution of five people, leading to its ouster from the town soon afterward at the hands of a private militia belonging to a local drug trafficker.<sup>43</sup> In Chocó, the group has killed indigenous leaders, most recently Aulio Isarama Forastero in October 2017. These murders, according to local leaders, undermine indigenous political movements and threaten their way of life.<sup>44</sup>

The ELN's political power does not come only from the barrel of a gun. It also resolves local conflicts and enforces rough justice in almost every area it controls. In strongholds, such as Arauca and Catatumbo, the group often forces young people who consume drugs to labour at guerrilla camps for short periods, in order to “correct” their behaviour.<sup>45</sup> One community leader in ELN territory in Cauca called the group a “necessary evil”, because without them thieves and rapists would “invade” her town.<sup>46</sup>

Aggrieved locals in Chocó have protested against the ELN's brutality, proposing a “humanitarian agreement” to reduce the effects on civilians of guerrilla violence and to respect ethnic organisations in the province, and presenting it to the ELN negoti-

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<sup>41</sup> “Eln, tras muerte de tres integrantes de las Farc en Nariño: Fiscalía”, *El Tiempo*, 5 February 2018. “FARC denuncia que el Eln asesinó a uno de sus miembros en Bolívar”, *El Espectador*, 8 February 2018. “Nota de seguimiento N°009-17”, Defensoría del Pueblo, 9 August 2017. “Comunidad señala al ELN como autor de asesinatos de líderes sociales en el Cauca”, *Prensa Rural*, 12 February 2018. Crisis Group interviews, human rights defender, Arauca, 9 April 2018; government official, Bogotá, 18 January 2018; ELN commander, Quito, 7 April 2018.

<sup>42</sup> Crisis Group interview, human rights defender, Arauca, 12 April 2018. “Nota de seguimiento N°009-17”, Defensoría del Pueblo, 9 August 2017. Andrés Cajiao Vélez y Eduardo Álvarez Vanegas, “Arauca, a la expectativa del quinto ciclo con el Eln”, *El Espectador*, 2 February 2018. Crisis Group interviews, human rights defender and conflict analyst, Arauca, 9 April 2018. Numerous civilians in Arauca, in casual conversations, openly stated that the ELN had imposed rules. If rules are broken, the transgressors are warned. After a second offence, they are killed.

<sup>43</sup> Crisis Group interviews, community leader, Tumaco, 17 May 2017; international organisation representative, Tumaco, 6 December 2017.

<sup>44</sup> “Hechos en el Río Baudó (Chocó)”, Frente de Guerra Occidental, 27 October 2017. Crisis Group interview, human rights defender and indigenous leader, Quibdó, 8-9 May 2018.

<sup>45</sup> Crisis Group interviews, international organisation representative, Cúcuta, August 2017; local authorities, Tibú, August 2017. “Nota de seguimiento N°009-17”, Defensoría del Pueblo, 9 August 2017.

<sup>46</sup> Crisis Group interview, community leader, El Plateado, Cauca, 4 May 2018.

ating team in Quito.<sup>47</sup> While some communities in the region had originally been willing to accept the guerrilla's presence if it meant fending off paramilitaries and resolving local disputes, this stance appears to have changed in late 2017.

Civil society and ethnic organisations publicly denounced the group's violence against civilians in Chocó. The guerrillas were compelled to hold a meeting with local civil society organisations in December 2017 to hear these grievances. The meeting, however, appears to have changed little.<sup>48</sup> Recently, the ELN unit in the region rejected the humanitarian accord as a front for multinational companies to move into the area by taking advantage of the reduction of guerrilla "resistance". It called instead for an ambiguous "social and humanitarian" agreement, without defining what that would look like.<sup>49</sup>

Similar discontent has arisen in Arauca, where the ELN's close relationship with certain local authorities, which are widely perceived among locals to be highly corrupt, has earned it public rebuke – indeed, so much so that inhabitants of the area elected a mayor from the staunchly counter-insurgent Democratic Centre party in the town of Saravena, considered the ELN's headquarters in the region.<sup>50</sup> By engaging in local government, the ELN has exposed itself to accusations of abetting official graft.<sup>51</sup> A number of Arauca farmers still appreciate the ELN for its help in resolving local disputes, so much so that some do not want it to disarm at all. But the ELN's attacks on the FARC's support base in the province have led some locals to embrace dissident FARC members operating in the area.<sup>52</sup> Not only rural communities express concern at the group's increasing predation. Many urban dwellers have also rejected it due to its excessive use of disciplinary violence.

Throughout the country, the ELN still supports some local civil society organisations in its traditional way of providing them with muscle when they need it and guiding their strategies and progress. It also backs a handful of national organisations in much the same way, although due to the size of these bodies, their members' links to the ELN vary from direct in some cases to practically non-existent in others.<sup>53</sup>

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<sup>47</sup> On 7 June 2018, Juan Carlos Cuéllar, a previously imprisoned ELN commander who now promotes peace with the group within Colombia, met with community leaders in Chocó to discuss the agreement as well. The ELN in Chocó argues that many of the accusations leveled against the group are unfounded. Video sent to Crisis Group, Commander Uriel, 6 July 2018.

<sup>48</sup> Crisis Group interviews, international organisation representatives, indigenous leader, Quibdó, 8-9 May 2018; Chocó community leader, Bogotá, 11 May 2018; researcher, Peace and Reconciliation Foundation, Bogotá, 11 May 2018.

<sup>49</sup> "Acuerdo social y humanitario para el Chocó", Western War Front, ELN, 7 June 2018.

<sup>50</sup> Crisis Group interviews, conflict analyst, human rights defenders, Arauca and Saravena, 9 and 13 April 2018.

<sup>51</sup> Ibid.

<sup>52</sup> In one alleged case, a local comptroller began questioning the handling of funds by the mayor, whom the ELN had extorted and with whom the group was also working. As the pressure on the mayor increased, the ELN intervened by threatening the comptroller. Crisis Group interviews, human rights defenders, conflict analyst and local authorities, Arauca, Arauquita and Fortúl, 9, 12 and 13 April 2018.

<sup>53</sup> The organisations will not be named so as not to stigmatise them or put them at risk. Crisis Group interviews, community leaders, Argelia, Cauca, 4 May 2018; international organisation representative, Cúcuta, 17 April 2018; conflict analyst and local leader, Arauca and Fortúl, 9 and 12 April

## F. Conflicts with Other Armed Groups

The ELN generally confronts what it calls paramilitary groups where it operates, though its relationship with other armed actors ranges from hostility to close cooperation. The fighting between the group and the Gaitanistas in Chocó, for example, has displaced thousands of civilians since 2013. In early 2018, the ELN continued to publish communiqués regarding its struggle against the Gaitanistas, claiming to have captured and “applied revolutionary justice” to one commander, while accusing the army and navy of working with the traffickers.<sup>54</sup>

Skirmishes with the Gaitanistas are also ongoing in Villa del Rosario and Cúcuta, bordering Venezuela, where the two groups have been vying for control of the unofficial crossings along the frontier. The guerrillas have been trying to take over this part of the Colombia-Venezuela border, about the only section between southern César and northern Vichada they do not yet dominate. In Arauca, the group blames the authorities for allowing paramilitaries to operate, providing an additional justification, from its point of view, for attacks against the armed forces, police and even civilians.<sup>55</sup>

Meanwhile, the ELN's behaviour toward other groups with guerrilla backgrounds is mixed. For decades, its relations with the small armed faction called the Popular Liberation Army (EPL) in the Catatumbo region were largely peaceful. The two groups cooperated militarily and over the drug trade, and even shared territory, especially when the EPL's former supremo, alias Megateo, was alive. Since Megateo's death in 2015, however, and even more so since the FARC handed over its arms, ELN-EPL relations have become strained as they both have fought to expand into areas formerly controlled by the FARC. In March 2018, their differences turned violent, with clashes killing combatants, and displacing and trapping thousands of civilians. The EPL called for dialogue after locals protested against the violence, but the ELN has so far failed to heed these calls.<sup>56</sup>

In Nariño, the ELN has fought FARC dissidents who, it claims, have gravely mistreated the civilian population, leading in one case, to the massacre of thirteen people by the ELN, including civilians and possible FARC dissidents, in a remote hamlet in the municipality of Magüí Payán in November 2017.<sup>57</sup> FARC dissidents

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2018; researcher, Peace and Reconciliation Foundation, Bogotá, 11 May 2018; social activist, Bogotá, 27 April 2018; ELN peace activist, Bogotá, 19 February 2018.

<sup>54</sup> In general, the ELN leadership believes that it cannot provide efficient armed protection from paramilitaries and therefore works with locals on self-protection measures. This lesson was learned from the paramilitary onslaught in the 1990s and 2000s, which proved especially damaging to the ELN given that its members and political base were too open about their relationship to the group. The ELN lost countless members, as well as control of historical strongholds. Crisis Group interview, ELN commander, Quito, 7 April 2018; community leaders, El Plateado, Cauca, 4 May 2018.

<sup>55</sup> “Comunicado del Frente de Guerra Oriental”, Eastern War Front, 8 February 2018. Crisis Group interview, human rights defender, Arauca, 10 April 2018.

<sup>56</sup> Crisis Group interviews, humanitarian aid worker, Cúcuta, 16 April 2017; international organisation representative, Cúcuta, 14 August 2017 and 17 May 2018. “En César y Norte de Santander temen confrontación entre el Eln y el Epl”, *Verdad Abierta*, 31 January 2018. “La nueva guerra que se desató en el Catatumbo”, *Verdad Abierta*, 26 March 2018.

<sup>57</sup> Crisis Group interview, international organisation representative, Tumaco, 6 December 2017. “Sobre los hechos de Magüí Payán”, South-Western War Front, ELN, 8 December 2017.

had begun to make inroads into ELN territory, which may have prompted the clashes. At the same time, in early 2017, the ELN fought the Che Guevara Front, a group composed of both ELN and FARC dissidents in northern Nariño. By early 2018, the ELN wiped out the group, according to local sources.<sup>58</sup> It is also very likely that the ELN is responsible for the killing of six FARC dissidents in central Cauca in early July 2018.<sup>59</sup>

Lastly, reports indicate that the ELN has been fighting other armed groups inside Venezuela as well. Recently, it has clashed with the Bolivarian Liberation Forces, a pro-government armed group, though it is unclear precisely why. The ELN's presence in Venezuela is far from new, but evidence suggests that it is increasing and involves the distribution of Venezuelan state food rations as well as violence against civilians.<sup>60</sup> Local factors, such as control over trafficking routes, the use of territory for political training and recruitment of Venezuelans, seem to drive ELN violence inside Venezuela more than any link to Caracas.<sup>61</sup>

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<sup>58</sup> Crisis Group interviews, international organisation representative and humanitarian aid workers, Tumaco, 9 May 2017, 5 December 2017 and 6 March 2018. "Sobre los hechos de Magüí Payán", ELN, 8 December 2017.

<sup>59</sup> In total, seven people were killed, but community members reported that one of them was not a dissident but instead a civilian hired to provide transportation. Crisis Group telephone interview, community leader, Argelia, Cauca, 5 July 2018; "Comunicado a la opinión pública: comunidad campesina de Argelia", 4 July 2018.

<sup>60</sup> Juan Carlos Jiménez, "Un complejo balance: el ELN en 2017", Indepaz, December 2017. Crisis Group interviews, humanitarian aid workers, Bogotá, 23 November 2017; conflict analyst and human rights defender, Arauca, 9 April 2018. ELN expert, presentation at "Conversatorio: ¿qué futuro tiene la paz con el ELN?", Bogotá, 21 January 2018. "ONG denuncia que Eln controla cajas de comida Clap en frontera", *El Tiempo*, 6 February 2018.

<sup>61</sup> Crisis Group interviews, conflict analyst, local authorities and human rights defender, Arauca, 9 and 10 April 2018; Venezuelan refugees, Cúcuta, 12 December 2017; humanitarian aid workers, Cúcuta, 16 April 2018.

### III. A Way Forward for Talks

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ELN peace talks were not a decisive issue in the Colombian presidential campaign, flaring up as a matter for public indignation only when the group carried out violent attacks, such as the bombing of the Barranquilla police station in January 2018. Instead, public apathy toward the negotiations was the norm, meaning the cost for candidates of proposing to either continue or end the talks was fairly low and, potentially, that political leaders could shift their positions regarding the talks without earning public opprobrium.

The best route for continuing negotiations would be to notch up genuine progress before Duque takes office in August, making it harder for him to scrap the process and resume hostilities despite his evident distrust of the ELN. A second bilateral ceasefire would be a big step in this direction, though time to implement it appears to be running out. But mechanisms for civil society participation in the process still need to be created, as do agreements aimed at lowering the conflict's human cost and building confidence between the parties.<sup>62</sup>

Simmering mistrust between the two sides, among other issues, poses an obstacle to these goals. Both government and ELN doubt the other will be able to deliver on a peace agreement, though there are signs their positions may be evolving. The 100-day ceasefire between October 2017 and January 2018 illustrated more internal coherence within the ELN than the government had initially believed, though some officials still regard the movement as divided. ELN negotiators, on the other hand, question whether the government is ready to compromise on the changes they believe the country needs. Nor do they believe it is prepared to allow what the group calls the "popular majority" to assume real political control of the country.<sup>63</sup>

Despite this lingering wariness, peace talks have persisted in various forms since 2014. Progress, though slow and reversible, has been evident. In the face of the ELN's wavering commitment to peace and the incoming Duque administration's apparent resistance to talks, achieving lasting results now requires a decisive push in negotiations, some flexibility from the new government and a shared understanding that no one will gain from a return to open war.

#### A. *The Ups and Downs of Peace*

Talks with the ELN have moved slowly, even when compared to the four-year negotiations that concluded in the FARC peace deal. Secret talks to define an agenda for a more formal process began in early 2014, yet it was not until March 2016 that the parties published an agenda of negotiating points. These remained vague but included: "1. Participation of Society in Peace-building"; "2. Democracy for Peace"; "3. Transformations for Peace"; "4. Victims"; "5. End of the Conflict"; and "6. Im-

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<sup>62</sup> "Participation of society in peace-building" is the first agenda point, with the aim that both sides will negotiate the creation of a mechanism enabling local or regional civil society to meet and propose reforms that are important to them. These proposals would then be part of the negotiating agenda between the government and ELN.

<sup>63</sup> Crisis Group interviews, government official, 18 January 2018; ELN commander, Quito, 7 April 2018.

plementation”.<sup>64</sup> From there, it was almost another year until talks began, as the government demanded the guerrillas first release all kidnapping victims still in its hands. The ELN initially refused to do so, arguing the requirement would first have to be discussed at the negotiating table. After months of mutual public recriminations, the ELN released the last kidnapping victim it held at that time, Chocó politician Odín Sánchez, on 2 February 2017. Formal talks began five days later.<sup>65</sup>

Since then, negotiations have coursed through highs and lows, while making little progress on the poorly defined agenda items. Early on, the parties announced that they had created two subcommittees: one to work on point one of the agenda, social participation, and another to work on a sub-point of point 5 – “5.f. Humanitarian dynamics and actions” – intended to reduce the human cost of the war.<sup>66</sup> In June 2017, they announced the creation of a Group of Supporting, Accompanying and Cooperating Countries, including Germany, the Netherlands, Italy, Switzerland and Sweden. These countries aid the process politically, technically and financially, while Brazil, Chile, Cuba, Norway and Venezuela are guarantors, which means they attend the negotiations when in session and can host the talks, if need be.<sup>67</sup>

Though there is still no agreement on civil society participation and humanitarian action, the two issues for which negotiators established subcommittees, the parties were able to strike a deal on a ceasefire, prompted in large part by Pope Francis’s visit to Colombia in September 2017. The ceasefire ran for 101 days, between 1 October 2017 and 9 January 2018, and included a verification mechanism comprising government representatives, ELN members, the UN mission and the Catholic Church. It aimed to foster trust between the two sides as well as boost public support for the talks.

In December 2017, President Santos overhauled the government negotiating team, intending to propel the talks forward more swiftly after a period of apparent stagnation.<sup>68</sup> The new negotiators’ honeymoon was short-lived, however. Early in December, the government and ELN teams sat down to try and forge agreement on measures to further clarify both sides’ commitments as part of the ceasefire before

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<sup>64</sup> “Acuerdo de diálogos para la paz entre el gobierno nacional y el Ejército de Liberación Nacional”, Government of Colombia (GOC) and ELN, March 2016. Crisis Group interview, peace activist, Bogotá, 19 February 2018. This vague language is evident in phrases such as, from point 1.a, “Social participation will be functional to initiatives and proposals that make peace viable, in the course and context of this process” or point 2.a, “Carry out a debate that allows for the examination of the participation and the decisions by society regarding the problems that affect their reality, and that can be channelled into constructive elements for society”.

<sup>65</sup> For a fairly complete timeline of the ELN process, see “Proceso de paz con el Eln”, *Verdad Abierta*, 19 February 2018.

<sup>66</sup> “Comunicado conjunto 1”, GOC and ELN, 16 February 2017.

<sup>67</sup> “Comunicado conjunto 3”, GOC and ELN, 6 June 2017.

<sup>68</sup> The appointment of Gustavo Bell, former vice president and Colombian ambassador to Cuba, as lead negotiator followed controversy over the role of a “parallel” negotiating team sent by President Santos to talk to the ELN, made up of ex-president Ernesto Samper, Senator Iván Cepeda and political leader Álvaro Leyva, which frustrated the then official government negotiating team, led by Juan Camilo Restrepo. Restrepo also apparently opposed a ceasefire that did not include the geographic concentration of ELN fighters, leading to disagreements with Santos. Crisis Group interviews, pro-peace activist, Bogotá, 25 February 2018; government official, Bogotá, 18 January 2018. “El segundo tiempo con el ELN”, *Semana*, 9 December 2017.

its scheduled end. A lack of progress in these meetings, on top of ELN perceptions that the government was violating the ceasefire, led the group to pull out of the joint mechanism established to monitor the ceasefire at the end of the month. In January 2018, despite calls from civil society, foreign leaders, local communities and the government, the ELN refused to extend the ceasefire.

The ELN argued that the government had played “judge and jury” by impeding any real verification of alleged ceasefire violations by Colombian security forces, and charged it with “perfidy”.<sup>69</sup> The guerrillas accused government forces of using the ceasefire to seize territory under ELN control.<sup>70</sup> For its part, the government argued that the military activity did not violate the ceasefire because its forces were still allowed to fight crime anywhere in the country.<sup>71</sup> The ELN was also incensed by what it perceived to be additional government failures to honour the ceasefire, citing the killing of seven coca growers on 5 October in Tumaco, south-western Colombia, allegedly at the hands of the police, and the murders of community leaders, which it claims is part of a government and elite-led plan to preserve the status quo.<sup>72</sup> Fresh guerrilla attacks perpetrated less than two hours after the end of the ceasefire heightened public scepticism of the peace process, which peaked after the attack in Barranquilla.<sup>73</sup>

Longstanding opponents of the peace talks were joined by a group that had supported the FARC agreement but who became open sceptics of the ELN process, including Claudia López, then vice presidential candidate for the centrist Colombia Coalition movement, and influential columnist Antonio Caballero.<sup>74</sup> In the face of widespread revulsion at the Barranquilla attack, the government suspended talks. Eventually, following debates within the guerrilla movement, informal contacts between the two parties and a meeting between civil society actors and ELN representatives in Quito, the guerrillas announced a unilateral ceasefire for five days between 9 and 13 March to allow congressional elections to take place in peace. The govern-

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<sup>69</sup> Crisis Group interview, ELN commander, Quito, 7 April 2018. “BELL, ¿es una campana de alerta?”, ELN, 25 December 2017.

<sup>70</sup> “Evaluación del Cese al Fuego Bilateral, Temporal y Nacional (CFBTN)”, Delegación de Diálogos del Ejército de Liberación Nacional, 8 February 2018. Crisis Group interviews, ELN commander, Quito, 7 April 2018; ELN expert, Bogotá, 25 January 2018; conflict analyst, Arauca, 9 April 2018. The accusations during the ceasefire came mainly from the ELN units in Chocó and Arauca. “En el Chocó, cese al fuego en peligro”, Frente de Guerra Occidental, 5 October 2018.

<sup>71</sup> Crisis Group interview, government official, Bogotá, 18 January 2018.

<sup>72</sup> “Evaluación del Cese al Fuego Bilateral, Temporal y Nacional (CFBTN)”, Delegación de Diálogos del Ejército de Liberación Nacional, op. cit. Roughly 260 social leaders have been killed in Colombia since 2016, by various actors, including the ELN itself. Crisis Group interviews, conflict analyst and human rights defenders, Arauca and Arauquita, 9 and 12 April 2018; social activist, Bogotá, 27 April 2018.

<sup>73</sup> “Respuesta a la ONU”, ELN, 18 December 2017. “Mientras la sociedad pide nuevo cese al fuego, Santos suspende negociación de Paz”, Colombia Informa, 10 January 2018. “ELN dinamita oleoducto en Casanare”, *Semana*, 10 January 2018.

<sup>74</sup> Tweet by Claudia López, @ClaudiaLopez, vice presidential candidate for the Colombia Coalition, 8:11am, 10 January 2018. Antonio Caballero, “Una guerra de pancoger”, *Semana*, 13 January 2018 and “Si yo fuera Santos no seguiría con diálogos de paz con ELN: Claudia López”, RCN Radio, 1 March 2018.

ment interpreted this gesture as a sign of “coherence” on the part of the ELN, and on 23 March, the parties returned to the negotiating table.<sup>75</sup>

Progress once again has proved slow. Talks were brought to a halt by Ecuador's decision to no longer act as host and guarantor, a decision Ecuadorian President Lenín Moreno took as retaliation against the Colombian government for providing what Quito viewed as insufficient help in the case of the kidnapping and murder of two journalists and their driver by FARC dissidents operating in both countries.<sup>76</sup> The talks subsequently moved to Havana, where they resumed on 10 May. Nonetheless, the rapid agreement on a new ceasefire and on agenda point one – participation of society in the talks – that the government hoped for did not materialise before the first or even the second round of elections in June.

### B. *Duque's Stance and the Case for Peace with the ELN*

Duque campaigned proposing a series of strict preconditions for talks with the ELN to continue: the immediate grouping of ELN forces in specific areas throughout the country; a complete end by the guerrillas to all their illegal activities; a set time period for talks to take place; and guarantees of jail time for ELN leaders guilty of crimes during the conflict, albeit with reduced sentences. He has also insisted negotiations would cover only the ELN's disarmament, demobilisation and reintegration (DDR) not the movement's political demands.<sup>77</sup> Recently, Duque has stated that talks can continue if the guerrillas assemble their forces in particular areas of Colombia, under the supervision of some international actor; he has not made clear whether, if he lets talks continue, he would drop the conditions he floated during the campaign.<sup>78</sup>

As they stand, Duque's conditions would spell the end of peace talks. The ELN flatly rejects any proposal by what it sees as the Colombian elite aimed at demobilising the group without any political reform in return.<sup>79</sup> Moreover, the demand that the ELN concentrate its forces in specific areas – a move that would typically come as part of a group's demobilisation at the end of a negotiating process, not as a precondition for talks – has already in the past been rejected by the ELN and scuppered previous attempts at negotiations. When the Uribe government sought to reach an agenda for talks with the ELN between 2005 and 2007 in Havana, its demand that the group gather its forces beforehand stalled preliminary talks.<sup>80</sup> Duque has argued

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<sup>75</sup> “Miembros del Eln que atentaron en Barranquilla planeaban otros ataques”, *El Espectador*, 9 February 2018. “Cese de operaciones militares ofensivas”, ELN, 25 February 2018. “Comunicado conjunto N°8”, Government of Colombia and ELN, 22 March 2018.

<sup>76</sup> “Ecuador deja de ser garante del proceso de paz con el ELN”, *Caracol*, 18 April 2018. “La amenaza detrás del peor crimen contra el periodismo ecuatoriano”, *El Tiempo*, 14 April 2018.

<sup>77</sup> “¿Firmaría Iván Duque un acuerdo de paz con el ELN si llega a la presidencia de Colombia?”, CNN, 9 February 2018.

<sup>78</sup> “Diálogos con Eln continuarán si hay verificación internacional: Duque”, *Caracol*, 19 June 2018. It is possible that if talks continue with Duque, he will later look to impose jail sentences on ELN leaders.

<sup>79</sup> “La paz no es solo el silenciamiento de los fusiles de la insurgencia”, ELN, 5 March 2018.

<sup>80</sup> Nicolás Chamat and Emilia Frost, “La paz abandonada: experiencias, perspectivas y posibles escenarios para una paz negociada con el ELN”, in David Aponte and Andrés R. Vargas (eds.), *No estamos condenados a la guerra: hacia una estrategia de cierre del conflicto con el ELN* (Bogotá: 2011), pp. 195-197.

that the ELN accepted the principle of assembling its fighters as a prerequisite for talks in meetings with civil society in Germany in 1998. But this is inaccurate. In reality, the guerrillas agreed to hold a national forum in an area with a bilateral ceasefire in place and to allow some ELN forces to participate.<sup>81</sup>

Duque will find it hard, though far from impossible, to withdraw or moderate these demands. If he stands firm and ELN leaders' refusal to comply, he will likely point the finger at them for ending talks. But intransigence on the new government's part will earn it criticism from parts of the public, Colombian civil society and foreign powers, especially if by then negotiations appear to be generating substantive results. Duque's administration, on assuming power, may find that talks have progressed further than anticipated. Ideally, one person on his handover team should be dedicated exclusively to the ELN issue so as to keep abreast of the talks' progress.

Although the ELN peace talks tend not to inspire strong sentiment, public opinion is generally supportive, while fluctuating in line with levels of violence. In October 2017, when the parties announced the start of formal peace talks, one opinion poll cited that support for "insisting on dialogue until coming to an agreement" had hit a yearly high of 67 per cent of Colombians, though only 54 per cent thought talks with the ELN were going well.<sup>82</sup> Yet when the ELN refused to release its kidnapping victims, and after the Barranquilla attack, that support dropped to 55 per cent, recovering slightly in April 2018 after talks renewed.<sup>83</sup> Furthermore, support for ELN talks depends partly on perceptions of how the FARC deal's implementation is progressing: when it appears to be going well, support for the talks with the ELN increases; when people's perspectives on peace with the FARC turn generally negative, their support for the ELN process appears to wane as well.<sup>84</sup>

Rapid progress toward reducing violence will be essential to buttressing public support, swaying Duque and softening his preconditions for talks. Duque stated during his campaign that he would end talks even if a ceasefire is in place when he assumes office on 7 August. But a reduction in hostilities has helped reduce violence

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<sup>81</sup> "No necesito firmar en mármol para que me crean: Duque", *Caracol*, 14 June 2018. The only reference to a ceasefire at all in the Puerta del Cielo accord of 1998 is that a participatory process to define a national agenda of reforms, known as the "National Convention", would take place in an area where a bilateral ceasefire was in effect. "El Acuerdo de la Puerta del Cielo: ELN, representantes de sociedad civil y comité nacional de paz (Consejo nacional de paz)", in Álvaro Villarraga Sarmiento (ed.), *En ausencia de un proceso de paz: acuerdos parciales y mandato ciudadano por la paz* (Bogotá: 2009), p. 277.

<sup>82</sup> See "Gallup poll: Colombia: #121", Gallup, April 2018, pp. 114 and 123.

<sup>83</sup> There is surprisingly little polling data on the ELN peace talks, with only Gallup presenting data about the issue consistently since early 2017. Nonetheless, there are concerns about this data. First, Gallup's universe of people polled include inhabitants only of Colombia's biggest cities (Bogotá, Medellín, Cali, Barranquilla and Bucaramanga). Second, the question asked does not necessarily indicate support ("How do you think peace talks with the ELN are going?"), and third, for its poll in February 2018, it changed the question to: "Do you agree or disagree with the decision by the government to renew peace talks with the ELN?" Third, on specific questions, Gallup's sample size drops to 600, which is quite small, despite the margin of error of 4 per cent. See "Gallup poll: Colombia: #124", Gallup, April 2018.

<sup>84</sup> Crisis Group interviews, ELN experts, Bogotá, 25 and 27 April 2018; government official, Bogotá, 10 May 2018; high-level diplomat, Bogotá, 11 May 2018.

significantly since March.<sup>85</sup> A formal bilateral ceasefire would make it more difficult for his government to end talks immediately, even if an agreement to this effect has not been implemented by the time Duque takes office. It is important, too, that the ELN declare a unilateral ceasefire to observe after 7 August much like those it carried out during the elections, to welcome the Duque government to power.<sup>86</sup>

These gestures, which would doubtless require support and persuasion from civil society groups close to the guerrillas, would make any return to conflict the responsibility primarily of the new government, a price it would likely be hesitant to pay so early in its mandate. In such a scenario, the new government, when it comes to power, should implement or extend any bilateral ceasefire agreement it receives, while it makes a final official decision on its next steps regarding the negotiations. This would mitigate any political cost to the government if the talks eventually fall apart, as it would have shown interest in continuing them.<sup>87</sup>

Ideally, a new bilateral ceasefire would rectify the errors of last year's truce, especially the vague language which created problems for its verification and handling of disputes. Both sides' negotiators should also seek to adjust the verification mechanism – made up of representatives from the UN mission, the Catholic Church, the ELN and government – to overcome the mistrust fostered by disputes during the last ceasefire and prevent the guerrillas' withdrawal over any future disagreements. One option would be for delegates from guarantor countries – again, Brazil, Chile, Cuba, Norway and Venezuela – to attend the meetings of the body responsible for verifying the ceasefire whenever there is deadlock. The guarantors could act as witnesses or play a more ambitious role in keeping the parties on track and pressing them to find rapid solutions. Since guarantor country delegates were present during a round of meetings between the parties regarding the then ceasefire in December 2017, this step should not be controversial.

Should it prove impossible to implement a new bilateral ceasefire in the short period of time before Duque comes to power, the parties could aim to reach confidence-building agreements with specific, time-bound goals. One such accord could involve the release of kidnapping victims, by which the ELN would free its remaining hostages – at present, there are at least two<sup>88</sup> – while reiterating its commitment to refrain from more abductions. The government, in response, could continue with efforts to provide amnesties for, and release of, guerrilla fighters and civilians jailed on charges of alleged illegal activities while taking part in protests.<sup>89</sup>

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<sup>85</sup> An overall decrease in levels of violence related to the conflict with the ELN has been observed recently, and a reduction in violence on the ground was part of the agreement between the parties to return to the negotiating table. Crisis Group interview, government official, Bogotá, 10 May 2018. "Monitor del Cese al Fuego unilateral del ELN", Centro de Recursos para el Análisis de Conflictos (CERAC), 27 June 2018.

<sup>86</sup> Crisis Group interviews, government official, Bogotá, 10 May 2018; high-level diplomat, Bogotá, 11 May 2018.

<sup>87</sup> Crisis Group interviews, ELN commander, Quito, 7 April 2018; government official, Bogotá, 19 January 2018; social activist, Bogotá, 27 April 2018; pro-peace activist, Bogotá, 25 February 2018.

<sup>88</sup> "ELN Pablito hablando con talero", video, YouTube, 6 April 2018, at [www.youtube.com/watch?v=\\_ExoLmIMnd4](http://www.youtube.com/watch?v=_ExoLmIMnd4).

<sup>89</sup> "Gobierno analiza la posibilidad de aplicar indultos al ELN por delitos de protesta social", *El Espectador*, 7 May 2018.

Additionally, local humanitarian agreements – essentially *modus vivendi* accords seeking to ensure that ELN units minimise violence against civilians – are vital to alleviating suffering in conflict-affected communities. One such deal exists in Chocó, but the ELN unit in the area, the Western War Front, has been unwilling to accept it, instead proposing its own “social and humanitarian” agreement.<sup>90</sup> ELN peace promoters – members who travel mandated by the leadership throughout Colombia lobbying within the group for peace – recently met with local leaders in Chocó to discuss the agreement, suggesting the ELN negotiating team remains intent on persuading the Western War Front to accept the deal. Should this ELN unit continue to resist, it is likely to face local, national and international condemnation. One way to convince the unit to accept the humanitarian deal would be for ELN leaders to invite it to send a delegate to discuss the issue directly with civil society representatives at the talks in Cuba.<sup>91</sup> Doing so could increase the ELN’s control over the war front and subject it to continued pressure from civil society and international actors. For its part, the war front would be able to deflect criticism that it is uninterested in peace.<sup>92</sup>

Progress on civil society participation in negotiations not only might help convince the new government to persist with talks, but also could create crucial momentum for the talks themselves. In November 2017, over 200 delegates from national and regional social movements took part in a series of meetings to propose different mechanisms for civil society participation in the talks, although little progress has been made on the issue since then.<sup>93</sup>

A framework for social participation should at least be announced before Duque takes office. To boost civil society and local community engagement, and the legitimacy of these discussions as a whole, this framework must be as open as possible at the regional and national levels, including voices beyond those that are traditionally close to the ELN.<sup>94</sup>

The parties should also consider agreeing to hold special public meetings – such as those held in November 2017 – regarding three specific issues. The first of these is gender. Numerous women activists complain that the world of ELN peace activism is *machista*, undermining women’s inclusion and participation in debates. Patriarchal traditions also dominate in many places where the guerrillas are present, including areas such as Chocó where gender-based and domestic violence are commonplace. ELN fighters themselves have committed serious acts of sexual violence in the recent

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<sup>90</sup> Crisis Group interviews, international organisation representative, Quibdó, 8 May 2018; indigenous leader, Quibdó, 9 May 2018; Chocó Afro-Colombian leader, Bogotá, 11 May 2018. “Acuerdo social y humanitario para el Chocó”, Western War Front, 8 June 2018.

<sup>91</sup> The Western War Front argues that the whole of the ELN is represented at the peace talks. Video sent to Crisis Group, Commander Uriel, 6 July 2018.

<sup>92</sup> Crisis Group interviews, human rights defender, Quibdó, 8 May 2018; indigenous leader, Quibdó, 9 May 2018; Chocó Afro-Colombian leader, Bogotá, 11 May 2018.

<sup>93</sup> “Sociedad civil construye modelo de participación en la mesa con el Eln”, *Verdad Abierta*, 11 November 2017. Crisis Group interviews, local authorities, Arauca, 10 April 2018; human rights defenders, Arauquita and Saravena, 11 and 12 April 2018.

<sup>94</sup> Crisis Group interview, ELN commander, Quito, 7 April 2018. “Mapa de la negociación con el ELN”, *La Silla Vacía*, n.d. “Táctica: cuadernos del militante no. 2: IV congreso”, ELN, op. cit.

past.<sup>95</sup> Giving a voice to women in a special participation space, to discuss all issues, not just those related to women or gender, would bolster support for the talks, and promote discussion of issues that many women involved in the cause of peace in general call for.<sup>96</sup>

The second relates to the concerns of the major indigenous populations in Chocó, Nariño, Cauca, Catatumbo and Arauca, as well as Afro-Colombians in the first three provinces. In these regions, the ELN has been a force that has at times aggravated, at others sought to resolve, conflicts between different ethnic groups. But its relationship with grassroots ethnic organisations has become increasingly authoritarian and violent, especially in Chocó and Nariño. The Duque administration, for its part, has proposed weakening the state policy of “prior consultation”, in which the government must first receive approval from indigenous and Afro-Colombian leaders before carrying out any new initiatives in their territories. Focused discussion of indigenous and Afro-Colombian concerns could help reduce tensions with the ELN and help the Duque administration overcome the distrust of these communities, which it will need to do in order to extend the state’s presence to rural areas, a declared part of its security policy.<sup>97</sup>

The third critical issue for discussion in these meetings would be that of violence against social leaders. Though slowing or stopping the killings of activists does not and should not depend on negotiations with the guerrillas, the parties have shown a willingness to tackle the issue by referencing it explicitly in their first ceasefire. Creating a participatory process so that victims of this violence can present their opinions and proposals could impel parts of the public who are in favour of peace with the FARC to renew their support for the ELN talks and to reinforce international support for the process.

### C. *The ELN's Attitudes to Peace Talks*

The ELN’s understanding of peace talks, and its internal discussions on the issue, are essential to defining what steps could be taken to demonstrate progress in Havana and impede reversals by the Duque administration. So far the ELN has not arrived at an internal consensus over whether it is best to negotiate peace with the Colombian government – and Duque – or to continue with its political-military project, though it has been increasingly willing to take steps to save the process, such as the unilateral ceasefires it has carried out around voting days.<sup>98</sup> At its fifth congress, the group

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<sup>95</sup> Crisis Group interviews, pro-peace activist, Bogotá, 19 February 2018; researcher, Peace and Reconciliation Foundation, Bogotá, 11 May 2018; human rights defender, Quidbó, 8 May 2018; local authorities, Arauca, 10 April 2018.

<sup>96</sup> Crisis Group interview, pro-peace activist, Bogotá, 20 June 2018.

<sup>97</sup> Crisis Group interviews, indigenous leader, Chocó, 9 May 2018; international organisation representative, Cúcuta, 17 May 2018. “Los Hitnu, comunidad indígena en riesgo de extinción”, *Verdad Abierta*, 16 October 2016. In Guapi, Cauca, in 2017, indigenous communities denounced that the ELN was convening them and Afro-Colombians to resolve issues regarding the borders between their respective lands. Humanitarian agency internal document, consulted 28 March 2017.

<sup>98</sup> The ELN announced its first unilateral ceasefire by citing existing internal statutes, which may have made it possible to carry it out without feeling like doing so could be considered weak or a political loss for the group. “Es mejor la verdad que el odio”, ELN, 19 February 2018; “Cese de operaciones militares ofensivas”, ELN, 25 February 2018.

decided to prepare for both peace and war while giving its negotiating team a mandate to “examine” the political will of the Colombian government as regards the “transformations” necessary for peace.<sup>99</sup> For now, it seems that the decision to commit wholeheartedly to a peace agreement depends on the progress of talks.<sup>100</sup>

Since talks officially began, the ELN's Central Command has oscillated between pursuing war and peace. The bilateral ceasefire that started in October 2017 was an achievement for the guerrillas; they had publicly demanded a reciprocal truce from the start. But after the Eastern and Western War Fronts argued the ceasefire was harming their military capabilities, the ELN opted not to extend it. Following numerous clashes with state forces and a national *paro armado* (an armed or coerced strike, whereby armed groups prohibit travel along roads and rivers, and force businesses to close), civil society activists meeting with the ELN's representatives in Quito persuaded the group to declare a short unilateral ceasefire around the 11 March elections, despite the guerrillas' previous rejection of taking any steps in favour of peace without reciprocal measures from the government.<sup>101</sup>

This oscillation is likely to continue after the Duque government comes to power. The ELN has stated that although prospects for peace under the new administration are far from certain, it is willing to continue talks with the Duque government.<sup>102</sup> At the same time, the group regards the unprecedented success of Petro's left-wing campaign as evidence of a mass movement that could swing the balance of power in Colombia toward “the popular majority”. As the Central Command has written: “We call to maintain the united, creative and hopeful wave that exists [in support of Petro]; if we can achieve that, the popular movements that for decades we have been waiting for will have made strides”.<sup>103</sup>

Even so, parts of the ELN still oppose peace. For predominantly military units like the Western and Eastern War Fronts, there are few incentives to negotiate since they enjoy significant local power and are expanding their territorial reach while boosting revenues. Many mid-level commanders are relatively new in their positions, with less political experience than their predecessors, making them more reluctant to

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<sup>99</sup> Crisis Group interviews, researcher, Peace and Reconciliation Foundation, Bogotá, 11 May 2018; ELN commander, Quito, 7 April 2018; pro-peace activist, Bogotá, 25 February 2018. The government believes the ELN negotiating team's agenda changed in March 2018 to a genuine commitment to seeking peace with the government. There is limited evidence to support this, though pro-peace elements in the ELN, led by head negotiator Pablo Beltrán, do seem to enjoy increased cooperation from the rest of the COCE given its recent ability to declare short-term unilateral ceasefires. Crisis Group interview, government official, Bogotá, 10 May 2018.

<sup>100</sup> The ELN negotiating team's mandate implies that the group will make a decision regarding peace during the negotiation process itself. Crisis Group interviews, international peace activist, Bogotá, 28 February 2018; ELN expert, Bogotá, 25 April 2018; Víctor de Currea-Lugo, Bogotá, 24 April 2018; ELN experts, Bogotá, 25 and 27 April 2018; social activist, Bogotá, 27 April 2018.

<sup>101</sup> Crisis Group interviews, Víctor de Currea-Lugo, Bogotá, 24 April 2018; pro-peace activists, Bogotá, 25 February 2018; Crisis Group interview, researcher, Peace and Reconciliation Foundation, Bogotá, 11 May 2018. “Orden de paro armado”, ELN, 7 February 2018. “En el Chocó, cese al fuego en peligro,” ELN-Frente de Guerra Occidental, 5 October 2017.

<sup>102</sup> “Si Duque gana la presidencia las expectativas de paz se reducen”, ELN negotiating team, 15 June 2018. “ELN le pide a Iván Duque continuar los diálogos de paz”, *Kien y Ke*, 18 June 2018.

<sup>103</sup> “El desorden creado por Petro”, ELN, 18 June 2018.

negotiate away their power.<sup>104</sup> Some commanders believe the war is inherently just or that their future is tied to continued conflict.<sup>105</sup> These units also argue that conditions in the areas where they operate show that political rebellion is still legitimate, and that the Colombian state fails its people.<sup>106</sup>

Across the entire leadership, trust in the state is effectively nil. The Central Command as a whole consistently argues that the country's elite is interested only in disarming and demobilising the guerrillas in exchange for nothing. It also states that the conditions of the 1960s, which prevented the "popular majority" from taking power, still hold today. It regards the FARC agreement's rollout – in its eyes a vital indicator of the state's trustworthiness – as "failed".<sup>107</sup> In fact, it believes that the FARC's biggest error was to hand over its weapons before the agreement was implemented.<sup>108</sup>

To bring sceptical guerrilla units on board, the parties need to reach an agreement on civil society participation soon. The ELN has always maintained that it will not press its own demands in negotiations, but instead wants civil society to define reforms. Even units wary of the peace process would find it hard to oppose talks if their supposed social support base helps decide the issues for negotiation, while an agreement on modalities for civil society participation would internally strengthen the negotiating team's position and that of pro-peace factions within the ELN in general.<sup>109</sup>

Claims that the ELN genuinely heeds civil society should nevertheless be treated with caution. Many activists feel that the guerrillas pay only lip service to their demands, listening but doing little in response or paying attention solely to those who tell them what they want to hear. In an interview in 2015, for example, ELN second-in-command Antonio García was asked if the guerrillas would demobilise in exchange for nothing if a majority of civil society demanded it. He answered: "Well, we would have to listen to the sectors of society that say, 'Hey, we do not want you to give up your weapons', for example ... but first we have to listen to [civil society] and

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<sup>104</sup> Crisis Group interviews, conflict analyst, international organisation representative and social leader, Arauca and Fortúl, 9, 10 and 12 April 2018; humanitarian aid worker and international organisation representative, Cúcuta, 16-17 April 2018.

<sup>105</sup> This is likely the case with Antonio García, second-in-command of the ELN. Crisis Group interviews, international organisation representatives, Tumaco, 6 December 2017 and 7 March 2018; local community leader, Tumaco, 18 May 2017; ELN experts, Bogotá, 27 April and 11 May 2018; high-level diplomat, Bogotá, 22 February 2018.

<sup>106</sup> There is still great internal discipline within the ELN, since even units sceptical of peace talks ceased military activity during the bilateral and unilateral ceasefires. "ELN Pablito hablando con talero", video, YouTube, 6 April 2018, at [www.youtube.com/watch?v=\\_ExoLmIMnd4](http://www.youtube.com/watch?v=_ExoLmIMnd4). "Benkos Biojó: continuando el camino, NUPALOM", video shared by Western War Front through WhatsApp, 12 June 2018. Video sent to Crisis Group, Commander Uriel, 6 July 2018.

<sup>107</sup> Crisis Group interviews, ELN commander, Quito, 7 April 2018; Víctor de Currea-Lugo, Bogotá, 24 April 2018; ELN expert, Bogotá, 27 April 2018. "Táctica: cuadernos del militante no. 2: IV congreso", ELN, 2006, p. 19. "La mesa de Quito aspira a servir", ELN, *Insurrección* 615, 8 January 2018, p. 6.

<sup>108</sup> Crisis Group interview, ELN commander, Quito, 7 April 2018. The commander claimed that the UN had made this assessment, but it has not.

<sup>109</sup> Crisis Group interview, ELN expert, Bogotá, 8 June 2018; Víctor de Currea-Lugo, Bogotá, 24 April 2018. "ELN Pablito hablando con talero", video, YouTube, op. cit.

it to us".<sup>110</sup> Civil society pressure did, however, contribute to the ELN adopting three unilateral ceasefires during the election season, marking a sharp switch from the guerrillas' prior refusal to take any unreciprocated steps.<sup>111</sup>

Lastly, the ELN is particularly concerned with security guarantees, not only for its own fighters but also for its political and social base, arguing that the killing of social leaders represents a genocide carried out by the political and economic elite.<sup>112</sup> At the same time, it pointedly ignores its own role in the killing of such leaders in Arauca, Cauca, Catatumbo and Chocó.<sup>113</sup> These security concerns extend to the issue of a new ceasefire. In the face of open conflicts with other illegal armed groups in Catatumbo and Chocó, the group should be permitted under a new ceasefire to defend itself so long it does not violate provisions on the protection of civilians. The adjudication of cases where it is questionable if the ELN acted in self-defence should be addressed within the verification mechanism, in the presence of guarantor country representatives.

#### D. *Explaining the Costs of Ending Talks*

Providing Duque and his party with reasons to continue the peace process is not simply a matter of reaching breakthroughs at the negotiating table. Civil society and even sectors of the military must elucidate more emphatically the case against a renewal of hostilities. As it stands, the issue is rarely raised in public debate. Many analysts assume that the ELN's small size and scattered theatres of operation should make it easy to defeat it on the battlefield.<sup>114</sup>

The Colombian military has indeed dealt the ELN painful blows.<sup>115</sup> But, even with its massive military superiority, it can only bloody the guerrillas, not vanquish them – at least in the short to medium term.<sup>116</sup> For a start, the ELN enjoys refuge in Venezuela. During the presidential campaign, Duque and all the other candidates

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<sup>110</sup> "Los innegociables del ELN en un eventual proceso de paz", interview with Antonio García by Víctor de Currea-Lugo, 9 December 2015.

<sup>111</sup> Crisis Group interviews, pro-peace activists, Bogotá, 25 February 2018; social activist, Bogotá, 27 April 2018; ELN commander, Quito, 7 April 2018.

<sup>112</sup> Crisis Group interviews, Víctor de Currea-Lugo, Bogotá, 24 April 2018; ELN expert, Bogotá, 27 April 2018. "Sí es sistemático y sí es genocidio", ELN, *Insurrección* 620, 12 February 2018, pp. 4-8.

<sup>113</sup> Crisis Group interviews, conflict analyst, Arauca, 9 April 2018; human rights defenders, Arauca, 12 April 2018; humanitarian aid worker, Cúcuta, 16 April 2018. "Comunidad señala al ELN como autor de asesinatos de líderes sociales en el Cauca", *Prensa Rural*, 12 February 2018. In Chocó, in September 2014, the ELN killed two indigenous leaders, accusing them of providing information to the army. In October 2017, during the ceasefire, it killed an indigenous governor as well. See "Comunicado a la opinion publica", ELN-Frente de Guerra Occidental, 13 September 2014; "Hechos en el Río Baudó (Chocó)", ELN-Frente de Guerra Occidental, 27 October 2017.

<sup>114</sup> Conflict analyst, presentation at "Conversatorio: ¿qué futuro tiene la paz con el ELN?", Bogotá, 21 January 2018.

<sup>115</sup> "Cachaco", cabecilla del Eln en Antioquia, habría muerto en bombardeo", *El Colombiano*, 6 March 2018.

<sup>116</sup> Members of the military who know the ELN well comment in private that the armed forces cannot defeat them completely. Crisis Group interview, high-level diplomat, Bogotá, 22 February 2018. Some government officials admit it is impossible as well. Crisis Group interview, government officials, Bogotá, 10 May 2018.

acknowledged that an incursion across the border is off the table.<sup>117</sup> Such safe haven, as well as friendly relationships with local Venezuelan authorities and access to illegal businesses there, guarantee the guerrillas a lifeline.<sup>118</sup>

At the same time, the ELN's structure, which includes fighters in civilian garb, makes the group harder to fight.<sup>119</sup> Its recruitment of new members and generational renewal mean that combating it requires accurate and up-to-date intelligence. The capture of five indigenous leaders in Chocó in 2017 on charges of being ELN members, and their subsequent release due to lack of evidence, highlight just how arduous this task can be and how damaging when it goes wrong. Moreover, the topography of areas with an ELN presence allows guerrillas to evade government offensives. Both Chocó and Nariño are full of dense jungles criss-crossed by rivers. Parts of Catatumbo and Cauca also have proved challenging for the armed forces to enter, and even more difficult to hold.<sup>120</sup>

The state could set the more modest goal of using military might to force concessions from the ELN – much as such pressure contributed to the peace deal with the FARC. In the ELN's case, however, that is unlikely to work. The ELN acts according to its self-perceived political strength as well as calculations about the military balance of power. The ELN also believes it is stronger than it actually is. One expert calls it the “circus mirror effect”, whereby the guerrillas' image of themselves is distorted to appear larger than life.<sup>121</sup> At the same time, it looks back to its own history; in the early 1970s, a major government offensive reduced its ranks to just 36 fighters, but nonetheless it was able to rebuild. More doctrinaire units might find that a military offensive reinforces their assertions as to the government's cruelty.

A return to war would increase violence and civilian suffering across those parts of the country directly affected and even beyond. Instead of persuading the ELN to negotiate and offer greater concessions, it would bolster hawkish voices within the movement, especially in units opposed to negotiations. The group would seek to occupy areas vacated by the FARC more rapidly than it is doing already. Even in areas where locals feel somewhat protected by the guerrillas or appeal to them to resolve disputes, the ELN's increasingly heavy-handed approach could grow more brutal as a means of silencing informants among the civilian population. The group's urban faction, the National Urban War Front, could look to increase its attacks, especially through bombings in cities. An escalation with the ELN would complicate the rollout

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<sup>117</sup> Crisis Group interview, high-level diplomat, Bogotá, 11 May 2018.

<sup>118</sup> Crisis Group interviews, human rights defender, Cúcuta, 11 December 2018; international organisation representative, 17 May 2018; humanitarian aid worker, Cúcuta, 16 May 2018; local authorities, Tibú, 15 August 2017; journalist, Bogotá, 24 January 2018.

<sup>119</sup> Crisis Group interviews, high-level diplomat, Bogotá, 17 January 2018; conflict analyst, Arauca, 9 April 2018; ELN commander, Quito, 7 April 2018.

<sup>120</sup> For example, after the ELN massacre in Magüí Payán, it took authorities days to gain access to the village where the killings took place. Crisis Group interview, international organisation representative, Tumaco, 6 December 2017.

<sup>121</sup> Crisis Group interviews, ELN experts, Bogotá, 25 and 27 April 2018; researcher, Peace and Reconciliation Foundation, Bogotá, 11 May 2018. Harnecker, *Reportajes sobre Colombia*, op. cit.

of the FARC agreement in areas where conflict continues, strengthening the ELN's conviction that the government cannot be trusted.<sup>122</sup>

The costs to the country of resuming war would be high. It would mean more forced displacement and would likely provide cover for more killings of community leaders, as such killings by the ELN would continue while other perpetrators could seek to justify murders by claiming leaders were clandestine guerrillas – a common accusation throughout Colombia's wars. The conflict would thwart formal economic development, impede efforts to tackle illegal businesses and make it all the harder for Colombia to shed its reputation as an intrinsically violent land.<sup>123</sup> On the other hand, achieving peace through negotiations would aid Colombia's quest to become a more respected regional and international power.<sup>124</sup> The suffering a return to war with the ELN would entail for the country's rural populations, combined with the damage to its global standing and economic development, should weigh heavily in President Duque's deliberations.

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<sup>122</sup> Crisis Group interviews, conflict analyst, Arauca, 9 April 2018; human rights defenders, Arauquita and Saravena, 12 and 13 April 2018; international organisation representatives, Tumaco and Cúcuta, 7 December 2017, 7 March 2018 and 17 April 2018; human rights defender, Quibdó, 3 May 2018; community leader, El Plateado, Cauca, 4 May 2018.

<sup>123</sup> Aside from the effects on local community development, it is likely that war would hurt oil production in Arauca. Conflict analyst, presentation at "Conversatorio: ¿qué futuro tiene la paz con el ELN?", Bogotá, 21 January 2018. Crisis Group interviews, international organisation representative, Cúcuta, 17 April 2018; humanitarian aid worker, Cúcuta, 16 April 2018.

<sup>124</sup> Crisis Group interview, conflict analyst, Bogotá, 15 November 2017.

## IV. The International Community

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Supportive countries and the UN play a fundamental role in the ELN peace process, from hosting or funding the talks to giving them political support and vesting them with legitimacy. There is wide international consensus that negotiations with the guerrilla movement are critical for peace in Colombia. Countries involved should voice their support for the process and press Colombia's new leader and government not to abandon it.

### A. *The Countries That Support Negotiations*

The role of the guarantor countries – Brazil, Chile, Cuba, Norway and Venezuela – is vital. These countries provide political legitimacy to the process, act as witnesses, support the parties at critical moments and now (in Cuba's case) host the talks. At the same time, they have a degree of influence over the ELN that the Colombian government lacks and may be second only to that of civil society.<sup>125</sup>

At the same time, guarantor countries have little ability to sway already apathetic Colombian public opinion regarding the ELN negotiations. Moreover, the right-wing opposition strongly distrusts some of the countries that back the peace process. President Santos, for example, has struggled to translate international enthusiasm for the FARC peace deal or the ELN talks into domestic support.<sup>126</sup> What these countries' leaders – especially those of Norway, Chile and Brazil – can do, however, is privately advise Duque and state publicly that he would enjoy their strong support, including their willingness to host talks, were he to continue the peace process. Stressing that those negotiations are among their countries' priorities in their relations with Colombia would provide additional incentives for the next president to keep the talks on track.

The Group of Accompanying, Supporting and Cooperating Countries – Germany, Switzerland, Italy, Sweden and the Netherlands – should also publicly and privately state their support, especially in terms of financing the talks. If all the countries throw their weight behind the process, while emphasising that the immediate costs, both political and financial, of keeping it going are low, they may increase prospects that it continues.

Ecuador's refusal to continue hosting the talks after a dispute with Colombia, caused by the killing of three Ecuadorian journalists close to the Colombian border by a FARC dissident faction, is a telling reminder that regional countries' willingness to continue in these roles is tied to their own domestic political dynamics. This applies especially to Venezuela, whose downward spiral may limit its ability to play a role. The Colombian government's animosity toward President Maduro and, in contrast, the ELN's support for him, has not yet led to disputes over Venezuela's role in peace talks, but that could change under the new government.

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<sup>125</sup> Crisis Group interview, high-level diplomat, Bogotá, 22 February 2018.

<sup>126</sup> Crisis Group interview, journalist, Bogotá, 3 November 2016.

## B. *The UN Mission*

The UN mission in Colombia has an especially important role as a conduit for messaging from the UN Security Council, with which Colombia has recently enjoyed strong working relations. Statements of support from the mission and council, and potentially even a visit by a top UN official, like the secretary-general or an under secretary-general, to meet the new president shortly after he takes office could also help persuade him to continue negotiating. A supportive stance by the UN could be tied to other peace issues, including FARC members' transition to civilian life, since the ELN has recruited a number of frustrated former FARC fighters. Even Duque's right-leaning Democratic Centre party has said a successful reintegration of low-level FARC fighters is imperative.<sup>127</sup>

In addition, the UN plays a pivotal role in monitoring and verifying any ceasefire. Though as of now, it will likely be unable to mobilise the personnel necessary to completely verify the ceasefire on the ground, its monitoring and dispute resolution roles will be important.<sup>128</sup> Yet the ELN's frustration with, and withdrawal from, the monitoring mechanism in December 2017 suggest the guerrillas' trust in the mission and its ability to stand up to the government may have been damaged.<sup>129</sup> This provides another incentive for the UN to help the parties find ways to rebuild confidence in the monitoring system, as described above.

Despite initially welcoming UN support after the FARC deal, the Colombian government recently has been looking to minimise the UN's influence in Colombia, arguing that the presence of many of its agencies is no longer necessary.<sup>130</sup> This pattern is likely to continue in a Duque government: former president Álvaro Uribe, Duque's political patron, pushed to close the UN high commissioner for human rights office in 2006.<sup>131</sup> The UN mission should prepare for a less welcoming environment, with its role in the ELN peace talks likely to come under pressure despite the fact that it could represent the "international supervision" that Duque has called for, should it monitor and/or verify any ceasefire.

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<sup>127</sup> Crisis Group Latin America Report N°67, *Risky Business: The Duque Government's Approach to Peace in Colombia*, 21 June 2018. The Democratic Centre did reject a UN mission communiqué regarding transitional justice in Colombia. Nonetheless, focusing on common goals first, such as reincorporation of FARC fighters, and visits from very high-ranking officials, would likely not cause a backlash within Duque's party.

<sup>128</sup> The ceasefire monitoring system for the 100-day ceasefire included members from the ELN, the government, the UN and the Catholic Church.

<sup>129</sup> "ELN pone en duda continuidad del cese el fuego y se retira de Mecanismo de Verificación", *El País de Cali*, 25 December 2017.

<sup>130</sup> Crisis Group interview, high-level diplomat, Bogotá, 11 August 2017.

<sup>131</sup> Sandra Borda Guzmán, "La administración de Álvaro Uribe y su política exterior en materia de derechos humanos: de la negación a la contención estratégica", *Análisis Político*, no. 75 (2012), pp. 128-129.

## V. Conclusion

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Ever since the original FARC deal's October 2016 defeat at the ballot box, the political conditions for negotiated peace with the ELN have been inauspicious. The group's reluctance to abandon the practice of kidnapping, its lurches between armed campaigns and ceasefires, its urban bombings and its increased use of disciplinary terror in rural strongholds have won it no friends. Enthusiasm among the Colombian public for the Santos government's efforts to negotiate with the group has waxed and waned. Progress in talks has been stumbling. Colombia's new president could well be inclined to scrap the entire gambit.

At the same time, if the talks have slim public support, they also generate scant public interest. Nor were they a major issue in the presidential campaign. Negotiators in Havana thus have an opportunity to create incentives for President Duque not to abandon the effort and to implicitly raise the costs of his doing so. To that end, their goal should be to reach agreement on a number of crucial points, above all a new bilateral ceasefire, with clearer provisions and an improved monitoring mechanism, procedures for civil society participation in the peace process and local humanitarian accords aimed at reducing the conflict's harm, especially in Chocó and Catatumbo. These steps, together with Colombian civil society's and foreign states' strong backing for the peace process, could build a case strong enough to persuade Duque to soften his preconditions for continuing talks rather than resume open hostilities. At the same time, the talks' supporters should emphasise the dangers of renewed war – all the more acute given the difficulty the state would face in defeating the ELN in its cross-border refuge in Venezuela.

There is no guarantee that guerrilla and government negotiators will reach these agreements. But both sides should be aware that this opportunity to end peacefully over half a century of insurgent warfare and reaffirm the country's exit from conflict could be its best and last shot in some time. While the opportunity exists, their efforts to reach an accord should be unstinting.

**Bogotá/Brussels, 12 July 2018**

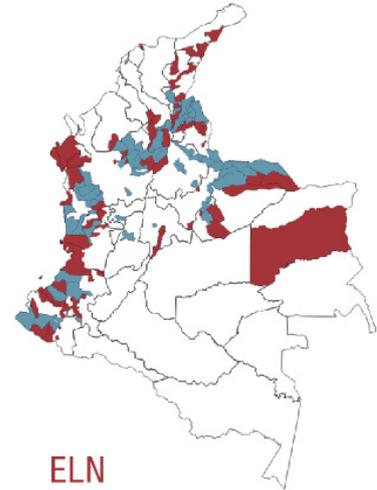
**Appendix A: Map of ELN Presence in Colombia in 2012 and 2018,  
and Expansion between 2012 and 2018**



**ELN  
Presence  
and Attacks  
in 2012**



**ELN  
Presence  
and Attacks  
in 2018**

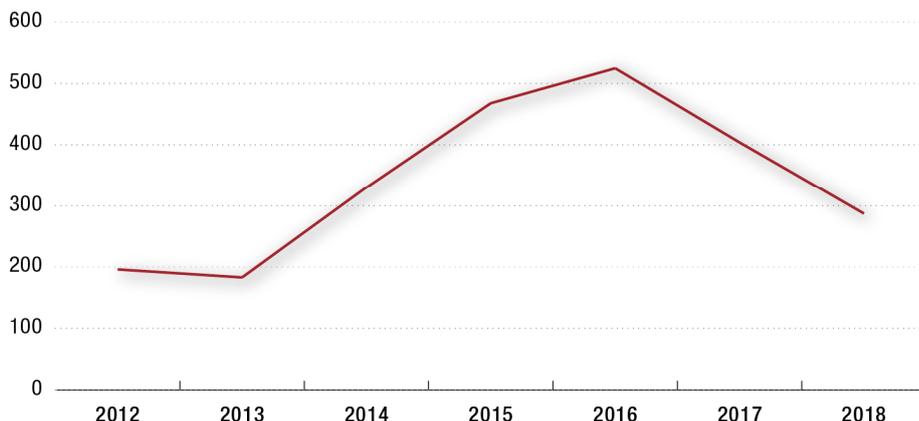


**ELN  
Expansion  
between  
2012 and 2018**

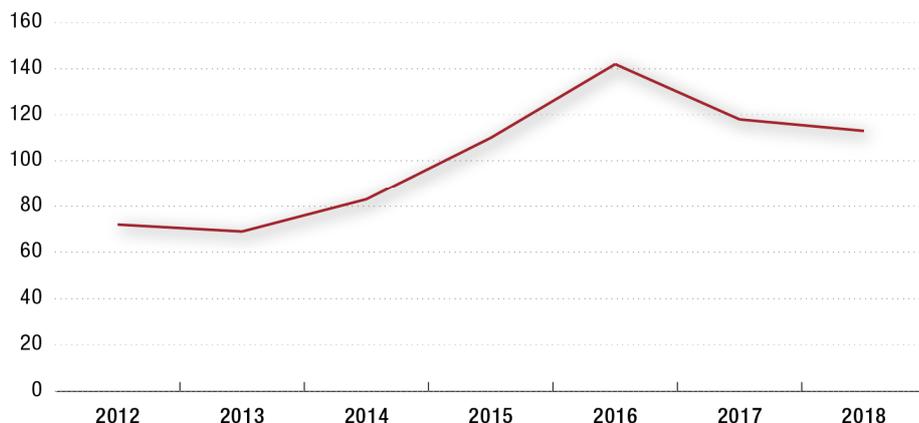
Sources: "Databases of Violent Events", United Nations Information Handling and Analysis Unit, Colombia, 2012 and 2018; International Crisis Group fieldwork.

Appendix B: Evolution of ELN “Conflict Events” at National and Municipality Levels between 2012 and 2018 (as of 1 June)

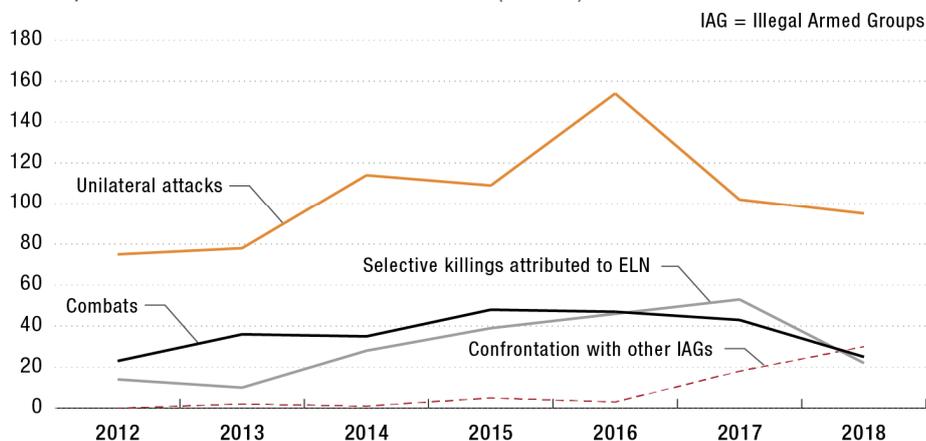
Total ELN “conflict events” 2012-2018 (1 June)



Municipalities with ELN “conflict events” 2012-2018 (1 June)



Principal ELN “conflict actions” 2012-2018 (1 June)



### Appendix C: List of Acronyms

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COCE	Central Command
DN	National Directorate
ELN	National Liberation Army
EPL	Popular Liberation Army
FARC	Revolutionary Armed Forces of Colombia (during conflict), Common Alternative Revolutionary Force political party (currently)
FGUN	National Urban Guerrilla Force

## Appendix D: About the International Crisis Group

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The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 120 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 or regions 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, regional and national decision-takers. Crisis Group also publishes *CrisisWatch*, a monthly early warning bulletin, providing a succinct regular update on the state of play in up to 70 situations of conflict or potential conflict around the world.

Crisis Group's reports are distributed widely by email and made available simultaneously on its website, [www.crisisgroup.org](http://www.crisisgroup.org). Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board of Trustees – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policymakers around the world. Crisis Group is chaired by former UN Deputy Secretary-General and Administrator of the United Nations Development Programme (UNDP), Lord (Mark) Malloch-Brown.

Crisis Group's President & CEO, Robert Malley, took up the post on 1 January 2018. Malley was formerly Crisis Group's Middle East and North Africa Program Director and most recently was a Special Assistant to former U.S. President Barack Obama as well as Senior Adviser to the President for the Counter-ISIL Campaign, and White House Coordinator for the Middle East, North Africa and the Gulf region. Previously, he served as President Bill Clinton's Special Assistant for Israeli-Palestinian Affairs.

Crisis Group's international headquarters is in Brussels, and the organisation has offices in seven other locations: Bogota, Dakar, Istanbul, Nairobi, London, New York, and Washington, DC. It has presences in the following locations: Abuja, Algiers, Bangkok, Beirut, Caracas, Gaza City, Guatemala City, Hong Kong, Jerusalem, Johannesburg, Juba, Mexico City, New Delhi, Rabat, Tbilisi, Toronto, Tripoli, Tunis, and Yangon.

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**July 2018**

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*Exploiting Disorder: al-Qaeda and the Islamic State*, Special Report N°1, 14 March 2016 (also available in Arabic and French).

*Seizing the Moment: From Early Warning to Early Action*, Special Report N°2, 22 June 2016.

*Counter-terrorism Pitfalls: What the U.S. Fight against ISIS and al-Qaeda Should Avoid*, Special Report N°3, 22 March 2017.

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*Back from the Brink: Saving Ciudad Juárez*, Latin America Report N°54, 25 February 2015 (also available in Spanish).

*On Thinner Ice: The Final Phase of Colombia's Peace Talks*, Latin America Briefing N°32, 2 July 2015 (also available in Spanish).

*Venezuela: Unnatural Disaster*, Latin America Briefing N°33, 30 July 2015 (also available in Spanish).

*Disappeared: Justice Denied in Mexico's Guerrero State*, Latin America Report N°55, 23 October 2015 (also available in Spanish).

*The End of Hegemony: What Next for Venezuela?*, Latin America Briefing N°34, 21 December 2015 (also available in Spanish).

*Crutch to Catalyst? The International Commission Against Impunity in Guatemala*, Latin America Report N°56, 29 January 2016 (also available in Spanish).

*Venezuela: Edge of the Precipice*, Latin America Briefing N°35, 23 June 2016 (also available in Spanish).

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*El Salvador's Politics of Perpetual Violence*, Latin America Report N°64, 19 December 2017 (also available in Spanish).

*Containing the Shock Waves from Venezuela*, Latin America Report N°65, 21 March 2018 (also available in Spanish).

*Mexico's Southern Border: Security, Violence and Migration in the Trump Era*, Latin America Report N°66, 9 May 2018 (also available in Spanish).

*Risky Business: The Duque Government's Approach to Peace in Colombia*, Latin America Report N°67, 21 June 2018 (also available in Spanish).

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<b>George Mitchell</b> Chairman Emeritus	<b>Jorge Castañeda</b> <b>Naresh Chandra</b>	<b>Todung Mulya Lubis</b> <b>Allan J. MacEachen</b>
<b>Gareth Evans</b> President Emeritus	<b>Eugene Chien</b> <b>Joaquim Alberto Chissano</b>	<b>Graça Machel</b> <b>Jessica T. Mathews</b>
<b>Kenneth Adelman</b> <b>Adnan Abu-Odeh</b>	<b>Victor Chu</b> <b>Mong Joon Chung</b>	<b>Barbara McDougall</b> <b>Matthew McHugh</b>
<b>HRH Prince Turki al-Faisal</b> <b>Oscar Arias</b>	<b>Pat Cox</b> <b>Gianfranco Dell'Alba</b>	<b>Miklós Németh</b> <b>Christine Ockrent</b>
<b>Ersin Arioğlu</b> <b>Richard Armitage</b>	<b>Jacques Delors</b> <b>Alain Destexhe</b>	<b>Timothy Ong</b> <b>Olara Otunnu</b>
<b>Diego Arria</b> <b>Zainab Bangura</b>	<b>Mou-Shih Ding</b> <b>Uffe Ellemann-Jensen</b>	<b>Lord (Christopher) Patten</b> <b>Victor Pinchuk</b>
<b>Shlomo Ben-Ami</b> <b>Christoph Bertram</b>	<b>Gernot Erlor</b> <b>Marika Fahlén</b>	<b>Surin Pitsuwan</b> <b>Fidel V. Ramos</b>
<b>Alan Blinken</b>	<b>Stanley Fischer</b> <b>Carla Hills</b>	