

*POLICY PAPER*

**THE EUROPEAN UNION AND COLOMBIA:  
AN ALTERNATIVE APPROACH**

October 2004

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Peace Research Center - Centro de Investigación para la Paz (CIP-FUHEM)  
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*Colombia is a key nation in which the European Union can demonstrate its ability and its will to adopt a foreign policy of cooperation that promotes development, peace and democracy. The critical situation produced in Iraq by the American foreign policy has weakened US's position as a world leader and is now opening new spaces for multilateral negotiation. This could have an impact in the solution of conflicts in places like Colombia. Although the EU's attention has been focused on issues like the current expansion to the East, the new Constitution and the common currency, at the same time, it has increased its capacity in the international arena as a "global actor" clearly engaged in conflicts' prevention and resolution. So far the EU has not agreed on a clear strategy towards Colombia and its actions have been dependent on the negotiations between the Colombian Government and the armed groups. The solution of this conflict goes beyond demobilising these armed groups and requires addressing the roots of the problem in order to establish the bases for a sustainable peace. For this reason, Europe has to adopt a broader perspective that allows structural reforms in the social, economic and political system, refusing all attempts to curtail democracy. In fact, the EU has a variety of tools to promote this "global strategy for peace" that they could implement, working as a mediator together with regional organisms and intermediary countries like Brazil and Mexico.*

**1. THE ROLE OF THE EUROPEAN UNION IN THE CURRENT INTERNATIONAL CONTEXT**

Considering the European engagement with peace, democracy and development, the conflict in Colombia is a "test case" for the EU foreign policy towards Southern countries. Being the most serious conflict in Latin America, Colombia has witnessed one of the worst humanitarian crisis in the world among locally displaced population. Additionally this conflict affects the EU interests in the region ever since it became a constant threat for regional security and a

continuous element of political instability in the Andean zone through drug movements and rising problems of immigrants in search of shelter. Notwithstanding, for a series of different reasons, the E.U. has not held an active and coherent policy towards this conflict. Firstly, the European posture acknowledges the social, political and economic problems entrenched there but when it tries to promote a solution it falls back on the negotiation between the Government and the armed groups, with the aim of demobilising and reincorporating them. This is a shadowy point of view which has already produced some consequences

in the European policy towards Colombia. More recently, the European Council has included Colombian insurgent groups in the list of terrorist organisations. As such, all possibilities of mediation and intercession are in principle denied and any future active role in the peace talks with these armed groups is limited.

In consequence, this position has reduced the margin for European intervention in search of peace and it explains the submission of all its efforts to the negotiations between the Colombian Government and the insurgent groups. As a matter of fact, during the last round of negotiations between the Government and the FARC, the EU moved from a promising role in the solution of the armed conflict (as a mediator in the "peace process"), to a frustrated stance, once it realised the evident lack of consensus on the nature of the conflict and the required strategies to solve it. This lack of consensus was the result of a campaign "against terrorism" promoted by the United Kingdom and the former Spanish Government. But it also reflects a certain degree of disappointment in the EU in the face of little advances towards peace, despite all diplomatic efforts and aid provided. In this regard, the EU is in a "waiting period" expecting to see what the Colombian government does next. Only then it will decide how to contribute.

Relations with Latin America are currently low priority for the EU. The EU's expansion to the East requires a major internal effort in order to achieve the adequate convergence between the ten new Member States and the socio-economic and political conditions of the EU-15; an effort that will occupy a great part of the Union's political and economic attention in the coming years. This European expansion and the following priorities created by the new international context have led to the establishment of tighter relationships with its neighbouring countries in the East and the South and in the Mediterranean region, through a new neighbourhood policy. In the economic sphere, the priority given to the World Trade Organization (WTO) multilateral negotiations and the limited reforms of the common agricultural policy (CAP) have prevented the development of tighter relations. Under these circumstances, Latin America, including Colombia, could lose priority on the EU's agenda. Despite the last three summits, there has been little progress towards the "Strategic

Association" with Latin America sought by Europeans in these meetings. Nevertheless, a positive aspect of the Guadalajara Summit - held in May 2004 - was the strong emphasis placed upon multilateralism, highlighting a return to the original concept of the first Summit in Rio. Moreover, there was a significant omission in the final declaration regarding the Colombian conflict, due to Alvaro Uribe's government pressure for the EU to release its political demands on the democratisation and Human rights issues and to increase its economic help.

### **United Nations**

UN has lost its relevance due to the limitations imposed by the Colombian Government and due to the current adverse international situation. Uribe's initial plans to bring UN forces have been left aside. The organisation oscillates between promoting the humanitarian angle -in the face of the war strategy promoted by the US and Uribe's Government-, and at the same time it tries to consolidate its leadership in the peace process with the support of the EU and its special envoy. The EU has the opportunity to employ its economic resources to attract international political support in favour of UN and its special envoy, who could help to find a pacific solution as happened in the past with the UN envoy in Salvador and Guatemala<sup>1</sup>.

### **The US presence**

One of the main ways of intervention of the US in Colombia has been the war against drugs. After September 11, President Uribe has embraced the argument against terrorism for this purpose. The poppy and coca fields plus the armed groups, combined with a State unable to control its own territory have made of Colombia the main source of insecurity in the hemisphere for Washington. Within the framework of "zero tolerance" that has led the anti-drug policies of the last decades - not only in the US but in many multilateral organisations and governments - the policy to eradicate drugs in Colombia is based on massive aerial fumigations of the illicit crops, especially after the approval of Plan

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<sup>1</sup> Christopher Welna y George Lopez, *Para salir del atolladero: Un nuevo liderazgo europeo en un proceso de paz colombiano*, documento de trabajo, CIP-FUHEM, 2004.

Colombia in 2000. Around 875,000 acres (350,000 hectares) have been fumigated since then. This policy is framed in the commitments adopted in 1998 by the special session on drugs of the UN General Assembly, where the elimination or substantial reduction of the entire world production was agreed to take place by 2008.

The Bush administration firmly supports the Colombian government because it shares important points of interest and because it perceives President Uribe as a strong leader. Although there are some different points of view within the American administration, security issues are of prevalent importance, while human rights are considered secondary. In contrast, there is increasing concern in the American Congress for human rights issues, together with the environmental damages and public health problems caused by the fumigation programs. Some sectors have attempted to resist the calls from the White House to increase the number of US military personnel in Colombia. Additionally, the failure of the US policy in Iraq has led Washington towards an interest in the multilateral system as a way out, producing also a certain void at the higher levels of international politics. As such, this could be an important moment for the EU.

## 2. COLOMBIA: CHALLENGES AND PROSPECTS

Colombia is a paradoxical state. It is the oldest democracy in Latin America, it holds presidential elections every four years and it is also respectful of the alternation in power. In 1991 a highly comprehensive process took place that led to the establishment of the Colombian Constitution, which is very advanced in legal terms and which guarantees the basic elements of the Rule of Law. However, in this country there is a vast difference between the highly developed legal system and its scarce compliance or enforcement.

Colombia needs profound changes of its socio-economic and political structures in order to produce stability. These changes can be addressed regardless of the peace negotiations. It is important to separate the peace process in a broad sense from the negotiations, since the end of the armed conflict will not immediately lead to the

wellbeing of the population. The judicial system has had many difficulties and impunity has become predominant. Uribe's administration has reformed many positive aspects of 1991 Constitution, an important milestone in building Colombian democracy.<sup>2</sup> Appealing to populist speech, the later reforms may end up producing a "emergent State of national security". Among these reforms it is possible to find that the Constitution grants judicial attributions to military forces; laws promote impunity and flout International Humanitarian Law (IHL) as they get civilians involved in the conflict (through a network of informers), impose restrictions in the Constitutional Court and the civil protection rights, remove the Congress faculties in favour of the President, and put restrictions to the work of NGOs. These arbitrary reforms have been criticised by the UN the inter-American system, and the EU<sup>3</sup> has expressed its own concerns, but the Uribe administration has continued with them.

The Constitutional reform that could allow the re-election of Alvaro Uribe reinforces a strongly presidential system and weakens the parliament and the political parties. A re-election provision will require the modification of the bases of the 1991 Constitution and will further weaken the parliamentary and political party system, while at the same time highlighting the absence of renewed public life and political parties. The scant advances in territorial decentralization will likely be halted, which is troubling because in a presidential regime, regional and local powers are the necessary counterweights in the exercise of power. On the other hand, and in the face of the traditional dominion of political life by the Liberal (liberal democratic tendency) and Conservative (Christian Democratic tendency) parties, some advances have been made by the democratic left – mainly by the Polo Democrático and independent candidates- in the last elections to departments and municipalities. This new political situation reflects social discontent

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<sup>2</sup> *Colombia: Veinte razones para afirmar que la situación de derechos humanos y derecho humanitario es muy grave y tiende a empeorar. Balance del año 2003*, Comisión Colombiana de Juristas, Bogotá, 2004.

<sup>3</sup> See Conclusions of the Consejo de Asuntos Generales y Relaciones Exteriores from 26th January 2003.

with poverty, inequality and exclusion and may signify the creation of a political space to resolve conflicts through political means.

Colombia's main problems are social inequality and the uneven distribution of wealth. Unemployment has increased and in the first trimester of 2004 it was at 15.3%, while underemployment rose to 30.8%. According to the last figures from the Economic Commission for Latin America (CEPAL), 27% of the population lives in extreme poverty, 55% in poverty and health coverage reaches an increasingly smaller part of the population<sup>4</sup>. The tax system is highly deficient (little more than 400,000 people pay taxes on their incomes) and in the face of this, President Uribe's "democratic security" policy will take 2% of the GDP, 200 million pesos over the course of the next ten years<sup>5</sup>. This will mean less funds available for social investment.

The armed conflict is a serious problem that erodes Colombian society through violence and produces the deterioration or destruction of the social fabric. It has caused a grave humanitarian crisis and high levels of violence, which has materialized into extrajudicial executions, massacres, kidnapping, displacements and the creation of refugees.

The insurgent groups (FARC and ELN), despite the differences that exist between them, had their historic roots in the unequal distribution of wealth and land, the attack by the elite against the scant progress made in the agrarian reform achieved during the 1930s and 1940s and the lack of space for political participation. All of this was reinforced by the absence of the state throughout its territory, which allowed them to settle there and establish parallel states. The factors that led to their formation still

exist today, but for a variety of reasons (among those the possibility of making a profit from drug-trafficking and various methods of extortion - like kidnapping) their nature has changed. The insurgents continue to use a discourse demanding social and political changes and state that they stand firmly behind their original ideals, but the forms of power that they exercise at the local level are extremely authoritarian. Also, their social base and support among the population are minimal.

With respect to the paramilitary groups, now for the most part gathered within the Self Defence Forces of Colombia (AUC), their origin is linked to the big land-owners that wanted to defend themselves from the attacks and the extortion of the guerrillas, and to the private armies created by the drug-cartels and the drug-trafficking business itself. The paramilitaries declared objective has always been to combat the guerrilla war and therefore they have colluded with- or at least has been tolerated to some degree by sectors of the armed forces. Currently, the demobilisation process that is taking place with the Uribe government is raising doubts on the possibility that it will end up in granting generalized impunity and that those responsible for the massacres, crimes against humanity and drug-trafficking will not only remain free but that they will also maintain the goods (lands and wealth) that were illegally appropriated over the years. Any form of amnesty would endanger the principles of the Rule of Law and would set a dangerous precedent when it comes to negotiating with the guerrillas. Moreover, such disrespect for the law could drive more people or groups to defend their interests or ideas through violent means.

The civil population has been under attack by these insurgent groups and has found great difficulties in organising and participating in political life. So far, it has been excluded from peace talks. Despite these problems and social fragmentation, Colombian civil society has found different spaces: unions, cultural movements, youth and women's associations, business organisations, churches, black and indigenous communities, etc. People have always been keen on participating in solving the conflict, as it has been made clear on many different occasions<sup>6</sup>.

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<sup>4</sup> CEPAL, *Panorama social de América Latina*, Santiago de Chile, CEPAL, 2003, in [www.eclac.cl/Publicaciones/Desarrollo\\_Social](http://www.eclac.cl/Publicaciones/Desarrollo_Social), and data from the Departamento Administrativo Nacional de Estadística (DANE), available on [www.dane.gov.co](http://www.dane.gov.co). On the situation of the health sector see, Stella Quintana, "El acceso a los servicios de salud en Colombia", *Cuadernos para el Debate*, MSF, Barcelona, 2002, en [www.msf.es](http://www.msf.es)

<sup>5</sup> Alejandro Gaviria, deputy director of National Planning, in the Forum "Narcotráfico y terrorismo" at the Fundación Universitaria San Martín, May 2003.

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<sup>6</sup> A clear example is the Mandato Ciudadano por la Paz de las niñas y los niños, celebrated on

Another important issue for Colombia and one that determines to a great extent the foreign involvement in the country is the cultivation of illicit crops and drug-trafficking. Plan Colombia and anti-drug policies in general have awakened criticisms from a great deal of Colombian and international civil society organizations, which highlights that: 1) there are no studies on the impact of the fumigations with chemical products on public health and the environment; 2) this strategy causes a spreading of the crops, as the peasants see themselves obliged to move on in search of a new place to settle; 3) the zero tolerance policies tend to focus on the supply end of the scale and especially on its weakest link, the small producer, while leaving intact the international drug-trafficking and money laundering networks and the sale of additives and other necessary chemical products and, above all, the demand for the illicit substances; 4) years of fumigations and eradication attempts against the coca crops in Colombia, Peru and Bolivia (and opium in southeast Asia) have not translated into a decrease in the psychoactive substances that reach the main markets, especially in the West, nor into an increase in prices (to the contrary, these have not stopped dropping which shows a constant increase in supply and a failure of this strategy)<sup>7</sup>. Therefore, a new understanding of this issue is required in order to take into consideration the multiple facets of the drugs problem and its impact in places like Colombia.

The combination of armed conflict plus socioeconomic instability leads a large number of Colombians having to emigrate. The International Organization for Migrations estimates that four million Colombians (10% of the population) live outside of the country. A million of these have left the country in the last six years<sup>8</sup>.

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October 25th 1996 and the municipal elections on October 26, 1997, when 10 million Colombians voted for a negotiated solution to the armed conflict.

<sup>7</sup> As it was announced by Chris Mullin, president of the Investigation Commission on Internal Affairs of the Commons in the UK, when in 2000 he presented the report on antidrugs policy adopted by his Government. In *The Government's Drugs Policy: Is it Working?*, May 2002.

<sup>8</sup> OIM, *Remesas en Colombia, desarrollo y marco legal*, Ginebra, febrero de 2004.

The main destination is the US, followed by neighbouring countries like Ecuador and Venezuela and some Central American countries, and Europe, especially Spain, the United Kingdom, France, Germany and Switzerland.

On the other hand, the integration process moves ahead slowly in the Andean Community (CAN) and its five members - Colombia, Peru, Bolivia, Ecuador and Venezuela - are affected by a profound socio-political instability. It is paradoxical that, except in the case of Colombia, the political agendas are focused on mechanisms to substitute the presidents through democratic means or through street protests<sup>9</sup>. Sustained levels of poverty and exclusion combined with general discontent arising from poorly conceived economic measures have led to generalised suspicion of the democratic system by the population<sup>10</sup>. In three of these countries (Peru, Bolivia and Colombia) the anti-drug policies are another cause for discontent and protests, especially among the peasant communities. All of this adds to major migration flows.

In this context, the Colombian government's international strategy is aimed at achieving different types of aid from different participants (military aid from Washington and economic aid from Brussels). It takes advantage of its image as a "victim of drug-trafficking" in order to gain certain advantages or to disarm criticism. This contrasts with a fragmented Colombian civil society that does not project a unified and coherent message capable of mobilizing and sparking the interest of European society.

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<sup>9</sup> On July 14th 2004, Peru went on general strike to ask for President Toledo resignation and to install an Emergency Government with social participation. In Venezuela, opposition lost a referendum to substitute President Chavez on August 15th. In Ecuador, Lucio Gutierrez faces constant instability and indigenous groups no longer support him. In Bolivia, popular revolts opposed to the exportation of Bolivian gas managed to topple President Gonzalo Sanchez de Losada in October 2003.

<sup>10</sup> See PNUD's report, "La democracia en América Latina: hacia una democracia de ciudadanas y ciudadanos", abril de 2004, en <http://democracia.undp.org/Default.Asp>

### 3. EU'S ROLE IN COLOMBIA'S PEACE TALKS

Colombia is a country in which drug-trafficking and the internal war are strategic matters in which the EU could provide political and economic support and, therefore, could maintain a dialogue on peace and security. However, these efforts must go beyond generic statements that do not lead to any practical changes – as it has been the case so far in the bi-regional agenda on these issues - and efforts that have been solely focused on achieving peace by means of ending the armed confrontation.

In order to achieve peace, a process of change is needed in Colombia to tackle social inequalities, unequal distribution of wealth<sup>11</sup>, tolerance of corruption, frail democracy and weak State institutions. So far the EU policies in Colombia have not concentrated on these aspects due to the absence of a clear strategy. Failing to do so, the end of the armed conflict will leave standing the unfair structures of power and the lack of wealth distribution bringing little change to the life conditions of the large majority. It is essential to face the elements underlying the conflict, looking at the real problems of Colombian population beyond the armed clashes.

EU policy has been trapped by the ambiguous stance of a Government who asks for aid and, at the same time, who is not willing to tolerate any criticisms in matters like Human rights or democratic responsibility (they attribute these to the ignorance of the local reality). Not having any other intermediaries or alternative mediators between guerrilla and Government, the chances are very limited. Uribe has made clear that there is no such conflict: it is only a matter to be solved by a legitimate government fighting against drug barons and terrorism. And Europe's role is to offer him support in this hard labour. His Government has the legitimacy conferred by democratic elections and it holds the responsibility of putting an end to violence within the legal and democratic framework. In Europe, except in a few cases, terrorism has been confronted without losing freedom

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<sup>11</sup> Among other things, it is necessary to guarantee land devolution to people locally displaced. Around 3 million hectares are in hands of insurgent groups.

and democratic means. These very same principles should lead its foreign policy. Having seen that US Government does not endorse a global peace strategy and insists in the military intervention with its Plan Colombia, the EU has no option other than taking a stance different to Washington. This could, at the same time, enhance the European options and actions: the closer the EU gets to the American policy (as it happened with Tony Blair in the UK and Jose Maria Aznar in Spain) their chances and legitimacy seem to diminish. On the contrary, the fact of contributing from its own standpoint strengthens the European counterweight effect. Similarly to Iraq's case, the EU can hold its own opinion, diverging from that of the US. In order to have a say in this conflict, European political representatives should attempt to find intermediaries in Washington among, for instance, the dissenting members of the Congress and the Senate, who have expressed their disagreement with the American intervention in Colombia and also with organisations from civil society.

It is important that the EU projects in Colombia its role as a global protagonist, stressing its importance in political, economic, cultural and scientific (not military) aspects and demonstrating its "civil potential". The European Union disposes of mechanisms that, if used properly, could support a process of internal changes in Colombia with the aim of achieving sustainable peace. Its main instruments for a peace and development strategy are: political dialogue, economic aid and trade incentives achieved by unilateral norms or even through "association agreements".

Europe now faces a historic Constitutional challenge and it could, by the same token, contribute to the Colombian Constitutional reform to prevent any regression in the democratic State. Europe's contribution in the construction of peace has to be based in the guidelines established in the London Meeting (2003), leaving aside the disagreements on security issues and building a set of relations based on the reinforcement of points in common. The experience of European State members in the separation of State powers, strengthening of parliamentary regimens, mechanisms of political participation and the decentralised territorial policies can be presented to Colombia in the context of a helpful framework. For instance, German

Federal experience and the Autonomous Regions in Spain could serve as a model in the discussion about State decentralisation with Colombian local and regional authorities. This would produce an impact in the sustainability of local initiatives in search of peace and development, as they could count on external support. At the same time, it could help the Community Councils locally organised by black and indigenous communities.

Europe has to take a proactive, firm and independent role when defending human rights and IHL in Colombia. EU is in a position to encourage Uribe's Government to respect human rights and to comply with international agreements and recommendations subscribed by the UN. A previous step is necessary, nonetheless. Considering that statistics can be read in different ways and that they do not always supply the required information to fully understand the result of these policies, it is important for the EU to listen to other interlocutors to get to know the situation beyond the information provided by the Government. Aid supplied by the EU cannot be employed in favour of non democratic goals.

In respect to drug-trafficking, all policies applied so far have not taken into account the conditions in the Colombian countryside and agriculture (and in the Andean countries in general). Regularly the lack of proper markets for legal products leave peasants with no other alternative. Despite sharing the prohibition on drugs, EU's position has been different to that of the US. Europe has distanced itself from the Plan Colombia with its strong military emphasis and has preferred to give financial support to alternative projects of development that allow peasants to replace their cultivations. Many of these projects have had a limited impact due to the lack of financial resources or to the contradictions in the European trade policy that impose limitations on the importation of agricultural products in Europe (in this point it is necessary to mention the limitation of "SPG drugs" and its uncertain future as an instrument of preferential access to the EU market after the objection presented by the WTO), and for the large scale strategy of the US. At a local level, nonetheless, it has opened up some opportunities. At the same time, some European countries have adopted a more open criteria to lessen

damages and they do not impose punishment for the consumption of certain drugs (as is the case of cannabis in Netherlands), they provide treatment to cocaine and heroine addicts and they have taken measures to reduce the propagation of HIV among consumers. Lessening the damage on the consumption end has also to be applied to the production end.

When trying to promote democratisation and human rights in Colombia, the EU has to use conditional offers in a more active way. Neglecting Uribe's non democratic actions is giving him implicit support to go on. A critical stance towards his Government does not imply supporting the illegal armed groups. It simply means to stand up for the defence of civil rights and democratic values. In face of a dysfunctional State and the democratic regression, the answer has to be found in the support and reinforcement of the State within the limits established by the 1991 Constitution. External help plays a key role in this issue. Along with political dialogue and conditionality, aid has to be directed to social investment and technical assistance to help in reinforcing the democratic State.

EU State members make an important contribution in cooperation for development. Next to communitarian institutions, they have to direct their help to Colombia with the goals of reinforcing democracy, protecting Human rights and reducing poverty, inequality and exclusion, in order to increase governability and the rule of law, as established in the London Statement<sup>12</sup>. The EU and its State Members are the main benefactors in humanitarian aid and cooperation for development in this region. Thus, to increase efficiency it is necessary to improve coordination of their aid policies to Colombia. Also, the EU and the State Members are the only agents that have held a dialogue with Colombian and the Andean countries on drug issues. This represents a big advantage to help them in the search of a political answer.

Equally, the EU is the only external agent engaged with the Andean integration. Considering Europe's own integration process, it can provide a unique

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<sup>12</sup> International Crisis Group, "Increasing Europe's Stake in the Andes", *Latin America Briefing*, Quito-Bruselas, 15 de junio de 2004.

contribution in this field. All five members of the Andean Community of Nations (CAN) are affected by a crisis of governability that endangers political stability and conditions economic and social development. In spite of disregarding the engagements and programmes for Andean integration, the EU must insist on alternatives to make possible regional integration, as this represents an essential part of a strategy of development in the long term. An important endorsement in the promotion of Andean integration is contained in the European commitment to advance towards a “Association Agreement” between the EU and the CAN.

The agreement signed in December 2003 between the EU and the CAN is very limited and it does not include any commitments to establish a free trade area. The European Parliament hardly criticised this agreement as a clear reflection of the limitations of the European foreign policy in the region<sup>13</sup>. In practical terms, it is similar to the “third generation” agreement that replaces and it is far from CAN’s aspirations to reach a real association deal. During the Guadalajara Summit between the EU and Latin American and the Caribbean countries (May 2004), all possibility of initiating new commercial negotiations was made conditional on the final negotiation round of the WTO in Doha and on a joint evaluation of the Andean integration process.

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<sup>13</sup> European Parliament (2004), *Informe sobre la propuesta de Decisión del Consejo relativa a la firma de un Acuerdo de Diálogo Político y Cooperación entre la Comunidad Europea y sus Estados miembros, por una parte, y la Comunidad Andina y sus países miembros, las Repúblicas de Bolivia, Colombia, Ecuador, Perú y la República Bolivariana de Venezuela, por otra parte (COM (2003) 695)*, Comisión de Asuntos Exteriores, Derechos Humanos, Seguridad Común y Política de Defensa. Ponente: José Ignacio Salafranca, February 26, 2004, (A5-0119/2004).

#### 4. SOME PROPOSALS FOR THE EUROPEAN UNION REGARDING COLOMBIA

The Peace Research Center (CIP), as part of its project titled: "Europe and Colombia: Diplomacy and Civil Society", believes that the EU should redefine its peace strategy for Colombia and adopt a broader approach, with the aim of prompting a social, economic and political reform process to achieve a sustainable peace. The efforts should be directed at adopting a strategy that addresses the widespread problems that affect Colombian society and that, at the same time, underlie the armed conflict. This will permit the EU to develop a political dialogue that does not depend on the conflict's current circumstances but on a comprehensive vision of the measures necessary for development and stability. This, in turn, will help to deactivate the violence.

It is necessary to urge the Colombian government to address issues like social inequality, the uneven distribution of wealth, corruption, the supposed strength and actual weakness of Colombian democracy and the fragility of the state and its institutions. The EU should exercise its influence over the government in Bogota on these matters and implement direct policies to orientate the political dialogue and cooperation in this direction.

##### Priority Measures

1. The EU strategy in Colombia must be part of a **regional perspective** in which cooperation for development and political dialogue help in the progression towards mechanisms to prevent conflicts and to promote stability and development in the Andean Region:

- Support and reinforcement of CAN's integration following the processes and negotiations already underway for association agreements, extension of the SPG drugs or negotiation of an Association Agreement EU-CAN including a free trade area, etc.
- Promotion of an agreement to encourage the productive transformation and ability to help the required institutional reforms, education improvement, infrastructure and technological innovation and the modernising of industry and agriculture. It should be different from the commercial agreements implemented. The signing of a conventional free trade agreement in the current social and economic conditions of the Andean Region, and in particular of Colombia, could have undesired effects. It is necessary to make a previous evaluation of the potential consequences of such an agreement having taken into account the opinion of all different organisations of the civil society, such as, peasant organisations.

2. The EU should take on a more pro-active, firm and independent role to ensure that human rights and International Humanitarian Law (IHL) are respected and upheld in Colombia. As such, it will urge Uribe's Government to comply with international treaties and regulations concerning Human Rights in Colombia, respecting decisions and paying attention to reports prepared by international institutions dedicated to the protection of Human rights legally abiding in Colombia. It is equally important to insist on the abolition of the Statute of the International Criminal Court that exempts Colombia of its jurisdiction between 2002 and 2009.

- It should demand that both the state and the illegal armed protagonists respect human rights and comply with IHL.
- It should demand that Colombian State follow the directions of the Human Rights Committee of the UN, the Office of the UN High Commissioner for Human Rights in Colombia and the London Statement of July, 2003.
- It should actively support the Office of the UN High Commissioner for Human Rights in Colombia.

- It should denounce impunity for violations of human rights and IHL and maintain a firm stance against amnesty processes for individuals and groups responsible for such crimes.

- The demobilization process of the Self Defence Forces of Colombia (AUC) marks an important moment with regard to this issue. The EU should support a clarification of the role to be played by the OAS as a verifying institution of the process and it should apply pressure so that war crimes and crimes against humanity committed by the AUC are not resolved with amnesty.

- A humanitarian agreement could be a way to create conditions of trust for future talks or processes. The EU could provide advice and support for this exchange.

-It should activate mechanisms available to fight the serious effects of the armed conflict over the most vulnerable sectors of the population, like women and children. One of the possible options could be to demand the implementation of resolution 1.325 of the UN<sup>14</sup>.

-It should insist on the agreements signed by the States in Vienna's Declaration and Action Programme from 1993 in relation to an wide definition of human rights, giving equal importance to civil, political, economic, social or cultural rights. EU policy towards Colombia has to be consistent with these commitments.

3. The European Union should support the **reinforcement of democratic institutions in Colombia** based on its very own experience of separated State powers, mechanisms of political participation, Constitutional development and territorial decentralisation. The EU has to consider the need of extending the space of political participation, in observance of the Constitution of 1991, together with the adequate functioning of the Judicial system and a clear demarcation of functions corresponding to the Police and to the Army (that should abstain from taking part in matters of public order). Through specific programmes, the following actions could be implemented:

- The organisation of the general legal system to make available adequate access to justice during and after the end of the conflict.

- Encourage the strengthening the Attorney General in terms of human rights and IHL.

- Support for reinforcing the authorities and duties of the Public Defender.

- Support for training in the institutions responsible for upholding the law: the judicial system and police force. This could be done by supporting the activities for judicial reform that are underway throughout the Andean Region by the OAS.

- Help in the separation of the National Police from the Army and reinforcing each of them as civil bodies.

4. The European Union should support participation of Colombian civil society in the peace process, promoting mechanisms of consultation and direct participation. By the same token it could assist the different actions and measures in search of peace coming from Colombian organisations in collaboration with European and American organisations.

5. The EU has to make adequate use of the "conditional" offers to promote democracy and respect of Human Rights, including economic and social rights. A series of aspects have to work as cross curricular axis in any European policy aimed at helping in the stability of the Andean region, especially in Colombia:

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<sup>14</sup> Resolution 1.325, of the UN Security Council on women, peace and security constitutes a document with multiple consequences. It is the first time that the most powerful body of the UN officially promotes involvement of different groups from the civil society, especially women, in the peace process and in the implementation of peace agreements.

- A strong conditional component should be included with every aid pack and should also be present at commercial and political negotiations, both as a form of encouragement or, when necessary, as a penalty. This "conditionality" will prevent the misuse of aid in the implementation of non democratic policies.
- A previous evaluation of the potential consequences produced by the European aid pack and its political action.
- Every policy should be subject to permanent monitoring in the short and long term and they will include a final evaluation of the results obtained.

6. **Opposing corruption and improving the economic system** are important issues for Colombia. The European Union can provide assistance in these matters through technical help in investment, development, increased competitiveness, etc. At the same time, these actions would facilitate improving judicial control over economic aspects (through the support of mechanism to protect economic competitiveness, finance office, etc.) External debt cancellation could be linked to the use of resources in the promotion of alternative development projects and programmes against poverty.

7. In relation to **drugs and drug-trafficking**, the EU should avoid criminalising small producers and following the arbitrary attitude characteristic of forced harvest eradication programmes. Alternative development projects are not to be conditioned to previous destruction of harvest nor should they impose any reductions in the harvest before the peasants can rely on legal means of survival. Equally, the EU should bring to an end all contradictions between its trade policies, such as the limitation on imports of agricultural products. It would be important to:

- Encourage an independent evaluation of the environmental and health effects produced by fumigations.
- Replace fumigation by hand held eradication of cultivations.
- Accord alternative development projects with local communities taking into consideration the social and economic reasons that have forced peasants to cultivate illicit products.
- Reach commercial agreements in order to place these products in a fair and sustainable position in the market.
- Reinforce mechanisms of shared responsibility, i.e., actions aimed at stopping laundering, exporting chemical additives, etc.
- Support the creation of a World Commission aimed at researching on drug problems. This Commission should be integrated by independent experts who would be in charge of listening to different opinions and sectors involved in this matter. Among other things, they should evaluate the efficiency and consequences of the current anti-drug policies as well as checking the results of alternative programmes. This could be the starting point towards a World Conference to bring about a new global approach on drugs.

#### 8. **Direct policies from the EU**

In relation to **migration and asylum seekers**, the EU should comply with international standards of sheltering, especially in the case of human rights defenders', and trade union and communitarian representatives'. It should equally facilitate the procedures to accommodate in its territory individuals fleeing exclusion and violence. This policy originates from ethical and moral reasons, but it could also serve as a means of negotiating with the Colombian government.

- Support organisations formed by immigrants and refugees in their search for peace in Colombia, helping in the assisted and voluntary return of refugees to their home country.

- Secure a place for Colombian civil society and European networks working for Colombia in the new *Country Strategy Paper* on Colombia elaborated by the EU.

In order to improve future development projects the EU has to set mechanisms to evaluate the impact of European aid packs to the date, especially in the case of peace laboratories. Only then, effectiveness of sustainable rural development and human rights defence will be increased.