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The Crisis in the Andes: Ecuador, Colombia, and Venezuela

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On the night of February 29, 2008, a group of guerrillas/terrorists of the Revolutionary Armed Forces of Colombia (FARC) and sympathizers bedded down for the evening in a rustic but well-established encampment in the jungle near the Putumayo River, approximately one mile inside Ecuadorian territory. For the FARC fighters it must have seemed like just another night in the guerrilla movement's unending war against the Colombian people.

Suddenly, in the first hour of March 1, Colombia's armed forces struck out of the dark skies with deadly effect. Bombs rained down on the FARC camp, followed by the arrival of an assault force of elite Colombian troops. In the confused mêlée of bombs and gunfire, 25 people died, three were wounded, and an undetermined number of FARC guerrillas escaped into the jungle. Two corpses—one the body of Luis Édgar Devia Silva, known by the *nom de guerre* Raúl Reyes—along with three laptop computers, hard disks, and flash drives were recovered and flown to Bogotá.

Called "Operation Phoenix" by the Colombians, the punitive strike aimed a carefully coordinated blow at the commander of the FARC's Southern Front and the number two man in the leadership of the terrorist force. It was viewed by the operation's architects in Bogotá as a significant blow to the FARC's seemingly invulnerable leadership structure.

Reyes, argued the Colombian government, was no ordinary guerrilla fighter. For years, he played a conspicuous role as a godfather to the FARC on matters as diverse as war fighting, murder, kidnapping, drug

Talking Points

- On March 1, 2008, the Colombian military eliminated a key leader of the Revolutionary Armed Forces of Colombia (FARC) in a raid on a camp in neighboring Ecuador.
- The attack sparked a diplomatic crisis as Ecuador and Venezuela denounced the incursion and threatened diplomatic, and possibly military, retaliation.
- The Organization of American States and the Rio Group of Latin American nations defused the immediate crisis but not underlying tensions.
- Documents seized in the raid indicate disturbing levels of support by the governments of Ecuador and Venezuela for the FARC and their efforts to weaken Colombia and shift it into the leftist camp of President Hugo Chávez.
- The incident occurred at a time when the U.S. Congress moved to delay indefinitely a vote on a free trade agreement with U.S. friend and ally, Colombia.

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trafficking, hostage-taking and hostage negotiations, dealing with foreign governments, meeting with a steady stream of sympathizers, and presumably working to secure international backing for the FARC. While recognized as a public face of the FARC to the outside world of the extreme and violent Left, he was, in the eyes of Colombian law, a notorious criminal fugitive with over 100 outstanding charges or convictions for murder, kidnapping, and extortion.

The Colombian military strike against Reyes and FARC guerrillas ignited a diplomatic crisis that was perhaps the most acute witnessed in the Western Hemisphere in the last decade. Now, more than a month after the initial incidents, the threat of direct conflict between nations has largely subsided, but the polarization and loss of cooperation and trust between nations—particularly between Ecuador and Colombia—will have serious repercussions throughout the Andean region, especially if foreign governments further align themselves with the FARC and the “revolutionary forces” active in and around Colombia.

Colombia

The basic facts of the raid are no longer in dispute. The Colombian military had been hunting Reyes for years. Earlier operations to eliminate him were frustrated on several occasions. Clearly, the Colombians would have preferred to strike against the elusive Reyes on Colombian territory, but this proved difficult. The Colombians were able to fix Reyes’ location in a well-established safe haven on Ecuadorian soil—reportedly by tracing Reyes’ phone conversations with Venezuelan President Hugo Chávez.

President Álvaro Uribe and the Colombians surely weighed the cost and benefits of the operation before launching it. Because previous cross-border incidents had produced minimal consequences, perhaps they believed the attack would cause no significant fallout.

The Colombians reported that fighter aircraft that delivered the bombs on the FARC camp did not enter Ecuadorian air space. Four Colombian Black-hawks, however, carrying special forces and judicial police, did cross the frontier after the initial bom-

bardment. The Colombian force exchanged fire with the surviving members of the FARC band and a Colombian soldier died in the firefight.

President Uribe admitted he considered notifying the Ecuadorian government in advance of the operation but did not for fear of someone warning Reyes, and perhaps also for fear of a negative response. It was not until after the attack was underway that President Uribe telephoned President Rafael Correa of Ecuador to inform him of the raid. In the conversation, President Uribe apparently made it seem the encounter was between hostile forces and involved “hot pursuit.” Shortly afterward, the Colombian military passed the coordinates of the camp to their Ecuadorian counterparts.

On March 2, the Colombian government began releasing selected documents recovered from the computers belonging to Reyes. The FARC documents, in the form of letters and e-mails between members of the FARC leadership, indicated close connections between the FARC and the political leadership of Ecuador and Venezuela on matters relating to the exchange of political hostages the FARC holds (including former Colombian presidential candidate Ingrid Betancourt and three U.S. citizen contractors). They also included information regarding contacts with Ecuadorian Minister of Internal and External Security Coordination Gustavo Larrea about establishing a more permissive operating environment for the FARC in Ecuador and about friendship and support offered by Hugo Chávez.

The partial release of documents exposed an extensive web of the FARC’s foreign ties and friendships. If Colombia was to be faulted for an infraction of international law, it wanted national and world opinion to recognize that foreign officials were engaging in dangerous relationships with the FARC and acting against international obligations not to aid and abet known terrorists.

On the other hand, as the crisis mounted, Colombia did not sever diplomatic relations with either Ecuador or Venezuela or fall in with efforts to militarize the diplomatic crisis. Colombia welcomed Organization of American States (OAS) and United Nations investigations into possible terrorist linkages, as well as independent technical verification of the authenticity of the computer’s contents.

Given the high value assigned to the target, the Colombians took a calculated risk. Perhaps they believed mistakenly that they could strike without serious repercussions in the largely ungoverned, unpoliced space where the FARC—not the government of Ecuador—tends to predominate.

On balance, the Colombians, when presented with an opportunity to strike punitively at a dangerous terrorist *capo dei capo*, did not let the opportunity slip. I believe leaders in the U.S. government would have acted similarly to protect the lives of U.S. citizens.

Ecuador

The reaction of the government of Ecuador to the incursion became, within a few hours, one of disagreement and anger. President Correa quickly denounced the attack as a massacre, perpetrated by aircraft entering Ecuadorian air space and aided by sophisticated technology provided by the U.S. He faulted President Uribe for lying and for a wanton attack on Ecuadorian territory. Correa also claimed that some of the dead had been shot in the back and reported that international humanitarian laws were violated.

Later evidence would surface regarding the presence of an Ecuadorian and Mexican citizens among those killed in the FARC camp. If Colombia believed the incursion might pass as another unfortunate incident in a largely ungoverned area where brief cross-border incursions and incidents were not uncommon, they were mistaken.

On March 2, President Correa denounced the raid as “an act of aggression” and expelled the Colombian Ambassador. He also called several Hemispheric presidents and demanded the prompt involvement of the OAS. On March 3, Ecuador severed diplomatic relations with Colombia. President Correa outlined his government’s demands: an international rejection/condemnation of the attack; an OAS investigation; and a promise of no further incursions. Relations between the countries, which had been deteriorating since Correa took office in 2006, appeared to hit bottom.

Correa and his senior officials set out within the first 24 hours to disentangle themselves from any possible connections with the FARC. Correa dis-

missed the Colombian efforts to link his government with the FARC via the computer files as a comedy (“*una cantinflada*”). The refusal to recognize the potential validity of the information contained in the FARC files was equally advanced by Foreign Minister María Isabel Salvador and Minister of Public Security Fernando Bustamante when they later appeared in Washington. They, too, heaped ridicule on the documents and showed no readiness to invite a public investigation of links between the FARC and sympathizers in Ecuador.

President Correa visited five countries to argue the Ecuadorian position on the incident and to pressure for a sharp condemnation of Colombia’s actions. Speaking before the OAS on March 5, Foreign Minister Salvador defended Ecuador’s record of standing against terrorism, policing the border, dismantling FARC camps, and sheltering refugees from Colombia’s wars. She denounced the release of the FARC documents as “a hostile and deliberate attempt to divert attention” from Colombia’s act of naked aggression.

Ecuador’s officials attempted to paint a positive image of their government’s non-involvement in the Colombian conflict, to deny any complicity with the FARC in providing havens, and to demonstrate that Ecuador was doing everything possible to keep the FARC out of Ecuador.

In my view, in their zeal to defend national sovereignty and to win a diplomatic contest with Colombia, President Correa and high Ecuadorian officials rendered a one-sided version of a very nuanced and difficult case—obscuring inconvenient facts, such as the failure of their civil and military intelligence to locate an established guerrilla encampment that could be reached in a matter of days by visiting Mexican Leftists.

Venezuela

On Sunday, March 3, President Hugo Chávez of Venezuela, in his weekly television program *Aló Presidente*, startled Venezuelans by turning the bilateral incident into a regional crisis. Before a national audience, Chávez eulogized Reyes as a “good revolutionary.” In his pep talk to the nation, Chávez digressed, informing Venezuelans that one of the cherished goals of his foreign policy was to carry his anti-

American campaign to Colombia and to see Colombia liberated from the yoke of U.S. imperialism.

Chávez reaffirmed solidarity with Ecuador, recalled his diplomatic personnel from Bogotá, and instructed his Defense Minister to “send me 10 battalions to the border, including tanks.” Chávez warned Colombia that he would interpret a strike against the FARC on Venezuelan territory as an act of war. Following Chávez’s intervention, it appeared that the Andean region might be spiraling toward armed conflict.

In my view, the response of the President of Venezuela was to encourage what one Latin American commentator called “the diplomacy of micro-phones.” How far Chávez intended to go with his brand of brinkmanship remains unclear. But if he had wanted to manufacture an incident and provoke a shooting war, he had all the opportunities.

The Organization of American States, Part I

The incident was one of the gravest challenges to the OAS in the last decade. Under Secretary General José Miguel Insulza, the OAS moved swiftly to defuse the crisis and reduce it to manageable proportions. On March 4, the OAS convened its permanent council. Ecuador rushed its Foreign Minister to Washington to argue her nation’s case, based largely on Article 21 of the Organization of American States’ Charter, which states:

The territory of a State is inviolable; it may not be the object, even temporarily, of military occupation or of other measures of force taken by another State, directly or indirectly, on any grounds whatsoever. No territorial acquisitions or special advantages obtained either by force or by other means of coercion shall be recognized.

As Secretary General Insulza noted, “This principle is one of the cornerstones of the international legal order and, in particular, the inter-American legal system, and a principle that has always been indisputably linked to the principle of peaceful settlement of controversies between States and cooperation to safeguard peace, security, and development.”

The OAS debate centered on often-repeated prohibitions against the violation of territorial sovereignty enshrined in numerous instruments of the Inter-American and international system versus an equally recognized right of self-defense—between the protection of state sovereignty and the duty not to allow one’s territory to be used to harm others. At the core of the debate was the clash between classic upholders of an overarching set of international laws and realists who rigorously defend their right and obligation to protect the lives and safety of their people in an essentially anarchical international environment.

The initial OAS resolution, issued March 5, reaffirmed “the principle that the territory of a state is inviolable and may not be the object, even temporarily of military occupation or other measures of force taken by another State, directly or indirectly, on any ground whatsoever.”

The permanent council instructed the OAS Secretary General to lead a mission to Ecuador and Colombia in order to “propose formulas for bringing the two nations closer together.” The permanent council also summoned the foreign ministers of the Hemisphere to meet in a special session on March 17. The government of Brazil constructively provided a military aircraft for the special OAS mission, and the governments of Ecuador and Colombia covered the daily expenses and in-country transportation of the mission.

The Rio Group

It was fortuitous that most regional heads of state of the Hemisphere were already committed to meeting in the Dominican Republic for the 20th meeting of the 20-member Rio Group on March 7. The Rio Group is a mechanism of consultation that evolved out the Contadora support group during the Central American crisis of the 1980s. It remains a vehicle for Latin American heads of state to consult annually on topics of common interest. The U.S. does not participate in the meetings of the Rio Group.

The gathering of most presidents of the region—Brazil’s Lula da Silva did not attend—offered ample opportunity for regional leaders to confer, publicly and privately. It was also a chance to indulge in some political theater. At President Uribe’s request,

the entire session was opened to the media. With the world watching, the pressure mounted for the contending parties to moderate their positions and produce a positive outcome.

Although at one point, during President Uribe's initial speech, President Correa stormed out of the session, he later returned. Uribe yielded to the demand for a public apology for the March 1 incident and a promise there would be no repeat of attacks on Ecuadorian soil. Dominican President Leonel Fernández engineered a meeting of Presidents Correa and Uribe, including handshakes and *abrazos* (hugs). The march toward war yielded to promises of peace and renewed friendship.

The passage of a resolution by the Rio Group greatly defused the animosity built up in the previous six days. The key text of the resolution stated:

We reject the violation of the territorial integrity of Ecuador, and consequently reaffirm the principle that the territory of a State is inviolable and cannot be the object of military occupation nor other measures of force taken by another State, directly or indirectly, whatever the reason.

The Bogotá weekly, *La Semana*, wrote that the meeting of the Rio Group “did not moderate the inclinations of the leaders of the three countries, but it did curb their impulses.” After the Rio Group meeting, threats of conflict, particularly the tension between Colombia and Venezuela, swiftly defused, leaving many to wonder just how profound the crisis had been.

The Organization of American States, Part II

Foreign ministers gathered for the OAS ministerial meeting on March 17. After lengthy discussion, the OAS agreed to a resolution, the final text of which called on all OAS members and the involved parties:

- To reject the incursion by Colombian military forces and police personnel into the territory of Ecuador, in the Province of Sucumbíos, on March 1, 2008, carried out without the knowledge or prior consent of the Government of Ecuador, since it was a clear violation of Articles 19 and 21 of the OAS Charter.

- To take note of the full apology for the events that occurred and the pledge by Colombia, expressed by its President to the Rio Group and reiterated by its delegation at this Meeting of Consultation, that they would not be repeated under any circumstances.
- To reiterate the firm commitment of all member states to combat threats to security caused by the actions of irregular groups or criminal organizations, especially those associated with drug trafficking.
- To instruct the Secretary General to use his good offices to implement a mechanism for observing compliance with this resolution and the restoration of an atmosphere of trust between the two Parties.

The ministers charged the OAS with encouraging Colombia and Ecuador to reestablish diplomatic relations and to reactivate existing political consultation mechanisms. It also called for the formation of an OAS mission for follow-up and verification of commitments assumed and agreements reached by the two countries for cooperation on border issues and other matters of common interest, for the strengthening of border mechanisms for dialogue and cooperation, and for the study of a possible bilateral early-warning system.

While the OAS resolution appeared to vindicate Ecuador's grievances, it did not produce a condemnation of Colombia, and it recognized the responsibility of states to combat security threats posed by groups like the FARC. It also made clear that the OAS approach to terrorism requires further updating of international law and accepted practice in light of the growing challenge of transnational crime and, in the aftermath of September 11 to synchronize the inherent rights of self-defense against terrorist attack with traditional protections of national sovereignty and territorial integrity.

The United States

The initial response of the U.S. government was to encourage Ecuador and Colombia to take the incident to the OAS. In light of the belligerent Venezuelan reaction and dispatch of troops to the Colombian border, the White House quickly recognized the importance of supporting President Uribe

and Colombia in its struggle against narco-terrorism and in standing up to Chávez.

On March 4, President George W. Bush called President Uribe and reaffirmed his full support for democracy in Colombia. The President expressed opposition “to any acts of aggression” aimed at destabilizing the region. The statement made clear where the U.S. government stands with regard to any possible military attack by Venezuela against Colombia.

In the OAS debate on March 17, the U.S. representative urged a balanced resolution, one that weighed the responsibility of states to respect frontiers and guard national sovereignty but also urged nations to take collective action against international terrorism. The U.S. joined the consensus that passed the OAS resolution but caveated its vote by inserting a clear reference to the obligation of states not to support international terrorism.

On March 18, President Bush spoke of the connections between the FARC and Venezuela’s government by reaffirming, “The United States strongly supports, strongly stands with Colombia in its fight against the terrorists and drug lords.”

A U.S. position that stands up for a vital friend and partner in the Hemisphere and recognizes the transnational, destabilizing threats posed by the narco-terrorists of the FARC and those who support and sympathize its activities is, I believe, fully consistent with the security interests of the American people.

Observations

The March crisis in the Andes produced a heightened state of tensions and a surge in nationalist sentiment that are often the antecedents of war. Three nations sought to exploit the incident for full political advantage and to rally domestic support behind their positions. How serious was the threat of war? This remains a matter for debate.

Fortunately, South America is a continent where military conflicts between nations remain rare. The restraints on belligerent behavior are substantial and include common cultural and linguistic ties, largely democratic governments committed to peace and non-intervention, and increased interdependence and integration of regional economies. Although nationalism helped encourage warlike emotions in the Andes, none of the parties involved appeared to

have been driven by the deep-seated territorial, ethnic, tribal or religious beliefs that are the hallmarks of conflict and war in the 21st century.

For these reasons, the crisis was also contained by the active diplomacy of the OAS and the Rio Group and by the reluctance of the parties themselves to escalate the crisis to the point of war.

Nevertheless, this incident will likely have enduring and troubling repercussions. The three nations most involved in the conflict are drifting away from any collective recognition of the need to resolve either the problem of the FARC and other irregular combatant and criminal forces, or the need to enhance regional cooperation in the fight against the drug trade. The political will needed to confront the true enemies of organized, legal states is becoming lost in a growing thicket of ideological divisions, personal rivalries, and myopic decision-making.

At a time when the FARC is increasingly exposed as a murderous, narco-terrorist group lacking political legitimacy in Colombia and as a waning military force, it is winning fresh political converts in Ecuador and Venezuela. The new interventionism of Hugo Chávez and his Bolivarian Leftist pals seeks directly or indirectly to exploit the political situation in Colombia and prolong—not resolve—the conflict. To date, none of the new Bolivarians have offered constructive proposals aimed at ending the conflict in Colombia on a balanced basis.

The longer-term fissures underlying the March crisis will be difficult to resolve as long as there is a loss of common understanding and a clash of rival paradigms for Latin America’s future political and economic course. This battle is between a generally liberal, democratic, free-market philosophy based on partnership with the U.S. and the new Bolivarian brand of activism, which holds the view that there should be no enemies on the Left, even if the parties operating under the mantle of “revolutionary internationalism” are prepared to follow the path of armed violence and rebellion and have unalterable terrorist and narcotics-trafficking tendencies.

The increased need for cooperation among governments to control ungoverned space, to act in concert against narcotics trafficking, and to curb and eliminate the actions of irregular forces is giving way to bitter political rivalries and partisanship. The

region is in the process of creating, as one veteran Latin American official observed, “a classic zero-sum game.”

Another troubling facet of the crisis is the reluctance of many in the Hemisphere, adhering to the long-established principle of non-intervention, to speak out openly and forcefully against the FARC and to join with the people of Colombia in repudiating acts of terrorism by all parties. This *laissez-faire* attitude gives further oxygen to the fire that has consumed Colombia for decades.

Finally, a central concept in the war against drugs has been the recognition that strong regional cooperation from source to market is necessary if progress is to be made in the anti-narcotics fight. The breakdown in cooperation with two of the five countries that border Colombia is troublesome and indicates that the regional collaboration needed to make headway in the drug fight has largely disappeared.

Venezuela has essentially ceased cooperating with the U.S. to combat drug trafficking, and Ecuador appears headed in a similar direction. Ecuador is suffering from the “balloon effect” of the drug war. The decision of Ecuador to take Colombia to the International Court of Justice because of aerial spraying or President Correa’s efforts to root out “CIA influences” in his intelligence service (i.e., pro-American officials) is not helpful. Any effort to

preserve a working relationship and counter-drug cooperation faces an uphill struggle. These divisions will undoubtedly be rapidly exploited by the FARC and other drug traffickers.

Conclusion

The March 1, 2008, incident is a stark reminder of the serious governance and security problems that prevail in parts of the Western Hemisphere. The presence of immense ungoverned spaces and the continued existence of severe transnational and terrorist threats demonstrate the need to overhaul or transform existing practices of international law.

In a world of inviolable, sovereign states, what rights, what mechanisms do nations, operating in a real-time world, have to defend themselves against elusive terrorist or insurgent forces operating in ungoverned space beyond borders—especially if these hostile forces operate with the tacit support of another sovereign state that is either unable or unwilling to enforce its borders and remove the belligerent force?

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