LATIN AMERICA ADVISOR

A DAILY PUBLICATION OF THE DIALOGUE

www.thedialogue.org

Wednesday, January 18, 2017

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THEDIALOGUE

FEATURED Q&A

Will Colombia Achieve a Peace Deal With the ELN?

Colombian President Juan Manuel Santos' government began meeting this month to plan formal peace talks with the National Liberation Army, or ELN. // File Photo: Colombian Government.

Q Colombia's government announced Jan. 8 that it would restart talks with the National Liberation Army, or ELN, rebel group. The announcement came a month and a half after the government signed a renegotiated peace deal with the FARC rebels following four years of negotiations. How likely are the government and the ELN to soon reach a peace deal? What are the most thorny issues that must be resolved in order to reach such an accord? What lessons should both sides draw from the negotiations with the FARC?

A Sergio Guzmán, analyst for global risk analysis at Control Risks in Bogotá: "The government and the leftist National Liberation Army (ELN) guerrilla group repeatedly failed to begin formal peace talks. The start of informal talks (done without much fanfare) last week in Ecuador is a positive development, yet the constant delays by the ELN in meeting the government's conditions to talk are a clear sign that the ELN is in no rush to reach an agreement with the government and feel no extraneous pressure to negotiate in good faith. The ELN is unlikely to adhere to the agreement signed by the government and the FARC and will press to establish a completely separate line of negotiation. The six-point agenda for the talks includes participation of society, democracy for peace, victims' rights and compensation, transformation for peace, security for peace and abandonment of weapons, as well as guarantees to exercise political rights. Although issues of labor, the health-care sector, mining, hydrocarbons and the environment are not on the agenda, the ELN is likely to raise these issues in the framework of its ongoing fight against the state and its strong ideological bent against

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TODAY'S NEWS

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Former Heads of State Convicted in Condor Case

An Italian court sentenced eight people, including two former presidents, in connection with the Operation Condor case, in which right-wing dictatorships conspired to murder opponents in the 1970s and 1980s.

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Reorganization of Brazil's Oi Faces Challenge

Creditors argue the restructuring has "illegal and abusive elements."

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POLITICAL

Workers' Party Backs Lula for Brazilian President in 2018

The president of Brazil's Workers' Party said the party would name former President Luiz Inácio Lula da Silva as its candidate for president in next year's election. Lula is facing five separate corruption trials.

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Lula // File Photo: Lula Institute.

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POLITICAL NEWS

Workers' Party Backs Lula for Brazil's President in 2018

Brazil's Workers' Party on Tuesday backed Luiz Inácio Lula da Silva as its candidate for president in next year's election, even though the former president is facing five separate corruption trials, Reuters reported. "Lula does not need to be nominated. He is our permanent candidate for president," the president of the Workers' Party, Rui Falcão, told party members at a gathering in Brasília. Falcão called on party activists to back Lula so that his selection can be made formal in April. In a column posted on the Web site of the Workers' Party, Falcão said the party had no "Plan B" other than the former president. Lula, who was president from 2003 to 2010, has been indicted on corruption and money laundering charges in connection with the massive graft scandal at state-run oil company Petrobras. He has also been accused of obstruction of justice. Last September, prosecutors accused him of masterminding the scandal, which Petrobras in 2015 said cost it more than $2 billion. Lula has repeatedly denied wrongdoing. Lula's first trial has already begun in the courtroom of Judge Sergio Moro, who has spearheaded the Petrobras case. The court is expected to issue a ruling later this month or early next month. Lula has been touring the country recently and has not ruled out running again for president. If Lula is convicted and loses an appeal, he would be jailed and unable to run for office.

> **"Lula does not need to be nominated. He is our permanent candidate for president."**
>
> **— Rui Falcão**

Italian Court Hands Down Life Sentences in Condor Case

A court in Rome on Tuesday sentenced eight people, including former presidents of Bolivia and Peru, to life in prison in connection with the Operation Condor conspiracy, in which right-wing dictatorships in South America conspired to kill dissidents in the 1970s and 1980s, Reuters reported. The court sentenced the defendants for the murder of 23 Italian citizens in the conspiracy. The trial, which lasted more than two years, culminated in the convictions in absentia of individuals including former Bolivian President Luis García, who is now 87, and former Peruvian President Francisco Morales, now 95. García is currently serving a 30-year prison sentence in Bolivia for crimes that he committed while in office. His attorney said the former Bolivian president was never notified of the trial in Rome and would file an appeal as he denies wrongdoing. Morales' son, Remigio Morales, said his father was not involved in the killings of the Italians. The convictions can be appealed twice before they are definitive. If the defendants lose their appeals, Italy could seek their extradition. However, extradition appears unlikely because of the defendants' ages, and they may have to serve their sentences in their home countries. "It's clear that this conviction confirms that Operation Condor existed and that it was a criminal conspiracy," prosecutor Tiziana Cugini told Reuters after Tuesday's ruling. "It's very significant, especially given that heads of state from the time were convicted." Cugini sought life sentences against 27 defendants, but the court handed down 19 acquittals. The case marked the first time that a court in Italy ruled that the governments of Argentina, Brazil, Bolivia, Chile, Paraguay and Uruguay conspired at the time to hunt down and kill each others' political opponents. The life sentence against Morales marked the second time that a former Peruvian leader has been convicted of human rights abuses. In 2009, former President Alberto Fujimori was found guilty of leading death squads that murdered civilians in the 1990s.

NEWS BRIEFS

Four Killed as Gunmen Attack State Prosecutor's Office in Cancún

Gunmen attacked the state prosecutor's office in the popular Mexican resort city of Cancún on Tuesday, leaving one police officer and three gunmen dead in a battle with security forces, The Wall Street Journal reported. The attack was the second shooting in two days in cities that are known for being popular tourist destinations, causing concerns about drug violence infiltrating the area. Five people died in a shooting at the nearby resort town of Playa Del Carmen a day earlier. It's not yet known whether the two incidents are related.

Brazil Accepts Sheli as Israeli Ambassador

Brazil's government announced Tuesday that it has accepted Yossi Sheli as Israel's ambassador to the South American country. In May 2015, Brazil refused to accept Israeli Prime Minister Benjamin Netanyahu's appointment of Dani Dayan for the post, apparently because of his previous post as chairman of the Yesha Council, an umbrella group for West Bank settlement leaders, the Times of Israel reported.

New Colombia Agrees to Ship $90 Mn Worth of Coal to China

Colombia-based coal company New Colombia Resources has announced the completion of an agreement to send approximately $90 million of coal to China, Finance Colombia reported Tuesday. The deal will include recurring shipments of metallurgical coal throughout the year in a deal made with Philadelphia-based American Steel Industries, which is in a joint venture with a steel trading company owned by the Chinese government. New Colombia will ship approximately 500,000 metric tons of coal in combination with MSG Mining Corp., a joint venture with New Colombia Resources.

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ECONOMIC NEWS

Oil Spill Halts Some Operations at Venezuelan Port

Shipping operations at one of the three docks at Venezuela's main crude exporting port stalled after an oil spill occurred while a vessel was being loaded, shipping sources told Reuters Tuesday. The spill occurred at José port's eastern dock and also affected tankers close to the large Nave Quasar crude carrier, which is chartered by Reliance Industries. The size of the vessel has not been disclosed. "The tanker had loaded 10,000 barrels less than agreed, so when trying to reconnect the crude line to fill the missing volume, the pressure was too high, breaking the end of the hose and spilling crude directly to the sea," a source said. Venezuelan state oil company PDVSA, which operates the terminal, did not immediately respond to a request for comment. The José port is Venezuela's largest port. Most exports are made from there, and the port also receives imports of diluents for Venezuela's heavy crude. Reliance is one of PDVSA's main customers, receiving crude from the Orinoco Belt. Cleaning work for the spill began over the weekend at the eastern dock as well as the affected carrier. Operations are expected to resume once the spill is cleaned.

Creditors Challenge Reorganization Plan of Brazil's Oi

A creditor group has challenged Rio de Janeiro-based telecoms group Oi's in-court reorganization plan, which was presented in September, saying the proposed restructuring has "illegal and abusive elements" that would favor shareholders at the expense of bondholders, Reuters reported Tuesday. In a statement, the creditor group accused Oi of being slow to share important information that the group believes would prevent creditors from taking a stance on decisions such as potential asset sales. The group presented an alternate plan for the telecom company's reorganization on Dec. 16. In the statement, the creditor group claims Oi has failed to discuss its future with creditors. Oi is trying to restructure approximately 65.4 billion reais, or $20.4 billion, in debt after filing for bankruptcy protection in June. The company did not have an immediate comment on the statement from the Moelis & Co.-advised creditor group. The growing tensions between Oi's creditors and shareholders have led the Brazilian government to repeatedly threaten to intervene in the company. In an interview published Tuesday, Communications Minister Gilberto Kassab said the government would be ready to intervene if in-court negotiations fail. Kassab told Folha de S.Paulo the government, through industry watchdog Anatel, "has the obligation to intervene." His office was not immediately available to confirm his comments.

Oi is seeking to restructure more than $20 billion in debt

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the extractive industry in particular. Negotiations are likely to stall on these points. The government and the ELN will again negotiate with profound secrecy, which is likely to be an effective negotiation strategy on the table, but it will raise suspicion and mistrust against Colombians who are weary of the perceived manhandling of the government by guerrilla groups without any tangible concessions being made in return."

Myles Frechette, international trade and business consultant and former U.S. ambassador to Colombia: "Peace talks with the ELN were to have restarted last October, but the ELN refused to release a former congressman held for several months, a government precondition to negotiating peace. This month, Colombian government and ELN delegations met in Ecuador to resolve obstacles to beginning peace negotiations. Those talks continue. Both the FARC and ELN emerged in 1964. The ELN, the smaller of the two guerrilla groups, draws on Marxism and Catholic liberation theology. Founded by a priest and subsequently led by several of them, it initially received help from Cuba. Over the years, the ELN has concentrated on destroying infrastructure, kidnapping, and ambushing police and soldiers. The FARC and ELN have occasionally worked together as well as attacked each other. But the ELN's command and control over its various fronts is cumbersome and slow compared to the FARC's. The signed peace agreement with the FARC allows the Colombian armed forces to press the ELN harder than ever before to prevent the destruction of oil infrastructure. But that is not the only pressure on the ELN. Criminal gangs want to seize control of ELN-controlled territory in order to expand their criminal activities such as extortion, drug trafficking and illegal mining for gold and precious stones. The ELN has made hard and unrealistic demands in previous negotiations with the government. Although the peace agreement with the FARC punishes FARC leaders' crimes against humanity leniently, negotiations between the ELN and the Colombian government will also be protracted but more difficult."

> **"The ELN's command and control over its various fronts is cumbersome and slow compared to the FARC's."**
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> **— Myles Frechette**

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Juan David Escobar Valencia, director of the Center for Strategic Thought at the Universidad EAFIT in Medellín: "Negotiations between the government and the ELN terrorist group began with a six-point agenda that is more general than those agreed with the FARC. The lack of precision and the nature of the issues are so ambiguous that it would be risky to suggest that an early agreement is possible. That possibility is also affected by the fact that Santos' term will end with or without two concluded agreements, and by the ELN's urgency. With regard to the ELN, it is not necessarily possible to aspire to fast results for two reasons: the structural condition of the ELN and what it learned from the process with the FARC. The ELN is a weaker group. Its ability to command and control its fronts is precarious, which does not guarantee consensus in decisions. In addition, what was negotiated with the FARC is not the limit of the ELN's aspirations. On the contrary, it is its starting point, and the process with the FARC made clear that the current government gives in to extortion, and therefore the slowness is in the ELN's favor. It is not surprising that the initial demands of the ELN are much greater than those requested by the FARC."

Maria Velez de Berliner, president of Latin Intelligence Corporation: "The future Public Roundtables will define the negotiations' structure and timetable. To preclude the public-opinion resistance that plagued the reaching of the FARC final agreement, the ELN and the government established a complex agenda that appears difficult to implement toward an agreement before the presidential and congressional elections in 2018. Some of the thorny issues to be negotiated are: involvement of civil society organizations; non-interruption of negotiations once they begin formally; roundtables in Chile, Brazil, Venezuela, Ecuador and Cuba, with Norway as an observer; financing of the peace; the ELN's demobilization, reinsertion and political participation; personal security guarantees for ELN rebels; amnesty; culpability of all involved in the conflict; and freedom of all political prisoners. The fact that the implementation of the final agreement with the FARC is behind schedule does not bode well for an agreement with the ELN. Skepticism is mounting among a majority of Colombians, who see such an agreement as a continuation of ill-conceived policies that are exacerbating violence and uncertainty, rather than establishing a sustainable and durable peace. If the Santos administration does not resort to the legislative maneuvers it used to pass the peace agreement with the FARC, it is unlikely that an agreement with the ELN will be formalized before the elections, leaving its approval and implementation to a new president and Congress that are likely to have different ideas about peace and its attainability. The FARC set a high bar with what they got. The ELN will negotiate for concessions above that bar. Whether the government can meet those concessions remains to be seen."

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> **— Maria Velez de Berliner**

The Advisor welcomes comments on its Q&A section. Readers can write editor Gene Kuleta at gkuleta@thedialogue.org.

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is published every business day by the Inter-American Dialogue, Copyright © 2017

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Latin America Advisor is published every business day, except for major U.S. holidays, by the Inter-American Dialogue at 1155 15th Street NW, Suite 800 Washington, DC 20005

www.thedialogue.org

ISSN 2163-7962

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