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**THESIS**

**COLOMBIA'S ATTEMPT AT PEACE: AN ANALYSIS OF  
THE DEMOBILIZATION OF THE *AUTO-DEFENSAS*  
*UNIDAS DE COLOMBIA* (AUC)**

by

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March 2007

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## **ABSTRACT**

This thesis analyzes the Government of Colombia's (GOC's) demobilization of the paramilitary organizations known collectively as the Auto-defensas Unidas de Colombia (AUC) and the re-insertion of its fighters into Colombian society. So far, this DDR process has not achieved the majority its goals, while other problems loom on the horizon. The thesis addresses the implications for Colombia and makes recommendations for future DDR processes. The study divides the process into two elements: the agreement between the AUC and the GOC, and the implementation of the terms of the agreement. The contract between the two parties is found in Colombian Law 782 of 2002 and 975 of 2005, better known as the Peace and Justice Law. The Ministry of Justice and of Interior is responsible for implementing the terms found in these laws.

A central argument of this thesis is that, in order for the GOC successfully to carry out DDR of the AUC, it must not only contend with current and former paramilitary members, but must also address the societal problems that permit illegal armed groups to thrive in Colombia. Success in Colombia must be matched in the international community which must perceive the DDR process as legitimate. In short, if the public perceives penalties as being too lenient, the process will be de-legitimized. If penalties are perceived as being too harsh by the former paramilitary members, or the Paras, they will likely stop participating and reconstitute their former organizations. In order to prevent either of these pitfalls, the GOC must develop a formula that gains control over former AUC controlled terrain and its population, essentially extending government control throughout the country. This is the only way to prevent both de-legitimization of the process and former paramilitary members from reconstituting their organizations. If the GOC can accomplish this, the DDR will be successful; if it cannot, the DDR will fail.

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## LIST OF ACRONYMS AND ABBREVIATIONS

AUC – *Auto-defensas Unidas de Colombia*, United Self-Defense Forces of Colombia

CNP – Colombian National Police

COIN – Counter Insurgency

COLAR – Colombian Army

COLMIL – Colombian Military

DAS - *Departamento Administrativo de Seguridad*, Department of Administration and security

DDR – Disarm, Demobilize, and Reintegrate

FARC-EP – *Fuerzas Armadas Revolutionarias de Colombia - Ejercito del Pueblo*, Revolutionary Armed Forces of Colombia – People’s Army

FTO – Foreign Terrorist Organization

FY – Fiscal Year

GOC – Government of Colombia

IAG – Illegally Armed Group

M-19 - *Movimiento 19 de abril*, April 19<sup>th</sup> Movement

Paras – Former or current members of the AUC or other paramilitary style organizations found throughout Colombia

SENA – *Servicio Nacional De Aprendizaje*, Colombia’s National Training Service

USAID - United States Agency for International Development

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# I. INTRODUCTION

## A. BACKGROUND

Historically, Colombia has struggled with multiple problems, which include social conflict, weak institutions, corruption, and an absence of government presence in much of the country. Small wonder that illegally armed groups (IAGs) have proliferated in that country, a situation exacerbated since the 1980s by the expansion of coca farming. In short, for the past 40 years, Colombia has been engaged in a civil war, one that pits the Government of Colombia (GOC) against left-wing insurgents, right-wing paramilitaries, and powerful criminal organizations. The disarming, demobilizing and reintegration (DDR) of these groups by the GOC is nothing new. Prior to the period known as *La Violencia*, a time period marked with intense violence (1948-1958), amnesty was the most common form of reconciliation following civil wars and uprisings.<sup>1</sup> Following that period, negotiations resulted in very complex settlements. Logically, as groups who opposed the state became better organized and more ideologically aligned, the terms of negotiations became more complex. The first comprehensive post *La Violencia* attempt to demobilize IAGs took place in the 1970's by Colombian presidents Alfonso Lopez Michelsen (1974-1978) and Julio Cesar Turbay Ayala (1978-1982). Both attempted but failed to bring guerillas to the peace table. Their successor, Colombian President Belisario Betancur (1982-1986) convinced the country's four major IAGs -- The *Fuerzas Armadas Revolucionarias de Colombia - Ejercito del Pueblo* (FARC-EP), the *Ejercito Popular de Liberation* (EPL), the *Movimiento 19 de abril* (M-19), and the *Autodefensa Obrera* (ADO) -- to sign truces. Although these agreements eventually fell apart, the Betancur administration's negotiations laid the foundation that later led to the demobilization of seven IAGs -- M-19 (March 1990), *Partido Revolucionario de los Trabajadores* (PRT) (August 1990), *Comands Ernesto Rojas*, EPL (August 1990), *Movamiento Armado Quintin Lame* (MAQL) (March 1991), *Corriente de Renovacion Socialista* (CRS) (December 1993), *Frente Francisco Garnica* (June 1994), and the *Movimiento Independiente Revolucionario-Comandos Armados* (MIR-COAR) (January 1997). The agreements evolved over time, each one more complex than its predecessor,

<sup>1</sup> Geoff Simons, *Colombia: A Brutal History* (London: SAQI Books, 2004), 384, p. 41-42.

eventually leading to the current attempt to DDR the *Auto-defensas Unidas de Colombia* (AUC, the group's Spanish acronym) or United Self-Defense Forces of Colombia.

The AUC was formally established in 1997. It grew out of the United Self-Defense Forces of Cordoba, a smaller organization created in 1994, when block commanders realized that coordinating activities could reap more profits.<sup>2</sup> The AUC was considered an "umbrella organization" that coordinated activities between the local and regional paramilitary organizations of a sort that have existed throughout Colombia for forty years or more.<sup>3</sup> Historically in Colombia, paramilitary organizations countered the left wing insurgent groups in areas of the country where the GOC had no presence or influence. Essentially, this was an effort to protect large ranches and villages from guerilla incursions and maintain the status quo. This idea to arm civilians was actually sanctioned in 1965 by decree 3398 as part of a counterguerilla strategy that the GOC first initiated during the 1960's and revived in the 1990's.<sup>4</sup> In fact, many Colombian Military counter insurgency manuals that were issued throughout the 1960's, directed military intelligence units to establish civilian structured paramilitary units in combat zones.<sup>5</sup> Unfortunately, these groups have evolved into one of the most violent actors in Colombia's brutal internal war, targeting civilians and guerillas alike. They have committed many of Colombia's worst atrocities and are responsible for killing large numbers of demobilized guerillas.<sup>6</sup> Since the 1980's, the AUC has actively participated in Colombia's multi-billion dollar drug trade and while at the same time coordinating

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<sup>2</sup> José E. Arvelo, "International Law and Conflict Resolution in Colombia: Balancing Peace and Justice in the Paramilitary Demobilization Process," *Georgetown Journal of International Law* 37, no. 2 (Winter, 2006), 411, <http://libproxy.nps.navy.mil/login?url=http://proquest.umi.com.libproxy.nps.navy.mil/pqdweb?did=1046725131&Fmt=7&clientId=11969&RQT=309&VName=PQD>, p 4.

<sup>3</sup> Constanza Vieira, "Colombia: Uribe Orders Paramilitaries to Turn Themselves in," *Global Information Network* (August 21, 2006), <http://proquest.umi.com/pqdweb?did=1101979061&Fmt=7&clientId=65345&RQT=309&VName=PQD> (accessed August 29, 2006).

<sup>4</sup> "The Paramilitaries in Medellin: Demobilization Or Legalization?" Amnesty International, <http://web.amnesty.org/library/Index/ENGAMR230192005?open&of=ENG-COL> (accessed February, 12, 2007), p 3.

<sup>5</sup> *Ibid*, p 3.

<sup>6</sup> Steven S. Dudley, *Walking Ghosts : Murder and Guerrilla Politics in Colombia* (New York: Routledge, 2004), 253, p 76.

directly with the Colombian Armed Forces in counter guerilla operations.<sup>7</sup> For this reason, Colombian President Alvaro Uribe has made AUC DDR a top priority. He understands that before the FARC-EP, the ELN, or any other guerilla group will consider demobilizing, the AUC must be dissolved. In short, the first step to solving Colombia's lingering internal armed conflict is to remove the AUC. This fact makes the current DDR process's success essential to restoring peace and order to Colombia.

## **B. DDR IN GENERAL TERMS**

DDR is the acronym for disarming, demobilizing, and reintegrating belligerents into society. It is the final step in the peace process, occurring after all agreements have been signed and a cease fire declared.<sup>8</sup> The disarming portion usually takes place during a government sponsored ceremony, in the vicinity of the organization's base camp. Demobilization is accompanied by a certain amount of pomp and circumstance during ceremonies, whose purpose is to lend credence to the event and to reinforce a psychological change from "fighter to friend" in the minds of the individuals. After weapons are turned over to the state, the demobilization process can begin. It normally entails: immediate confessions (usually met with some pre-agreed amnesty or pardon), disclosure of information through a series of interviews, and a physical and psychological wellness exams. The last step on in this process is reintegration. It is the longest of the three stages of the process. During this stage demobilized personnel make the transition to student and complete one of many job training and professional development courses. Once completed, they can be returned to society and theoretically become productive citizens. This can only occur successfully if there is reciprocation from the public. The entire process is doomed if the population will not accept these former fighters as equals.

### **1. Why is DDR an Important Tool for Managing Conflicts?**

Colombian insurgencies, paramilitary groups, or any other type of IAG, have never been entirely defeated with bullets and bombs. This is not to imply that force has

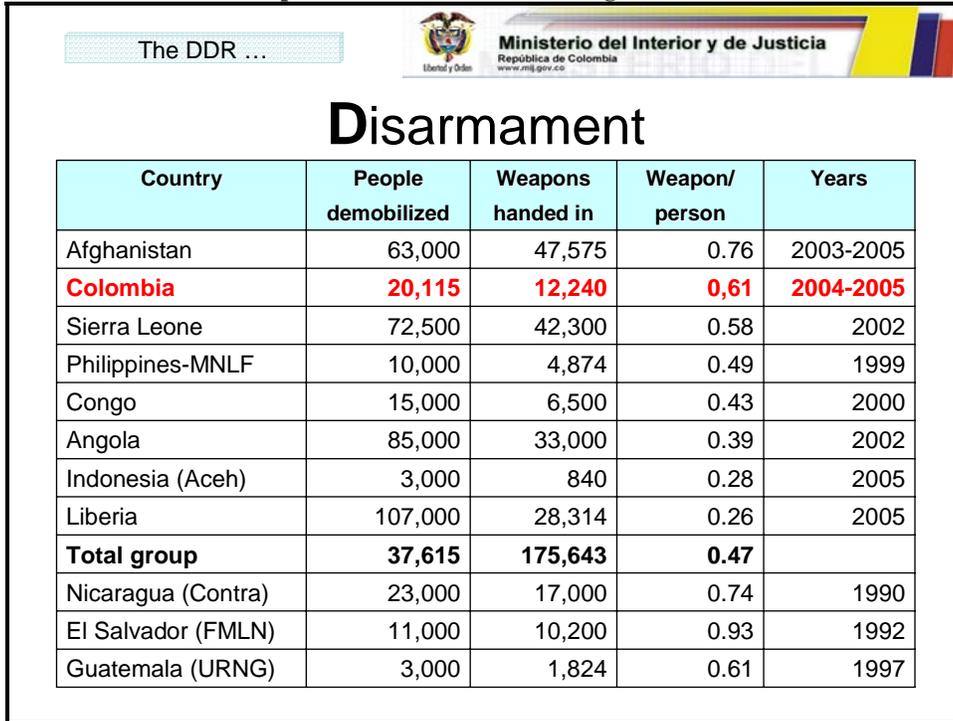
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<sup>7</sup> Arvelo, 5.

<sup>8</sup> The AUC did not agree to a cease fire until the Ralito Accords of 2003, nearly one year after the AUC DDR process had already begun.

not played a huge role in each of Colombia's violent conflicts. Simply put, it is impossible to kill or capture every belligerent. Most wars, especially insurgent wars, end as a result of a political agreement. Therefore, DDR is the most effective way to get

**Table 1.1: Ratios of weapon turn in to demobilized fighter (as of 2005)**



Country	People demobilized	Weapons handed in	Weapon/person	Years
Afghanistan	63,000	47,575	0.76	2003-2005
<b>Colombia</b>	<b>20,115</b>	<b>12,240</b>	<b>0.61</b>	<b>2004-2005</b>
Sierra Leone	72,500	42,300	0.58	2002
Philippines-MNLF	10,000	4,874	0.49	1999
Congo	15,000	6,500	0.43	2000
Angola	85,000	33,000	0.39	2002
Indonesia (Aceh)	3,000	840	0.28	2005
Liberia	107,000	28,314	0.26	2005
<b>Total group</b>	<b>37,615</b>	<b>175,643</b>	<b>0.47</b>	
Nicaragua (Contra)	23,000	17,000	0.74	1990
El Salvador (FMLN)	11,000	10,200	0.93	1992
Guatemala (URNG)	3,000	1,824	0.61	1997

*Source:* Available from [http://www.mij.gov.co/pagina5\\_subdetalle.asp?doc=114&cat=22](http://www.mij.gov.co/pagina5_subdetalle.asp?doc=114&cat=22); Internet; Translated from the Colombian Department of Interior and Justice Webpage; assessed on 10 June 2006.

those who still resist to surrender to government authorities. By providing an acceptable way out for belligerents, DDR can terminate a conflict long before it might otherwise have been resolved. One of the most frequently used metric to determine DDR's success is to look at the ratio of demobilized fighter to weapons. As of 2005, Colombia's fighter to gun ratio [see table 1.1] was .61.<sup>9</sup> One year later, the total number of demobilized fighters increased to 30,915 while the total number of weapons increased to almost 17,000.<sup>10</sup> These statistics combine for a fighter to gun ratio of .55, still far above the

<sup>9</sup> Minister of the Interior and Justice, Republic of Colombia, "Reincorporation Program," <http://www.mininteriorjusticia.gov.co/pagina5.asp?cat=22> (accessed June 15, 2006).

<sup>10</sup> Michael Spagat, "Colombia's Paramilitary DDR: Quiet and Tentative Success," Article Originally Published in: *Hechos Del Callejón* by UNDP, Colombia. (JUN 2006), <[http://www.cerac.org.co/colombia\\_research\\_home.htm](http://www.cerac.org.co/colombia_research_home.htm)> (accessed August 10, 2006), p 2.

world average of 2005. It should also be noted that many of the weapons that have been turned in are new ones.<sup>11</sup>

## **2. Colombian President Uribe's Decision to DDR the AUC.**

Colombian President Alvaro Uribe's first priority upon taking office in 2002 was to resolve Colombia's protracted conflict and attempt to bring peace to the country. This goal was no different than those of his predecessors since 1960. Uribe endured the violence in Colombia and realized that the first step in the peace process would be to remove the AUC from the equation. The past had shown that demobilized guerillas make easy targets for paramilitaries. This was the case throughout the 1990's with the FARC-EP's ill fated Patriotic Union political party, most of whose members were slaughtered. Therefore, shortly after taking office in 2002, Uribe's administration initiated negotiations with many leaders from the AUC in an attempt to convince them to demobilize. A successful AUC demobilization may cause the FARC-EP and the ELN to undertake their own demobilizations. Uribe is counting on this, focusing scarce government resources on one IAG at a time. Nonetheless, if the AUC DDR process continues on its current course, it may be cited by Colombia's other two main insurgent groups to justify their claims that the GOC is corrupt and deals in bad faith.

## **C. PURPOSE/THESIS STATEMENT**

This thesis analyzes the Government of Colombia's (GOC's) demobilization of the paramilitary organizations known collectively as the Auto-defensas Unidas de Colombia (AUC) and the re-insertion of its fighters into Colombian society. So far, this DDR process has not achieved the majority its goals, while other problems loom on the horizon. The thesis addresses the implications for Colombia and makes recommendations for future DDR processes. The study divides the process into two elements: the agreement between the AUC and the GOC, and the implementation of the terms of the agreement. The contract between the two parties is found in Colombian Law 782 of 2002 and 975 of 2005, better known as the Peace and Justice Law. The

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<sup>11</sup> Spagat, 3.

Ministry of Justice and of Interior is responsible for implementing the terms found in these laws. Should be 1 ½ lines of text at the top of the page

A central argument of this thesis is that, in order for the GOC successfully to carry out DDR of the AUC, it must not only contend with current and former paramilitary members, but must also address the societal problems that permit illegal armed groups to thrive in Colombia. Success in Colombia must be matched in the international community which must perceive the DDR process as legitimate. In short, if the public perceives penalties as being too lenient, the process will be de-legitimized. If penalties are perceived as being too harsh by the former paramilitary members, or the Paras, they will likely stop participating and reconstitute their former organizations. In order to prevent either of these pitfalls, the GOC must develop a formula that gains control over former AUC controlled terrain and its population, essentially extending government control throughout the country. This is the only way to prevent both de-legitimization of the process and former paramilitary members from reconstituting their organizations. If the GOC can accomplish this, the DDR will be successful; if it cannot, the DDR will fail.

#### **D. METHODOLOGY**

In order to provide a frame of reference and to understand how Colombia's contemporary environment has evolved, the introduction begins with a brief survey of Colombia's past demobilizations. Colombia's long and complex history is well documented and is not within the scope of this thesis. However, salient historical events have been included in order to provide a contextual base. The introduction defines the DDR process and explains what is at stake for the GOC, the AUC, and the other IAG's who operate throughout Colombia. The chapter goes on to describe how Colombian President Alvaro Uribe's background may have influenced his decision to attempt to demobilize the AUC.

Chapter II addresses the Peace and Justice Law. It offers a general overview of the main components of the law. Law 975 of 2005 now known as The Peace and Justice Law provides the legal framework for the DDR process and is the result of several years of negotiations between the two parties. The chapter begins by illustrating how each step

in the law's evolution, from past IAG's demobilizations to the Ralito Accords of 2003, have affected the terms found in the law. The chapter then explains how the threat of extradition to the United States has affected the DDR process. Next, the law's critics and their affect on the Law and the DDR process are addressed, objections that bring into question the law's legitimacy. Finally, the continual revisions in the form of decrees are detailed. It should be noted that it is well beyond the scope of this thesis to delve deeply into each intricate provision of the law. Instead, it will use a basic overview to provide a general understanding of the scope of the law as well as what, in the eyes of its critics, constitute the law's shortcomings.

Chapter III describes the mechanics of the reintegration process. It begins by listing the goals of the Colombian Ministry of the Interior and Justice, the department tasked with handling the reintegration of the AUC. Essentially, the reintegration phase is meant to equip former fighters with a solid foundation and an alternative to illegal activities. Next, the role of Colombia's *Servicio Nacional de Aprendizaje* or National Training Service (SEDA – Spanish acronym) is explained. The SEDA has existed since the 1950's to provide academic and technical job training. At the request of the Colombian Ministry of the Interior and Justice, the service has developed, and consequently implements, an 18 month, four phase training program. The remainder of the chapter clarifies each phase: initiation, evolution, development, and consolidation.

Chapter IV explains why it is necessary for the GOC to gain a strategic advantage prior to future demobilization negotiations with IAGs. As argued in the previous two chapters, the GOC entered into negotiations with the AUC at a position of weakness. Due to this fact, the Ralito Accords and the Peace and Justice Law concede significant advantage to the AUC. Therefore, the chapter focuses on setting conditions before negotiating a DDR agreement with an IAG. These conditions virtually remove all other options from IAGs, besides the one to demobilize. This approach achieves this by securing the environment while providing the population with other opportunities besides supporting IAGs. If implemented correctly, the two strategies listed within the chapter, will limit IAG controlled areas, thus making them vulnerable to the COLMIL. Only

when an IAG is cornered by the government will they, in earnest, conduct a legitimate DDR process.

The concluding chapter summarizes previous points and provides recommendations on how Colombia can improve future demobilization processes. It begins by analyzing U.S. assistance and policy towards the DDR process and recommends how funds could be better allocated. It then recommends how the GOC should set favorable conditions prior to negotiating with an IAG. Terms to be included in future laws governing a DDR process and how the GOC could better utilize the international community are also included in the chapter. Other recommendations attempt to solve the reintegration phase's funding deficit and the protection issues. Finally, the chapter explains the DDR process as a system with the success of each phase riding on the success of the others. It is imperative that the GOC view future DDR processes in this way to avoid assured failure.

## II. *LEY JUSTICIA Y PAZ (PEACE AND JUSTICE LAW)*

### A. HISTORY OF THE LAW

The roots of Colombian Law 975 of 2005, known as the *Ley Justicia Y Paz*, or the Justice and Peace Law, can be traced back over twenty years to Colombian President Belisario Betancur's (1982-1986) administration. Betancur convinced the country's four major Illegal Armed Groups (IAGs) -- The *Fuerzas Armadas Revolucionarias de Colombia - Ejercito del Pueblo* (FARC-EP), the *Ejercito Popular de Liberation* (EPL), the *Movimiento 19 de abril* (M-19), and the *Autodefensa Obrera* (ADO) -- to sign truces. Although these agreements eventually fell apart, the Betancur administration's negotiations laid the foundation that later led to the demobilization of seven IAGs: M-19 (March 1990); *Partido Revolucionario de los Trabajadores* (PRT) (August 1990); *Comands Ernesto Rojas*, EPL (August 1990); *Movamieto Armado Quintin Lame* (MAQL) (March 1991); *Corriente de Renovacion Socialista* (CRS) (December 1993); *Frente Francisco Garnica* (June 1994); and the *Movimiento Independiente Revolucionario-Comandos Armados* (MIR-COAR) (January 1997). The agreements evolved over time, each one more complex than its predecessor, eventually leading to Law 418 of 1997 and Law 782 of 2002.

Law 418 was designed to facilitate individual desertions among IAGs while Law 782 of 2002 targeted collective DDR of IAG members. Essentially, each law grants generous pardons for sedition and but does not excuse involvement in atrocities. Both laws also grant economic, health, and educational benefits to those who lay down their arms. The main difference between the two laws is that individual deserters must have their membership verified by the government while collective demobilizations are verified by the commander of the unit.<sup>12</sup> So eager to demobilize were many AUC blocks that, as early as 2005, over 7000 members had processed through DDR. Other block commanders however, would not agree to DDR until pardons were offered for atrocities. Clearly, this move indicated that they had been involved in one form or another with an atrocity. Consequently, the Congress of Colombia passed the controversial Law 975 of

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<sup>12</sup> Minister of the Interior and Justice, Republic of Colombia, "Reincorporation Program," <http://www.mininteriorjusticia.gov.co/pagina5.asp?cat=22> (accessed June 15, 2006).

2005 which places such restrictions on investigations that it gives those who committed crimes a virtual pardon.

## **B. LAW 975 OF 2005**

On July 15, 2003 Colombia's Peace Commissioner, Luis Carlos Restrepo, signed a peace accord with AUC representatives at Sante Fe del Ralito, Cordoba.<sup>13</sup> The Ralito Accords, as the agreement is known, required the AUC to "end hostilities," "totally demobilize," and "affirm" their support of Colombian anti-drug laws.<sup>14</sup> In turn, the GOC agreed to "... take the necessary steps to incorporate the demobilized paramilitaries into civilian life and ensure the security of those who gave up their arms."<sup>15</sup> The accord was the result of over a year of intense negotiations between the two parties. The agreement essentially is encompassed in the terms of Law 975, the Peace and Justice Law, passed by the Colombian Congress on June 21, 2005.<sup>16</sup> This gave the peace process a "legal framework," essentially legitimizing the DDR process.<sup>17</sup> The law has been amended many times since 2005 in order to prevent the AUC from backing out of the agreement, to incorporate the observations of critics, and to respond to court rulings on aspects of the law. It requires AUC members to surrender their weapons, provide officials with detailed information on the organization, and turn over all illegal financial assets to the Colombian National Commission of Reparation and Reconciliation to be placed in the "Victims Reparation Fund."<sup>18</sup> Funds are meant for victims and their families who have claims against the AUC. In return, the Paras will receive: speedy trials, sentences no greater than eight years, humane treatment, an interpreter (if needed),

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<sup>13</sup> Arvelo, 5.

<sup>14</sup> Colombian Government Peace Commission, "Santa Fé De Ralito Accord to Contribute to Peace in Colombia," Conciliation Resources, <http://www.c-r.org/our-work/accord/colombia/santafederalito-accord.php> (accessed January 12, 2007).

<sup>15</sup> Ibid.

<sup>16</sup> Constanza Vieira, "Colombia: Rights Groups Assail Paramilitary 'Impunity' Law," *Global Information Network* (Jun 28, 2005), 1, <http://proquest.umi.com/pqdweb?did=859995351&Fmt=7&clientId=65345&RQT=309&VName=PQD>.

<sup>17</sup> Ibid.

<sup>18</sup> "Justice and Peace in Colombia," *The Washington Post*, August 1, 2005, <http://proquest.umi.com/pqdweb?did=875736131&Fmt=7&clientId=65345&RQT=309&VName=PQD> (accessed 29 August 2006).

legal assistance, the right to file for reparation if harmed, and information on decisions that will affect them.<sup>19</sup> Originally, state prosecutors were limited to “60 days to investigate and verify” accusations against the AUC, an impossibility given the huge volume of demobilizations.<sup>20</sup> So, in May 2006, Colombia’s Constitutional Court declared many of the law’s tenets unconstitutional, forcing the Colombian Congress to amend the law and completely remove the 60 day restriction on investigations.<sup>21</sup> Another change requires all personal assets belonging to Paramilitary Bosses, even if legally attained, to go into the Victims Reparation Fund.<sup>22</sup> This amendment caused many AUC leaders to cry foul and threaten to back out of the deal. For its part, the GOC threatened to play their only remaining ace -- extradition.

## C. PROS AND CONS

### 1. Threat of Extradition

The most attractive incentive aimed at the Paramilitary Bosses, and for the most part every AUC member, was exemption from the threat of extradition to the United States.<sup>23</sup> The threat of extradition seems to be the main reason that the process has not completely fallen apart. Every time the process appears to be in jeopardy of collapsing or the AUC leadership becomes uncooperative, Uribe’s administration dangles the threat of extradition over their heads. This is why, in August 2006, the Colombian President ordered “... the arrest of the leadership of the United Self-Defense Forces of Colombia ... so the peace process can go forward and gain credibility.”<sup>24</sup> Having the leaders in

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<sup>19</sup> *Justice and Peace in Colombia*, A 16.

<sup>20</sup> "Colombian Government Sets 'Justice and Peace' Law Regulation," *US Fed News Service, Including US State News* (January 2, 2006), <http://proquest.umi.com/pqdweb?did=982149541&Fmt=7&clientId=65345&RQT=309&VName=PQD> (accessed August 28, 2006).

<sup>21</sup> "Colombia Fear and Intimidation: The Dangers of Human Rights Work," Amnesty International, <http://web.amnesty.org/library/Index/ENGAMR230332006?open&of=ENG-COL> (accessed September 8, 2006).

<sup>22</sup> "The Americas: Crime and (Maybe) Punishment; Colombia's Paramilitaries," *The Economist* 380, no. 8492 (August 26, 2006), 39, <http://proquest.umi.com/pqdweb?did=1111107081&Fmt=7&clientId=65345&RQT=309&VName=PQD> (accessed August 28, 2006).

<sup>23</sup> *Justice and Peace in Colombia*, A 16.

<sup>24</sup> Joshua Goodman, "Colombia Arrests Militia Leaders; Government Says Paramilitary Group Violated Peace Accord," *The Washington Post*, August 17, 2006, <http://proquest.umi.com/pqdweb?did=1095948421&Fmt=7&clientId=65345&RQT=309&VName=PQD> (accessed August 29, 2006), A 20.

custody, Uribe has gained the upper hand. The president has essentially taken a page out of the AUC playbook. If these former leaders refuse to encourage members of their former organizations to cooperate, then they can easily be extradited to the United States. The GOC is well aware that extradition is the Colombian Narco-Traffickers' greatest fear.<sup>25</sup> Shortly after the arrest of the AUC Kingpins, the Minister of Interior and Justice, Sabas Pretelt stated: "[t]hey're not going to be extradited, but they have to start complying with soberness [with] what they've agreed to."<sup>26</sup> Unfortunately, so far, the former leaders refuse to comply with all the conditions set out in the agreement. Delays will only hurt the government because the process will lose its momentum. Foot dragging and legal objections thrown up by Colombia's Supreme Court are matched by opposition to what is perceived as generous terms offered to the AUC by Colombia's population and the international community.

## 2. Criticism

Hardly had it been passed in June 2005, than the Peace and Justice Law immediately met with harsh criticism. Jose Miguel Vivanco, The Americas director for Human Rights Watch called it "a bad deal both for Colombians and the international community, and that it sets a disastrous precedent for future negotiations with other armed groups."<sup>27</sup> Amnesty International stated that the "new law will grant impunity to paramilitary combatants guilty of gross human rights abuses by providing for reduced sentences."<sup>28</sup> United Nations High Commissioner for Human Rights (UNHCHR) Michael Fruhling, also criticized the law:

Negotiations to overcome the conflict in Colombia must comply with internationally established principles of truth, justice and reparations for the victims... The human rights crimes must be clarified [and] the victims need the full support of the state... in a constructive manner, to the

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<sup>25</sup> Mark Bowden, *Killing Pablo : The Hunt for the World's Greatest Outlaw*, 1st ed. (New York: Atlantic Monthly Press, 2001), 296, p 50.

<sup>26</sup> Goodman, *Colombia Arrests Militia Leaders; Government Says Paramilitary Group Violated Peace Accord*, A 20.

<sup>27</sup> Vieira, "Colombia: Rights Groups Assail Paramilitary 'Impunity' Law."

<sup>28</sup> Ibid.

processes of negotiation with illegal armed groups, in order to overcome the armed conflict and avoid impunity.<sup>29</sup>

Two weeks following the bill's passage, Colombian citizens established The Movement of Victims of Crimes of State (MVCE).<sup>30</sup> The organization was created not only to assist victims to receive reparations, but also to ensure that justice is upheld. According to a lawyer for the group, "... the way will begin to be paved to achieve justice, establish the truth about what happened, make reparations effective, and above all, ensure that these crimes are not repeated."<sup>31</sup> With all of this opposition to the Peace and Justice Law, it is no wonder that it is in a constant state of revision.

### 3. Revisions

Issued in December of 2005, barely six months after the law's passage, decree 4760 places "special emphasis on subjects related to orientation and legal assistance to victims, the divulgation of their rights, their active participation in judicial processes, their right to reparation, and the fund regulation in the law for such effects."<sup>32</sup> Basically the declaration was a sign to both the international and national human rights groups that the administration was listening. But the law's critics complained that it did not address the shortcomings that they had been citing since its passage. AUC spin-off criminal organizations started to spring up in areas where the AUC had already completed the DDR process. The spectacle of "demobilized" AUC leaders still free to move around the country escorted by huge entourages of bodyguards, hob-nobbing with members of Uribe's administration and riding around in new Hummers, irked the critics.<sup>33</sup> Other discoveries of collaboration between AUC leaders and high-level GOC officials only

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<sup>29</sup> Diana Losada and Christine Evans, "The Urgent Need for Truth, Justice and Reparations in Colombia." *Office of the United Nations High Commissioner for Human Rights, Respect: The Human Rights Newsletter*. 4 (April, 2005), 3, <http://www.ohchr.org/english/about/publications/docs/issue4respect.pdf> (accessed July 2006), p 3.

<sup>30</sup> Vieira, "Colombia: Rights Groups Assail Paramilitary 'Impunity' Law."

<sup>31</sup> Ibid.

<sup>32</sup> Colombian Government Sets 'Justice and Peace' Law Regulation.

<sup>33</sup> "Colombia Jails Right-Wing Paramilitary Leaders," *New York Times* August 17, 2006, <http://proquest.umi.com/pqdweb?did=1095910101&Fmt=7&clientId=65345&RQT=309&VName=PQD> (accessed 28 August 2006).

fanned the flames.<sup>34</sup> Alirio Uribe, a leader of an international human rights group, told the *Global International Network*: "... paramilitary fighters have obtained legal benefits precluding investigations or prosecutions, or pardons, without having confessed to their crimes and are living freely."<sup>35</sup> For these reasons, in August 2006 President Uribe ordered the arrest of all top AUC leaders.<sup>36</sup> The president does not have much flexibility. If he pushes too hard on the AUC leadership, the process may crumble. If he is too lenient, domestic and international pressure may de-legitimize the whole process, and may cause it to fail. As stated earlier, the only leverage that the administration has left to force cooperation is to threaten to extradite the AUC leadership to the United States to stand trial on drug charges. So, at the present, the outcome of the demobilization is in doubt.

#### **D. CONCLUSION**

The Peace and Justice law simply does not measure up to international standards. For instance, the AUC was not even required to stop hostilities while negotiating with the GOC. The law also provides excessively lenient terms such as limited jail terms for those who have committed murder and other forms of atrocity, and also for drug lords; meanwhile it provides little assistance or reparation to their victims. These obvious shortcomings have caused both the national and international communities to cry foul. The GOC has given far too many concessions to the AUC in a desperate attempt to convince them to enter the DDR process. It is understandable that Uribe's administration should have offered some incentives to the AUC, but a vocal group of critics have argued that the law went too far. The administration underestimated the scale of opposition that challenged the legitimacy of the DDR process. The recent scandal exposing the close ties between the AUC and politicians close to Uribe has given rise to suspicions that paramilitary criminals were deliberately given an easy deal, thereby raising the specter of

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<sup>34</sup> Sibylla Brodzinsky, "Colombia to Expose Militia's Reach ; Six Lawmakers Face Questioning by Colombia's Supreme Court this Week Over their Alleged Links to Paramilitary Forces." *The Christian Science Monitor*, Dec 5, 2006, <http://libproxy.nps.navy.mil/login?url=http://proquest.umi.com.libproxy.nps.navy.mil/pqdweb?did=1173789141&Fmt=7&clientId=11969&RQT=309&VName=PQD>.

<sup>35</sup> Vieira, "Colombia: Rights Groups Assail Paramilitary 'Impunity' Law."

<sup>36</sup> Goodman, A.20.

impunity and corruption that not only threatens to discredit the DDR process, but also undermines the legitimacy of the GOC itself.

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### III. REINSERTION PROCESS

#### A. MINISTRY OF INTERIOR AND JUSTICE

The Ministry of Interior and Justice is the lead agency handling all phases of the AUC reintegration program.<sup>37</sup> According to the High Commissioner for the Social and Economic Reinstatement of Persons and Illegal Armed Groups, the agency's five goals are:

1. To contribute to improve the security and political stability of the country.
2. To re-establish the conditions which allow the reintegration of the armed participants.
3. To prevent future outbreaks of violence.
4. To contribute to national reconciliation.
5. To free resources, both human and financial ones, for post-war reconstruction and development.<sup>38</sup>

The reintegration process is designed to give the former fighters a solid foundation and alternative to their illegal past. The biggest challenge to the program is preventing former fighters from leaving the program early and turning back to their lives of crime.

In order to keep the rehabilitation of the individual fighters on track, the Ministry of Interior and Justice in conjunction with Colombia's National Training Service (SENA - Spanish acronym), has devised a four step, eighteen month training program.<sup>39</sup> The SENA was developed in the late 1950's by labor unions and the Catholic Church to provide social and technical training to workers throughout Colombia.<sup>40</sup> There are 114 SENA classroom/workshop locations, primarily concentrated in the areas where the DDR process was most active.<sup>41</sup>

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<sup>37</sup> Iliana Baca, USAID Project Manager for Colombia's Individual Deserter Program, Bogota, Colombia, June 21, 2006.

<sup>38</sup> Juan David Angel, Director of Colombia's Reintegration Program, Bogota, Colombia, June 21, 2006.

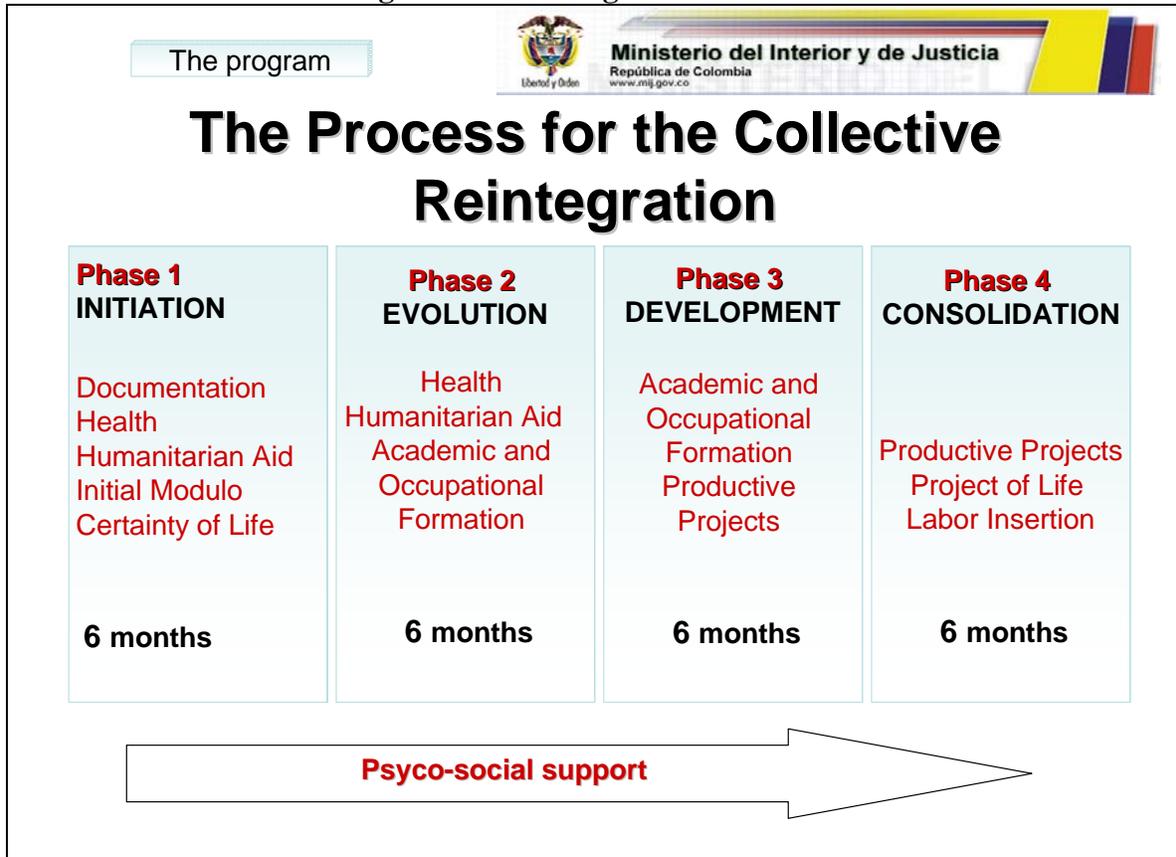
<sup>39</sup> CINTERFOR: Inter-American Research and Documentation Center on Vocational Training, "The Minister of the Interior and of Justice and SENA's Director Sign an Agreement for the Reinserted," Copyright © 1996-2006 International Labour Organization, <http://www.ilo.org/public/english/region/ampro/cinterfor/ifp/sena/agree.htm> (accessed September 1, 2006).

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

The four phases of the reintegration process are: initiation, evolution, development, and consolidation. Each phase is further divided into modules as illustrated in Figure 3.1 below.

**Figure 3.1: Reintegration overview.**



*Source:* Available from [http://www.mij.gov.co/pagina5\\_subdetalle.asp?doc=114&cat=22](http://www.mij.gov.co/pagina5_subdetalle.asp?doc=114&cat=22); Internet; Translated from the Colombian Department of Interior and Justice Webpage; accessed on 10 June 2006.

## **B. PHASES OF COLLECTIVE RESTORATION**

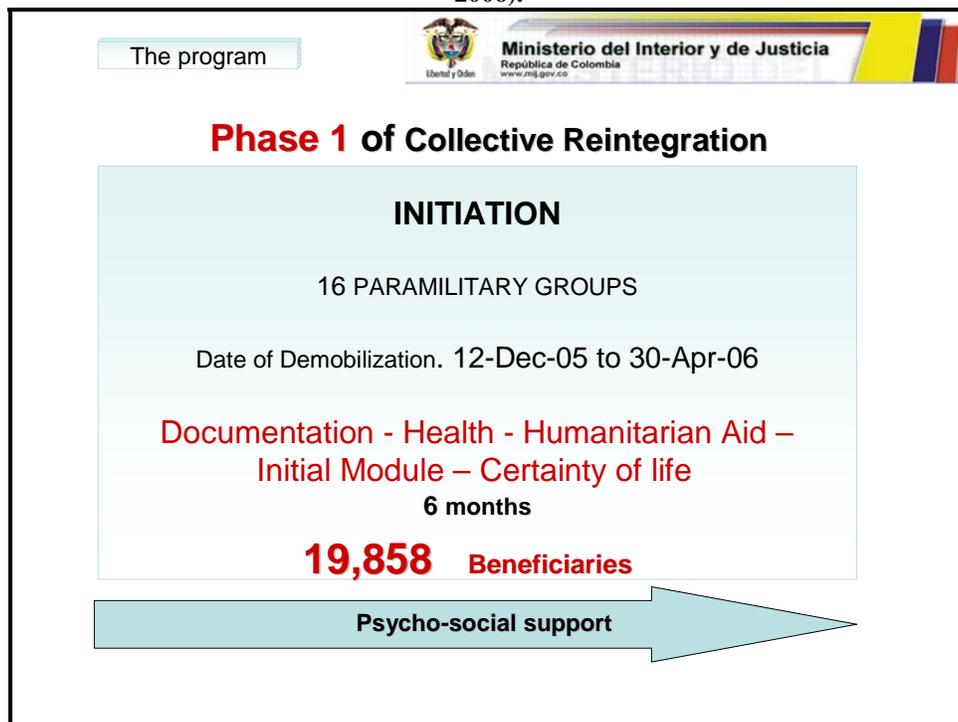
### **1. Phase I: Initiation**

The Initiation phase consists of a six month period that reintroduces individuals to Colombian society.<sup>42</sup> This period is broken down into individual documentation, medical and psychological physical examinations, humanitarian assistance, and an educational module, which is a series of reintegration courses [see Figure 3.2]. This phase begins immediately following a demobilization ceremony, where the paramilitary members, or

<sup>42</sup> Minister of the Interior and Justice, Republic of Colombia, "Reincorporation Program," <http://www.mininteriorjusticia.gov.co/pagina5.asp?cat=22> (accessed June 15, 2006).

Paras, turn in their weapons and officially demobilize. The first processing station is documentation. Here, information on a Para's situation is collected and entered into a database created and maintained by USAID.<sup>43</sup> Pertinent individual, demographic, and family information is processed in order to derive a complete picture of a person's circumstances, offering valuable insight into why a person would join this type of organization. At the next station, members are given an opportunity to confess to any crimes they may have committed while serving in the AUC. Legal teams then apply the terms set forth in the Peace and Justice Law in order to determine what crimes require an investigation and/or if pardons or amnesty can be applied. It should be noted that this is the only period where crimes can be considered for pardon or amnesty. Next, individuals are given complete medical and psychiatric examination. Problems that require immediate care are attended to by medical personnel. They also re-evaluate individuals

**Figure 3.2: Progress report of the Ministry of Interior and Justice's Reintegration Phase I (June 2006).**



*Source:* Available from [http://www.mij.gov.co/pagina5\\_subdetalle.asp?doc=114&cat=22](http://www.mij.gov.co/pagina5_subdetalle.asp?doc=114&cat=22); Internet; Translated from the Colombian Department of Interior and Justice Webpage; accessed on 20 June 2006.

<sup>43</sup> Baca, Bogota.

continually throughout the remaining phases to ensure their well being. The next step requires individuals to begin the Certainty of Life module.<sup>44</sup>

*a. Certainty of Life Module*

The Certainty of Life module is designed to educate and begin to reintegrate individuals into society. Classes reintroduce the ex-paramilitaries, now students, to norms of behavior and communication in Colombian society, the value of life, and other social and moral principles required to facilitate their transition. Things that most people take for granted, like using ATM machines or balancing a checkbook, are taught during this module. Students also receive instruction on table manners and other commonly accepted courtesies. As long as members continue to participate in the process, they are eligible to receive a monthly salary equivalent to \$155 U.S., or roughly \$350,000 COP.<sup>45</sup> Since the initial transition from fighter to student is the most complex and difficult, it is essential that they remain inside the training pipeline. With this stage, Paras pass the point of no return and become responsible citizens. Once they have completed this phase, they will progress to the Evolution Phase.<sup>46</sup>

**2. Phase II: Evolution**

The Evolution phase consists of the continued humanitarian assistance with a basic academic and occupational skills course taught over a six month period [see Figure 3.2]. The period is divided into the Academic and Occupational Module.<sup>47</sup> Individuals are tested at the beginning of the phase in order to determine their baseline education level. Once tested, students are grouped by ability levels and begin attending classes. Class curricula are tailored to fit each group's academic level. Towards the end of this module, the faculty assists each student with career choices. A wide range of fields are offered, from computer programming to building furniture – in short, solid entry level

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<sup>44</sup> Minister of the Interior and Justice.

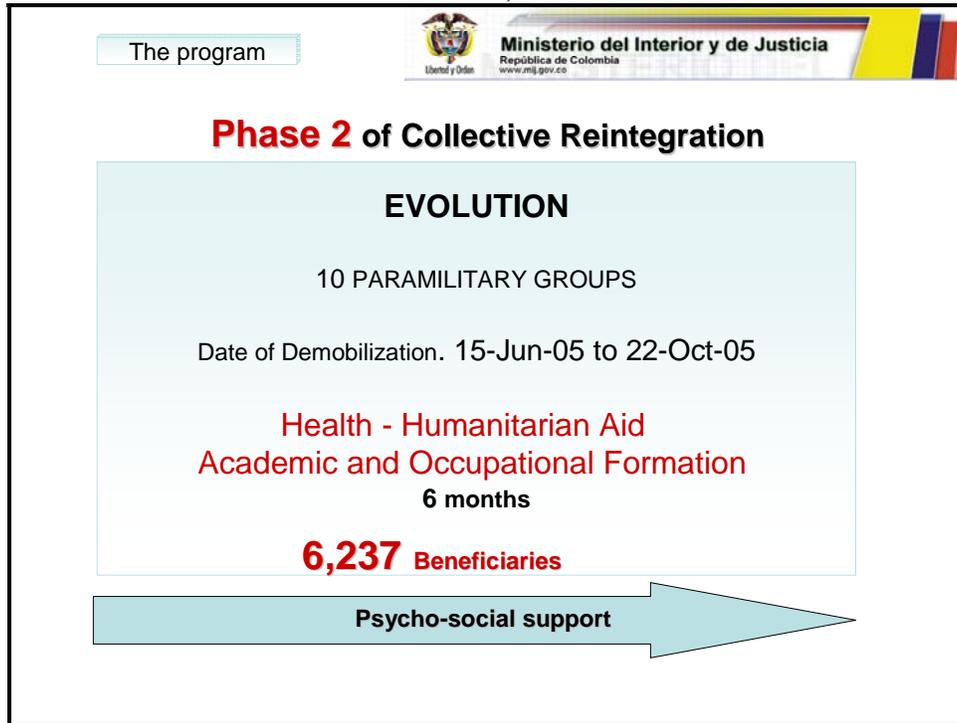
<sup>45</sup> Angel, Bogota.

<sup>46</sup> Minister of the Interior and Justice.

<sup>47</sup> Angel, Bogota.

jobs.<sup>48</sup> Faculty members ensure that career field choices are available in a student's geographic area and suited to his or her academic abilities.<sup>49</sup> At the conclusion of this phase, students move on to the Developmental phase.

**Figure 3.2: Progress report of the Ministry of Interior and Justice's Reintegration Phase II (June 2006).**



*Source:* Available from [http://www.mij.gov.co/pagina5\\_subdetalle.asp?doc=114&cat=22](http://www.mij.gov.co/pagina5_subdetalle.asp?doc=114&cat=22); Internet; Translated from the Colombian Department of Interior and Justice Webpage; accessed on 20 June 2006.

### 3. Phase III: Development

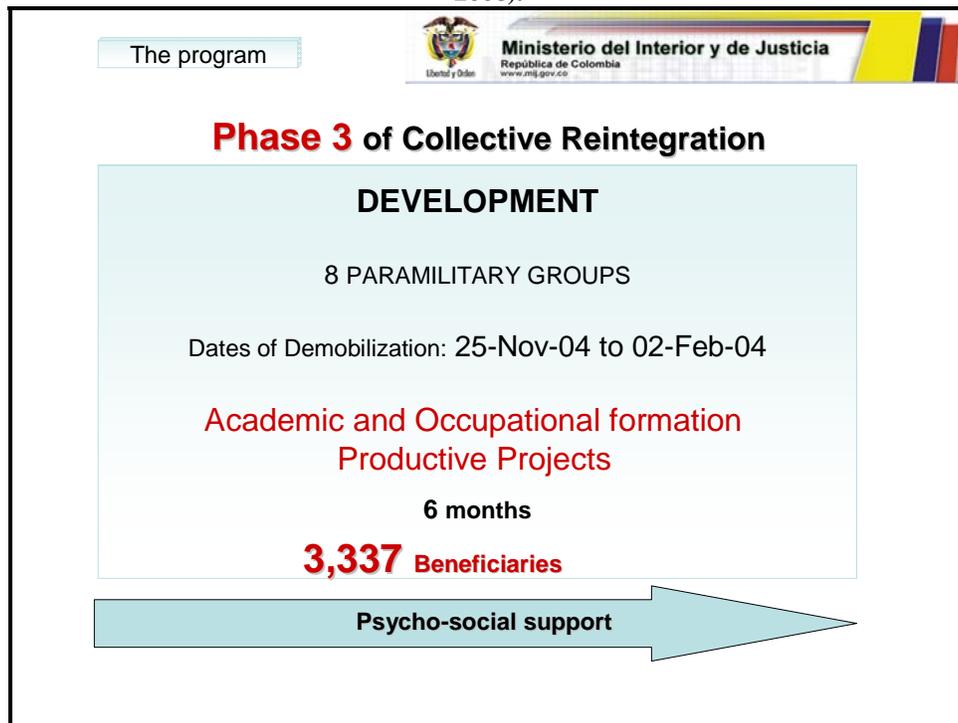
The Development phase consists of career training and culminates in a community project. The phase is also six months long and contains, Occupation and Project modules [see Figure 3.3]. The Occupation Module, as the name implies, teaches the skills needed to work in the private sector. The intensity of the training varies depending on a student's ability. Normally the module will last one month. At the termination of this module, the classes are divided into project groups and given the assignment to plan and complete community project. This not only requires students to

<sup>48</sup> Minister of the Interior and Justice.

<sup>49</sup> Angel, Bogota.

use their new skills, but also re-introduces former AUC members to their community. According to, Juan David Angel, Assistant to the Minister of the Interior and head of the Reinsertion Program, most students are enlisted to construct or repair public infrastructure, or, on occasion, employed in the manual defoliation of drug crops like marijuana and coca plants.<sup>50</sup> Upon completion, students progress on to the final phase, Consolidation.

**Figure 3.3: Progress report of the Ministry of Interior and Justice’s Reintegration Phase III (June 2006).**



*Source:* Available from [http://www.mij.gov.co/pagina5\\_subdetalle.asp?doc=114&cat=22](http://www.mij.gov.co/pagina5_subdetalle.asp?doc=114&cat=22); Internet; Translated from the Colombian Department of Interior and Justice Webpage; accessed on 20 June 2006.

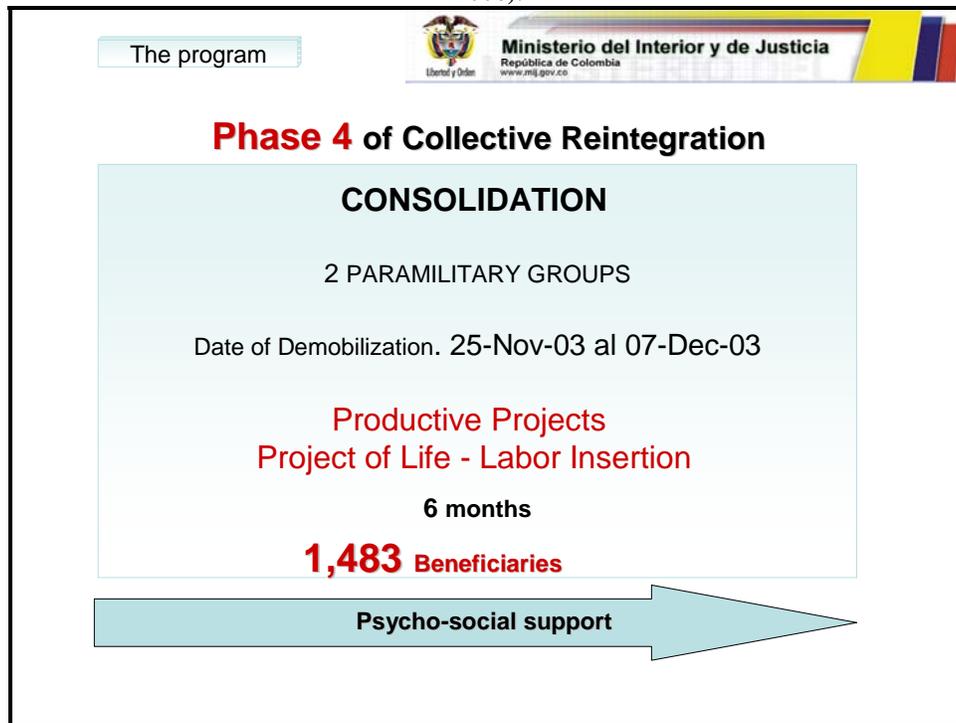
#### **4. Phase IV: Consolidation**

The final of the four phases in the process is the Consolidation Phase. As the name suggest, students are expected to consolidate their skills and use them as productive members of society. The phase begins with each member receiving their on-the-job training in the local economy [see Figure 3.4]. According to Iliana Baca, the USAID Program Director for the Individual Deserter Program, the Uribe administration is

<sup>50</sup> Angel, Bogota.

working on a plan to give incentives to private sector companies that employ former paramilitaries.<sup>51</sup> Although the administration has yet to implement it, something needs to be done to persuade the private sector to provide employment to these former Paras in order for them to become productive members of Colombian society.

**Figure 3.4: Progress report of the Ministry of Interior and Justice’s Reintegration Phase III (June 2006).**



*Source:* Available from [http://www.mij.gov.co/pagina5\\_subdetalle.asp?doc=114&cat=22](http://www.mij.gov.co/pagina5_subdetalle.asp?doc=114&cat=22); Internet; Translated from the Colombian Department of Interior and Justice Webpage; assessed on 20 June 2006.

## C. CONCLUSION

Unfortunately, the reinsertion program described in this chapter is a perfect world scenario. Although this phase of the DDR process continues, problems remain. For instance, the salary that ex-Paras receive is far less than even the lowest ranking Para is likely to have been earning prior to demobilization. In fact, with adjustments for inflation, the current salary that students receive is only a few dollars higher than what a demobilized M-19 member had received in 1990. On the other hand, there are currently thirty times more demobilized AUC members than there were during the 1990 M-19

<sup>51</sup> Baca, Bogota.

demobilization. In fact, the large number of paramilitaries wishing to demobilize caught the GOC by surprise, in large part because it had no accurate statistics on AUC strength. It is clear that the GOC is well aware of the pay shortfall. Nonetheless, the GOC appears to be either unable or unwilling to resolve it. Perhaps there simply are not enough funds for a pay increase. Additionally, even if a student completes the training, there is no guarantee that he or she will have a job. This is another matter that the GOC needs to rectify. As of yet, they have had little progress in convincing the civilian sector to assist with jobs. This could be done by providing tax incentives to private companies that hire graduates. Another force pulling students out of the program is their familiarity with weapons and their knowledge of criminal organizations. This combination makes them attractive recruits for other criminal organizations. In fact, in many areas where this training has occurred, new drug trafficking groups have begun to spring up.<sup>52</sup> An unproven but logical conclusion is that these groups are formed and manned by former Paras. This rumor is only exacerbated by the fact that the GOC is reluctant to release current numbers of those still active in the program.<sup>53</sup> It also raises suspicions that they lack the mean to monitor allegedly demobilized Paras.

Despite all of these faults, the reintegration program still moves forward, but its overall success remains open to question. The only thing that is certain is that if the public sector does not accept the demobilized Paras back into society, many will return to a life of crime. Public sympathy for former members of an illegal organization that constantly targeted civilians remains low. Additionally, competition for jobs between the unemployed citizens and former AUC members will only breed more public hatred and resentment towards them.

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<sup>52</sup> Constanza Vieira, "Colombia: Paramilitarites Re-Emerge as Black-Clad Thugs," *Global Information Network* (Apr 11, 2006), 1, <http://proquest.umi.com/pqdweb?did=1019544131&Fmt=7&clientId=65345&RQT=309&VName=PQD>.

<sup>53</sup> The Minister of the Interior and Justice website does not publish statistics regarding the numbers of ex-Paras engaged in the reintegration phase of the DDR process.

## **IV. FUTURE DEMOBILIZATIONS**

### **A. SETTING THE CONDITIONS PRIOR TO NEGOTIATIONS**

The only way that the GOC can succeed in future DDR processes is to remove every other option available to an IAG, except the one to demobilize. Simply put, in future negotiations with IAGs, the GOC has to wait until it has a strategic advantage before beginning the process. This way it can dictate the terms of the negotiations and the end state, the DDR process. Negotiating from a point of weakness has resulted at best in an only partially successful AUC DDR. As the previous chapters have argued, the AUC was never pressured to demobilize during its negotiations with the GOC. In fact, the GOC seemed to be bending over backwards to make the process consequence free for the AUC, a policy of all carrot and no stick that sent a strong message of government weakness. As a consequence, the AUC and other criminal groups took advantage of the DDR process to enhance their strategic position, leaving most of the promises found in the 2003 Ratlito accords unfulfilled. This pattern was repeated in the Peace and Justice Law of July 2005, which virtually handed members amnesty for past crimes.<sup>54</sup>

Therefore, in order to set favorable conditions, the GOC must implement a comprehensive Counter Insurgency (COIN) strategy, one that forces IAGs to conclude that demobilization is the best option. Colombia's current COIN strategy fails to do this as it has focus mainly on destroying guerillas while ignoring or even cooperating with the paramilitaries. The Colombian Military (COLMIL), which consists of both military and Colombian National Police Forces (CNP), has implemented this strategy for over 42 years and it has failed to bring peace to the nation. The new strategy must focus on retaining control of population and the terrain.

### **B. SECURING THE OPERATIONAL ENVIRONMENT**

Basically, the state has two strategies that they may implement in order to defeat an IAG. They are based upon controlling more and more territory while, in a sense,

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<sup>54</sup> "The Paramilitaries in Medellin: Demobilization Or Legalization?" Amnesty International, <http://web.amnesty.org/library/Index/ENGAMR230192005?open&of=ENG-COL> (accessed February, 12, 2007), p 11-12.

pushing out IAGs.<sup>55</sup> Optimally, a state should strive to enlarge areas already under its control while concentrating its resources on areas that are the least contested.<sup>56</sup> The first of the two strategies is to secure the area and protect the population from IAG retaliations. The DDR process is an important component of this, but to be effective, the GOC must be prepared to occupy and secure the territory vacated by a demobilized group. Thus, security is gained by deploying resources into the public sector, such as military and police forces, infrastructure development, and quality of life projects, etc... These improvements must not be simply given to the public. They must be tied to a behavioral shift. This shift must provide a return to the government, usually in the form of intelligence. This is only possible in a secure environment where the threat of retaliation from illegal actors is minimized. This fact, as stated earlier, makes security the highest priority.

Once a state has successfully provided security for the population in a given area, it can now implement strategy two, utilizing the resources that were collected from the population to target the IAG and its support structure and network. Resources, usually in the form of intelligence and assistance, are pieced together and used to plan and coordinate direct attacks. In addition to killing or capturing IAG members, the organization's funding, fueling, arming, supplying, along with the underground support network can now be uncovered and attacked. As the operational tempo increases, the state must not only continue to secure the population but they must also reestablish and reinforce the local government in that area. As the state continues to conduct these operations, it should push further out into the countryside while retaining control of the terrain that it previously had secured. This is inherently resource intensive which is the principle reason why this strategy cannot be used simultaneously around the country.

### **C. MATCHING THEORY WITH REALITY**

In Colombia, the GOC through its various agencies, principally the COLMIL, executes these strategies but with uneven results. Primarily, the COLMIL executes

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<sup>55</sup> McCormick, Gordon H., Dr., "Seminar in Guerrilla Warfare" (Naval Postgraduate School, Monterey, CA., 2 February, 2006).

<sup>56</sup> Ibid.

strategy two, with little regard to the first. Normally it deploys forces to highly contested areas to conduct search and attach operations in an attempt to kill IAG members. From numerous bases that are scattered throughout the country, the COLMIL sweeps the countryside looking for illegal actors. Forces will often occupy a village or town for short periods and attempt to solicit information on IAGs from the population. Even if the population desires to share intelligence, they normally do not. In addition, the government's witness protection programs last only four months, leaving those who have given evidence, and their families, vulnerable to assassination.

The bottom line is that the current strategy spreads out security forces too thinly across the country, normally shuffling troops around them pacify "hot spots" or troubled areas. In addition, the GOC has failed to deploy the necessary resources, mainly military resources, in order to secure areas that were formally under the control of the AUC. The result of which has been either the reoccupation of these areas by the FARC-EP or the ELN or a resurgence of pseudo paramilitary organizations. For these reasons the GOC have been unable to retain control of significant areas. In addition to space, there is also a factor of time. Although the COLMIL sometimes provides security to the population, it can only occupy an area for a limited period. Therefore, the population remains reluctant to collaborate with government forces for fear of retaliation at a later date. The GOC also commits resources to areas in the hope of convincing the population to assist the COLMIL with information. However, the population seldom if ever is forced to reciprocate or collaborate with the government's agents before receiving public funding and other resources. Essentially there are no strings attached and no returns go to the GOC.

The situation remains relatively unchanged for over forty years, leaving the Colombian population at the center of the conflict. Whether they remain willing or unwilling, they will continue to shield, through fear or passivity, these illegal groups. In essence, the population is insulating IAGs from agents of the Colombian State.<sup>57</sup>

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<sup>57</sup> McCormick, Monterey.

## 1. Reversing the Course

Prior any demobilization negotiations, the GOC must make a significant investment in the CNP. The CNP, generally regarded as a corrupt and inept organization, must be purged, restructured, trained, and funded properly. Under-funded and underpaid, the CNP currently plays a secondary role to the Colombian Army (COLAR) and other military forces in current COIN campaign. This role must be reversed. Once this transition is completed, strategy one can now be implemented.

There are eleven or so urbanized areas that are considered secure and fully under the control of the GOC. From these cities, the GOC can begin to expand its control onto the *cummunas* or slums surrounding these cities by deploying the COLAR to secure an outer ring around the city. Police forces now can enter the scene and occupy and or establish operating law enforcement stations throughout the area. After the police have demonstrated that they have control of a specific area, the COLAR can now push out further into the countryside, creating second outer ring of security while leaving contingency forces behind in support of the police. At this time, the GOC can begin to assist or install local government agencies. Utilizing local laborers, state funded infrastructure improvements projects can also begin. Concurrently, while these projects and improvements are being completed, police forces along with *fiscalias* or state investigators solicit the population for information on IAGs. At this point the GOC can use this information to target the local IAG and its support network. Eventually as time goes on, the GOC will remove illegal actors from the area. The process can continue on until IAGs have little or no room to operate. Once IAGs are forced to operate in smaller areas, they can be targeted more easily. So pressured, IAGs will view the DDR process as their only viable option. But this process must be a legitimate one that punishes bad actors, offer justice to the victims, and valid social and economic alternatives to the former members of the IAGs. As too often in the past, the GOC appears to be trying “to DDR” their way out of a situation that requires the coordination of a complex political, military, economic, and social strategy, one that, so far, the GOC lacks the will, or the resources, to implement.

#### **D. CONCLUSION**

The approach outlined in this chapter explains how the GOC can gain a strategic advantage prior to negotiating with any IAG. When implemented correctly, IAGs will have no other option besides a demobilization agreement. Strategies for setting the conditions focus on how the GOC can regain control of the country over time and eventually push out IAGs from the area. This approach should be implemented from existing centers of state control but can also work in areas that have been through a recent demobilization. Strategy one focuses on securing the population and infrastructure. Strategy two focuses on targeting the illegal actors and their support network. This may seem counter intuitive, especially to the Colombian military, however, its current strategy of primarily targeting IAGs and their support structure is a proven failure. The approach is neither simple nor rapid. It is a drawn out, methodical indirect attack on IAGs that limits their freedom of movement until they have no room to operate. It achieves this by securing the environment while providing the population with other opportunities besides supporting IAGs. If implemented correctly, this strategy will limit IAG controlled areas, thus making them vulnerable to the COLMIL. Only when an IAG is cornered by the government will they, in earnest, conduct a legitimate DDR process.

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## V. CONCLUSION

### A. WHAT WENT WRONG

The DDR process to demobilize the AUC has undoubtedly registered some notable successes – 31,689 paramilitary demobilized and 18,024 weapons surrendered. The AUC has ceased to exist. The government also claims a decline in homicides (which may or may not be measure of the AUC demobilization’s success). However, it appears that the DDR process may simply be replacing one phenomenon with another. What the GOC now terms as “newly emerging gangs” engaged in illegal activities appear to be rising from the ashes of the AUC.<sup>58</sup> Furthermore, a scandal evolving at the time of writing has revealed paramilitary influence in the highest echelons of the GOC. One may be forgiving for concluding that Bogota has a terminal case of “plus ça change!”

The Colombian AUC DDR has failed to produce its desired results because of a combination of factors, first among them a flawed, under resourced strategy implemented from a position of weakness. The entire process has produced a series of crises which the government has inadequately addressed with a series of improvisations and half hearted measures to solve difficult and complex problems. For DDR process to function, there must be a willingness of the IAG to cease hostilities, usually because the government holds the upper hand. However, even during the initial stages of negotiations between the AUC and the GOC, it became clear that the AUC dictated the terms. The GOC focused primarily on dissolving the AUC’s organization and in the process, the issues of justice and reparations were shunted aside. The initial version of the Peace and Justice Law, that passed both houses of the Colombian Congress, virtually absolved AUC members for all past crimes.<sup>59</sup> Although some parts of the law were later declared unconstitutional, the law was seen as a sellout by the Uribe administration.<sup>60</sup> The incentives to demobilize were also not adequate. The Colombian state has proven either

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<sup>58</sup> "Eighth Quarterly Report of the Secretary General to the Permanent Council on the Mission to Support the Peace Process in Colombia (MAPP/OEA)," Organization of American States, [http://www.colectivodeabogados.org/IMG/doc/octavo\\_informe.doc](http://www.colectivodeabogados.org/IMG/doc/octavo_informe.doc) (accessed March 1, 2007), p 5-6.

<sup>59</sup> The Congress of Colombia, *Peace and Justice Law*

<sup>60</sup> *Colombian Government Sets 'Justice and Peace' Law Regulation.*

unwilling or unable to commit sufficient resources to the reintegration of former combatants into society. Although many Paras have entered into the DDR process, it remains unclear how many will remain after trading in their lavish lifestyle of Rolexes and nightlife for a \$5.00-a-day job training course, at the end of which there was no or only poorly paid prospects for employment. It is also unclear how many demobilized members were actually fighters and not peasants who were forced to "...play the part of paramilitary fighters..." during demobilization ceremonies.<sup>61</sup> Finally, because the GOC entered into negotiations with the AUC from a position of weakness, it made concessions in both the Ralito Accords or the Peace and Justice Law which alienated significant segments of Colombian and international opinion, and which have failed to meet the minimum standards of both Colombian and International law. The Colombian Government's strategy to dissolve the AUC is evolving rapidly and threatens to replace ex-AUC with a myriad of other problems.

### **1. There Can Be No Peace in Colombia Without Justice**

The basic conditions for a successful implementation of the Peace and Justice Law were never created. First, the law does not measure up to international standards. For instance, the AUC was not even required to stop hostilities while negotiating with the GOC. The law also provides excessively lenient jail terms for those who have committed murder and other atrocities. Drug lords are absolved of their crimes. Meanwhile, little assistance or reparation is provided to their victims. These blatant injustices have caused both the national and international communities to cry foul. The GOC has given far too many concessions to the AUC in a desperate attempt to convince them to enter the DDR process. It is understandable that Uribe's administration should have offered some incentives to the AUC, but a vocal group of critics have argued that the law went too far. The administration underestimated the scale of opposition that challenged the legitimacy of the DDR process, and government scandals have marred the process.

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<sup>61</sup> Constanza Vieira, "Colombia: Paramilitarites Re-Emerge as Black-Clad Thugs," *Global Information Network* (Apr 11, 2006), 1, <http://proquest.umi.com/pqdweb?did=1019544131&Fmt=7&clientId=65345&RQT=309&VName=PQD>.

In March 2006, the *Departamento Administrativo de Seguridad* (DAS), the Colombian equivalent to the FBI, seized a laptop computer belonging to former paramilitary commander, Rodrigo Toliver, alias *Jorge 40*.<sup>62</sup> The computer's files detailed the minutes and audio recordings of meetings between AUC leaders and Colombian government officials. The files also contained information of how the militias would choose candidates, rig elections, and scam money from government healthcare services.<sup>63</sup> From this and other evidence, ongoing investigations have resulted in the arrest of a governor and four congressmen and one congress women. In other developments, on February 23<sup>rd</sup> 2007, the Colombian Federal Prosecutors office arrested Jorge Noguera, former head of the DAS, who is accused of conspiring with *Jorge 40*, to rig elections and illegally destroy criminal records.<sup>64</sup> In a similar case, on February 19, 2007, the Colombian Foreign Minister, Maria Consuelo Araujo, announced that she was stepping down to remove speculation that she might interfere in the government's case against family members accused of links to the AUC. However, it is widely believed that her resignation was orchestrated by The Plaza Nariño. If things weren't bad enough for Uribe, the Colombian Supreme Court found that "... paramilitaries not only had influence over Congress, but that legislators and drug traffickers actually created their own paramilitary groups."<sup>65</sup> More arrest and resignations are sure to follow. These recent scandals exposing the close ties between the AUC and politicians close to Uribe have given rise to suspicions that paramilitary criminals were deliberately given an easy deal, thereby raising the specter of impunity and corruption that not only threatens to discredit the DDR process, but also undermines the legitimacy of the GOC itself.

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<sup>62</sup> "Ties that Bind," *Economist Com / Global Agenda* (Jan 22, 2007), 1, <http://proquest.umi.com/pqdweb?did=1210094421&Fmt=7&clientId=65345&RQT=309&VName=PQD>.

<sup>63</sup> Brodzinsky Sibylla, "Colombia to Expose Militia's Reach ; Six Lawmakers Face Questioning by Colombia's Supreme Court this Week Over their Alleged Links to Paramilitary Forces." *The Christian Science Monitor* Dec 5, 2006, <http://proquest.umi.com/pqdweb?did=1173789141&Fmt=7 &client Id = 65345&RQT=309&VName=PQD>.

<sup>64</sup> Chris Kraul and Jenny Carolina Gonzalez, "Arrest Moves Colombian Scandal Closer to Uribe," *Los Angeles Times*, Feb 23, 2007, <http://proquest.umi.com/pqdweb?did=1221214911&Fmt=7&clientId= 65345 &RQT=309&VName=PQD>.

<sup>65</sup> Constanza Vieira, "Colombia: 'Paragate' Scandal Forces Foreign Minister to Quit," *Global Information Network* (Feb 20, 2007), 1, <http://proquest.umi.com/pqdweb?did=1219569721&Fmt = 7 &clientId=65345&RQT=309&VName=PQD>.

## 2. Reintegration Without Restitution

Although many Paras are demobilizing, problems remain. For instance, the salary that ex-Paras receive during the reintegration phase is far less than even the lowest ranking Para is likely to have been earning prior to demobilization. In fact, with adjustments for inflation, the current salary that students receive is only a few dollars higher than the pay of a demobilized M-19 member in 1990. On the other hand, there are currently thirty times more demobilized AUC members than there were during the 1990 M-19 demobilization. It is clear that the GOC is well aware of the pay inadequacy. Nonetheless, the GOC appears to be either unable or unwilling to anything to resolve it. Perhaps there simply are not enough funds for a pay increase. Additionally, even if a student completes the training, there is no guarantee that he or she will have a job. This is another matter that the GOC needs to rectify. As of yet, the civilian sector has proven reluctant to assist with jobs. This could be done by providing tax incentives to private companies that hire graduates. But ex-Paras may have few incentives to look for work in the legitimate economy. On the contrary, their familiarity with weapons and their knowledge of criminal organizations combines to make demobilized Paras attractive recruits for other criminal organizations. In fact, in many areas where this training has occurred, new drug trafficking groups have begun to organize/emerge.<sup>66</sup> An unproven but logical conclusion is that these groups are formed and manned by former Paras. This rumor is only exacerbated by the fact that the GOC is reluctant to release current numbers of those still active in the program, raising suspicion that they lack the means to monitor allegedly demobilized Paras.

Despite all of these faults, the reintegration program continues to function, although its overall success remains open to question. The only thing that is certain is that, if the public sector does not accept the demobilized Paras back into society, the process will fail to meet its goals. Public sympathy for former members of an illegal organization that constantly targeted civilians is low. Additionally, competition for jobs between the unemployed citizens and former AUC members will only breed more public rejection and resentment towards them.

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<sup>66</sup> Vieira, "Colombia: Paramilitaries Re-Emerge as Black-Clad Thugs."

## **B. U.S. GOVERNMENT ASSISTANCE TO THE AUC DDR PROCESS**

Prior to fiscal year (FY) 2006, the U.S. Congress had prohibited any U.S. assistance for “former members of terrorist organizations.”<sup>67</sup> Therefore, during the initial stages of the AUC DDR process, as stated in chapter three, U.S. assistance was limited to USAID monitoring and recording data at demobilization ceremonies.<sup>68</sup> In 2005, the U.S. Congress declared that all assistance for demobilized members of Foreign Terrorist Organizations (FTO) would be contingent on the U.S. Secretary of State verifying the following:

that assistance will be provided only to individuals who have verifiably renounced and terminated any affiliation or involvement with FTOs, and are meeting all the requirements of the Colombia Demobilization program, including disclosure of past crimes; the location of kidnap victims and bodies of the disappeared; and, knowledge of FTO structure, financing, and assets.

that the Colombian government is fully cooperating with the United States in extraditing FTO leaders and members who have been indicted in the United States for murder, kidnapping, narcotics trafficking, and other violations of U.S. law;

That the Colombian government is implementing a concrete and workable framework for dismantling the organizational structures of FTOs; and

That funds will not be used to make cash payments to individuals, and funds will only be available for any of the following activities; verification, reintegration (including training and education), vetting, recovery of assets for reparations for victims, and investigations and prosecutions.<sup>69</sup>

In 2006, the U.S. Secretary of State certified that the above conditions were met, allowing the U.S. Congress to pass the Foreign Operations Appropriations Act of FY 2006. This act has provided the GOC with \$20 million to subsidize the AUC DDR process. In FY 2007, the U.S. Congress once again allocated another \$20 million for the demobilization and reintegration of FTO members. Forty-million dollars spread over just two years is a

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<sup>67</sup> Colleen W. Cook, *Colombia: Issues for Congress*, Vol. Report number: CRS RL 32250 (Washington, D.C: Congressional Research Service, Library of Congress, 2006), 29, p 22.

<sup>68</sup> Baca, Bogota.

<sup>69</sup> Cook, 23.

very significant amount, however, it pales in comparison to the \$5.630 billion that the U.S. government has provided for Plan Colombia since FY 2000.<sup>70</sup> Instead of focusing on cutting off sources of revenue for IAGs with programs such as the aerial eradication, U.S. assistance would be more effective if a greater percentage of the funding went to programs that assist the GOC in gaining control of its territory, like the reintegration phase of the DDR process.

## **C. RECOMMENDATIONS**

Scandals and allegations of corruption of the political system have riddled the current DDR process and it is doubtful that it will ever regain the momentum that it had in 2004. As Colombia will surely have to endure another DDR process in the future, what steps are should the GOC take to improve future processes?

### **1. Dictate the Terms of Future Demobilizations**

As argued throughout this thesis, the GOC entered into negotiations with the AUC from a position of weakness. Due to this fact, the terms found in the Ralito Accords and the Peace and Justice Law are overwhelmingly favorable to the AUC in the form pardons, limited jail terms, and amnesties with minimal or no reparations. So, in order to prevent these circumstances from repeating themselves during future demobilization negotiations, the GOC needs to establish the proper conditions in order to have a strategic negotiating advantage. These conditions virtually remove all other options from IAGs, besides the one to demobilize. Strategies for setting the conditions must focus on how the GOC can regain control of the country over time, eventually forcing them to the negotiation table. Although this approach should be implemented from existing urban areas under of state control, it can also be implemented in areas that have been turned over to the state following the DDR process. This approach consists of two strategies. The first focuses on securing the population and infrastructure. The second focuses on targeting the illegal actors and their support network. Although this may seem counter intuitive, the current GOC strategy of focusing primarily on attacking IAGs and their support structure is a proven failure. As chapter four explains, this

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<sup>70</sup> Cook, 29.

approach is neither simple nor rapid. It requires a drawn out, methodical, indirect attack on IAGs. It limits their freedom of movement until they have no room to operate, thus forcing them to negotiate in earnest with the GOC. Only when an IAG is cornered by the government will they, in earnest, conduct a legitimate DDR process.

## **2. Redefine Peace and Justice**

Future accords, and the subsequent laws derived from them, must be perceived as just by both the Colombian public and the international community. Terms must also be in accordance with international standards for amnesties, pardons, reparations, jail terms, and other facets of a demobilization process. In order to ensure this popular support, reparations from IAG organizations and their members, must be made prior to initiating any other incentive plan. Additionally, the entire negotiation process must be transparent. This will limit improprieties or the appearance thereof, such as the many mentioned throughout this thesis, from occurring. International organizations should play a more active role in demobilization processes. The GOC has been reluctant to allow international organizations to dictate the terms of demobilization agreements. The GOC should drop opposition and leverage these international organizations against IAGs. Thereby, bringing extra pressure to force them to adhere to the terms of agreed settlements.

## **3. Reintegration**

Future reintegration programs must be better resourced. This will require the GOC to think through the process, more accurately assess the numbers involved, calculate the political, social, and judicial implications of DDR for Colombian society, and put resources against those needs. It may be difficult for a member of an illegal group to abandon a life of crime for low paying, legal employment. Initially, the GOC must allocate sufficient financial resources to cover the pay differences. In the long term, it must provide incentives to private sector employers to provide employment for these people. With many private sector Colombian businesses paying monthly income taxes around 75%, tax cuts for employers of demobilized personnel could be the answer to the

lack of both funding and jobs.<sup>71</sup> Utilizing tax deferments to fund and employ demobilized personnel, the reintegration phase of future DDR process will be more likely to achieve success.

Protection of demobilized IAG members is another issue that must be addressed. Preventing re-insertees from being slaughtered by other IAGs, similar to what the *Unión Patriótica* suffered during last decade, will not be an easy task. While it is impossible for the government to provide personal security to each and every demobilized person, it must develop alternative solutions. One short term one may be to provide secure housing areas. A more comprehensive long term solution may be systematically to regain control of the country, one piece at a time, as explained in chapter four of this thesis. Once areas come under government sponsored police and military control, wholesale slaughter may be less likely. As there are no viable solutions to protecting ex-Paras at the moment, perhaps the best way for them to avoid becoming a target is to remain anonymous until better solutions are found.

Unfortunately, personal protection and funding are not the only issues that challenge the reintegration of former members of IAGs. Societal acceptance is a large part of the reintegration phase's success. As the DDR process is a closed system in a sense that one part cannot work independently without the other, each phase must synchronize with the others. If a government begins negotiations from a position of weakness, it cannot dictate the terms of the agreements or the laws that will regulate the demobilization process. Consequently, if reintegration is founded on unjust laws or is under resourced, the society may refuse to accept members back into the fold. The GOC must learn from its mistakes so as to increase the successfulness of future DDR processes.

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<sup>71</sup> "Colombia: Tax Regulations," *EIU ViewsWire* (Jan 24, 2007), n/a, <http://proquest.umi.com/pqdweb?did=1210918001&Fmt=7&clientId=65345&RQT=309&VName=PQD>.

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