

Silent rifles? Criminal agendas and paramilitary demobilization in Colombia under the Peace Triangle

¿Fusiles en Silencio? Agendas criminales y la desmovilización paramilitar en Colombia bajo el Triángulo de Paz

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Abstract

How do criminal agendas affect a peace process with violent non-state actors? This article attempts to resolve this question by presenting a qualitative analysis of the demobilization process of the United Self-Defense Forces of Colombia (AUC) during the government of Alvaro Uribe using the *Peace Triangle* as an analytical framework, based on three study variables: *issues*, *behavior* and *attitudes*. The review from this model aims to make a double contribution to peace studies. On the one hand, it fills a gap in academic knowledge about the sustainability of peace processes. And, on the other, to examine the relationship between criminal agendas and conflict resolution. The research reveals that the former Colombian President's inadequate management of criminal agendas transformed the peace negotiation into a *damage control* strategy since it did not intend to modify the scale of predatory crimes committed by the AUC, but rather to shape its behavior.

Keywords: Criminal Agendas; Peace processes; Peace Triangle; Violent Non-State Actors; United Self-Defense Forces of Colombia (AUC)

Resumen

¿Cómo influyen las agendas criminales sobre un proceso de pacificación con actores violentos no estatales? Este artículo busca resolver dicha interrogante planteando un análisis cualitativo del proceso de desmovilización de las Autodefensas Unidas de Colombia (AUC) durante el gobierno de Álvaro Uribe con ayuda del Triángulo de Paz como marco analítico, basado en tres variables de estudio: problema, comportamiento y actitudes. La revisión desde dicho modelo pretende realizar una doble contribución a los estudios de paz. Por un lado, llenar un vacío de conocimiento académico sobre la sostenibilidad de procesos de paz. Y por otro, abordar la relación existente entre agendas criminales y resolución de conflictos. La investigación revela que una inadecuada gestión de las agendas criminales por parte del expresidente colombiano transformó la negociación de paz en una estrategia de control de daños pues, no modificó la escala de delitos predatorios cometidos por las AUC, sólo modeló su comportamiento.

Palabras clave: Agendas criminales; Procesos de paz; Triángulo de Paz; Actores violentos no estatales; Autodefensas Unidas de Colombia (AUC)

1. Introduction¹

Without a doubt, a characteristic of the contemporary international scenario is the spread of Violent Non-State Actors² (VNSAs). In addition to the power and influence they hold over wars or peacebuilding processes, they make large profits from markets, exploiting economies, and controlling territories, making it necessary to negotiate agreements that offer political, socio-economic, or judicial concessions to neutralize their illicit activities (Felbab-Brown, 2020). However, Cockayne (2013) argues that the effectiveness of any efforts to resolve armed conflicts will depend particularly on one feature that policymakers misunderstand: criminal agendas³. Thus, the following dilemma arises: given the need to generate optimal conditions for a peace process aimed at establishing procedures, norms, and institutional environments that recognize the preferences and interests of VNSAs, thus preventing possible sabotage or breakdown (Hoffman & Schneckener, 2011), the outcomes will only be sustainable as long as they continue to be a part of a negotiation process, which implies a long-term commitment, especially during the implementation of the agreements.

For the past decade in Latin America, insurgencies, militias, cartels, and gangs have participated in negotiations promoted by government authorities, where an inadequate treatment of criminal agendas has made the difference between a lasting peace and continuous agitation (Cockayne, 2013). Given this scenario, it is worth asking: How do criminal agendas influence a pacification process with VNSAs? This article aims to resolve this question by presenting a qualitative analysis of the Disarmament, Demobilization and Reintegration⁴ (DDR) of the United Self-Defense Forces of Colombia (AUC) with the help of *Peace Triangle* as analytical framework based on three study variables: *issues*, *behavior*, and *attitudes*.

Between 2003 and 2006, former President Alvaro Uribe negotiated a controversial peace agreement with the AUC, a paramilitary army linked to drug trafficking. This negotiation has been selected as a case study for its relevance in terms of lethality, variety of actors involved, and scope. The analysis of the paramilitary demobilization aims to make a double contribution to peace studies. On the one hand, it fills a gap in academic knowledge about the sustainability of peace processes. On the other, it addresses the relationship between criminal agendas and conflict resolution. From this angle, research hypothesizes that an inadequate management of criminal agendas by the former Colombian President transformed the peace negotiation into a strategy of *damage control* since it did not intend to modify the scale of predatory crimes committed by AUC, but rather to shape its behavior: low profile, without confrontational posture, and exhibiting reduced levels of lethality.

¹ This article is outcome of research project “Criminal agendas and peace processes in Latin America: A comparative study between Colombia and El Salvador (2003-13)”, funded by the National Agency for Research and Development (ANID).

² This category is defined as groups a) willing and able to use violence to achieve their goals; b) not integrated into formalized state institutions; c) in possession of certain degrees of autonomy with regard to politics, military operations, resources and infrastructure (although they can be supported by a state actor, official or other players who obtain personal benefits from this support); and d) whose organization or structure exists for a certain period. See: Podder, 2012:6.

³ Criminal agendas refer to a program or plan of an underlying criminal nature conducted by actors competing for government and public management of state resources. They can be adopted by a wide range of actors, such as criminal groups, insurgents, companies, public officials and political leaders. Indeed, individuals, and groups can take on both strategies and roles (political and criminal) depending on the context. See: Boer & Bosetti, 2017:9.

⁴ Disarmament, Demobilization and Reintegration (DDR) mainly aims to develop conditions necessary to ensure a successful social, political and economic reintegration of former combatants into civil life through a wide range of training, job creation, housing, psychological assistance and re-socialization programs. See: Moore & Ehrhart, 2012:55.

Thus, the methodology used in this article is a case study with a diachronic approach, since it examines a limited period of time in depth in such a way that the competition of state and non-state actors is analyzed according to their relevance in the indicated context. It also has intentional non-probabilistic sampling focused on events over which there is no control and which are examined with a holistic approach while the observation unit is studied in its entirety. Consequently, this research has a non-experimental character that is classified as transectional, since it aims to evaluate the level or status of various variables at a given time. Due to the extension of peace negotiations, these will not be analyzed exhaustively, focusing only on their landmarks. The research relies on secondary sources to analyze the peace process, particularly academic articles and books by known authors, tertiary resources contained in national and international databases such as Memory and Conflict Observatory (OMC). In addition, reports prepared by non-governmental organizations, such as the International Crisis Group, were examined. Information was also gathered from interviews granted by the AUC leadership, unofficial intermediaries and government officials during the peace process.

According to the research hypothesis put forward above, lethal violence will be measured through homicide and predatory crime based on the extortion rate generated by the Ministry of Defense, since this illicit activity constitutes the main tool of socio-economic and territorial control used by VNSAs analyzed in this case (paramilitary groups). In addition, the victimization survey published by the Latin American Public Opinion Project (LAPOP) was examined to measure social perception about the evolution of public security conditions during the negotiation. It remains to be noted that the article is structured as follows: In the first section, the *Peace Triangle* is presented as an analytical model. Then, the paramilitary demobilization during the Uribe's government is analyzed in terms of the *Peace Triangle* vertices, seeking to show changes in the behavior and attitudes of its protagonists concerning the criminal agendas of the AUC. Next, there is a discussion on the key points during the peace negotiation. Finally, conclusions are drawn based on each variable considered in the theoretical framework.

1.1. The Peace Triangle as an analytical framework

Defining the concept of *peace* is complex due to its polysemic character, but the specialized literature refers to a distinction between two interpretations. On the one hand, we find a restricted vision of the term that alludes to the absence of war and direct violence (applied by an actor), also known as *negative peace* (Galtung, 1996). The existence of conflicts in society cannot be ruled out, and negative peace is understood as a condition in which multiple actors can have antagonistic relationships expressed in confrontations that exclude the use of armed, systematic, and organized violence.

The methodological strength of this conceptualization is that it allows its quantification based on metrics or indicators that can be easily measured. From this angle, peace can be observed in a country through the lethality rate recorded yearly, for example. However, this notion has been questioned for two reasons. First, its narrowness leads to reductionist interpretations whereby relations could only be described as peaceful or conflictual. Second, this conception lacks explanatory power about peace's nature, strength, and sustainability (Diehl, 2016). This makes it difficult to understand why peace is stable and lasting in some nations while it is tough to preserve in others.

In response to this bump, an alternative approach emerges: *positive peace*. A holistic definition that contemplates the absence of indirect or structural violence (that is not exercised or applied by an actor) expressed in the existence of social justice, cooperative relations, and full respect for human rights. In other words, by delimiting its specific characteristics, this concept seeks to understand in-depth factors that contribute to a solid peace, opposing its negative meaning. From this perspective,

Wallensteen & Joshi (2018) argue that *positive peace* can be operationalized through five analytical dimensions: (1) well-being; (2) quality of relationships; (3) conflict resolution; (4) access to resources, equity, and human security; and (5) institutional capacity. Thus, these elements allow a State to be classified as peaceful in terms of *positive peace*.

Likewise, this vision has been the target of criticism mainly because the incorporation of dimensions such as social justice or human rights broadens the object of study of the discipline to the point that the concept of peace loses its usefulness as an analytical category, generating a *conceptual stretch*. In response to this, proponents of *positive peace* indicate that "the mere absence of war can be compatible with situations in which there is a profoundly authoritarian and unjust *status quo* that sooner or later would lead to an outbreak of violence" (Harto de Vera, 2016:130). For this reason, they believe it is necessary to understand the causes of armed confrontation, analyzing how sustainable peace can be developed, and what factors can prevent the recurrence of violence.

From this angle, this research article will use the contribution made by Höglund & Söderberg (2010), who, in order to operationalize the sustainability of peace processes, designed an analytical model known as the *Peace Triangle*. This instrument evaluates the peace processes through three dimensions: *issues*, *behavior*, and *attitudes* (see Figure 1). However, it is necessary to clarify that each one of them has its own logic, giving shape to a triangle in constant evolution, where all influence each other.

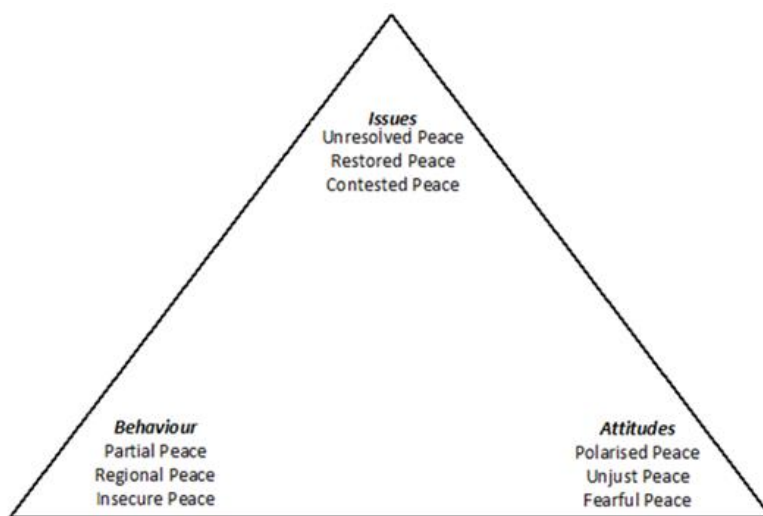


FIGURE 1: THE PEACE TRIANGLE
SOURCE: ADAPTED FROM HÖGLUND & SÖDERBERG, 2010:376

The first element refers to the topics at stake or incompatibility of interests. Naturally, a crucial aspect of this element is the willingness of the confrontation protagonists to articulate or pursue their goals. This component evaluates the relative presence or absence of conflicting issues. The second element refers to the means used by the conflicting parties to pursue their incompatible interests, including physical violence, intimidation, boycotts, or sanctions. These actions are executed by actors with the intention of forcing the opponent to give up or modify his objectives. This component also considers the relative presence or absence of violence and insecurity during the peace process or post-conflict. The third element consists of an indicator of psychological conditions (emotions, desires, wills, or perceptions) that are developed between the parties in conflict and can include prejudices, stereotypes,

feelings of distrust, and fears, that not only are derived from the conflict but can also reinforce it (Höglund & Söderberg, 2010:374-379).

Based on these three indicators, the authors have developed a set of categories to construct multiple scenarios that could be generated during a peace process, which are not mutually excluding as societies may present some of their features simultaneously, as discussed below.

About the first component of the triangle (*issues*), they have projected an *unresolved peace* (the process only contributed to diminishing or stopping armed violence but did not resolve the main problems of the conflict); *restored peace* (certain issues of the conflict were resolved in the peace process but underlying causes remain unsolved); or *contested peace* (agreements reached or new post-conflict order gives rise to issues that may generate a new armed conflict). Referring to *behavior*, the authors have categorized a *partial peace* (actors, ex-combatants, or dissident factions use violence to enforce concessions during the peace process or express their discontent with the terms and conditions of the peace agreement; this scenario does not necessarily imply the reactivation of the armed conflict); *regional peace* (new outbreaks of violence of varying intensity are generated in some zones or geographic areas, despite the signing of the peace agreement); or *insecure peace* (a high level of criminality and violence is registered during the post-conflict phase). Concerning *attitudes*, the authors have distinguished between *polarized peace* (attitudes of the actors are radicalized during the peace process); *unjust peace* (during the peace process, the society perceives its situation as disadvantageous in relation to one of the actors, either because of impunity or injustice); or *fearful peace* (after the war the society is intimidated due to the repression and control of the current regime). However, it should be noted that the *Peace Triangle* was not designed to cover all aspects of a peace negotiation but rather constitutes a model to identify scenarios that the process might generate (Höglund & Söderberg, 2010:375-386).

2. Analysis based on the Peace Triangle

2.1. Issues

Colombia went through a period known as *The Violence* (1948-53), during which supporters of the Conservative and Liberal party staged an intense armed confrontation that claimed the lives of 350,000 people (IACHR, 2007). The bloodbath was stopped when General Rojas Pinilla carried out a coup d'état, during his mandate an amnesty was decreed that facilitated the delivery of weapons by the majority of the population. However, the fierce opposition of the traditional parties and powerful businessmen brought the dictatorship to an end. The fall of the military regime began a conciliatory phase: both political sectors formed the *National Front*, alternating in the presidency to safeguard institutional stability. And although political violence was greatly reduced, hostilities did not cease.

In the mid-1960s, the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN) or the April 19th Movement (M-19) emerged, guerrillas who fought under the influence of Marxism against the economic model, social injustice and political exclusion, giving way to a new escalation of armed violence. Unsuccessful efforts to reach peace agreements with these armed groups fueled the rise of banditry, which reached critical levels during next decade (CNMH, 2016). Colombian landowners, farmers and industrialists organized private militias in response to territorial expansion, extortive kidnappings and attacks by these insurrectional movements. Therefore, it is possible to affirm that the origins of Colombian paramilitarism are basically associated with the state's incapacity to provide security in its extensive and inhospitable geography (Rodriguez & Seligson, 2004).

Aware of that institutional flaw the government of Guillermo Leon (1962-66), through Decree 3398, allowed the creation, training and equipment of self-defense groups by the Military Forces with

the objective of contributing to the preservation of public order (ICG, 2003:5). Article 25 provides that “all Colombians not included in the call-up for compulsory military service may be employed in activities and work with which they contribute to restoring normality” (IACHR, 2007:17). However, the paramilitaries were not able to counter the enormous tactical imbalance and serious military disadvantage with respect to the insurgent groups. For that reason, they mostly focused their attacks on civilians suspected of providing them with intelligence and logistical support⁵ characterized by the use of a varied repertoire of terrorist tactics such as dismemberment, decapitation, massacres and torture (CISAC, 2018).

Later, in the early 1980s, guerrillas began to kidnap the relatives of powerful drug lords, so they created their own self-defense groups to confront them, such as *Death to Kidnappers*. Thus, the paramilitary groups "established close ties with drug trafficking, to the point that many leaders became landowners and chose to use violence to protect their economic interests in the face of attempts by insurgent groups to strip them of their lands" (IACHR, 2007:18). Likewise, the conflict between the FARC and drug cartels intensified as a result of the approval of the exploitation of drug trafficking as the main source of funding at the VII Conference (1982). This decision led to the imposition of terms concerning this illegal economy on other actors (Felbab-Brown, 2010).

This convulsed scenario led the paramilitaries to intensify their offensive against members, supporters and alleged collaborators of rebel groups, generating a dramatic increase in lethal violence by the middle of the decade, illustrated in Figure 2. For this reason, in May 1989 the Supreme Court abrogated the regulations that protected the actions of self-defense groups, and they have been considered illegal ever since, prohibiting any cooperation by the military or any other government agency with them (Rabasa & Chalk, 2001:54). Reflecting that resolution, the Barco administration (1986-90) promulgated Decree 1194 through which it criminally sanctioned their recruitment, training, promotion, financing, organization, leadership, or membership (ICG, 2003:5).

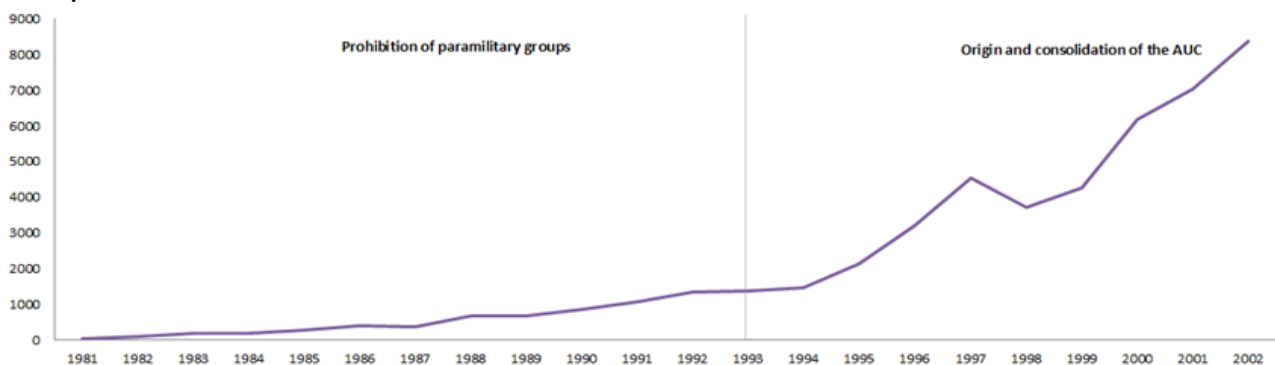


FIGURE 2. EVOLUTION OF PARAMILITARY HOMICIDES (1981-2002)
SOURCE: ELABORATED BY THE AUTHOR FROM OMC, 2020

Nevertheless, no state actor made any effort to "contain its spread, prevent its appearance or obstruct its operations" (Aviles, 2006:396). In fact, it should be emphasized that Colombian authorities implicitly or explicitly covered up the actions of paramilitary groups since they proved to be an efficient tool in counter-insurgency (Patterson, 2016:56). Moreover, considering that the military did

⁵ According to data from the National Center of Historical Memory, civilians represented 81.5% of the total number of victims. See: CNMH, 2013:32.

not achieve the degree of modernization necessary to perform satisfactorily on the battlefield (Felbab-Brown, 2010). Later, contrary to the Supreme Court decision, former President Cesar Gaviria (1990-94) promoted the existence of private security services through Decree 356, which allowed the creation of Surveillance Cooperatives (CONVIVIR) that operated in coordination with the military forces in counter-insurgency operations, even substituting them in some areas of the national territory (Verdad Abierta, 2015a). However, these private security forces were suppressed in 1999 due to strong pressure from the State Department, the United Nations, and human rights groups that condemned the abuses committed by their members (Porch & Rasmussen, 2008).

In November 1994, the operative self-defense groups joined their counter-insurgency efforts, giving way to the Peasant Self-Defense Groups of Córdoba and Uraba (ACCU), an initiative widely supported by regional political leaders, landowners, drug traffickers, and the Military Forces (Silva, 2017:130). In an attempt to extend its operations and geographical reach, the AUC emerged in 1997 under the leadership of Carlos Castaño⁶ and Salvatore Mancuso, allowing paramilitary groups to evolve from private militias that guarded their own cities from the guerrillas to an irregular army with 40 blocks present in 70% of the national territory (Patterson, 2016:52).

Under this logic, it should be noted that in their domains established, in collusion with economic elites and local authorities, an order based on extortion, forced displacement, and the application of terrorist tactics against the civilian population (Duncan, 2006). Enabling the transformation of the AUC into a *Para-State* was allowed, where legitimate authorities recognized themselves as incapable of controlling the territory in a sovereign manner, having to share their mandate with paramilitaries (Cívico, 2016). As Salvatore Mancuso later declared: "without the action or inaction of the State, we would not have been able to grow the way we did" (Alsema, 2014). Although Castaño emphasized his autonomy: "Our organization does not depend on the State" (Verdad Abierta, 2012). Consequently, this dynamic ended up strengthening the role of these VNSAs as informal intermediaries between the institutions and the Colombian population.

However, it should be stressed that Castaño paradoxically defined the AUC as a legitimate pro-government armed group responsible for protecting civilian population and respectable businessmen from attacks perpetrated by insurgents (Patterson, 2016:52). Interviewed by a foreign media outlet, the paramilitary leader expressed his vision: "We [act because if the State] does not fulfill its constitutional duty to defend the life and honor of its citizens, we understand that we can resort to our legitimate defense directly" (Gómez, 2001). Following this logic, the paramilitary army developed a strategy of consolidation with three objectives: 1) territorial expansion; 2) strengthening its political, social, and economic control; and 3) obtaining political legitimacy as an autonomous counter-insurgency group, within the context of the armed conflict to negotiate with the Colombian state (Zelik, 2015:109).

Such a plan required a major economic effort; but, unlike other counter-insurgency groups in Latin America, AUC were not financed by national or foreign governments (Silva, 2017:129). For this reason, they used drug trafficking as a source of financing, becoming a catalyst for their consolidation. In fact, Castaño claimed in an interview with *The Washington Post* that drug trafficking represented approximately 70% of his annual income and that the rest came from extortion (Wilson, 2001). Nevertheless, in dialogue with *BBC*, he specified the role that the counterrevolutionary army

⁶ Castaño came from a family of farmers in Antioquia. Since he was young, he participated in self-defense along with his brother Fidel, who formed an armed group to defend his economic activity from guerrillas. His bitterness towards the insurgents dates back to 1979, when the family head, Jesus Castaño, was kidnapped by the FARC. Originally, they were in a position to pay the ransom, however, at the last minute the amount demanded was raised. For this reason, his father could not be liberated and died at the hands of his captors. See: Verdad Abierta, 2014.

played in this illicit economy: "in some regions we charge taxes to the coca growers because it is the only way to finance ourselves, but that does not make us drug traffickers or participants in this dirty activity" (Gómez, 2001).

After the disappearance of Medellín and Cali cartels, new drug trafficking organizations outsourced other illegal actors for certain phases of cocaine production process, representing an opportunity to participate in illicit cultivation (Verdad Abierta, 2008a). In this regard, it should be emphasized that coca farmers paid self-defense groups in exchange for protection, allowing them to participate directly in cocaine production and export, achieving a domestic market share of over 40% (Chalk, 2013:74). But as the counterrevolutionary army became involved in the drug trafficking market, it adopted a more offensive posture against its main competitor, the FARC, with the aim of monopolizing coca plantations and main drug routes at the national level (Angelo, 2016).

From this perspective, peace negotiations between former President Andrés Pastrana (1998-02) and the FARC constituted a platform for the consolidation of the AUC for two reasons. First, his government started a process of modernization of the Defense sector through the implementation of *Plan Colombia*⁷ in order to counteract the existing strategic imbalance on the battlefield. This situation allowed paramilitary groups to assume a greater role in the counter-insurgency war through confrontations for control of territories associated with coca plantations (Echandia, 2013:29), which increased the lethal violence associated with the AUC (see Figure 2). Simultaneously, the paramilitary expansion phase caused an intensification of dynamics of the conflict estimated at 127%, according to official statistical (FIP, 2017).

Secondly, and closely linked to the above, the peace process negotiated with the FARC promoted the expansion of the AUC's territorial reach into key zones for the development of illicit crops in both the north and east, south-east and south-west of the country. Without a doubt, this dynamic sharpened its tendency towards narcotization because it contributed to expand its participation in that illicit market through the sale of memberships to drug traffickers, which also allowed it to triple its size prior to peace process (Echandia, 2013:30). According to the Ministry of Defense, at the time of announcing its demobilization, the annual growth rate of the AUC was around 58% (IACHR, 2007:32).

After Pastrana's unsuccessful talks, the fear of an eventual *Failed State* drove the need to recover capacity, legitimacy and sovereignty from the FARC advance (Tokatlian, 2008). For this reason, former President Álvaro Uribe (2002-10) adopted a strategic turnaround, launching an offensive through *Democratic Security*, a policy based on the intensive use of the military instrument to undermine guerrilla operations, financed by an exceptional tax and economic resources transferred through *Plan Colombia*. Even though his administration closed channels of dialogue and denied the existence of an armed conflict due to foreign policy issues⁸, it did make specific approaches to reach a humanitarian agreement with the FARC. In contrast to strict counter-insurgency line adopted, the Uribe administration opted for dialogue with the AUC just when they were in full expansion. As authorities could not bring down paramilitaries, a negotiated solution seemed to be the only way to gradually undermine their power, a perception shared, at that time, by 60.9% of public opinion

⁷ *Plan Colombia* was an aid package designed jointly by Andrés Pastrana and former President Bill Clinton (1993-2001) that consisted of accepting a U.S. anti-narcotics agenda (based on banning and forced eradication) in exchange for military, technical, and socio-economic support. See: Tickner, 2014.

⁸ After the 9/11 attacks, the FARC was identified as a terrorist organization by the government, based on criteria used by U.S. authorities to shape their security policy in the war on terrorism. It allows to remove restrictions on military cooperation for counterinsurgency purposes, and can use it in counter-narcotics and counter-terrorism efforts, facilitating the deployment of greater economic resources from the White House. See: Borda, 2013.

(Rodríguez & Seligson, 2004:244). From same perspective, Luis Carlos Restrepo, High Commissioner for Peace, said: "The big problem we have is that because of the power of these armed organizations it has been practically impossible to stop them and take them to prison. What we want is for them to collaborate with us in dismantling their organization" (Lozano, 2003).

For the former Colombian President, it was an opportunity to "[contribute] to the peace of Colombia and for these boys to be reinserted, reunited with their families and reunited with the happiness of a life prospected in peace and progress" (Latorre, 2004a). In addition, the demobilization of the self-defense groups would allow the government to wage an anti-subversive war without legal or ethical questions, considering that the State Department designated the AUC as a terrorist organization in September 2001, encouraging it to take a firmer position on crimes committed by the paramilitary federation (Stratfor, 2004). Without a doubt, for the self-defense groups, the dialogue represented an opportunity to achieve the greatest objective established in their consolidation strategy: to be recognized as an actor in the armed conflict, improving their level of socio-political influence (Ronderos, 2014). As a goodwill gesture, in December 2002 they declared a unilateral ceasefire. According to Rozema (2008) several factors influenced their decision to participate in the negotiations:

- Increasing tensions within the leadership contributed to the view that a nationwide paramilitary organization would not have a long-term future. Indeed, competition among regional paramilitary units further undermined the AUC's position as a nationwide organization.
- One of the key points dividing the paramilitary leadership was the AUC's growing involvement in drug trafficking. While some leaders wanted to distance themselves from this illicit economy, others argued that it was the only way to finance their operations. The latter faction was seeking to avoid extradition to the United States on drug trafficking charges by participating in a negotiation.
- Another major concern was the public's perception of the paramilitaries. Initially their operations were seen as successful actions against the guerrillas, especially in northern Colombia. But when the excesses committed by these groups became widely known, popular support declined.

To facilitate the negotiations Alvaro Uribe signed Law 782 which allowed for dialogue with any armed group involved in the confrontation regardless of their political status, which contradicted his official position regarding the non-existence of armed conflict (Arnson, 2006:17). Then, he created an exploratory commission made up of the High Commissioner for Peace and representatives of the Catholic Church in order to facilitate preliminary approaches with the so-called General Staff paramilitary negotiator⁹ under the strictest confidentiality (CNMH, 2012:427). In fact, public opinion "never knew of any agreement or document presenting the issues on the agenda and rules of negotiation" (Arias & Prieto, 2020:32). Until July 2003, the *Santa Fe de Ralito* agreement with the AUC was sealed, committing them to progressively demobilize their troops and abandon illegal activities in exchange for judicial benefits, such as reduced sentences for paramilitary violence and suspension of extraditions for drug trafficking (Rexton, 2019:107-108). But, it should be noted that,

⁹ The paramilitary negotiating staff was composed of Vicente Castaño, alias *El Profe*; Salvatore Mancuso, alias *Triple Cero*; Diego Murillo Bejarano, alias *Don Berna*; Carlos Jimenez, alias *Macaco*; Rodrigo Tovar Pupo, alias *Jorge 40*; Rodrigo Perez, alias *Julián Bolívar*; Everth Veloza, alias *HH*; Miguel Arroyave, alias *Arcángel*; Ivan Duque, alias *Ernesto Báez* and Ramiro Vanoy, alias *Cuco Vanoy*. See: IACHR, 2007:35.

unlike other processes of negotiated pacification, such as the one starring the M-19 in 1990, discussion of possible participation in political life was totally absent during talks with the Uribe government, while the AUC lacked a coherent political agenda (Angelo, 2016).

Subsequently, in January 2004, the Mission to Support the Peace Process of the Organization of American States (MAPP-OEA) was created with the objective of monitoring and verifying the disarmament and demobilization phases under Agreement 4934 signed between the Uribe administration and the General Secretariat of the organization. The mandate of MAPP-OEA did not contemplate the verification of disarmament, nor the ceasefire, but as the process advanced, it assumed a more relevant role, providing technical advice to the authorities (Arnson, 2006:7). In May of the same year, a *location zone*¹⁰ was established in Tierralta by Resolution 092, according to which any member of the AUC who came to this area would be exempt from arrests, as well as from offensive actions against them. However, it did not consider security guarantees for the civilian population resident in the territory that, beyond the presence of MAPP-OEA, were devoid of military or police protection (IACHR, 2007:36).

2.2. Behavior and attitudes

Next, the changes in the *behavior* and *attitudes* of the protagonists during the peace process regarding the criminal agendas of the AUC will be analyzed.

2.2.1. Justice and Peace Law

In June 2005, Congress approved the legal framework facilitating the DDR process: The Justice and Peace Law (JPL). However, the law was criticized for two main reasons. First, because its processing was biased, as it involved legislators who received support from self-defense groups during their election campaign. Second, in an attempt to address the apprehensions of paramilitary leadership regarding legal consequences of their participation in the negotiations, the JPL's scope was limited because, on the one hand, it granted immunity from extradition and equated the offense of conspiracy to commit a crime with the political crime of sedition, which is punishable by 5-8 years in prison, and was considered a virtual amnesty because of the seriousness of the crimes and abuses committed by the AUC (Verdad Abierta, 2008b). Although Castaño denied the commission of crimes: "What happens is that we face a guerrilla that remains as a civilian, it camouflages itself within civilians. So where we find the enemy, even if he is in civilian, he is a military target and we act militarily against him. But we never act against innocent people" (Gómez, 2001).

On the other hand, the JPL did not contemplate the total confession of illicit acts committed by AUC members as a requirement for participating in the DDR process, but rather a *free version* of the facts, with "an idealization of the past, strategic calculations and much performance" (CNMH, 2016:76). In addition, it granted prosecutors very limited time to investigate each case, neither encouraged the participation of victims in judicial proceedings, nor established channels to denounce third parties, for example, members of security forces who protected the actions of paramilitary groups (International Amnesty, 2006:161). Human rights organizations strongly criticized this aspect

¹⁰ According to Resolution 092, the purposes of the *location zone* were: (1) to facilitate the consolidation of the dialogue process; (2) to contribute to the strengthening and verification of the cessation of hostilities; (3) move towards the definition of a timetable for the concentration and demobilization of AUC members; (4) allow an exchange between the negotiating table and national and international sectors; and (5) facilitate participation. See: IACHR, 2007:36.

for constituting an obstacle to clarification of the truth, as well as an attack on the right to justice and reparation for victims of paramilitarism (Chalk, 2013). In response, Uribe administration argued that there was an urgent need to balance the aspirations for justice and peace, which means that "any process of negotiation implies [a certain degree of] impunity" (ICG, 2003:22).

Another aspect criticized was the delay in implementing the JPL, which started more than a year after its entry into force, a situation that raised suspicions among human rights NGOs and victims groups about the Uribe administration's priorities for the peace process negotiated with the AUC. From that angle, it is possible to affirm that "the government was reluctant to act quickly for fear of the paramilitary chiefs abandoning the process or sabotaging it, for example, suspending the demobilization of their troops if they perceived that the persecution would be severe" (ICG, 2008:2).

2.2.2. Drug Trafficking

The "blurred line between the political and criminal dimensions of the AUC was a major factor in the viability of negotiation peace. To legitimize the peace process, the government emphasized the political nature of the paramilitaries" (CNMH, 2012:436). However, due to their high level of participation in the drug trafficking market, the negotiation with them was as controversial as a pact with a drug cartel. Even though Castaño tried to settle the matter: "I officially request that no political treatment or legal concessions be given to those found guilty of drug trafficking during the peace process" (Gómez, 2001). Detractors alleged that the self-defense groups intended to manipulate the negotiated solution to avoid being penalized for their criminal activities (Porch & Rasmussen, 2008).

This situation was strongly rejected even by the main strategic partner of Uribe administration: The United States. This country has imposed restrictions on deals with groups involved in drug trafficking, especially if they contemplate the granting of judicial or economic benefits. However, there are some exceptions (Felbab-Brown, 2020:23). In its negotiations with the AUC, the Uribe government was aware of an eventual objection from the White House. For this reason, he maintained an ongoing dialogue with his US counterpart, George W. Bush (2001-08), to support the process in the knowledge that he would not accept any prerogative that would interfere with commitments made in anti-drug policies and programs, such as non-extradition (Arnson, 2006:5-6).

Although there was public support for the negotiated peace process, the U.S. government did not hesitate to express concern about the AUC's participation in drug trafficking market, expressed basically through political-diplomatic gestures, such as the designation of the AUC as a drug trafficking organization in mid-2003 or requests for the extradition of paramilitary ex-combatants (Patterson, 2016:57). Thus, Washington applied strong pressure on Colombian government with the objective of forcing it to reach a definitive agreement that would allow it to provide them with vital information in the framework of bilateral cooperation on the fight against drug trafficking (ICG, 2003:25). However, Vicente Castaño expressed confidence in this regard: "We have always seen extradition as a political issue that depends on the good relations that Colombia has with the United States. We believe very much in the President and in the endorsement given to him by the Americans in supporting the process. Americans never break" (Semana, 2005a).

From this perspective, it is worth remembering that six months after the *Santa Fe de Ralito* agreement was signed, the demobilization process began with the *Cacique Nutibara Bloc*, led by Diego Murillo Bejarano, alias *Don Berna*, a notorious drug trafficker. In fact, within the AUC, the

demobilization of that paramilitary block was considered a deception¹¹. In this regard, former paramilitary chiefs such as Freddy Rendon, alias *El Aleman*, pointed out that much demobilization had been a montage to clean up the criminal records of prominent criminal leaders who had joined the paramilitary army during its expansionary cycle by acquiring franchises (Verdad Abierta, 2011).

Thus, the talks were situated between a DDR process and the submission to justice of a drug trafficking group, while the paramilitary federation was not only a key player in the armed confrontation, but also participated in that illegal economy. Under this perspective, the existence of the armed conflict allowed former President Uribe to overcome *limitations of acceptability*¹² by approaching the AUC as “a political actor, avoiding two critical aspects that were evident during the peace process: 1) the support given (by action or omission) by political and economic sectors, as well as by the Colombian Armed Forces; and 2) its hybrid nature associated with a criminal agenda” (Gonzalez-Bustelo, 2016:23). The negotiation resulted in a collective surrender that did not cover their criminal activities, nor did it dismantle their close links with political and economic actors (Gil-Ramirez, 2013:12). From this perspective, it should be noted that the “demobilization had a tactical purpose, allowing for the legalization of the paramilitaries, maintaining a dual status of demobilized combatants, on the one hand, and heads of criminal groups in full activity, on the other”(Echandia, 2013:20). Consequently, the peace process with the AUC led to their empowerment as privileged interlocutors with the Colombian State.

2.2.3. BACRIM Emergence

A sustainable peace process required that strategic nodes of their economic, social, and political networks be completely dismantled to avoid eventual reconfiguration because, as long as these remained intact, paramilitary groups would continue and even expand their criminal activities (Villa & Viana, 2012:428). Nevertheless, authorities missed opportunity to “thoroughly interrogate the demobilized persons about their knowledge of assets, contacts, and operations, to investigate their criminal networks and sources of support, and to dismantle them” (HRW, 2010:5). In this direction, the MAPP-OEA expressed concern about the emergence of new illegal armed groups of similar characteristics in midst of paramilitary demobilization (IACHR, 2007:92).

Many of these armed structures were under the command of former paramilitary commanders who continued to manage their illegal economies from prison (Verdad Abierta, 2015b). Thus, it is possible to assert that the AUC was unwilling to make strategic commitments related to its criminal agenda. In effect, these illegal groups maintained the territorial and operational patterns of their predecessors, since they were formed by demobilized paramilitaries, particularly mid-level commanders with vast knowledge of routes, contacts, and the dynamics of illicit markets (Masse, 2011:44). However, it should be noted that groups born during the paramilitary demobilization differ from the AUC in three ways:

In the first place, they built a cooperative relationship of a pragmatic nature with historical nemeses of the paramilitaries: the FARC, in order to distribute more efficiently the various phases of the productive chain of illicit markets such as drug trafficking or illegal mining, because their

¹¹ According to calculations made by Human Rights Watch, up to 85% of demobilized members of the Cacique Nutibara Bloc were not actually combatants, but rather belonged to criminal groups. See: HRW, 2010:19.

¹² *Limitations of acceptability* are associated with regulatory concerns about how to fight crime. These types of restrictions come from ethical dilemmas, such as selective law enforcement or dealing with criminal groups. Although they also derive from possible legal consequences for non-compliance with ratified treaties, as well as the application of economic and diplomatic sanctions by international actors. See: Lessing, 2018:12.

presence has a more predatory logic in relation to their predecessors (ICG, 2007:3). Secondly, their involvement with the security forces responds to a criminal logic based on corruption, in order to evade repressive efforts or obtain information on the activities of their competitors (Masse, 2011:48). And thirdly, they are smaller in size and firepower¹³, which is why they do not constitute a national security threat, unlike AUC (Duran-Martinez, 2018:87).

The operation of these illegal armed groups contributed to configure a post-demobilization scenario where the limits between criminal and war violence were difficult to trace for Colombian society (Nussio & Howe, 2016). This generated an intense discussion on how to define or catalogue these new actors, whose implications not only encompassed the academic and political level, but also the legal level (Masse, 2011). In this sense, a report prepared by MAPP-OEA emphasized the need to create strategies to neutralize them considering their origin and specific features (MAPP-OEA, 2011:6).

For this reason, former President Uribe insisted on clarifying that the armed groups that emerged after the paramilitary demobilization could not be classified as self-defense groups, but rather as Criminal Gangs (BACRIM). With this new denomination, it was officially established that the pacification process led to the end of paramilitarism, since most of the successor structures lacked a political orientation because they were not involved in counterinsurgency activities (McDermott, 2014). As a result, this attitude was a sign that the Colombian State's relationship with these illegal groups would be antagonistic, as opposed to that with the AUC. Hence, the government warned the demobilized that if they returned to illegality, they would lose the benefits contemplated in the transitional jurisdiction. However, this measure would affect only 10% of demobilized candidates for JPL at time (International Amnesty, 2008:135).

Following this reasoning, Villalobos (2016) suggests that "any pacification process entails the risk of creating a transition from organized to anarchic violence. Thus, producing individuals entirely dedicated to illicit activities as a consequence of paramilitary demobilization was undesirable but unavoidable". In fact, mid-level commanders did not receive benefits during the transition to civilian life, with fewer incentives to lay down their arms and greater incentives to return to illegality. Under this logic, it should be stressed that the failed implementation of the peace process led to approximately 20-30% of its troops going back into crime (Verdad Abierta, 2015b).

Certainly, the *Santa Fe de Ralito* agreement did not include specific dispositions on the reinsertion of ex-paramilitaries; it only stipulated that the government was committed to providing socioeconomic support in accordance with current legislation (Jaramillo et al, 2009:12). However, Uribe administration experienced *logistical limitations*¹⁴ associated with the fact that 31,671 demobilized persons (Arias & Prieto, 2020:31) far exceeded the institutional capacity of agencies responsible for executing reinsertion programs, preventing them from coordinating with local governments to provide them with the necessary political and technical support. This situation led to the following problems: 1) the inability to provide minimum security conditions for ex-combatants; 2) the absence of a job supply that was functional to the skills of ex-paramilitaries; and 3) the inability to replace social orders based on illicit means of subsistence in those areas controlled by the AUC (Nussio, 2012).

¹³ By 2006 there were 33 operational groups in Colombian territory with approximately 4,000 members. See: Arias & Prieto, 2020:33.

¹⁴ *Logistical limitations* correspond to institutional factors such as the inability to triangulate agency efforts, both horizontally and vertically, around the policy to be implemented to respond to violence. Without a doubt, high levels of fragmentation, weakness and corruption in the state structure make it difficult for central governments to coordinate the implementation of their policies. See: Lessing, 2018:13.

Regarding this last point, it is possible to assure according to statistics provided by the Agency for Reintegration and Normalization, between 2003 and 2018, 3,589 demobilized paramilitaries were killed or victims of attack (Arias & Prieto, 2020:33). Similarly, it is estimated that demobilized persons linked to some employment reached 4,400, representing 14% of contingent. Of these, about 62% were employed in informality: sporadic activities in agriculture, livestock and construction. And even though the reintegration phase included programs to provide academic and occupational training to the demobilized. In fact, in 2006, 6,000 were enrolled in an education or training center (IACHR, 2007:90-91).

2.2.4. Ceasefire

Although supporters of the pact emphasized its contribution to saving around 2,800 lives (Moloney, 2006), the High Commissioner for Peace denounced violations of unilateral ceasefire declared before the start to the DDR process (Arnson, 2006:3). From this angle, the government indicated that the counterinsurgency army had committed more than 3,000 homicides since the prelude (International Amnesty, 2007:132). For this reason, Ex president Alvaro Uribe drew the attention of the paramilitary groups involved in the process: “they have to respect the cessation of hostilities; otherwise, the order to the public force is to dismantle them because our commitment is to fully recover the rule of law” (Latorre, 2004b).

There was undoubtedly a significant decline in the lethal violence associated with paramilitarism (see Figure 3), where the number of killings fell by 150% according to official statistics, proving to be the main perpetrator of the internal armed conflict in the late 1990s and early 2000s (OMC, 2020). However, this tendency would imply a *false tranquility* since, after consolidating as a *Para-State* in vast territories of Colombia, AUC employed extortion to continue exercising its territorial and socio-economic control, whose incidence registered a drop a just 22% (see Figure 3), a situation that increased social disaffection towards negotiations (CNMH, 2016:62). In fact, this doubtful ceasefire was clearly reflected in public opinion polls conducted during the paramilitary demobilization process, which also did not reveal significant improvements in victimization rates. In this sense, percentage of Colombian population that identified either ex-paramilitaries or members of their successor groups, i.e. BACRIM, as responsible for any crime associated with the internal armed conflict decreased by just 3.9% between 2004 and 2006 (Rodriguez & Seligson, 2007:243)

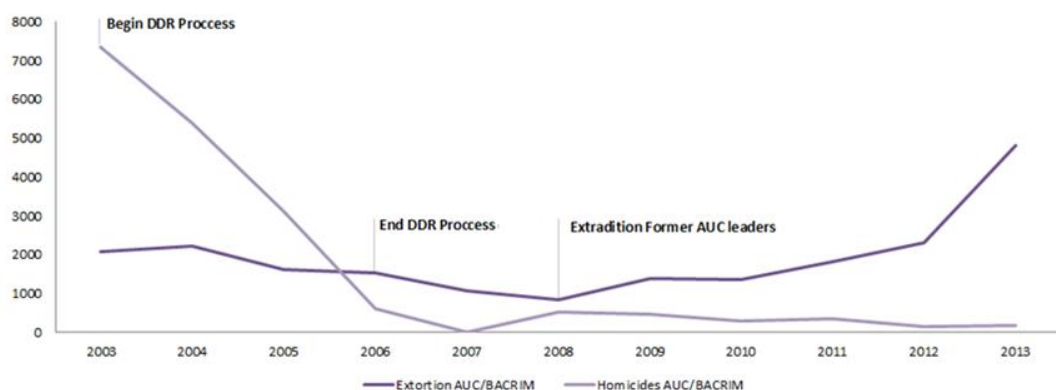


FIGURE 3. EVOLUTION OF EXTORTION AND HOMICIDES AUC/BACRIM (2003-13)
FOR THE PURPOSES OF THE ANALYSIS OF THIS PERIOD, AUC AND BACRIM WERE COMBINED INTO A SINGLE CATEGORY.

SOURCE: ELABORATED BY THE AUTHOR FROM OMC, 2020; MINISTRY OF DEFENSE, 2020

Drastic fall in number of murders observed during the peace process would indicate a change in lethal pattern oriented towards selectivity seeking to cause less political impact and cost (IACHR, 2007:22). Under this logic, *Don Berna* later confessed to the Justice and Peace Tribunal that paramilitary demobilization was designed to offer judicial benefits to its members¹⁵ in exchange for decreasing intensity of the conflict (Laverde, 2013). According to official data, during the retreat of self-defense groups, the intensity of the counter-insurgency war fell by 25% (FIP, 2017). As Cruz & Duran-Martinez (2016) put it would be an artificial result associated with strategic manipulation of *visibility of the violence*¹⁶ by hiding the killings for carry out convincing simulation of the pact and avoid provoking government's repressive efforts. In this regard, 3,000 clandestine graves were found before the demobilization was completed (Moloney, 2006). Therefore, it is possible to affirm that DDR process constituted a *damage control* strategy since it did not intend to modify the *scale of predatory crimes committed* by the AUC, but rather to shape its behavior: low profile, without confrontational posture and exhibiting reduced levels of death.

2.2.5. Para-politics

In May 2006, shortly before the last demobilization, the Constitutional Court, through Sentence C-370, prevented ex-paramilitaries from being prosecuted for the political crime of sedition, as the AUC did not constitute any type of opposition to the Colombian State. In addition, it stipulated that the granting of legal benefits associated with the transitional legal framework should be conditioned on the fulfillment of the following requirements: 1) do not to repeat illegality; 2) full confession of their crimes; and 3) reparation to victims with assets obtained from their illegal activities (Verdad Abierta, 2008b). The ruling of the judicial body was repudiated by Alvaro Uribe, considering him politically sessed against the peace process with the AUC (Lopez & Sevillano, 2008:77).

But, given this irremediable situation, the Uribe administration decided to begin implementing the transitional legal framework that had remained in limbo until then, which was diminishing its credibility at the national and international level (Moloney, 2006). Obviously, the resolution was interpreted by former paramilitary leaders as a failure to comply with the terms agreed upon during the negotiations (Ronderos, 2014). This was because the resolution omitted their political status, frustrating their claims to receive amnesties to legalize their criminal activities and recognize the legitimacy of established orders and attacks perpetrated in their zones of influence (CNMH, 2012:495). In fact, the sentence left "19,000 paramilitaries in legal limbo"(International Amnesty, 2008:135).

For this reason, former AUC members opted to instrumentalize their *free versions* to expose those who have tactically or explicitly supported their operations. This tactic, added to the discovery of the notebook of Rodrigo Tovar, alias *Jorge 40*, with secret computer files on murders ordered by notorious politicians (Moloney, 2006), revealed to public opinion what was considered an open secret: the high degree of interference that the paramilitaries had in Colombia's political, social and economic life (Lopez, 2010). As Salvatore Mancuso expressed in an official statement: "We recommend people who to vote for"(Semana, 2005b). Thus, the political utility of paramilitary groups in electoral

¹⁵ It is estimated that approximately 58% of combatants demobilized between 2003 and 2006 entered the AUC for the purpose of obtaining judicial benefits under the DDR process. See: Arias & Prieto, 2020:32.

¹⁶ This concept refers to whether armed groups expose or claim responsibility for their attacks, whether to frighten away enemies, retaliate against government action, attempt to modify the behavior of security agencies, or negotiate a price for protection. See Duran-Martinez, 2018:37.

processes, who supported candidates for election was revealed, including Alvaro Uribe himself¹⁷, either by intimidating voters, or eliminating opponents, a phenomenon known by mass media as *Parapolitics* (Alsema, 2012).

During an interview with the magazine *Semana*, Vicente Castaño himself openly acknowledged the interference in electoral processes, along with the strengthening of political power structures in communities dominated by paramilitary groups: "There is a friendship with politicians in the areas where we operate. There are direct relationships between commanders and politicians and alliances are formed that are undeniable. The AUC give advice to many of them and there are commanders who have their friends candidates for corporations and mayors" (Semana, 2005a). In particular, on the regional elections held during the final stage of its demobilization, he mentioned the following: "We are advising all commanders to surrender their weapons so that there is no room for discussion and that political adversaries say we are threatening them. But in this campaign in the regions we control all the candidates will have [security] guarantees"(Semana, 2005a).

Nevertheless, a post-election survey indicated that about 30% of Colombians received threats from ex-paramilitaries to favor a specific candidacy in the 2006 local elections, held during their demobilization (Rodríguez & Seligson, 2007:188). According to Lopez & Sevillano (2008), with these pacts, the AUC instrumentalized the parties because, in addition to influencing votes to obtain political representation, installing their candidates in public office at the local and regional levels, they co-opting their government functions to ensure protection and impunity¹⁸. Likewise, it should be noted that the uncovering of these links not only undermined citizen support for the negotiated peace process; it also increased the degree of polarization around it. Sectors of the opposition argued that this phenomenon undermined the supposed paramilitary autonomy from the Colombian State in the context of the armed conflict (CNMH, 2016).

The *Parapolitics* scandal motivated the Supreme Court to open legal proceedings against several elected officials under the JPL, resulting in the imprisonment of 62 congressmen, most of them from pro-government parties (Gutierrez & Gonzalez, 2012:115). Of these, 26% militated in Civic Convergence, 21% in Radical Change, 12% in Conservative Party, 10% in Liberal Party, 8% in Colombia Viva and just 6% in Civic Popular Convergence¹⁹. It is possible to assure that the political parties, whose electoral flow came basically from paramilitarism, disappeared. This is explained not only by the prosecution of its members, but also because after the demobilization of the AUC, they lost the armed wing that mobilized popular support during election processes (Verdad Abierta, 2013).

Given that the ruling coalition was heavily involved in the scandal, because of its close ties to the AUC, opposition party leaders used the situation to gain political advantage by taking "a moral advantage over the government and [assuming] leadership in promoting the rights of the victims [of paramilitaries]" (ICG, 2008:6). However, Uribe accused the Supreme Court of undertaking political persecution to anger his government, wherefore the highest court denounced him for exert undue pressure and obstruct the development of open processes within the JPL (Rodríguez & Seligson, 2007:35). On the other hand, those involved discredited the testimonies given by ex-paramilitaries on

¹⁷ In a satellite hearing before the Supreme Court, Salvatore Mancuso noted that the AUC, in the context of a national summit, resolved to support the presidential campaign of former governor Alvaro Uribe. The decision was in response to the fact that it was a candidate whose ideology was aligned with paramilitary organization on issues such as public security and counter-insurgency. See: *Semana*, 2010.

¹⁸ Based on the evidence gathered in court proceedings opened by the Attorney General's Office and the Supreme Court, the prevalence of links between public servants and paramilitary groups was established in 78% of Colombian territory. See: Lopez & Sevillano, 2008:72.

¹⁹ Regarding the extent of links between paramilitary groups and the Colombian political elite, Vicente Castaño said they had co-opted more than 35% of the Colombian Congress. See: *Semana*, 2005a.

the grounds that their bad reputation made them unreliable (CNMH, 2012:495). Consequently, scandal caused by these revelations raised the tension between the paramilitary leadership and Colombia's political elite to its highest level.

2.2.6. Extradition

Without a doubt, revelations by former paramilitary chiefs threatened the legitimacy of the Colombian *establishment*, and could have triggered a serious political-institutional crisis (Gutierrez & Gonzalez, 2012). In this sense, negotiations with criminal groups generate powerful spoilers²⁰, especially when they threaten to expose the corrupt practices of legal actors, considering that any agreement requires not only the revealing of crimes committed, but also their networks of corruption (Felbab-Brown, 2020:27). In May 2008, Uribe administration extradited 14 former commanders into the United States²¹ under charges of drug trafficking with evidence that they continued to carry out illegal activities from their confinement sites through the control of BACRIM, which violated the stipulations of the transitional legal framework²².

Meanwhile, former commanders affected by the court order alleged that it was a government move to keep them silent (Sontag, 2016). Victims' groups also disapproved of the decision, arguing that it violated the right to access truth and justice, and obstructed the continuation of judicial proceedings on crimes against humanity under the JPL (ICG, 2008). Former President Uribe came out in the midst of criticism by declaring that existing judicial cooperation treaties with the U.S. government should favor the development of open judicial processes in the framework of the JPL "in case that there is a desire and willingness on the part of those extradited to continue collaborating with Colombian judicial authorities, confessing to criminal actions and giving assets, accounts of events and expressions of forgiveness" (El Tiempo, 2008).

Nevertheless, many extradited leaders did not continue to collaborate with Colombian authorities in the transitional justice process, refusing to cooperate with the Justice and Peace Unit, both to clarify the truth about the crimes and abuses committed, and to help unravel the links with state actors in the context of the scandal²³. Nor did they commit to making reparations to their victims, since they hid their illicit assets or delayed their delivery²⁴ (Verdad Abierta, 2010). Consequently, it is possible to say that Uribe administration sacrificed the successful implementation of the JPL in the face of double pressure. On the one hand, to mitigate the impacts generated by *Parapolitics*, and on the other, to fulfill international commitments related to the battle against drug trafficking.

Similarly, extradition marked a *turning point* in the peace process negotiated with the AUC, not only violated the conditions agreed upon by the Uribe administration, but also broke the downward trend of lethal violence, as can be seen in Figure 3. The absence of former paramilitary chiefs, those

²⁰ Individuals or groups who regard the peace process as a threat to their power and interests and who will therefore strive to undermine it. See: Moore & Ehrhart, 2012:149.

²¹ Diego Murillo Bejarano, alias *Don Berna*; Francisco Zuluaga, alias *Gordo Lindo*; Manuel Torregrosa; Salvatore Mancuso, alias *El Mono*; Diego Ruiz Arroyave; Guillermo Pérez Alzate, alias *Pablo Sevillano*; Ramiro Vanoy, alias *Cuco Vanoy*; Juan Carlos Sierra, alias *El Tuso*; Martín Peñaranda, alias *El Burro*; Edwin Gómez Lara; Rodrigo Tovar Pupo, alias *Jorge 40*; Hernán Giraldo Serna, alias *El Patrón*; Nondier Giraldo and Eduardo Vengoechea; were extradited. See: Verdad Abierta, 2010.

²² Former U.S. Ambassador for Colombia William Brownfield noted that the prosecutor's office had requested sentences for former paramilitaries varying from 17 to 30 years. See: ICG, 2008:4.

²³ Around 90% of the demobilized paramilitaries refused to cooperate or failed to provide relevant information on crimes committed by the blocs they formed. See: IACHR, 2007:75.

²⁴ It is estimated that the paramilitaries have only given 6% of their assets to the reparation fund. See: Sarralde, 2017.

who exercised hegemony in the underworld in their respective domains, triggered confrontations between BACRIM's mid-level commanders, who attempted to fill the *power vacuum*, thus controlling the illicit activities handled by extradited former commanders until then (Masse, 2011:44), a dynamic that resulted in a rise in homicidal violence. On the other hand, it should be mentioned that the lethality was stimulated by the government offensive in the areas of influence of former paramilitary chiefs once the extradition process had begun, generating an equally violent reaction on the part of BACRIM in order to protect its own interests (Krakowski, 2015:32-33). Unfortunately, confrontational dynamic generated by the intervention of the military forces also encouraged BACRIM's predatory tendency in territories where they operated (CNMH, 2016:106), which was reflected in a significant increase in extortion levels, as shown in Figure 3.

3. Discussion

The correlation of forces between the protagonists of the peace process was asymmetric: an extremely weak State in the face of a consolidated VNSA. Alvaro Uribe found himself in a complex position after the failed negotiations of his predecessor with the FARC, and his recent ascension to power preceded by an electoral campaign with a marked counter-insurgent accent. Not to mention that the military force was just beginning a process of modernization within the context of Plan Colombia. Instead, the AUC were on a very good footing due to the size, territorial control and political capital achieved during their expansionary phase, to the detriment of the sovereignty exercised by the Colombian State. In addition, they were in a position of strength by controlling a significant part of the drug trafficking market after taking several territories from the FARC. Similarly, the AUC possessed a robust spirit of body projected in a great capacity for command and cohesion that allowed them to manage the negotiation in a better way. They definitely had enough power to seal or implement agreements, and even neutralize an eventual boycott from any enemy.

The AUC, in a similar situation to the Colombian government, was negotiating from a position of leadership. Both negotiating teams were legitimate and representative, they also had a direct communication channel with the counterparty. Therefore, it was to be expected that the agreements reached would be strong enough to be assumed by both sides. Under this logic, during the peace process established certain matters that would not be negotiable: in none of the cases would there be an amnesty and limits would be imposed on the extraditions in terms of their viability. At the same time, it was warned that ceasefire must be respected; otherwise the State would apply the law, which was partially complied with. And the AUC was not allowed to intervene in the development of the legal framework that resulted from the negotiation. During the peace negotiation, it was observed that Colombian authorities chose to soften the application of transitional jurisdiction to avoid defections.

For their part, the AUC used armed violence in transactional way with the Uribe government to obtain greater benefits from the negotiation. During their retreat there was a sharp drop in the number of murders (150%), proving to be the biggest perpetrator of the war. However, this apparently auspicious scenario did not bring about an improvement in the security conditions. Rather, it was an indication of a false tranquility favored by the persistence of robust criminal governance that allowed paramilitaries to continue exercising territorial and socio-economic control by resorting to extortion, whose levels remained relatively stable during DDR process (-22%). This situation was supported by public opinion surveys conducted during the peace negotiations, which revealed slight variations in the victimization rates associated with the AUC (-3.9%). In this way, the negotiation constituted a damage control strategy for Uribe, since it did not intend to modify the scale of the predatory crimes committed by the AUC, but rather to shape its behavior: low profile, without a confrontational posture and exhibiting reduced levels of death. As a result, paramilitary demobilization demonstrated that

Governments sometimes use law enforcement selectively in an effort to tolerate or simply manage the violence associated with VNSAs, instead of suppressing it.

A successful peace process should be based on a credible coercive threat to sanction and discourage any greedy claims by VNSAs. The rules of the game should be clearly established to the VNSAs on the reversibility of the process in case of infringement, for example, suspending access to the agreed benefits (Cockayne et al, 2017). However, Uribe administration acted with a high degree of complacency towards its counterparty, evidenced not only in the nature of the prerogatives granted to the leadership of the counter-insurgent army, also in its unwillingness to verify strict fulfillment with the commitments made in the Santa de Ralito agreement, especially those referring to the ceasefire and the abandonment of its illicit activities. Only when he had to mitigate the political-institutional crisis caused by the parapolitics, the former president decided to act with severity in the face of violations of the agreement, putting in check the continuity of the negotiation. But, Uribe was also unable to offer the AUC minimum security conditions to continue with the peace process, as shown by the high number of former paramilitary combatants killed.

During peace negotiations it is possible to identify a break point caused by a governmental decision. In the demobilization of the AUC, extradition of former paramilitary commanders for drug trafficking to the United States, not only meant the violation of the pact made with Uribe, also broke its hegemony over successor groups, which triggered clashes over the power vacuum, triggering a rise in mortality rates. From this angle, it is possible to argue that the paramilitary demobilization and the dramatic reduction of levels of homicidal violence did not constitute a sustainable strategy of pacification since depended on factors that greatly exceeded the institutional capacities of Colombian government. Consequently, the agreement with the AUC proved to be fragile, short-lived and totally conditioned to volatilities typical of the underground, as well as extremely affected for the authority exercised by former paramilitary commanders over their blocks.

The inability of Uribe government to properly manage the criminal agendas of the AUC led to the empowerment of the counter-insurgency army as a privileged interlocutor with the Colombian State, thus contributing to strengthening the criminal governance exercised in the territories where they operated. Situation reflected in the exchange of bullets for votes carried out by the AUC, intervening in the results of the local elections held during their demobilization, mobilizing popular support, through coercion or intimidation, with the aim of favoring political parties who sponsored the development of their criminal agendas, opening the way for investigations into corruption, which poses a serious risk to the legitimacy of democracy. In fact, paramilitary groups carried out political proselytism in favor of ruling coalition, particularly the Civic Convergence, Radical Change and Conservative Party.

Both sides converged in an initial pragmatism: negotiation was not only a viable option, but also a desirable one. Alvaro Uribe contradicted his official posture regarding the absence of an armed confrontation, dialoguing with the AUC since it seemed to be the only way to continue in order to gradually undermine its power. The former Colombian President sought to capitalize on the peace dividend associated with the decline in homicidal violence caused by paramilitary demobilization. While the paramilitary army instrumentalized the negotiation process according to its criminal agenda. The AUC saw this as an opportunity to achieve the greatest goal outlined in its consolidation strategy: to be recognized as an actor in the armed conflict, thus improving its level of socio-political influence, along with obtaining judicial benefits and legalizing illicit activities. At no time, however, did they show a self-criticism regarding their responsibility for the abuses committed against the civilian population.

From this angle, it is worth noting that the former Colombian President showed an indolent attitude towards the aspirations for justice and compensation of the victims of paramilitary violence.

Alvaro Uribe originally intended to give reduced sentences to former AUC combatants in exchange for incomplete truths, without offering any kind of compensation to his victims. And although, following a correction of the transitional legal framework, both the full confession of the crimes committed and reparation for the damage caused were required to access legal benefits, these measures were not fully effective. In effect, the demobilized delayed or concealed the resources earmarked for reparation. In addition, compensation by paramilitaries depended on their application to the JPL (CNMH, 2012:369). In order to lessen the controversy over the peace process, victims needed to be properly cared for.

As for the legitimacy of origin of the negotiated pacification process, Uribe was able to circumvent the limitations of acceptability by elaborating a solid narrative on the negotiation, considering the paramilitary army as an actor in the counter-insurgency war and highlighting the contribution of their dismantling to security. For the Colombian State, conversations with VNSAs were usual, and its society, overwhelmed by armed violence, was mostly receptive to them. Seeking to legitimize the peace process, the government insisted on emphasizing the political-ideological nature of the AUC, although after their demobilization they did not enter directly into political-partisan activity, unlike the FARC. It should be recalled that an ad hoc legal framework was developed to deal with any armed group, regardless of its political status. Under this logic, it should be remembered that the armed groups that emerged after the demobilization were not classified by Uribe as self-defense, but as criminal structures, trying to send a strong political signal to public opinion and international community.

However, it should be noted that due to the controversial nature of the agreements with VNSAs linked to criminal agendas, it is imperative to manage the perception and expectations of the community about the negotiation process. This is not an irrelevant point because, if the pact is not socially legitimized, its sustainability may not be guaranteed. Many times, to build that popular support, it is necessary to adopt a sequenced approach: starting with a temporary ceasefire and then going through a DDR process, as confidence between the parties increases. At each stage, it may be necessary to obtain the consent of new stakeholders (Cockayne et al, 2017). In relation to the above, it should be noted that, from the communicational strategy, the government never denied the existence of a peace process with AUC: the negotiations were carried out with stealth, avoiding leaks that reduced the possibility of reaching consensus in early stages, taking care of what was made public and what was kept in reserve before the audience, which was endorsed by Uribe, defending the prudence and discretion of the dialogue (CNMH, 2012:428). The terms agreed upon were only made public when both sides reached the key agreement: Santa Fe de Ralito.

On the other hand, the contradictory strategic signals of international actors on the degree of legitimacy of the demands expressed by the paramilitaries affected the course of the pacification process. This is how the OAS manifested a cooperative attitude, providing technical advice to the government of Alvaro Uribe during the demobilization phase of the peace process with paramilitaries, which served to grant some degree of international support to the negotiation. On the contrary, the US government expressed its disagreement with the pacification process. In that sense, applied a strong pressure on the Uribe administration, opposing concessions that would damage bilateral commitments related to the War on Drugs because of the enormous economic and diplomatic efforts committed.

Finally, the peace process witnessed a change in the attitude of the protagonists after its turning point, which resulted in an unfavorable scenario. Once ruling of the Constitutional Court on the amendments to the transitional jurisdiction was issued, the attitude of the AUC became defensive: they betrayed their concealers to what they considered a violation of the agreement with the Uribe administration, causing a serious scandal that splashed much of the official coalition. The government

revoked the suspension of extradition in the face of double pressure: mitigating impacts generated by parapolitics, and complying with international commitments related to the fight against drug trafficking. This decision showed apathy for the application of transitional justice in the context of the DDR process, fuelling the perception of impunity in public opinion. Despite the tension during the process over the parapolitics scandal, the negotiation with the AUC itself did not generate further polarization because was a consensus across the political spectrum that this peace process represented a necessary evil: the only way to defuse the intensity of the armed conflict.

4. Conclusion

After conducting an analysis of the paramilitary demobilization during the Alvaro Uribe administration (2002-10) in Colombia, with the help of the Peace Triangle as an analytical framework, it is possible to draw the following conclusions based on its three study variables: issues, behavior, and attitudes. And there have been shown the effects that the AUC's criminal agendas had upon the peace negotiation.

In terms of the issues, it is possible to argue that the negotiation process with the AUC resulted in an unresolved peace because it did not involve the extinction of the perpetrators of murderous violence, but rather their reconfiguration, given that the Uribe administration failed in definitively dismantling of these illegal armed groups. The former AUC commanders maintained demobilized status while they continued their illicit activities from prison, but also to demonstrated their great usefulness as political partners in Colombian democracy. This paradoxical result was largely because the government did not make the necessary efforts to modify the strategic calculus of these VNSAs. Under this logic, it should be emphasized that while the successor groups, better known as BACRIM, maintained the territoriality and operational patterns of the AUC, they do not share its main feature: counter-insurgency. Likewise, relationship established with local communities is predominantly predatory and their links with the security forces develop in a spectrum that goes from complicity to confrontation, as well as they built pragmatic alliances with the FARC seeking to manage illicit activities in a more efficiently. Consequently, it is possible to say that the BACRIM constitutes a new illegal actor, whose behavior has initiated a new phase of armed conflict.

With respect to this last aspect, Uribe government noted the warnings issued by the MAPP-OEA about the emergence of these armed divisions due to problems during the reintegration phase. In this way, former Colombian President decided to establish their nature, identifying them as criminal groups, seeking to make official the end of paramilitarism in the nation and to leave behind the indifferent or negligent attitude towards the actions of illegal armed groups. An example of this was the military offensive launched in territories dominated by BACRIM after the extradition of its former leaders to the United States with the aim of promoting a process of stabilization. From this angle, it should be emphasized that Uribe administration failed to implement a comprehensive security strategy underpinned by a multifaceted institutional presence and socio-economic intervention in those communities dominated by the AUC with the aim of replacing criminal governance imposed by these VNSAs on most of the territory mainly based on extortive tax collection. It is therefore possible to conclude that failure of DDR process avoided population from moving towards a legitimate order.

In terms of behavior, the peace process with the AUC generated partial peace, as the sudden drop-in homicide rate registered during its term would not necessarily imply an improvement in security conditions. Rather, it indicated the persistence of robust criminal governance that allowed the paramilitary groups to continue exercising territorial and socioeconomic control by resorting to extortion, which rates decreased little during the peace talks. This situation is confirmed by the slight

variation in the victimization rate associated with the AUC experienced during the negotiation. Thus, it is possible to point out that these VNSAs did not send signals of change in their criminal agenda, but only altered their behavior for tactical reasons induced by Uribe administration. The paramilitary demobilization was a damage control strategy for the Colombian government as it did not seek to modify the scale of the predatory crimes committed by the AUC, but rather encourage low-profile behavior, without a confrontational posture and moderate lethality. The government's strategy failed to produce sufficient conditionality as they were reluctant to use the public force necessary to surrender the AUC's will nor did they seek to cease their capabilities.

Therefore, the paramilitary groups could use any staged behavioral changes that would earn them positive responses from the government. In other words, the incentives for behavioral change were never truly realized. Similarly, the location of mass graves before the end of negotiation process suggests that the Uribe administration acted with a high degree of condescension towards its counterpart, not only because of the nature of the prerogatives granted to the paramilitary leadership, but also because of its unwillingness to verify rigorous compliance with the commitments made, especially those referring to the ceasefire and the abandonment of their illicit activities in the framework of the Santa de Ralito agreement. This shows that the former President Uribe used selective law enforcement to tolerate or simply manage paramilitary violence. Only when its political legitimacy was at risk, he was forced to act severely in the face of violations of the agreement, putting in check the continuity of the negotiated pacification.

Finally, with respect to attitudes, it is possible to say that the paramilitary demobilization process generated an unjust peace. During the preliminary contacts, the Uribe administration and the paramilitary army showed a pragmatic attitude, as both instrumentalize the negotiation process in terms of their agendas. For their part, the AUC saw this as an opportunity to exchange their socio-political influence, obtain judicial benefits and legalize their illicit operations. In contrast, the Colombian government aimed to obtain great benefits associated with the easing of armed conflict due to the paramilitary demobilization. It also allowed them to focus their efforts on unrestricted combat against the FARC advance without political or diplomatic pressure from their main strategic partner: the White House.

However, after Constitutional Court decision on JPL amendments was issued, the attitudes on both sides became defensive. On the one hand, the AUC opted to expose their cover-ups in what they considered a violation of the Santa Fe de Ralito agreement, provoking a serious scandal that spilled over to a large part of Colombian political elite, including the former President. Meanwhile the Uribe government tried to mitigate its repercussions both domestically and internationally by rescinding suspension of extraditions for drug trafficking, it demonstrated apathy towards the implementation of transitional justice. That decision, added to the fact that the demobilization did not dismantle his criminal structure, consolidated the impunity of the paramilitaries, increasing perception of injustice in civil society and public opinion.

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