

## **Transitional DDR in Colombia: useful or counterproductive?**

By Alexandra Guáqueta and Gerson Arias<sup>1</sup>

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<sup>1</sup> Alexandra Guáqueta is Academic Director of the Fundación Ideas para la Paz (FIP) and Gerson Arias directs the Conflict and Peace Area at FIP. This study was prepared at the request of the Folke Bernadotte Academy in Sweden in 2007. The authors are grateful to Nat Coletta, Jens Samuelson, Pablo de Greiff and the participants of the Stockholm February 2008 workshop where drafts of the Colombia study and other international cases were presented. We also thank María Lucía Méndez, Angela Puentes and Angela Rivas at Fundación Ideas para la Paz, who conducted field work to develop the sections on the Cacique Nutibara, the Bloque Central Bolívar and the security reintegration track of individually demobilized combatants.

## 1. Introduction

This paper seeks to identify expressions of “holding patterns” in Colombia’s current DDR process and their connections to reaching a stable peace agreement. The follow up project to the Stockholm Initiative on Disarmament, Demobilization and Reintegration proposes that a “holding pattern” in the reintegration of former combatants, that is, allowing illegal armed groups to retain their command structures and security functions --at least to some extent and for a limited time during peace conversations or immediately after an agreement is reached-- may be necessary to promote trust among the warring parties, help combatants adjust to the idea that substantial changes will take place and nurture a long-lasting peace settlement. The standard format for a holding pattern or a transitional phase in the DDR process is the incorporation of former combatants into the legal security forces, the military or the police, whether old or new (DDR and Security Sector Reform go hand in hand). The key questions are how to implement such model, under which circumstances is it politically and technically viable and whether it contributes to a stable peace agreement and to building the set of social, political and institutional conditions that allow for durable peace. The following sections examine these themes for Colombia’s DDR and reflect on lessons learned so far.

There are around 46,000 demobilized combatants in Colombia. Most of them, 31.671, are right-wing illegal combatants, the so called “paramilitary”, who demobilized between December 2003 and August 2006 as the result of negotiations between the Álvaro Uribe government and the commanders of the various blocs, which had joined in 1997 as a loose “federation”, the Autodefensas Unidas de Colombia (AUC). The AUC claimed to be a counterinsurgent organization forced into existence because of the failure of the state to protect citizens from guerrilla harassment but many of its members had close ties to drug trafficking mafias and were involved in criminal activities, most notably extortion. The remaining 14.329, mostly guerrillas, deserted their groups on their own. Of these so called “individually” demobilized combatants, 8.268 belonged to the Fuerzas Armadas Revolucionarias de Colombia (FARC), 1.944 to the Ejército de Liberación Nacional (ELN) and 435 are dissidents from other guerrilla groups. The FARC and the ELN, who embrace a left-wing ideology, formed in the 60s claiming to redress social and political grievances. They have shunned any peace agreement with the Colombian government and are the main targets of the Colombian Armed Forces, particularly the FARC who increasingly since the 1980s resorted to the illegal coca industry for money. The remaining 3.682 of the individually demobilized combatants are paramilitary who did not demobilize in the “collective” negotiations but chose to reintegrate away from their blocs. As explained below, collective demobilized combatants, paramilitary groups who struck a deal with the government, and individually demobilized combatants, essentially guerrilla deserters, are two separate populations, pose different risks to peace and security and have followed different reintegration paths.

From the outset, reintegration of these combatants into the Armed Forces was simply not envisaged. The issue, however, was debated in the media in 2004 after Carlos Alonso Lucio, former M-19 guerrilla member and at the time advisor of the AUC, suggested paramilitary should join the Armed Forces. Lucio claimed that it was the only realistic option to avoid

combatants joining criminal organizations after their demobilizations.<sup>2</sup> The justification was not far fetched. Indeed, given the nature of the paramilitary groups (the close ties of many of the structures with drug trafficking and other criminal organizations) and ongoing drug trafficking in Colombia, the chances that combatants would be lured into criminal gangs was high. But rebuttals from different sectors in society were strong. It was anathema given their brutal human rights abuses and links to drug trafficking. Could such individuals be part of a security force in a democratic state?, wondered many. Besides, greater efforts at severing the links between paramilitary groups and the Armed Forces had been an ongoing demand by both domestic and international audiences. Still, the government did not discard the option immediately. “We will analyse it”, declared Minister of Defense Jorge Albert Uribe.<sup>3</sup> It is unclear whether the Uribe administration, known for launching unconventional proposals, was being cautious not to object to the AUC’s request, as the issue arose in a critical moment of the peace negotiations, or whether it was truly considering the option and waiting to see the public’s reaction. After strident opposition by public opinion and the international community, the Colombian government officially declined the AUC’s proposal.<sup>4</sup> Later on, paramilitary recruitment by private security firms, some legal and other shady, also became a thorny topic for the same reasons. In several occasions, the government encouraged the idea, but more recently the Alta Consejería para la Reintegración (ACR), the office in charge of DDR in Colombia, appears to be reconsidering. Surely, the long-standing institutional weaknesses preventing adequate monitoring of private security firms in Colombia is a key variable of the puzzle.<sup>5</sup>

Overall, reintegration has had both successes and failures. Former guerrillas have not returned to their groups and police records show no evidence, with very few exceptions, of former FARC or ELN joining criminal organizations. This assertion has some caveats. During the past years there have been several cases of combatants changing sides. There are no statistics, but testimonies suggest that dozens of ELN fighters could have been absorbed by the paramilitary and the FARC, depending on the region, and that some have joined criminal bands, such as the the Rastrojos in Valle del Cauca and the Águilas Negras.<sup>6</sup> In these cases, the government’s individual reintegration program, which was strengthened in 2003 to stimulate defection by the guerrillas, failed to attract such combatants. But this is not the only indicator for measuring the

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<sup>2</sup> “Proponen que los ‘paras’ se unan al Ejército”, *El Nuevo Herald*, October 20, 2004.

<sup>3</sup> “Gobierno dice que analizará propuesta militar de vincular a desmovilizados a Fuerzas Militares”, *El Tiempo*, October 27, 2004.

<sup>4</sup> “Vínculos de narcotráfico son obstáculo para ingreso de desmovilizados a las FF.MM”, *El Tiempo*, October 28, 2004; “Comandantes de las Fuerzas Militares y del Ejército se oponen a incorporar desmovilizados”, *El Tiempo*, October 22, 2004.

<sup>5</sup> According to several users of private security firms that must implement international standards on business and human rights, the Superintendencia de Vigilancia y Seguridad Privada has significant flaws. There are many providers in the market that are not registered, controls cannot detect whether firms have connections to paramilitary and drug traffickers wanting to launder money, and human rights training is extremely weak.

<sup>6</sup> For other cases see “FARC contra ELN”, *Revista Semana*, February 4, 2007. Also, according to the Attorney General’s Office, Diego Rivera, of the Bloque Libertadores del Sur, said Pablo Sevillano from the BCB “purchased” an ELN faction in Nariño after the paramilitary desmovilization, see Fiscalía General de la Nación, Unidad de Derechos Humanos y DIH. Continuación de la declaración rendida por el señor David Hernández López, November 21, 2007; sections 251-252.

success of guerrilla DDR. Whether middle-ranking guerrilla commanders, not just rank-and-file, have demobilized; how many guerrillas have found stable jobs; and to what extent is further recruitment being contained. These are not easy questions. The ACR has no updated employment figures, but estimates for ACR's predecessor, the Programa de Reincorporación a la Vida Civil (PRVC), suggest most guerrillas have found jobs, though many are informal.<sup>7</sup> About 300 middle commanders have deserted since 2004. Recruitment is hard to estimate; however, if government information on guerrilla deaths in combat and incarcerations are accurate, one could say that FARC, for instance, has been relatively successful in replenishing its troops.<sup>8</sup> Moreover, critics of the government's policy argue that individual demobilization may be acting as "a revolving door" with no real impact on the desired down-sizing of the active guerrilla movements. The incentives are perversely attracting young men and woman to join the FARC or the ELN in order to become eligible to the offered economic benefits.<sup>9</sup> It is hard to ascertain whether this is the case, as the price to pay – the risk of getting killed, having to submit to the strict guerrilla training, leaving family members-- seems steep if access to a minimum wage is the sole objective. All these indicators therefore suggest that despite some setbacks, there is an important degree of success in the guerrilla "individual DDR track".

Paramilitary reintegration, on the other hand, has been more complicated and success has been partial. The AUC no longer exists; the strategic expansion plan that so rapidly extended paramilitary presence across the country stopped; homicide rates dropped and paramilitary influence in politics has been undermined with the recent legal prosecutions of mayors, governors and congress members linked to their structures. Many communities genuinely feel they have been freed from paramilitary control. Moreover, ongoing governments attempts to seek justice and repair victims through an enhanced version of the Justice and Peace Law as well as greater efforts to investigate and punish military, police, public officials and even businesses who "aided or abetted" the paramilitary are real progress and suggest that democracy in Colombia has, after all, triumphed.

Still, "normality" has not been reached and residues of the paramilitary phenomenon pose grave threats and may even bring disincentives to a future peace process with the FARC and the ELN, as they could argue that armed violence is justified given the continuation of the paramilitary threat. Immediately after the collective demobilization, local communities and authorities began reporting the emergence of new illegal organizations, such as the Águila Negras.<sup>10</sup> Afterwards,

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<sup>7</sup> Ministerio del Interior y de Justicia, *La política de reincorporación a la vida civil, 2003-2006. Una Mirada institucional* (Bogotá: Ministerio del Interior y de Justicia, 2006).

<sup>8</sup> According to government estimates, FARC had around 16,900 troops in 2002, 13,293 in 2003 and 12,512 in 2004. Today, according to General Army General, Mario Montoya, they should have approximately 8,000. Moreover, between 2005 and march 2008, 11,700 were captured, 5,475 killed in combat and 9,078 demobilized. Ministerio de Defensa Nacional; Logros de la consolidación de la política de defensa y seguridad democrática, reports for years 2005-2008, recent reports available at [www.mindefensa.gov.co](http://www.mindefensa.gov.co); Caracol Radio interview to General Mario Montoya, March 25, 2008; and Ministerio de Defensa Nacional; Datos del Programa de Atención Humanitaria al Desmovilizado, March, 2008, available at [www.mindefensa.gov.co](http://www.mindefensa.gov.co)

<sup>9</sup> So far, no individually demobilized combatant interviewed by FIP for its various projects since 2005 has admitted to joining the war for such reasons – most argue they have left because of the dire conditions "in the bush", mistreatment by FARC, disenchantment with the war and because they want to be close to family members.

<sup>10</sup> FIP and International Alert interviews in Barrancabermeja, in August 2006; "Las 'Águilas negras', grupo conformado por desmovilizados de las autodefensas, ya azotan 5 regiones", *El Tiempo.com*, October 31, 2006.

in 2007, a National Reparation and Reconciliation Commission report said authorities had detected at least 34 new criminal structures with a total of about 3.500 to 5.000 men. There has been much debate on the nature of these organizations and whether they are composed of old and new recruits attached to the high commanders that are in prison serving the agreed reduced sentence for their war crimes, or a new generation of the paramilitary phenomenon only commanded by a different leadership, or just “criminal bands” not counterinsurgent paramilitary that are simply taking advantage of the vacuums in security and drug trafficking left by the paramilitary.<sup>11</sup> What we know so far, in the current stage, is that the new criminal bands are a mix of the above. 17% of the captured members of the bands were former paramilitary, this figure is 2% of the total number of collectively demobilized paramilitary.<sup>12</sup> We also know that some middle-ranking leaders never demobilized. It is still to be determined whether they were following orders from the commanders, who were either seeking some sort of insurance while the terms of the agreement were being redefined by Congress and the Courts, or whether they simply never intended to give up all their illegal businesses, or whether demobilization was not attractive to them. One of the commanders that signed the Santa Fe de Ralito agreements, Macaco, was found guilty of various crimes executed by his subordinates after demobilization and has therefore lost the benefits granted under the Justice and Peace Law. He is now in prison, possibly facing as a punishment extradition to the US on drug trafficking charges. Vicente Castaño, Hernán Hernández from the Bloque Bananeros, Cuchillo from Frente Guaviare, McGuiver from the Frente José Luis Zuluaga, René from Bloque Suroeste Antioqueño and the Mellizos brothers from Arauca escaped after having announced their demobilization.<sup>13</sup> Moreover, the 2007 local elections showed that several paramilitary structures still wielded political power in some municipalities and in some regions it is claimed that paramilitary combatants still act as the local authority only that violence is contained and combatants operate with a lower profile, for example in Medellín.

What has contributed to the successes of the Colombian DDR process, even if partial as in the case of the paramilitary? Were there any transitional dimensions to either the individual or collective DDR tracks and did they play a role in promoting a full reintegration of combatants as well as peaceful conditions in Colombia? Or, on the contrary, have strategies based on allowing combatants to retain some of their structures and functions been counter-productive?

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<sup>11</sup> See for instance International Crisis Group, *Los nuevos grupos armados de Colombia* (Bogotá – Brussels: ICG, 2007).

<sup>12</sup> This has been confirmed by both the Comisión Nacional de Reparación y Reconciliación and the OAS Verification Mission, MAPP/OEA; see Mauricio Romero, “Disidentes, rearmados y emergentes: ¿bandas criminales o tercera generación paramilitar?”, Área de Desmovilización, Desarme y Reintegración, Comisión Nacional de Reparación y Reconciliación, Bogotá, August, 2007 (especially pg. 6) and Juan Carlos Garzón, “Paramilitary demobilization, the OAS experience”, presented at the symposium “Peace Initiatives in Colombia” organized by FIP and the Woodrow Wilson Center, Washington D.C. April 4, 2008.

<sup>13</sup> Others simply never showed up at Ralito or any of the other meetings, nor intended to demobilize such as Camilo Catatumbo, who is connected to the Águilas Negras in the Magdalena Medio, El Paisa from Bloque Libertadores del Sur, connected to Organización Nueva Generación, and Don Mario, political commander of the Bloque Centauros in Meta. All these were second-tier leaders.

## 2. The case studies

### The fragile paramilitary peace and the staggered disarmament and demobilization process

#### *The paramilitary*

The paramilitary emerged in Colombia in the 1980s. Unlike typical insurgent forces, they did not begin as a single, politically-driven organization seeking to rectify exclusion. Several small groups, of usually no more than 100, formed in different parts of the country to repel guerrilla thefts, extortions and intimidation. Some were promoted by land-owners and cattle-ranchers, and others by drug-traffickers, who also needed security for their illegal operations and ill-gotten goods.<sup>14</sup> Later on, several developments prompted the emergence of the powerful paramilitary phenomenon that gained control over the political, economic and social life in nearly half of Colombia's municipalities and of the AUC umbrella, under which all groups gathered in a type of federated alliance. The expansion of the guerrillas, especially the FARC, who had decided to bankroll their expansion plans by taxing the production of coca, kidnapping more people and extorting anyone, from workers, to small merchants to large companies, turned into a justification for the paramilitary to increase in numbers and coordinate actions with peers elsewhere. At the same time, drug trafficking interests began predominating over some of the old, "traditional", right-wing, counterinsurgent groups and they added further economic motivations to the conflict: to control key territories, including coca cultivated areas, transit corridors and shipment locations run by the FARC. In 1997, Carlos Castaño from the Autodefensas Campesinas de Córdoba y Urabá, one of the oldest groups with great political influence in Northern Colombia, finally led the creation of the umbrella organization, the AUC. It had two main purposes, to coordinate a rapid expansion plan throughout Colombia and to gain political status for group, which could eventually facilitate some sort of negotiation with the government that included pardons for their abuses and guarantees of no extradition to the US under drug trafficking charges.<sup>15</sup> The expansion of the paramilitary was conducted in very

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<sup>14</sup> Romero argues that political and academic emphasis on the economic dimensions of war have down-played the "political" dimensions of the emergence of paramilitary, specifically ACCU. The political dimensions he refers to are the desires of regional elites, which eventually became paramilitaries, to maintain their influence over local politics amidst the threat of a possible demobilization of left-wing guerrillas resulting from peace processes, which would have entailed sharing local power. This localized "political" dynamic is different from the guerrilla's political identity as a national Marxist movement seeking deep overarching reforms. Mauricio Romero, *Paramilitares y autodefensas, 1982-2003* (Bogotá: IEPRI-Planeta, 2003), esp. "Introduction".

<sup>15</sup> The process of "politicization" of the paramilitary became evident in the 1990s when Fidel Castaño, on behalf of the Córdoba group, began making public statements, as guerrillas did, on issues related to peace and conflict. Apart from communicating specific ideas, the act in itself was meant to signal that they were a group with political views as opposed to profit-seeking gang. Then in 1996, the Autodefensas Campesinas de Córdoba y Urabá, formed two year earlier by Fidel's brother, adopted "statutes" that referred to an "ideological platform" based on "fundamental principals" such as the "natural right" of "legitimate self-defense", the state's duty to defend its citizens and the right to private property. Among the key political objectives cited were politically and militarily opposing guerrilla organizations, filling the vacuums left by the state regarding security, social order and justice, and participating actively in local political life. The same statutes were adopted later on by the AUC. The effort to construct a political identity for AUC included for instance a historical narrative on the emergence of paramilitaries, which were portrayed in the discourse as victims of the state's inability to provide security against guerrilla hostility. "The state's neglect of economic, political, social and cultural issues constituted the main pillar of the political discourse of the armed insurgency. In that same way, the state's failure to fulfill its duties to protect life, property and

pragmatic fashion: some groups simply grew and spread out to other territories, in other cases, though the paramilitary “brand” was sold as a franchise to criminals with enough capacity to recruit, combat, raise funds and control territories. It was so that the original self-defense objectives of local paramilitary turned not just into a brutal, rampaging offensive war against the guerrillas and any suspected sympathizer, but into an astonishing profiteering machinery. Within such context exercising control over the population and buying a “political safety pass” by involving businessmen, politicians, judges, and public officials in their network also became strategic. Overtime, security, economic and political goals complemented each other giving birth to the paramilitary phenomenon as we came to know it in the early 2000s.

### *The Santa Fe de Ralito Agreement*

In May 2002, Álvaro Uribe, won the presidency and soon thereafter, the paramilitary began reaching out to the government. They reckoned Uribe would be relatively more sympathetic to their cause than others, since he also viewed the guerrillas as enemies, and the new proposed security strategy would keep the guerrillas at bay and away from their various strategic interests. Besides, public opinion had become more critical of the guerrillas. Their increasing human rights abuses, their connections to the drug industry and the way FARC deceived the Pastrana administration in the Caguán demilitarized zone during the 2000-2001 failed peace talks, by using it as a safe-heaven for crime and war, eroded their traditional image of well-intentioned, freedom fighters. During 2002, the AUC leader at the time, Carlos Castaño, issued a series of communiqués aimed at preparing the ground for a negotiation. Since their participation in the illegal coca industry had become an important indicator as to whether they were criminals or a politically-driven organization with whom negotiations would be legitimate, Castaño envisaged the AUC limiting its drug trafficking activities and publically criticized the paramilitary groups that were more heavily engaged in trafficking, such as the Bloque Central Bolivar and their allies, the Bloque Mineros. In July, Castaño announced his resignation as AUC leader and the alliance dissolved.<sup>16</sup> There were strong disagreements among the various paramilitary leaders on what to do about their involvement in drug trafficking, kidnapping for money and massacres. Castaño had reached the conclusion that the various paramilitary blocs had to stop or at least limit drug trafficking and the rest of the crimes, but others were heavily entrenched in the business and had vested economic interests. Dissent triggered public finger-pointing between those self proclaimed “legitimate” self-defense forces and those accused of being simply opportunistic criminals.<sup>17</sup> Besides war fatigue, those in favor of demobilization and against ongoing drug trafficking feared increasing US pressure on Colombia to combat paramilitary

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freedom of its citizens were the origin of the political and military self-defense movement”, argued a lengthy letter sent to *El Colombiano* in July, 1997. “En amplio pronunciamiento: Autodefensas reivindican su carácter político”, *El Colombiano*, July 3, 1997, pg. 8A

<sup>16</sup> Castaño was later assassinated in April 2004. It seems that his own brother, Vicente, who never demobilized, ordered the execution after Carlos’s ongoing opposition to paramilitary drug trafficking and rumors that he intended striking a deal with US authorities that entailed offering information about Colombia’s drug trafficking mafias in exchange for benefits.

<sup>17</sup> “Disidencia de los paramilitares acusa a Carlos Castaño de haber permitido los vínculos con el narcotráfico”, *El Tiempo*, September 30, 2002; Letter from Carlos Castaño to U.S. Ambassador Anne Paterson, excerpts published in *El Tiempo*, September 24, 2002; “Los escenarios frente a Castaño”, *El Espectador*, September 29, 2002.

drug trafficking and US extradition requests.<sup>18</sup> There only way out was a swift re-conversion into a political organization, for which adjustments to their conduct were required.<sup>19</sup> After much discussion among paramilitary commanders and various informal conversation with church clergy and government officials, they decided to reconstitute the AUC in November 2002 and issue the *Declaracion por la Paz de Colombia*, in which they formally announced a cease fire effective as of January 1<sup>st</sup>, 2003 and their willingness to initiate formal talks. In December the Uribe government created an Exploratory Commission in charge of the talks. Meetings with the AUC, the BCB and Vencedores de Arauca and the Eastern Alliance began in January 2003.<sup>20</sup> The BCB, commanded by Macaco and Báez chose to be outside the AUC but remained in favor of a cease fire and negotiations with the government, and so did the Eastern Alliance. In total, the government estimated these paramilitary forces to be around 10.000 men strong –more than triple that figure actually demobilized by April 2006.<sup>21</sup>

The exploratory talks defined the main issues that had to be negotiated and formally ended on July 15, 2003 with the publicly announced Santa Fe de Ralito Agreement. The exact commitments as well as tacit understandings by the different parts are unknown. The official document is vague. It says the paramilitary commit to demobilizing all its members, support the Government's purpose of having a Colombia without drug trafficking and will concentrate their commanders in specially designated zones. In return, they expect the government to follow the Exploratory Commission's recommendations: that the government finds "legal alternatives" to make the peace agreement possible, gives priority to paramilitary regions of influence when implementing development and security policies and adjusts the government reintegration program. A *Washington Post* article, however, claimed that deal was: disarmament and

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<sup>18</sup> In September 2002, US Attorney General John Ashcroft announced the indictment and extradition requests on drug trafficking charges of Carlos Castaño, Salvatore Mancuso and Juan Carlos Sierra. Then in May 2004, as negotiations between the Uribe Government and paramilitary took place, Deputy Attorney General, Mary Lee Warren, formalized the extradition requests of other six paramilitary leaders, Don Berna, Miguel Arroyave, Cuco Valoy, Hernán Giraldo Serna and Vicente Castaño. And in 2005, the US increased its pressure, publicly criticizing the Colombian government for being lenient. It is unclear, however, whether Ambassador William Woods's critical remarks were part of an agreed strategy with the Colombian government or not. The aim would have been to help the Uribe government justify to the paramilitary the higher barriers of entry into legal life being introduced to the bill, see "La agenda de la AUC es el narcoterrosimo", *Cambio*, June 24, 2004; "Embajador de Estados Unidos califica de 'escandalo' discurso de jefes paramilitares en el Congreso", *El Tiempo*, July 29, 2004; "Justicia de E.U. y la DEA ponen obstáculos a proceso de desmovilización paramilitary", *El Tiempo*, June 30, 2003; "Embajador de E.U. William Wood dice que zona de ubicación de Ralito no se justifica más", *El Tiempo*, July 10, 2005.

<sup>19</sup> In October 2002, a paramilitary public document, hinted that at that time some paramilitary leaders feared the FARC was trying to strike some sort of deal with the government and the US whereby they would agree to peace talks only if they committed to combating the paramilitary, see Carlos Castaño, Iván Roberto Duque, Salvatore Mancuso, Vicente Castaño and others, "Las AUC siguen siendo políticas y legítimamente válidas como interlocutores del conflicto colombiano", October 8, 2002, available at [www.colombialibre.org](http://www.colombialibre.org)

<sup>20</sup> All along there had been increasing pressure by the US, who had issued arrest warrants and extradition petitions for various paramilitary leaders.

<sup>21</sup> There has been some debate on the "real" size of the paramilitary groups. The large gap between initial government estimates and the amount of combatants that ended demobilizing between 2003 and 2006 can probably be explained by: "regular recruitment" that took place between 2002 and 2006 as there was confrontation and competition for territorial control among blocs going on; "strategic recruitment" in order to increase bargaining leverage during the talks; the inclusion in the demobilization lists of non-combatant helpers, such informers, drivers, messengers and members of the broader network; and the inclusions of their social base as a way to reward them through the economic reintegration package that was eventually offered to them.

demobilization in exchange for “security and development for the regions they occupy, legalization of a part of their fortune and judicial security”, including no extradition to the US.<sup>22</sup> Immediately after, the government did something that marked the dynamics of the entire paramilitary peace process (and even affected individual demobilization). On August 21<sup>st</sup>, the government submitted to Congress a bill regarding paramilitary demobilization and reintegration that proposed an “alternate judicial” regime (the so called “Ley de Alternatividad Penal”) allowing combatants to forgo standard sentences for a variety of crimes, including human rights abuses, crimes against humanity, drug trafficking and other economic illicit activities. The bill sparked a heated national and international debate as different actors were opposed to the concessions being granted to the paramilitary in exchange for their demobilization.<sup>23</sup> Submitting the terms of the peace settlement to Congress had been agreed with the paramilitary, but the exact wording of the first bill was not, which angered the paramilitary.<sup>24</sup> They felt betrayed. All this triggered a very unusual peace process in which the actual terms of the agreement were constantly negotiated and renegotiated and shaped by ongoing transactions between the government and the paramilitary and by the views and preferences of a wide range of actors, from NGOs to opposition parties to foreign governments and international institutions as the numerous versions of the peace bill made their way through Congress and then passed formal development and control procedures.<sup>25</sup> This made the agreement unstable and contributed to shape how the DDR process unraveled including the use of “transitional” disarmament, demobilization and reintegration models.

### *Crises and staggered demobilizations*

The Santa Fe de Ralito Agreement proposed a staggered mode of disarmament and demobilization given that the paramilitary were not a single organization, rather a collection of several independent fronts and blocs scattered in different parts of the Colombian territory. The idea was to program a calendar from then to 2005, choose the exact locations to establish “concentration zones” where commanders and their base would surrender their arms and register for a reintegration program, whose nature surprisingly remained undefined for a good while.<sup>26</sup> The extension of the territories would be restricted and no demilitarization would occur, in other words, these concentration areas were not to resemble in any way the discredited “demilitarized zone” model used in the failed peace talks between the Pastrana government and FARC.

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<sup>22</sup> Scott Wilson, “Colombian Fighters’ Drug Trade Is Detailed. Report Complicates Efforts to End War”, in *The Washington Post*, June 26, 2003.

<sup>23</sup> Analyses of the different bills and opinions by key actors can be found in FIP’s *Siguiendo el Conclito: hechos y análisis de la semana*, volumes 1-3, compiled in 2005-2007.

<sup>24</sup> Interview with Juan Rubini, advisor to Mancuso, by Gerson Arias, Medellín, February 2008.

<sup>25</sup> Some of the key international critics of the bill were the UN Human Rights Office in Colombia, lead back then by Michael Frühling, and Human Rights Watch, represented by José Miguel Vivanco, see Guáqueta, “The Way Back In”; “Nada impide que Castaño reemplace a los combatientes desmovilizados”, *Revista Semana*, December 1, 2003; and Oficina en Colombia del Alto Comisionado de las Naciones Unidas para los Derechos Humanos, ‘Consideraciones sobre la Ley de ‘Justicia y Paz’, Bogotá, June 27, 2005.

<sup>26</sup> The economic reintegration plans, though, remained somewhat vague during the negotiations and this first phase of the process. One hypothesis is that the Government took a rather pragmatic approach based on paramilitary commanders paying for and organizing the reintegration of their own base, but then the model was rejected by public opinion and scandals arguing that the paramilitary were using macro-agro industry projects to launder money.

In November 2003, the first bloc, the Cacique Nutibara with presence in Medellín and surrounding areas demobilized and funded the Corporación Democracia, among others, to help guide the reintegration process of the combatants (see case below). The demobilization took place despite the adversarial scenario that the paramilitary peace had begun to encounter. In 2003, the first wave of local and international critiques to the negotiations and the Government's "Alternatividad Penal" bill transpired, and the US formally requested Carlos Castaño and Mancuso in extradition. It is possible that this first demobilization despite the absence of a peace settlement or of any effective government guarantees that the Santa Fe Ralito formal and informal pacts would be honored was meant as an act of good will by the AUC to assuage opponents of a paramilitary peace process based on important concessions. No prison time and no extradition being the key ones at that point.

Meanwhile, that month, the government and the BCB subscribed "Meeting Minutes" reaffirming each side's will to carry on with the process. In other words, the government was committing to uphold the Santa Fe de Ralito pact and/or do its best to get a favorable "Alternatividad" law and the BCB not to defect from the negotiations. In addition, the BCB promised to "maintain and perfection" the cease fire, since ongoing assassinations by paramilitary forces had been one of the evidences used by critics to argue that the paramilitary peace process was simply a charade.

Parallel to the ongoing meetings and signing of memoranda between the government and the various paramilitary commanders to maintain mutual trust, the government had to work on "selling" the paramilitary peace to domestic and foreign audiences. For example, it agreed to hold public congressional hearings with political parties, civil society and the international community so as to discuss the theme. These took place in early 2004. Also, in January 2004, the OAS formally began the verification mission (known as MAPP-OEA), intended to lend credibility to process in the eyes of critics. Paramilitary were in favor, too, of the mission. And in February 2004, the government circulated new amendments to the Alternatividad law with supposedly stricter terms for the paramilitary. However, the trust-building exercises between the government and the paramilitary as well as the efforts to gain public acceptance were not entirely successful and in March 2004 the Peace High Commissioner, Luis Carlos Restrepo publicly admitted the process was in crisis.

The crisis ended in May 2004 with a second meeting in Santa Fe de Ralito and a second agreement that referred again to a staggered disarmament and demobilization. It also explicitly suspended extradition requests to paramilitary commanders only for as long as they stayed in the designated concentration zones. Again, the implicit byline was that if paramilitary leaders honored the ceasefire and refrained from any illegal activity, the Colombian government would not extradite them to the US. Also, it seems that the Government managed to convince the paramilitary to change their position on some key issues: those found guilty of war crimes would necessarily have to spend at least some time in prison, some sort of special tribunal would have to be set up, and there would be reparations to victims. Also, the paramilitary would have to, in effect, begin sever any ongoing ties with drug trafficking activities, eradicate coca crops and refrain from committing any illegal activity while a new law passed congressional approval. With this, the original terms of the agreement were hardened for the paramilitary, all

in exchange for a no extradition commitment. This concession had become more valuable at that point due to US's public threats on the issue. All through out, the US had toughened its discourse on the matter, the risk had actually become more real. The new phase featured a new bill by the government, whose title was telling of the changes that happened in the process since 2002, it was called the Justice and Reparation bill, and the installation of a "dialogue table" in July, which was basically the concentration of paramilitary commanders in Ralito to facilitate communication with the government and signal their commitment to the public. This finally unleashed the first batch of demobilizations after the Cacique Nutibara bloc laid down its weapons in November 2003. Eight groups, mainly from AUC, demobilized from November 2004 to February 2005. After the last demobilization of this batch, the government submitted the new bill. By then, the paramilitary had become cautious and knew that approval would not be automatic. Still they hoped that the new agreement and demobilizations would convince the public and critics of the need to have a peace agreement that granted them certain concessions.

Clearer disarmament and demobilization procedures had already been established. Each group would concentrate in a previously agreed zone for about three weeks. During this period, combatants and their weapons would be registered and identifications verified. The government would provide them basic medical and psychological assistance as needed and take care of their maintenance. After that, they could return to the town of their choosing but remain enrolled in the reintegration program for 18 months. During that period, they would receive government funding for their basic maintenance (about 180 USD per month) and depending on their level of education and needs, they would pass through vocational training, courses on human rights and democracy and be in constant contact with social workers and psychologists. Economic reintegration was also part of the package. In the case of collective demobilized combatants, the government designed large agricultural businesses where several, from 30 to 100 could work in, with no time limits. The project would at first receive state subsidies and technical assistance, but it was expected to become self-sustainable depending on the product (palm would take longer, cocoa less). In 2006, the government changed its reintegration policies and lengthened the time combatants could remain in the program assisted by the government. They may now stay in the program for an undetermined amount of years, customized according to each person's need, until he or she is "ready". In 2005, however, some of the components of the DDR package for collective demobilized combatants were still being developed. The government was particularly slow in finding employment opportunities and setting up the agri-businesses projects. It is possible they had expected paramilitary commanders to lead such projects, but then found resistance from public opinion who saw it as a way for the paramilitary to legalize their lands and monies.

In May 2005, judicial authorities established that in effect, "Don Berna", the head of the Cacique Nutibara, was responsible for the assassination of Orlando Benítez, a candidate to Córdoba's mayorship, on April that year and issued an arrest warrant. The government in turn cancelled the special legal permit that waived pending arrest warrants and allowed him (and all other "certified" commanders) to remain in Ralito and occasionally travel to the zones where the combatants under his command were still located and technically in hiding. The assassinations were in clear breach of the ceasefire agreement, besides the demobilization of this particular commander had become problematic for the credibility of the peace process as Don Berna had a long history of participation in drug trafficking, not in illegal self-defense groups. For example,

he had been one of the key men behind the war drug mafia against Pablo Escobar and one of those who took over a prominent role in the criminal world. He was head of the *Envigado Oficina de Cobro*, a dispute settling and liaison office for drug traffickers and large criminal bands. The Colombian government could thus ill afford to appear soft towards Don Berna in the eyes of the US and the international community. Other commanders allegedly convinced Don Berna to turn himself. It seems a negotiation took place not to expel him from the peace process. He would have to “reside” in the Itagüí prison as opposed to the Santa Fe de Ralito special zone but without losing the legal benefits offered in the peace settlement under the condition that he swiftly demobilize the Tolová, Granada and Pacífico blocs under his control<sup>27</sup>, which had remained in place so far. On June 15, in effect, Don Berna complied and demobilized the Tolová bloc. The other two followed during the second batch of demobilizations that took place after the crisis was solved and the new peace legislation approved.

It’s possible that Don Berna had chosen to demobilize the Cacique Nutibara as early as 2003 to serve various purposes (signal his good will; perform as a “true” paramilitary; and demonstrate to the government the advantages of having him in peace process) but not the rest under his command because he wanted some type of “insurance” waiting to see how the peace process evolved both with regards to the government, the US and extradition as well as to the strategic moves of the other blocs, if they were going to gain too much power vis a vis him or penetrate his areas of influence. Some have also claimed that Don Berna was given a second chance because of the role of the demobilized Cacique Nutibara combatants in maintaining certain peace and order in sectors of Medellín and given the power he still commanded in the city’s criminal world. Don Berna allegedly instructed his men to maintain their influence but to contain violence and refrain from committing assassinations. That explains, some argue, the low homicide rates in Medellín after the demobilization of the Cacique Nutibara. As regards the government’s calculations, some say that not punishing Don Berna was meant as a message to certain commanders who still had doubts over the willingness or capacity of the Colombian Government to concede them certain benefits, including non-extradition, as part of the peace settlement. By giving Don Berna a second chance, the government was confirming its interest on a settlement.

From February to June 2005 further discussions and amendments to the peace bill took place and a final version, the Justice and Peace Law, was approved on June 21<sup>st</sup> of 2005. After the approval, another 12 groups demobilized. In September, the Élder Cárdenas, who had not joined the initial round of talks, announced a ceasefire and commitment to negotiate.

The June to December demobilizations, though, were not free from challenges. In September, new problems arose. The Supreme Court of Justice gave a green light for Berna’s extradition to the US under drug trafficking charges. This brought up again the discussions surrounding Don Berna and his controversial participation in the peace process given his antecedents as a drug trafficker as opposed to a self-defense combatant. The government, amidst ongoing critiques, confirmed the waiver keeping Don Berna from being extradited to the US. As expected, the US publicly regretted Colombia’s move. Don Berna was then moved to the Cómbita high security

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<sup>27</sup> These had been acquired under the figure of the franchises. Don Berna also had the Bloque Calima, which demobilized on 18 December, 2004.

prison, away from all the other commanders and far from his area of influence. Ernesto Baez from the BCB bloc protested on behalf of the paramilitary “High Negotiating Body” (Estado Mayor) and stopped the demobilizations. Government and paramilitaries exchange public communique’s until there was certainty that Don Berna would obtain all the benefits. By November, paramilitary willingness to carry on with disarmament and demobilization was confirmed. A new demobilization calendar for 2006 was issued, since the various crises had delayed the original plan, to finish demobilizations by 2005. The last 15 groups demobilized from January to April, most of them belonged to the BCB bloc and the Northern Bloc, commanded by “Jorge 40”, a former ally of Mancuso and Castaño who wielded enormous military, political and economic power in the provinces of Cesar, Magdalena and Guajira.<sup>28</sup>

The legal developments related to the Justice and Peace Law, which embodied the peace settlement, caused further crises. After the law was passed, different organizations, including the Colombian Jurists Commission, appealed to the Constitutional Court against the law saying several of its articles were unconstitutional because they failed, among others, to observe Colombia’s commitments to international standards on human rights. The Court issued a statement in May 2006 that caused the paramilitary to threaten rearming their various fronts and blocs. The statement implied that several of the paramilitary leaders that had committed crimes against humanity, but whose normal sentences had been reduced to a maximum of 8 years in prison by virtue of the agreement enshrined in the Justice and Peace Law, would nevertheless have to spend more time in jail, even up to 40 years in the case of Mancuso, for crimes over which local courts had ruled before the peace process and the Justice and Peace Law. The peace process overcame this crisis when the Court issued another text explaining further the technicalities of its statement and clarifying that sentence reduction would also be applied to old rulings.

In August 2006, president Uribe ordered all paramilitary commanders, who up until then had had special permits to move freely back and forth from the Santa Fe de Ralito zone to other places, to transfer permanently to a detention center in La Ceja, nearby Medellín to begin complying with their prison time. 60 commanders complied but several others escaped, including Vicente Castaño and the Mellizos brothers. In December, the last major crisis of the process occurred when the commanders were transferred to the Itagüí prison. Again, Báez, the paramilitary spokesman for the peace process said the settlement was off and implied they still held sway over their men and could thus rearm the various groups if they chose to. The threat never materialized but some argue there are new illegal counter-insurgency groups emerging, which are not necessarily under the command of those who participated in the peace process.<sup>29</sup>

All along, though, there were ongoing problems related to middle-rank commanders that never turned themselves in and the emergence of “new criminal bands”. Also, in 2007, “Macaco” leader of the BCB fronts, had his benefits withdrawn after abundant and public evidence that he had kept engaging in criminal activities from prison, including the organization of the Aguilas

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<sup>28</sup> A computer of one of Jorge 40’s men, captured by the authorities, later revealed intricate connections between paramilitary, local public officials, politicians and businesses in the North of Colombia.

<sup>29</sup> Juan Rubini,” Las autodefensas desmovilizadas de Colombia, ¿volverían al monte en son de paz?”, Punto y Aparte, January, 2008.

Negras. These drew on the old paramilitary structures but were now focused on drug trafficking and crime and less on counterinsurgency and territorial and social control. In fact, he had launched a hostile take over of Berna's criminal structures linked to drug trafficking in Medellín.

Assessing success in the paramilitary DDR process is not an easy task because the paramilitary are not a typical rebel organization and because Colombia is a relatively developed democracy. This has both local and international expectations on the treatment the paramilitary ought to receive. What has been ultimately expected are an absolute dismantlement of the paramilitary phenomenon and a good dose of punishment, which is different from disarmament and demobilization, followed by a power-sharing agreement facilitated by a transitional justice regime. The Justice and Peace Law and the DDR programs were designed to reach something in between but certainly not a full dismantlement, which would have entailed neutralizing paramilitary economic and political influence in many regions of Colombia. The reflection is key to the question on whether transitional features in DDR are functional or not to peace. In the case of the paramilitary one would have to determine whether the specific transitional measures that were used in different points of the process contributed to high-level commanders maintaining their ties with crime and exercising undue influence over local authorities and populations for the sake of power or simply to be able to profit from crime, like a mafia; whether it contributed to lower level combatants joining criminal organizations instead of embracing the rule of law. These questions will be examined in the last section of the paper.

## **2.2. The Bloque Cacique Nutibara (BCN): maintaining order in Medellín**

### ***Identity***

The Bloque Cacique Nutibara (BCN) was one of the youngest paramilitary groups, it surfaced in 2001 under the command of Don Berna and at the time of demobilization had 868 members. The bloc differed from the rest in two ways: it was urban, it operated in the Medellín metropolitan area; and it was a pieced together group, made up of former militias and vigilante groups of some of Medellín's poorest *comunas* (neighborhoods), criminal gangs involved in theft, homicides and extortion that catered the drug mafias (the so called *bandas* and *combos*), other criminals directly from the inner circles of drug trafficking groups and paramilitary (as the BCN absorbed paramilitary from the Bloque Metro, which had a clearer counterinsurgent agenda, and other men from commander McGuiver).<sup>30</sup> In this sense, it was not an army, its members did not patrol areas in uniforms, carrying long weapons, trying to win local inhabitants over by cooption and coercion. Rather, they lived looked like and acted like a criminal band. They lived in the *comunas* and their role was to conduct and control criminal activity in the neighborhoods, they did not have a social base as such.

Don Berna (his real name being Diego Murillo) debuted as a paramilitary with the BCN and with his appointment as AUC inspector. His new alias became "Adolfo Peace". Before that he was involved in various criminal activities, mainly connected to drug trafficking, and had

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<sup>30</sup> Manuel Alonso, Jorge Giraldo and Diego Sierra, "Medellín: el complejo camino de la competencia armada", in Mauricio Romero (editor), *Parapolítica. La ruta de la expansión paramilitar y los acuerdos políticos* (Bogotá: Corporación Nuevo Arco Iris, Cerec, Asdi, 2007)

managed to control La Terraza criminal band, which he then integrated into the BCN. Don Berna had earned a “respected” place in the illegal world after helping organize the Pepes (Persecuted by Pablo Escobar), who became instrumental in the fall of the former Medellín Cartel king pin, Pablo Escobar, in the early 1990s. The Castaño brothers had also been part of the Pepes; that is how the founders of the ACCU and of the umbrella paramilitary organization, AUC, developed a close relationship.

The BCN originated because a convergence of interests and special circumstances. Don Berna had encountered security problems in Medellín and migrated to Córdoba, close to his friends the Castaños, who offered him to become a paramilitary by purchasing a franchise that allowed him to set up his own front and buy other pre-trained troops (like you buy teams in sports). Gaining influence in Medellín seemed appealing to the Castaños, so far their paramilitary influence had covered rural areas, small town and in some cases mid-sized cities. Medellín belonged to another league altogether. Other paramilitary had already been flowing in, Rodrigo Double 0 from the Bloque Metro and some of McGuiver’s men, and so “order” had to be enforced and borderlines established. Besides, Rodrigo 00, a former police turned paramilitary and former friend of Carlos Castaño, had passionately supported Castano’s quest to “de-narcotize” and unify paramilitaries and thus became a nuisance for those against the idea. In 2002 and up to its demobilization, the BCN combated the Bloque Metro, and managed to neutralize it and then absorb some of its members. The BCN thus came into being by eliminating or submitting rivals, until it controlled a good part of illegality in Medellín as well as any land access to its metropolitan area. With this, the acquisition of other fronts (Héroes de Granada, Héroes de Tolová, Bloque Pacífico, Bloque Calima and 50% of Bloques Libertadores del Sur) and the purchase of land in Córdoba, Don Berna secured a salient position within the AUC.

### *DDR instruments and process*

The BCN demobilization was the first one, as mentioned above. It was announced on November 23<sup>rd</sup> and came into effect on December 16<sup>th</sup> in La Ceja, a close by municipality of Medellín. At that point, the procedures that guided paramilitary disarmament and demobilization –established with the help of the MAPP/OEA-- were not in place, nor were the reintegration programs or the Justice and Peace Law, therefore, as several public officials admit, there was some improvisation.

Members of the BCN gathered in La Ceja and surrendered the weapons in November and December, 2003. In the meantime, a tripartite agreement was negotiated and signed between the BCN, the national government and the Medellín Mayor’s Office. Some points had been agreed before with the outgoing mayor, Luis Pérez, and others had to be worked out with Sergio Fajardo, the incoming mayor that would take office on January 1<sup>st</sup>, 2004.<sup>31</sup> The agreement was that local authorities would administrate and, to an important extent, fund the DDR program, which would initially last 18 months. After that, the parts could decide whether to collaborate in

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<sup>31</sup> It is interesting to note that the demobilization and the reintegration of the other paramilitary blocs were not managed through such an agreement between national and local authorities. This is an important point because as DDR advanced, national authorities realized reintegration had to follow national policy but be implemented in a decentralized fashion with strong local commitment. It was only until 2007, the ACR devised a new strategy to promote local buy-in and clarify the financial and administrative division of labor between local and national offices.

further endeavors, mainly reconciliation activities. In addition, the BCN was given some “assurances” in the form of a proactive role in the development and follow-up of the reintegration process.<sup>32</sup> For that purpose, a BCN-run non-for-profit organization, the Corporación Democracia (CD), would be created. The official document said it would assist combatants during the reintegration phase and liaise with national and local authorities. Follow-up, monitoring and verification were not clearly defined. In theory, the Mayor’s Office would conduct a more “technical” follow-up whereas the The Antioquia Peace Commission would monitor the reintegration process. Later on, the MAPP/OEA was given a verification role –the formal agreement between the Colombian government and the OAS was signed on January 23<sup>rd</sup>, 2004, but at the beginning the mission too had difficulties defining the scope of its mandate.<sup>33</sup>

The Medellín incoming mayor, Sergio Fajardo, and his well qualified team, were not comfortable with the way the national government was managing the demobilization process and with the terms of the agreement. They perceived the national government was eluding its responsibilities, had little understanding of the particular dynamics of violence in Medellín, which preceded the BCN, and were concerned with the lack of plans and instruments to undertake the reintegration of the BCN. Besides, at that point, reintegrating 868 seemed an enormous task, after all, it was the largest reintegration process undertaken so far in Colombia. In the early 1990s, five guerrilla groups had demobilized and none of them had been so numerous. Both local and national authorities had difficulties adjusting to the size of the challenge, it took them some time to grasp what type of effort it meant reintegrate 46,000 combatants.

Despite fears and misgivings, Medellín boldly embraced the task and devoted a great deal of time and resources to the process. In fact, they set up the most well-organized DDR program, the Peace and Reconciliation Program of the Medellín Mayoralty, from which others, including the national-level office managing reintegration in all the country, ended up drawing for the reintegration of other combatants. The program was even able to provide services to combatants from other blocs in Antioquia. In 2007, the programs reported 4,130 beneficiary combatants altogether, five times more than the size of the BCN.

Initially, the national government and the Mayor before Fajardo, had expected BCN combatants to reintegrate by taking up jobs offered by the local public offices and businesses, right after demobilization, in January, 2004. Medellín, home to several of the largest national private companies, was expected to offer at least 150 employment opportunities. But soon, Fajardo’s team realized the transition to a normal life would need more time and robust assistance program with psychological attention, vocational training and basic education, legal advice, security guarantees and work with the local communities they lived in and with the victims. One important innovation they introduced, which was later included in the national-level DDR program, was the detailed elaboration of “profiles” of the combatants to better identify their needs, interests, skills and social and emotional condition. These profiles not only helped local authorities to improve courses and know better what employment opportunities could best suit

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<sup>32</sup> “Acta de Compromiso entre la Oficina del Alto Comisionado para la Paz y la Alcaldía de Medellín”, November 13, 2003.

<sup>33</sup> “Verificación de qué?”, *Siguiendo el conflicto: hechos de la semana*, no. 28, September 2, 2005.

them, it also served to assuage fears among the business community, which had showed reluctance to hiring demobilized combatants. Fajardo also extended the duration of the reintegration process to four years, his term in office. Demobilized combatants would “graduate” from the program if they passed certain “filters” that showed they were ready to re-enter society and abide by social norms and legal rules. The International Organization for Migration, IOM, became a key consultant in this task. With funding from the US Government (USAID), it later became a large surrogate bureaucracy supporting the operations of the national-level reintegration program.

### *Corporación Democracia (CD) and transitional features of the demobilization and reintegration process*

The real functions of the Corporación Democracia (CD) beyond what public documents said as well as the tacit expectations by both combatants and official authorities are unclear. Did the local and national government truly expect full dismantlement of Don Berna’s criminal machinery through the peace agreement and if so what would the role of the CD be in order to achieve such goal? Did government expect the CD to enable the transformation of the BCN into a legitimate political entity?<sup>34</sup> Or, were authorities willing to tolerate the BCN keeping some aspects of its structure and continue to establish order in the criminal world as long as widespread violence stopped? In other words, was the government settling for disarmament and a sort of “ceasefire”, as opposed to demanding a full dismantlement of the organization and its function in the criminal world?

The CD set up an office with approximately 20 demobilized employees, and some of the BCN second and third-tier leaders became official CD directives or members of the board, such as Job and Danielito, both close allies of Don Berna.<sup>35</sup> There were two key arrangements between the Mayor’s Office and the CD that implied the BCN would maintain its chain of command. One was joint policing by former BCN and Medellín police forces of areas formerly controlled by the BCN. This was meant to provide security guarantees to BCN members while at the same time allowing greater police control over the *comunas* to which it had no access in the past. Former combatants would be given radios, no weapons, to patrol alongside police units. They would facilitate the entry of police forces into the neighborhoods and be in permanent contact with the rest of the “boys” in order to receive information on the local situation. The second arrangement was the appointment of BCN “zone coordinators”, meant to liaise between the Mayor’s office and the boys. They would monitor whether the combatants were attending training sessions and appointments with the social workers and psychologists, hear whether the local communities had complaints on the behavior of any of the boys, and communicate any news from the program. In addition to these arrangements, up until his own demobilization Don Berna still commanded the BCN and had La Terraza band at his service. The BCN DDR process thus had several transitional dimensions to it, some related to their own demobilization process, and others to the overall, national-level, paramilitary peace negotiations and demobilization process.

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<sup>34</sup> “Vamos hacia la creación de un movimiento político”, *Revista Semana*, no. 1.125, November 24 – December 1, 2003. For an analysis of political reintegration in Colombia see, Alexandra Guáqueta, “The Way Back In”, 2007.

<sup>35</sup> Danielito was later assassinated presumably by Macaco’s men.

### *Discussing failure and success*

One positive effect of the BCN demobilization process has been the decline of homicide rates in Medellín from 184 per 100.000 inhabitants in 2002 to 29.4 in 2006 and 23.9 in 2007.<sup>36</sup> In fact, the decline of violence more generally in Colombia was one of the major achievements of the ceasefire commitments and the peace negotiations, which helped the Uribe government justify the process to Colombian and foreign audiences. With regards to Medellín, the significant drop in local homicide rates has been used by authorities to claim an important degree of success. The BCN demobilization, however, has been strongly criticized by local NGOs, who argue that the “boys” still act as alternate authorities in the *comunas*, even if covertly, follow orders from Don Berna and have connections with the criminal world.<sup>37</sup> In late 2007, Fajardo admitted that at least 10% of BCN members registered in the program (i.e. excluding those who defected or never demobilized) were cheating by engaging in criminal activities, and it seems that MAPP/OEA members have received threats by BCN leaders.<sup>38</sup> In the case of the BCN, it is necessary to reflect whether a standard peace process and DDR recipe are useful to deal with organized criminal structures in a large city, often connected to drug mafias. Shortcomings are probably more related to the criminal nature of the BCN, the fact that criminal bands working for the BCN but not part of their “organic” structure were not part of the peace deal and demobilization process and the problems embedded in the overall paramilitary peace process.

### **2.3. The BCB and self-organized reintegration farms**

#### *Identity*

The BCB emerged in 1997, the same year as the AUC and the national paramilitary expansion plan, resulting from a “franchise” transaction between its leaders and the Castaño brothers. BCB’s main leaders were Julián Bolívar, his brother, Pablo Sevillano, and Macaco, all of which had participated in the illegal drug industry connected to the remains of the Medellín Cartel and to the Northern Valle Cartel.<sup>39</sup> Ernesto Baez, who had trained as a lawyer, joined the BCB later on. Unlike the others, he had taken part long ago in traditional paramilitary organizations such as the Puerto Boyacá Asociación Campesina de Ganaderos y Agricultores del Magdalena Medio (ACDEGAM) that emerged in the 1980s and in the right-wing political movement Movimiento de Restauración Nacional (MORENA), and also served in public office. The main objective entrusted to them by the Castaño brothers was to gain control over the Middle Magdalena

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<sup>36</sup> Programa Paz y Reconciliación, Alcaldía de Medellín, “Modelo de intervención. Regreso a la legalidad”. Medellín, March, 2008.

<sup>37</sup> For early reactions see “10 preguntas para pensar”, *Revista Semana*, December 1, 2003. Interviews by FIP staff to local communities, clergy and NGOs in various visits in 2006 and 2007. See also Instituto Popular de Capacitación (IPC), “Narcotráfico desestabiliza a Medellín”, March 14, 2008; IPC, “Cartel del Norte del Valle tras la hegemonía armada en Medellín”, November 3, 2007; IPC, “En Medellín, reinsertados de las Auc venden propiedades expropiadas ilegalmente”, August 21, 2007.

<sup>38</sup> See IPC, “Alcalde de Medellín desestima poder paramilitar en la ciudad”, July 27, 2007; and interview to OAS by FIP staff, December, 2007.

<sup>39</sup> Macaco claims to have had a paramilitary record previous to the BCB. He allegedly fled Putumayo after FARC kidnapped his wife and joined paramilitary groups in Antioquia in the early 1990s, then at the behest of gold miners in the lower Cauca he formed some groups and later met the Castaño brothers. La FM radio, “El Bloque Central Bolívar tenía una escuela de formación para paramilitares: Carlos Mario Jiménez Naranjo, alias Macaco”, June 13, 2007. <http://www.lafm.com.co/noticia.php3?nt=19356>

Valley region starting with the South of Bolívar, traditionally an ELN stronghold and rich in gold and coca. To force an ELN retreat, they began assassinating sympathizers that made up its social base, cutting its lines of supply and occasionally combating them. In addition, as we now know, in 1999 they contributed to stop a possible “demilitarized zone” that was being proposed to jump-start talks between the ELN and the Pastrana administration through mass mobilizations led by Asocipaz, which posed as a “civil society” organization. After Southern Bolívar, the BCB entered Barrancabermeja in 1998, where the ELN had built a solid support by civil society organizations and parts of the state-owned oil company’s union, Unión Sindical Obrera (USO), and found financial resources based on extortion and theft from the oil industry and its numerous contractors. The BCB inaugurated its new battle with the May 16<sup>th</sup> massacre in a populated neighborhood of the town. Several ELN combatants eventually switched sides during the paramilitary conquest, and many inhabitants adapted to the new bosses and rules in town. The left-wing culture of Barrancabermeja, however, was not totally exterminated and once the paramilitary secured a dominant position, they simply coexisted with the dense network of local human rights-based NGOs and grassroots organizations.

Between 2000 and 2004, the BCB began a new and rapid expansion phase to areas further away, many of them rich in coca or key to trafficking. They created fronts in Nariño, some municipalities of the lower Cauca region of Antioquia (after negotiating spheres of influence with the Bloque Mineros and the Bloque Metro), the Eje Cafetero, Caquetá (a FARC stronghold), Vichada, Putumayo and Arauca (where FARC and ELN were disputing control over oil royalties and new coca plantations). In some cases, the BCB struck alliances with local drug traffickers like with the “Mellizos” from Arauca, or with older and smaller paramilitary organizations like in Putumayo, but also exported their own men from Urabá and Córdoba, where the Castaño brothers had set up military training schools for combatants. By then, the BCB had accumulated a force of 6,000 combatants in total, with presence in 10 provinces and control over a good part of the illegal coca industry infrastructure, including crops, roads, border passages into Ecuador and Venezuela, air strips and ports. Like Don Berna, the BCB also gained important leverage over its “paramilitary partners” of the AUC by virtue of its size, geographical control, economic power and ties with the criminal world.

### ***The BCB’s inclusion into the peace process and agreement***

The BCB’s participation in the peace process was not simple. In 2002, Carlos Castaño claimed the BCB had lost its way, turning to profit-seeking through the drug business into its main purpose, and publicly singled out Macaco. The BCB was against Castaño’s move to clean up the paramilitary and argued in its favor that the more involved in drug trafficking, the more bargaining leverage they would have *vis a vis* the Colombian government and the US. In the end, Castaño lost, and was assassinated, and many of the interests of the BCB within the paramilitary community prevailed during the peace negotiations, with Ernesto Baez becoming a key figure. In December 2002 the BCB offered a ceasefire, as the others had done, and in March 2004, one month before Carlos Castaño’s death, formally joined the other paramilitary structures at the Single Negotiating Table. Macaco, Julián Bolívar and Ernesto Báez were then made part of the High Negotiating Body, enjoying the special permits and legal benefits granted to commanders by the government to facilitate the disarmament and demobilization of their various fronts, which in the case of the BCB were scattered in various regions.

### ***The DDR process and the roles of Buscando Caminos Buenos and Semillas de Paz***

The BCB demobilized 8 regional groups in 8 different dates (see table) between July 2005 and January 2006, only after the Justice and Peace Law passed through Congress. In this sense, the previous demobilizations and the good will gestures had been left to the AUC, that is, to Carlos Castaño and Mancuso. The demobilization of their own fronts and public declarations in favor of complying with a full cease-fire and against drug trafficking were all important to legitimize the general paramilitary peace process in Colombia and to secure some of the benefits that did make it into the 2005 Justice and Peace Law. In turn, all of these helped build enough trust for the BCB's disarmament and demobilization. For the government, the BCB demobilization was crucial given the power their size and power. This point touches on some of the conundrums of the paramilitary peace process: on the one hand, it became clear it was hard to justify to the Colombian and international public opinion striking a "peace" deal with organizations who were not entirely politically-driven and should have been simply imprisoned; but on the other hand, such structures wielded great power and state authorities had not been able to control them. A deal, therefore, seemed to be the only viable option.

One key issue for the BCB was to gain government endorsement of the social and economic reintegration model and projects proposed and set up by them. Before disarming and demobilizing, the BCB began setting up agro- businesses where they expected lower ranking combatants to work in. The ownership of the land and who exactly would benefit from any profit accrued was unclear, admitted a government official. The government suspected that at least one function of these farms was to launder paramilitary ill-gotten land and monies, by including them into the formal reintegration framework. These farms would also enable BCB leaders to maintain ties with the combatants, reward and help those whom they considered important and preserve physical presence and influence in certain territories. Fernando Soto, from *Buscando Caminos Buenos*, argues that the projects had an additional rationale to them: pose as reparation and reconciliation initiatives to gain public acceptance of the peace process.

But the issue of paramilitary wealth and agro-businesses eventually became one of the many controversial topics in the peace process. For public opinion and international observers against the terms of the negotiations between the Uribe government and the paramilitary, the possibility that commanders would enjoy economic wealth derived from crime and human rights abuses became morally unacceptable. Besides, many perceived that the agri-businesses had become a way to cheat on the terms of the Justice and Peace Law referring to asset forfeiture and paying victims for war reparations. These ideas, along with many other problems, constantly undermined the legitimacy of the peace process in the eyes of many in Colombia and abroad. As for the DDR process, the controversy over what to do with paramilitary land and money meant that the government could not appear to be endorsing any kind of cheating. But it is unclear what its true preference was and whether at some point during the exploratory talks and the first Santa Fe de Ralito agreement, it actually endorsed the idea of social investment by the paramilitary leadership aimed at reintegrating its combatants. In favor of such a reintegration model was the perception among some sectors in government and society that it was unfair for tax payers and the government to subsidize a resource-rich illegal armed group. There were also practical considerations: in many places the paramilitary had better logistical capacity and local connections than the national government, commanders could more easily reach out to

combatants and exercise control to keep them from defecting the reintegration process if necessary.

At the beginning, “the government was cautious not to make a big issue out of it, since we were in the middle of negotiations with them,” claimed the official. Later on, it adopted informal procedures to include such projects into the official reintegration program only if their legality had been verified. It also refrained from publicizing too much such projects. It seems therefore, that the government adopted a kind of transitional reintegration whereby the BCB was allowed to keep its projects for some time.

The BCB made sure to make these projects appear as legitimate as possible. Again, according to Colombian standards, this also meant proving that the BCB was effectively dismantled. When the bloc demobilized it created two NGOs, one called *Buscando Caminos Buenos*, led by Macaco, and another called *Semillas de Paz*, led by the brothers Julian Bolivar and Pablo Sevillano. Both worked on economic projects for former combatants and other members of the communities, as well as a variety of social projects usually embedded in a politically-correct reconciliation discourse. The first one was more focused on administrating agro-businesses and the social and economic reintegration. Furthermore, its statutes explicitly said that procuring human, material and financial resources to carry out the projects was one of its functions. The second ONG, *Semillas de Paz*, focused more on reparation and reconciliation. The specific idea of creating an NGO with these functions stemmed from the precedent set by *Corporación Democracia* and the “good” reputation that came along with the NGO status. In fact, the person who set up *Buscando Caminos Buenos* and directs it is Fernando Soto, who had established *Corporación Democracia* for the BCN but later had a fall out with them. By then, the government had issued a formal resolution (2582 of 15 December) that legally permitted the *Programa de Reincorporación a la Vida Civil* (PRVC) from the Ministry of Justice to sign agreements with NGOs and other demobilized organizations. Others formed across the country.

*Buscando Caminos Buenos* has offices and projects in southern Bolívar, North Eastern Antioquia, Risaralda in the Eje Cafetero region, Vichada, Putumayo and Piamonte and has allowed BCB commanders to maintain ties with their combatants. They boasted having records for all of them even if they were not involved in the agri-business projects. At least up until his formal ouster from the peace process in August 2007, Macaco financed several projects and was involved in all its strategic decisions. None of them were formally approved by the government and included in the reintegration program, but nor were they forced to close down.<sup>40</sup> This may happen as a result of the investigations and trials that Macaco now faces and if judicial authorities find that such lands and monies are the product of asset laundering. Today, many of the former combatants have left the projects.

*Semillas de Paz* is located in Barrancabermeja, Puerto Berrío, Bucaramanga, Cali, Pasto and Tumaco. In Barrancabermeja, the NGO has hosted and publicized reparations initiatives, some of which have been supported by MAPP/OEA as well as the Colombian government and local authorities. The organization has even helped war victims to get organized and have lent them assistance in filing all the papers to claim state compensations, as established by the Justice and

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<sup>40</sup> This was the case at least up until Decemeber 2007.

Peace Law. Neither *Buscando Caminos Buenos* nor *Semillas de Paz* were arrangements in which the BCB's command structure was formally maintained, although they did allow commanders keep track of many of their combatants, either as "insurance" in case the peace settlement encountered legal and political difficulties or as a way to prevent other organizations to absorb their combatants.

Yet, these figures have contributed to negative perceptions of local communities over the DDR process. Many claim it has failed. Failure is represented by the fact that former paramilitary continue to be involved in crime and perform surveillance actions functional to their "obscure" intentions, whether anti-subversive or criminal, using their new jobs as *salvavías* (road patrols) or in private security companies as facades. "It's so serious that these men attribute themselves to install check points on the roads, inspect people and ask them for documentation", explained a member of an NGO in Barrancabermeja.<sup>41</sup> People from the region and up North in the Catatumbo area have also reported the emergence of the *Águilas Negras*. In fact, evidence proving ties between Macaco and the *Águilas Negras* as well as information of his ongoing activities in drug trafficking, prompted the government to withdraw the benefits established in the Justice and Peace Law. The Uribe government claims it is now considering the extradition of Macaco to the US on drug trafficking charges.

It seems that in the case of the BCB a real or perceived security dilemma, besides Macaco's personal interests in drug trafficking, has undermined its commitment to the peace process as well as influenced developments in other blocs, particularly the BCN. Since the DDR process began, Macaco believed his security depended on keeping other blocs, criminal organizations or guerrillas from filling the vacuums left by the BCB, not just in terms of territorial control but taking over illegal businesses. Authorities confirmed in 2007 a covert war going on between Berna and Macaco.

#### **2.4. Individual demobilization: transiting through temporary intelligence and policing functions**

##### ***Individual DDR***

In 2002 and 2003 desertions from FARC and ELN rose sharply. Never before had so many combatants demobilized in Colombia. The trend was the result of several factors: the new Democratic Security Policy, which launched a tough military offensive against the guerrillas, especially FARC, thereby increasing security risks for the rebels; accumulated war fatigue due to fierce paramilitary pressure since 1997; and intense propaganda by the government, which talked about the advantages of living a normal life away from "the bush" and from the guerrilla's authoritarian rule and announced the benefits offered by the new reintegration program. Propaganda strategies included radio and TV advertisements in national and local stations and leaflets thrown out of planes and helicopters in guerrilla-controlled zones.

The formal reintegration route for individually demobilized combatants had the following steps. Deserters had to spend up to three days in detention, being debriefed by military intelligence,

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<sup>41</sup> Espacio de trabajadores y trabajadoras de derechos humanos. "En Barrancabermeja todas y todos por la vida", July 4, 2006.

who would act as a first filter to confirm the identity of the combatant. After that, the deserter would enter the *Programa de Atención Humanitaria al Desmovilizado* (PAHD) run by the Ministry of Defense. PAHD would locate them in temporary homes and provide them with basic assistance (clothes, toiletries, medical attention, and a small subsistence allowance) until they had passed the second filter, a verification by the Attorney General's Office on their criminal history and further inquiry into their background. If the combatant had not committed war crimes, he would receive a special certification and go on to the *Programa de Reincorporación a la Vida Civil* (PRVC), run by the Ministry of Interior and begin a reintegration program that lasted two years. During those two years they were entitled to housing, a monthly allowance, vocational training and psychological assistance. Combatants would also be registered in the national health and pension system and taught how to open and manage a bank account. Their family, wife and children, would also receive assistance and in special cases, combatants' whose life was at risk, could request protection (which usually came in the form of temporary relocation). Nearing the end of the term, demobilized combatants, assisted by a Ministry official, would have to begin formulating a business plan to set up a micro-enterprise that would guarantee a steady income. The cycle would formally end after setting up the business with a 4,000 USD dollar grant by the government. Several adjustments were made to this route in 2003-2007: the program strengthened psychological assistance; introduced courses on "citizenship competences" and initiatives to promote reconciliation; changed the initial housing arrangement based on hostels located mainly in Bogotá, to individual homes; created a wider portfolio for economic reintegration after several micro-enterprises had failed; improved the mechanisms to create and find employment opportunities for combatants and increased private sector collaboration; customized the total time of the program to fit each individual's progress and needs; and changed the logic and rules for disbursing allowances.

Individual demobilization and government efforts to promote desertion were strongly criticized by progressive NGOs, the left and certain sectors of the international community, who also opposed the rationale and specific elements of Uribe's Democratic Security Policy arguing they not only increased human rights violations by the Armed Forces but, more fundamentally, ignored the socio-economic causes of the armed conflict and only intended to neutralize FARC instead of seeking reforms and a peace process. UN agencies in Colombia, among the detractors, withdrew its support to the reintegration program, which had operated in the 1990s and up until 2002 mainly to assist the old guerrilla combatants that had demobilized in 1989-1994. The new program, they argued, was an instrument of war not of peace. Other international donors thought the government should be paying more attention to internally displaced persons as opposed to combatants, after all *they* were the victims.<sup>42</sup> In addition, debates and disagreement over the paramilitary peace process, which was happening at the same time, clouded public understandings of individual DDR, many began confusing paramilitary collective demobilization with individual demobilized combatants believing that "demobilization" in general was flawed. Thus, from 2002 to 2006, many international donors

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<sup>42</sup> IDPs in Colombia, which had reached around 2 million, had become a rather contentious issue: NGOs and UN agencies claimed figures were higher than what the government was willing to acknowledge, that IDPs were not getting enough attention and that Colombia had a humanitarian crisis. On the other hand, the Colombian government believed opponents simply had a "hidden" political agenda --they only wanted to discredit Uribe--

refused to support individual DDR. The only supporter was the US through the IOM. At some point, IOM consultants, around 60 by 2005, became the backbone of the understaffed PRVC office.

### ***“Re-mobilized” Intelligence***

Even if not the sole and original purpose, deserters from the guerrilla groups increasingly became a valuable source of information on the active rebel groups, whom the Armed Forces had to combat. Originally, combatants’ transit through the Ministry of Defense’s PAHD program was only two weeks, this term was then lengthened to two months, in part to reflect reality on the ground. Demobilized combatants, who would often turn themselves in to the nearest military brigade or police station in rural zones, would not be sent to Bogotá according to the established calendar. The military would keep him, not against his will and in accordance with the law<sup>43</sup>, for weeks and months at the brigade to obtain information and collaboration. Very often, demobilized combatants accompanied operations as “guides”, at times armed, to point at hidden weapon deposits or identify guerrilla members and supporters. Intelligence agents, police investigators and *fiscales* working on terrorism, drug and weapons trafficking or specific homicide cases, also found demobilized combatants useful sources, whom they nicknamed “lanterns”. In exchange they were granted financial compensation, from the rewards budget managed by each unit, and generally obtained help from their new friends (speeding up bureaucratic processes related to their reintegration process, assisting family members or even turning a blind eye to previous crimes that would have normally complicated his legal paper work). Eventually, the Ministry of Defense formalized this collaboration through Permanent Directives 24 of 2005 and 16 of 2007 and issued a detailed rewards table with specific amounts of money assigned to each “contribution”: up to 35,000 USD for information that would lead to the rescue of kidnapped soldiers or public officials, up to 15,000 USD to rescue civilians, up to 750 USD to for locating base camps, up to 2500 USD for identifying and locating commanders, and so on. In 2005, former Viceminister of Defense, Andrés Peñate, declared to the press that demobilized collaboration had prevented 21 terrorist attacks in Bogotá and enabled the confiscation of 1600 rifles and two airplanes from belonging to illegal armed groups. By 2005, 16% of individually demobilized combatants had received reward payments.<sup>44</sup>

The use of demobilized combatants in this particular security function was also criticized. Not only did it prove that DDR was being used for war not peace-building --according to critics--, it entailed life risks to former combatants and could easily lead to perverse distortions, such as providing false information on guerrilla collaborators. On the other hand, former combatants have reported that often, military and civilian authorities abuse their power and threaten not to grant the person the benefits he’s entitled to unless they provide information.

### ***The “Soft Policing” Track***

In 2003 the old reintegration office attached to the Ministry of Interior had to be revamped. A new director, Juan David Angel, who was an entrepreneur and had worked with the Federación

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<sup>43</sup> Decree 128 of 2003, the legal basis for the new reintegration program included language that allowed such collaboration.

<sup>44</sup> “1.136 desmovilizados han recibido dinero por información, elementos de guerra o servir de ‘guías’, *El Tiempo*, September 4, 2005.

Nacional de Comerciantes (Fenalco, the Retailers Business Association), was brought in to make the program more efficient and deal with the incoming stream of combatants. Even with the changes introduced by Angel, the government was having difficulties to cope and find jobs for everyone, and communities in the neighborhoods where hostels were located began complaining, saying they feared combatants who were consuming drugs and suspiciously lurking around. Then in 2004, negotiations between the paramilitary and the Uribe administration unblocked, which meant that many more demobilized combatants, besides individual ones, would begin demanding jobs and attention. In late 2004, the High Peace Commissioner, in charge of collectively demobilized combatants from paramilitary groups and the PRVC, in charge of individually demobilized combatants and the Director General of the Police created a new formula to occupy former combatants that responded to several needs at the same time: the *auxiliares cívicos en convivencia y seguridad ciudadana*, security civilian aides, a type of “soft policing” mostly in towns, cities and main roads. The idea was to offer former guerrilla and paramilitary, whether individually or collectively demobilized, to temporarily serve under the command and supervision of the Police, performing surveillance functions familiar to them. In this way, they could remain occupied and earn some money while they completed vocational training and found other more steady jobs in the market. In the case of former guerrillas, the program would also help them build trust towards the state and public security agencies, their old enemies. The function was also framed as “service to the community”, in which former combatants could “repair” the harms inflicted on society during war time.<sup>45</sup> The program includes training on citizenship competences, human rights, first aid, social communication and basic policing themes. Combatants are not allowed to carry weapons and they can serve as forest rangers, road safety assistants, tourist guides, and surveillance assistants in bus stations. Only combatants that are not engaged in human rights violations can participate. The program, however, has not been well received by the public or other state agencies who could be temporarily hiring combatants in analogous functions. “People are not receptive when they now that the auxiliares are demobilized combatants”, explained an auditor of the *Salvavías* (road safety patrol). In Barrancabermeja, for instance, communities perceived the program as a way to perpetuate paramilitary control in the city.

### 3. Levels in transitional DDR

As the case studies show, there are different levels of transitional DDR, which we here name “macro”, “meso” and “micro”. The macro-level is best represented by the paramilitary staggered demobilization model. We call it “macro”, because it looks at the overall peace process, not at any specific aspect of either the disarmament, the demobilization or the reintegration that usually takes place immediately after an illegal armed group has signed a peace accord or chosen to stop military action. The key feature of staggered demobilization is having an illegal armed group demobilize by parts (factions, blocs) and temporarily concentrate in provisional camps where they are registered and receive basic assistance such as maintenance, medical and psychological assistance and physical protection from potential enemies, while other aspects of the peace-process and DDR administration are set in place. In the case of Colombia, the modality of staggered paramilitary demobilization emerged for different reasons: the decentralized nature of the paramilitary blocs, which meant each one had their own command and control structure and were physically located in different regions,

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<sup>45</sup> “2.000 ex AUC serán policías cívicos”, Colprensa, Bogotá, September 29, 2005.

making one general demobilization politically and logistically almost impossible; the undefined terms of the initial “peace framework” and the need felt by paramilitary commanders to have further reassurances before demobilizing completely; and the fears by paramilitary leaders and state actors that a full paramilitary demobilization, all at once, would expose vulnerable zones to guerrillas action –a security problem when not all warring parties strike peace agreements and demobilize at the same time. The advantages and risks of this model are summarized in the section below.

The meso-level is the DDR package combatants are offered, which in the case of Colombia is more than just a subsistence one off-payment. In Colombia, the DDR package was conceived precisely as a period of “transition”, grounded in a comprehensive assistance program, to help combatants adjust socially, emotionally and economically to a new life outside “the bush” and away from violence and military life. The DDR programs have evolved since 2003, when a first reform to the 1990s DDR state offer was restructured to respond to the new wave of demobilization that started in 2002 with individual deserters of FARC and ELN. Today, there is a rather sophisticated policy for the reintegration of both demobilized populations, the individual and the collective. It is backed by a robust bureaucracy -- the ACR has today around 500 employees many funded by OIM of which 250 are psychologists and social workers that assist combatants, their families and receiving communities— and spends approximately 105 million dollars per year (3700 dollars per combatant per year).<sup>46</sup> According to experts it is the most developed and well funded reintegration program that has so far taken place in the world.<sup>47</sup> Nevertheless, one major weakness of the program must be pointed out: it is designed for the rank-and-file but not mid and high-level commanders, either from the guerillas nor the paramilitary.

Micro-level transitional DDR occurs in the short-term after military action ceases and can relate to any of the components in DDR. As revealed in this study, Colombian DDR used several micro-level transitional mechanisms, some of which were not strictly part of the official DDR policy and programs. Local and national authorities either thought of them and used them, or tolerated them when carried out following the initiative of former combatants themselves in at least three circumstances: a) To cope with concrete demobilization challenges in the face of policy gaps, like in the case of the demobilization of the Cacique Nutibara, which occurred when paramilitary DDR instruments were not in place, forcing local authorities in Medellín to improvise. b) To cope with post-conflict political and military realities on the ground, such as the high degree of influence of paramilitary commanders over their rank-and-file and the ongoing exercise of political and social control of several paramilitary blocs even after demobilization. Examples of this are the NGOs created by paramilitary blocs, which allowed commanders to keep track of their men and send them orders from their concentration camps or prison cells. And c) to harness the security skills and desire of former combatants to continue in policing or military-type functions, so that the state can utilize their capacity and at the same time prevent combatants with a “security profile” from being recruited by criminal organizations or active illegal armed groups. This occurred in the case of former guerrillas

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<sup>46</sup> Numbers provided by the ACR to FIP in March, 2008.

<sup>47</sup> This was brought to our attention by Sophie da Camara, former Postconflict Unit of the World Bank and advisor to Colombia’s ACR.

collaborating with state security forces in counterinsurgency operations or in the case of individual and collective demobilized combatants involved in soft-policing tasks.

#### 4. Types of non-military transitional DDR, advantages and disadvantages

- Disarming and demobilizing one front at a time, while a political arrangement is settled and trust on the process is gained.

##### *Advantages*

- It introduces flexibility to the peace negotiation and demobilization process, which is often needed in complicated transactions.
- It allows the government to align legal instruments, bureaucracies and budgets to prepare a well developed reintegration program.
- It allows specific factions within an armed group who are in favor of peace to convince more reluctant groups.

##### *Disadvantages*

- There is a risk of an incomplete/fragmented peace process that does not manage to demobilize all groups.
- Demands by illegal armed groups may increase.
- There is a constant delicate balance between stick and carrots that needs to be managed.

- Allowing groups to maintain certain cohesion through civilian organizations, that symbolically and objectively reduces their vulnerability *vis a vis* state security forces or other illegal armed groups. And allowing commanders to maintain influence over its troops by assigning top and middle-ranked commanders specific responsibilities in the reintegration process.

##### *Advantages*

- Commanders, if committed, may ensure compliance by their troops.
- Demobilization and reintegration programs can increase their efficacy.
- Combatants are not left alone and become part of a wide range of initiatives, programs, projects. This helps them maintain social capital under rules of social engagement compatible with non-violent orders.

##### *Disadvantages*

- Timing seems a crucial factor in the reintegration of combatants who are exposed to recruitment by criminal organizations. If combatants are somewhat isolated from criminal contacts and networks and located in relative safe places, they may stand a chance to initiate a new, safer life in legality. Such combatants need, however, steady employment that fulfils its expectations with regards to salary and status.

- Instead of incorporating combatants into the Armed Forces, retraining them to perform soft policing functions under the supervision of the Police and civilian authorities.

##### *Advantages*

- It increases the legitimacy of state security forces and helps former combatants trust the new order.
- State agencies can benefit from cheap labor.
- It allows state security forces to monitor combatants more closely.

*Disadvantages*

- Depending on the nature of the conflict and if illegal ties existed between armed groups and public security forces, the formula can perpetrate illegal practices by public security forces.
- Combatants may abuse their new positions and exercise violence against communities or personal enemies.

- Allowing combatants to participate in specific security operations based on their knowledge and skills.

*Advantages*

- It helps security policies increase their efficacy.

*Disadvantages*

- Combatants may abuse their new position and exercise violence against communities or personal enemies.

- Retraining combatants to work in private security firms regulated and monitored by the state.

*Advantages*

- It is an alternative to entering public security forces when that option isn't viable.

*Disadvantages*

- Risks, however, seem higher than benefits, since control over private security companies is typically weak in conflict-ridden countries and private security operate according to lower human rights standards.

## 5. Concluding remarks

The greatest difficulty in assessing DDR in Colombia, including formal and informal short-term transitional mechanisms, is the nature of the combatants and its implications. The paramilitary, which are the main focus of this study, are not a conventional rebel army with a relatively centralized control and command. Rather, the paramilitary are a coalition of groups, that may ally or compete depending on their needs. Each group is a hybrids, a mix between a criminal organization and a counterinsurgent army, and will contain more or less of these two ingredients depending on their individual history and evolution. This is the main reason why traditional transitional mechanisms, such as inserting rebels in the army for a while, were not used in Colombia. In fact, it can be argued that here allowing the groups to maintain some cohesion, in the absence of strong economic projects that could compete with salaries offered in drug trading mafias and other criminal organizations, was counterproductive and has so far prevented the reintegration of all combatants. Nevertheless, it is still too early for a final evaluation of Colombia's DDR policies and of the peace agreement embodied in the 2005 Justice and Peace Law. Preventing the recruitment of former combatants by criminal organizations is an ongoing battle, which is why the DDR program by ACR has been extended to last longer than originally planned.

The case of individual guerrilla deserters is very different as they have not demobilized all in one block, so the issue of controlling trained troops is not there. Also, it should be mentioned that in Colombia's past guerrilla demobilizations, the groups made a relatively smooth transition from being combatants to becoming political parties and NGOs.<sup>48</sup> Between 1989 and 1994, five guerrilla groups adding no more than 5,500 demobilized and neither joined the police or the army, although some did join the Departamento Administrativo de Seguridad (DAS) –the national intelligence agency—and served as body guards of their high-commanders in their new life as politicians and public figures.

A remaining key question in Colombia has to do with FARC and ELN. What would the challenges and options be for these groups in the future? Would short-term transitional mechanisms be useful for them? There are different scenarios for the end of Colombia's war and the demobilization of the remaining active groups, FARC and ELN. Together they could add up to 12,000 combatants maximum. One scenario is that they transform into criminal organizations and follow a similar pattern as some of the paramilitary. In this case, a way to “protect” them from criminal organizations could be to absorb them temporarily in the Armed Forces, which would have direct implications for any post-conflict security sector reform.

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<sup>48</sup> Guáqueta, “The Way Back In”.

**Annex 1**

| Collective Demobilizations – Illegal armed paramilitary groups |   |            |                                  |   |  |
|--|---|------------|----------------------------------|---|--|
| 2003-2006 [Source: Oficina del Alto Comisionado para la Paz]   |   |            |                                  |   |  |
|  | Structure   | Date       | Number of Demobilized Combatants | Place of demobilization   | Comanders that fled after being in Ralito  |
| 1  | BLOQUE CACIQUE NUTIBARA                                   | 11/25/2003 | 868                              | Medellín (Antioquia)  |  |
| 2  | AUTODEFENSAS CAMPESINAS DE ORTEGA                         | 12/07/2003 | 167                              | Municipio de Cajibío (Cauca)  |  |
| 3  | BLOQUE BANANERO DE LAS AUC                                | 11/25/2004 | 451                              | Finca La Macarena, corregimiento El Dos, municipio de Turbo (Antioquia)                       | Ever Veloza García a.k.a "Hernán Hernandez" or "HH" - BLOQUE BANANERO DE LAS AUC- (captured in April 2007) |
| 4  | AUTODEFENSAS DEL SUR DEL MAGDALENA E ISLA DE SAN FERNANDO | 12/04/2004 | 48                               | Corregimiento de Santa Rosa, municipio de Santa Ana, south Magdalena.                         |  |
| 5  | BLOQUE CUNDINAMARCA DE LAS AUC                            | 12/09/2004 | 148                              | Corregimiento de Teran, municipio de Yacopí (Cundinamarca)                                    |  |
| 6  | BLOQUE CATATUMBO DE LAS AUC                               | 12/10/2004 | 1434                             | Corregimiento de Campo Dos, municipio de Tibú (Norte de Santander)                            |  |
| 7  | BLOQUE CALIMA DE LAS AUC                                  | 12/18/2004 | 564                              | Finca "El Jardín", located at the corregimiento de "Galicia", municipio Bugalagrande (Valle). |  |
| 8  | BLOQUE SINÚ-SAN JORGE DE LAS AUC                          | 01/18/2005 | 925                              | Corregimiento de Santa Fe de Ralito, municipio de Tierralta (Córdoba).                        |  |
| 9  | BLOQUE SUR OESTE ANTIOQUEÑO DE LAS AUC                    | 01/30/2005 | 126                              | Corregimiento Alfonso López, municipio de Ciudad Bolívar (Antioquia)                          | Jesús Alcides Durango a.k.a "René" - BLOQUE SUR OESTE ANTIOQUEÑO DE LAS AUC (captured in June 2007)        |
| 10   | FRENTE MOJANA   | 02/02/2005 | 109                              | Corregimiento Nueva Esperanza, municipio de Guaranda (Sucre)                                  |  |
| 11   | BLOQUE HÉROES DE TOLOVÁ                                   | 06/15/2005 | 464                              | Vereda La Rusia Ocho, del municipio Valencia (Córdoba)  |  |
| 12   | BLOQUE MONTES DE MARÍA                                    | 07/14/2005 | 594                              | Corregimiento San Pablo, del municipio de Marialabaja (Bolívar)                               | Rodrigo Antonio Mercado Peluffo a.k.a "Rodrigo Cadena" - BLOQUE MONTES DE MARÍA (fugitive or dissapeared)  |

|    |   |            |      |  |   |
|----|---|------------|------|--|---|
| 13 | BLOQUE LIBERTADORES DEL SUR (BCB)   | 07/30/2005 | 689  | Finca "El Romance", located at the Inspección de Policía El Tablón, del municipio de Taminango (Nariño). |   |
| 14 | BLOQUE HÉROES DE GRANADA  | 08/01/2005 | 2033 | Finca 'La Mariana' del corregimiento de Cristales, jurisdicción del municipio de San Roque (Antioquia).  | Carlos Mario Aguilar a.k.a "Rogelio" - BLOQUE HÉROES DE GRANADA (fugitive)  |
| 15 | AUTODEFENSAS CAMPESINAS DE META Y VICHADA   | 08/06/2005 | 209  | Finca "La María", Vereda San Miguel, municipio de Puerto Gaitán (Meta)                                   |   |
| 16 | BLOQUE PACÍFICO HÉROES DEL CHOCÓ -AUC   | 08/23/2005 | 358  | Recreational and Turistic Center "Estadero Kurungano", Km. 1 vía Condoto,                                |   |
| 17 | BLOQUE CENTAUROS DE LAS AUC   | 09/03/2005 | 1134 | Finca 'Corinto', corregimiento de Tilodirán, Yopal (Casanare)  | Vicente Castaño a.k.a "El Profe" (fugitive)   |
| 18 | BLOQUE NOROCCIDENTE ANTIOQUEÑO DE LAS AUC   | 09/11/2005 | 222  | Rural educational Institution: 'El Rodeo', de la vereda El Rodeo, municipio de Sopetrán (Antioquia).     |   |
| 19 | 19. FRENTE VICHADA DEL BLOQUE CENTRAL BOLÍVAR DE LAS AUTODEFENSAS                   | 09/24/2005 | 325  | Municipio de Cumaribo (Vichada)  |   |
| 20 | 20. BLOQUE TOLIMA   | 10/22/2005 | 207  | Hacienda 'Tau Tau' jurisdicción del municipio de Ambalema (Tolima)                                       |   |
| 21 | 21. FRENTE NORDESTE ANTIOQUEÑO, BAJO CAUCA Y MAGDALENA MEDIO DEL BCB                | 12/12/2005 | 1922 | Vereda San Cristóbal, corregimiento de Santa Isabel, municipio de  |   |
| 22 | 22. FRENTE HÉROES Y MÁRTIRES DE GUÁTICA DEL BCB                                     | 12/15/2005 | 552  | Finca "La Linda", vereda La Esperanza, municipio de Santuario, Risaralda.                                |   |
| 23 | 23. BLOQUE VENCEDORES DE ARAUCA DE LAS AUC (incluye anillos de seguridad de Ralito) | 12/23/2005 | 548  | Corregimiento de Puerto Gaitán, Tame, Arauca,  | Miguel Ángel Mejía Múnera "Pablo Arauca" (Mellizos) - BLOQUE VENCEDORES DE ARAUCA DE LAS AUC (fugitive) Víctor Manuel Mejía Múnera (Mellizos) - BLOQUE VENCEDORES DE ARAUCA DE LAS AUC (fugitive) |

|    |   |            |      |  |   |
|----|---|------------|------|--|---|
| 24 | 24. BLOQUE MINEROS DE AUC   | 01/20/2006 | 2789 | Hacienda "La Ranchería", vereda Pecoralia, municipio de Tazará, Antioquia,       |   |
| 25 | 25. AUTODEFENSAS CAMPESINAS DE PUERTO BOYACÁ  | 01/28/2006 | 742  | Vereda "El Marfil", municipio de Puerto Boyacá, Boyacá                           |   |
| 26 | 26. BLOQUE CENTRAL BOLÍVAR- SUR DE BOLÍVAR  | 01/31/2006 | 2519 | "La Granja", corregimiento Buena Vista, municipio de Santa Rosa, Bolívar.        |   |
| 27 | 27. BLOQUE RESISTENCIA TAYRONA DE LAS AUC (BLOQUE NORTE)  | 02/03/2006 | 1166 | Vereda Quebrada El Sol, corregimiento de Guachaca, municipio de Santa Marta      |   |
| 28 | 28. AUTODEFENSAS CAMPESINAS DEL MAGDALENA MEDIO   | 02/07/2006 | 990  | Corregimiento La Merced, municipio de Puerto Triunfo, Antioquia.                 | Luis Eduardo Zuluaga Arcila a.k.a "Mac Giver" - AUTODEFENSAS CAMPESINAS DEL MAGDALENA MEDIO (fugitive)  |
| 29 | 29. FRENTES PROCERES DEL CAGUÁN, HÉROES DE LOS ANDAQUÍES Y HÉROES DE FLORENCIA, DEL BLOQUE CENTRAL BOLÍVAR DE LAS AUC | 02/15/2006 | 552  | Vereda Liberia, municipio de Valparaíso, Caquetá                                 | Carlos Mateus Morales, a.k.a 'Paguita Gallego' - FRENTES PROCERES DEL CAGUÁN, HÉROES DE LOS ANDAQUÍES Y HÉROES DE FLORENCIA, DEL BLOQUE CENTRAL BOLÍVAR DE LAS AUC (BCB) - (captured in October 2007) |
| 30 | 30. FRENTE SUR PUTUMAYO DEL BLOQUE CENTRAL BOLÍVAR  | 03/01/2006 | 504  | Corregimiento Santa Ana, vereda La Esperanza, municipio de Puerto Asís, Putumayo |   |
| 31 | 31. FRENTE JULIO PEINADO BECERRA DE LAS AUC (BLOQUE NORTE)  | 03/04/2006 | 251  | Corregimiento Torcoroma, municipio de San Martín, departamento del Cesar.        |   |
| 32 | 32. BLOQUE NORTE (FUERZAS DE CHOQUE DE LA VERTIENTE NOROCCIDENTAL DE LA SIERRA NEVADA DE SANTA MARTA)                 | 03/08/2006 | 880  | Corregimiento de "Chimila", municipio de El Copey, departamento del Cesar.       |   |

|                 |   |            |      |   |   |
|-----------------|---|------------|------|---|---|
| 33              | 33. BLOQUE NORTE (FRENTE DE APOYO SOCIAL QUE ACTUABAN EN EL PLAN PRODUCTIVO DE LOS DEPARTAMENTOS DE ATLÁNTICO, MAGDALENA Y CESAR) | 03/08/2006 | 1335 | Corregimiento de "Chimila", municipio de El Copey, departamento del Cesar.                |   |
| 34              | 34. BLOQUE NORTE (FRENTE DE CHOQUE)   | 03/10/2006 | 1220 | Corregimiento La Mesa, Valledupar, departamento del Cesar.                                |   |
| 35              | 35. BLOQUE NORTE (FRENTE DE APOYO SOCIAL)   | 03/10/2006 | 1325 | Corregimiento La Mesa, Valledupar, departamento del Cesar.                                |   |
| 36              | 36. FRENTE HÉROES DEL LLANO Y HÉROES DEL GUAVIARE DE LAS AUC  | 04/11/2006 | 1765 | Inspección de Policía de Casibare, municipio de Puerto Lleras, departamento del Meta.     | Pedro Oliveiro Guerrero Castillo "Cuchillo" - FRENTE HÉROES DEL GUAVIARE (fugitive) |
| 37              | 37. FRENTE COSTANERO DEL BLOQUE ÉLMER CÁRDENAS  | 04/12/2006 | 309  | Corregimiento de El Mello Villavicencio, municipio de Necoclí, departamento de Antioquia. |   |
| 38              | 38. BLOQUE ÉLMER CÁRDENAS   | 04/30/2006 | 484  | Corregimiento El Cuarenta del municipio de Turbo, departamento de Antioquia               |   |
| 39              | 39. BLOQUE ÉLMER CÁRDENAS   | 08/15/2006 | 743  | Vereda "El Tigre", municipio de Unguia, departamento de Chocó.                            |   |
| TOTAL 2003-2006 |   | 31.671     |      |   | 10  |

**Annex 2**

|                                      |  |
|--------------------------------------|--|
| <b>Groups that never demobilized</b> |  |
| <b>Splinter groups:</b>              |  |
| 1                                    | Members of the Bloque Héroes de Tolová (BHT) en Córdoba. |
| 2                                    | Members of the Frente Vichada del Bloque Central Bolívar |
| 3                                    | Members of the Bloque Héroes de los Montes de María      |
| <b>Structures</b>                    |  |
| 4                                    | Bloque Cacique Pipintá (BCB) (Risaralda)                 |
| 5                                    | Autodefensas del "Pájaro" (Cundinamarca)                 |
| 6                                    | Autodefensas Campesinas del Casanare (Casanare)          |