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Maher, DJ and Thomson, A

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# **A precarious peace? The threat of paramilitary violence to the peace process in Colombia**

David Maher<sup>a</sup> and Andrew Thomson<sup>b</sup>

*<sup>a</sup>Directorate of Journalism, Politics & Contemporary History, University of Salford, Salford, United Kingdom; <sup>b</sup>School of History, Anthropology, Philosophy and Politics, Queen's University Belfast, Belfast, Northern Ireland.*

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## **Abstract**

This article provides an investigation into claims that paramilitary violence in Colombia can pose a threat to the peace agreement signed in 2016 between the Colombian government and the FARC rebels. These claims highlight the capacity for paramilitary groups to 'spoil' the peace deal. Hitherto, however, there is a lack of scholarly research to investigate the potential of paramilitary spoiling. Firstly, this article highlights the flaws in the government's perspective that paramilitarism no longer exists in Colombia. Instead, the government argues that Colombia is plagued by criminal bands (known as BACRIMs). Secondly, through fieldwork interviews and questionnaires conducted in FARC demobilisation camps, together with descriptive data analysed through a uniquely coded dataset on violence in western Colombia, this article supports claims that successor paramilitary groups represent a key spoiler threat to the current government-FARC peace process. On the one hand, the paramilitaries can represent a direct spoiler threat by, for instance, violently targeting demobilising FARC guerrillas. On the other hand, successor paramilitary groups represent a key indirect spoiler threat, as paramilitary violence is exacerbating the root causes of the conflict that the peace deal seeks to address, with negative implications for the prospects for peace.

## Introduction

Since the 1960s, Colombia has endured a protracted civil war. Fought between the government of Colombia (GOC), their paramilitary allies and various left-wing guerrilla groups, the conflict has claimed the lives of scores of Colombians and led to acute suffering for millions of people. The GOC and the country's largest and longest-lasting insurgent group, the left-wing *Fuerzas Armadas Revolucionarias de Colombia* (the Revolutionary Armed Forces of Colombia or FARC), began negotiations to end the decades-long conflict on August 27<sup>th</sup>, 2012,<sup>1</sup> after six months of exploratory dialogue. These talks began in October 2012 in Havana, Cuba and, after rejection in a national referendum, a revised landmark peace deal was signed by both parties in November 2016. The six-point GOC-FARC deal constitutes a comprehensive peace agreement addressing key areas of the conflict and formally marks the end of the conflict between the GOC and the FARC.

There has been substantial optimism surrounding the implementation of the agreed terms as the FARC complete the process of disarmament and transition to a political party, the *Fuerza Alternativa Revolucionaria del Común* (same acronym – FARC). Yet significant concerns remain regarding the challenges to the peace deal.<sup>2</sup> For example, some commentators point to the election of Iván Duque – who won Colombia's presidential election in June 2018 as a candidate for the right-wing *Centro Democrático* (Democratic Centre) party – as a potential obstacle to the peace process. Duque's campaign promised reform of the current deal, including tougher penalties on former FARC members, and concerns are now growing that his hard-line stance could be detrimental to the GOC-FARC agreements.<sup>3</sup> There have also been concerns regarding the GOC's capacity to implement the terms of the agreement.<sup>4</sup> Many other observers have focused on FARC dissidents' refusal to join the peace process and demobilise. An estimated 800 to 1,000 former FARC members have not demobilised and it is hitherto

unclear if these groups will continue to espouse a left-wing political platform similar to the FARC or if they will concentrate on criminal activities such as the illegal drug trade.<sup>5</sup>

However, another central concern that has emerged is the continued presence and expansion of Colombia's right-wing paramilitary groups. Reports have warned that paramilitary groups (so-called BACRIMs, discussed below) may spoil Colombia's current peace attempts by disrupting the implementation of the peace agreement, for instance, by directly targeting FARC members or by deterring people from getting involved in politics in Colombia's marginalised regions.<sup>6</sup> Up to this point, there has been a lack of academic research into the spoiler potential of Colombia's new paramilitary groups.

By drawing on the spoiler literature, this article aims to investigate spoiler claims that focus on the threat of paramilitary groups to the peace process. The analysis in this article, on the one hand, shows that successor paramilitary groups pose a direct spoiler threat to the peace process by intentionally challenging the peace deal. On the other hand, this article attempts to provide a deeper understanding of the paramilitary threat by discussing *indirect* spoiler activity. Little attention has been given to the less obvious (yet no less significant) threat of potential indirect spoiler actions in the wider spoiler literature, as well as in the specific case of the Colombian peace process.

We highlight two ways in which paramilitary violence could serve to indirectly spoil peace. First, the analysis shows that paramilitary groups still represent a powerful fighting force. They have expanded their presence and levels of violence in many regions of Colombia, including those contested by warring parties. The data suggest that successor paramilitary violence threatens the ability of the GOC to address issues of victims of political violence and to effectively terminate the conflict.<sup>7</sup> Secondly, paramilitary groups continue to violently acquire land through forced displacement and have resisted land restitution efforts, obstructing

the implementation of the GOC-FARC agreements on land reform, as well as exacerbating the root causes of the conflict (land inequality and issues pertaining to access to land).

The following analysis consists of fieldwork in Colombia, primarily focused on in-depth interviews and questionnaires with FARC members (20 respondents) across three demobilisation camps or transition zones (*Zonas Veredales Transitorias de Normalización*) in April and July 2017, before and during the disarmament process. We also interviewed former paramilitary AUC leaders (see Appendix 3). The analysis further employs a uniquely-coded dataset on political violence in western Colombia (discussed in more detail below and in the Appendices). The data support claims made by respondents. While much of this information from interviews and corresponding datasets help support our arguments and observations about Colombia, we unpack some of the theoretical-empirical implications of our analysis in the conclusion to provide possible generalisable areas for future research into how inter-field rivalries between actors such as insurgents and pro-government militias may shape peace processes.

### **Spoiling peace**

Peace processes are notoriously precarious affairs. A key obstacle to peace negotiations is the effect of ‘spoilers’, groups that seek to challenge peace processes. In his seminal article, Stedman defines spoilers as ‘leaders and parties who believe that peace emerging from negotiations threatens their power, worldview, and interests, and use violence to undermine attempts to achieve it in the context of peace processes.’<sup>8</sup> Spoilers may operate inside or outside negotiations and use a variety of tactics to spoil peace attempts including violent and non-violent tactics.<sup>9</sup> In addition to this, scholars have noted a distinction between direct and indirect spoiling activity.<sup>10</sup> Direct spoiling actions constitute intentional challenges to peace attempts. Indirect spoiling refers to violence that ‘may be directed towards seemingly non-political

objectives and yet have very real political consequences as a by-product.’<sup>11</sup> Spoiling behavior can thus include violent activities that are not directly aimed at undermining peace attempts but that nevertheless negatively affect the prospects for peace.

Spoilers can be particularly salient in conflicts with multiple warring parties. Research has shown that the presence of many actors at the bargaining table makes it more difficult to reach an agreement.<sup>12</sup> Similarly, Nilsson argues that warring parties excluded from peace processes often continue violence and increase the likelihood of spoiler activity.<sup>13</sup> In addition, continued violent rivalries between sub-state armed groups can contribute to these groups’ longevity and potentially serve to spoil peace processes. Phillips argues that ‘interfield’ rivalries (when competitors espouse substantially different political goals) have greater impact on actor longevity than ‘intrafield’ rivalries (when rivals are from the same broader movement).<sup>14</sup> Indeed, inter-group violence and interactions between sub-state forces have often proved difficult to manage and overcome in peace processes around the world. Where peace processes have been successful in the presence of anti-insurgent militias, for example, peace negotiations were further complicated. For instance, in Northern Ireland, substantial coordination was required between all armed actors, but particularly between the IRA and loyalist paramilitary groups, before the decommissioning of arms was possible.<sup>15</sup> In the Sudan, pro-government militias continued to attack oppositional forces in spite of a government-insurgent ceasefire, culminating in a re-ignition of conflict.<sup>16</sup>

### **Paramilitary-insurgent inter-field rivalry and spoiling previous peace processes**

The presence of multiple armed groups has complicated Colombia’s conflict and many of the country’s previous attempts at peace. Numerous powerful left-wing guerrilla organisations such as the FARC, ELN (*Ejército Liberación Nacional*), and M-19, among many others, have often competed among one another despite relatively similar objectives (i.e. intra-

field rivalry). However, the rise of paramilitary groups has had a significant effect on conflict dynamics. Modern paramilitarism developed as an anti-insurgent movement connected to the state's counterinsurgency efforts and interests of large landholder property owners and drug traffickers.<sup>17</sup> Furthermore, in contrast to the FARC's objectives, the paramilitaries have aspired to 'defend the interests of powerful domestic and international economic actors' and espouse a 'fiercely anti-communist' ideology.<sup>18</sup> Paramilitarism has represented part of a larger right-wing political force that infamously manifested itself in the form of the '*para-politica*' scandal.<sup>19</sup> These sets of interests and corresponding worldview contribute to a powerful inter-field rivalry between the paramilitaries and the FARC over the direction of Colombian politics.<sup>20</sup> The emergence of the *Autodefensas Unidas de Colombia* (AUC), the right-wing pro-government militia paramilitary umbrella organisation in the 1990s, epitomised the anti-insurgent and anti-subversive nature of these forces. The AUC had well-documented unofficial and clandestine links with Colombia's armed forces and the country's political establishment in an alliance against the FARC, other insurgent forces, and progressive social movements.<sup>21</sup> The FARC and other insurgent movements have, in turn, considered paramilitary forces among their greatest enemies and have often violently retaliated against them, their supporters and benefactors.

As a consequence of this insurgent-paramilitary rivalry, Colombia's paramilitary groups have acted as spoilers during multiple previous GOC-insurgent peace attempts. For instance, paramilitary forces challenged the GOC-FARC peace process during the former president Belisario Betancur's administration (in office: 1982–1986) by systematically targeting members of the *Unión Patriótica* (UP), the left-wing political party founded by the FARC and the Colombian Communist Party.<sup>22</sup> An estimated 2,000 to over 3,000 UP members were murdered between 1986 and 1995, including the assassinations of two of the UP's presidential candidates.<sup>23</sup> This annihilation of the UP left the FARC 'more radicalised than ever'.<sup>24</sup> In light of the dirty war waged against the UP, as well as armed conflagrations between

the GOC and the FARC, the ceasefire between the state and the guerrillas collapsed in 1987, early on in the presidency of Virgilio Barco (in office: 1986-1990).

Despite the failure to create peace with the FARC, in 1988 Barco launched a peace process with other armed groups, a process that concluded during the presidency of Cesar Gaviria (in office: 1990-1994). While the GOC continued fighting against the FARC and the ELN, this peace process was successful in demobilising thousands of rebel soldiers from a number of other guerrilla organisations, namely guerrillas from M-19 (of which 791 guerrillas demobilised), the EPL (2,149 guerrillas), CRS (433 guerrillas), PRT (205 guerrillas), and MAQL (148 guerrillas).<sup>25</sup> During this period, the paramilitaries undertook serious spoiling actions,<sup>26</sup> occasionally in collaboration with sections of the armed forces opposed to peace.<sup>27</sup> For instance, in addition to the targeting of leftist political groups such as the UP, the paramilitaries were responsible for the assassination of Carlos Pizarro, M-19's chief commander, in 1990.<sup>28</sup>

Violent paramilitary-FARC inter-group interactions also hindered the peace initiatives of President Andrés Pastrana (in office: 1998-2002). As Bouvier notes, paramilitaries were 'involved in two out of three occasions when the FARC unilaterally suspended negotiations, thereby causing serious delays in the peace process.'<sup>29</sup> More specifically, in January 1999, the AUC embarked on a killing spree that resulted in over 137 deaths, coinciding with the initiation of GOC-FARC peace negotiations. The FARC then unilaterally suspended the peace talks 12 days after they were initiated and demanded that the GOC tackle paramilitary groups. The GOC-FARC negotiations stalled for a further five-month period.<sup>30</sup> Moreover, in October 2000, during GOC-FARC negotiations on a prisoner exchange, the AUC kidnapped six Colombian politicians in the hope of preventing the Colombian Congress from passing a law aimed at freeing FARC guerrillas.<sup>31</sup> On these occasions, the FARC demanded that the government take firmer steps against the paramilitaries before peace talks could resume. Paramilitary forces also



undertook similar direct spoiling activity during the government peace processes with other insurgent groups in Colombia. Similarly, inter-group violence between paramilitary forces and the ELN continued during GOC-ELN negotiations in 1999. During this period, the GOC agreed to a demilitarised zone for the ELN.<sup>32</sup> As Bouvier notes, the paramilitaries ‘prevented demilitarization both through violence and by sponsoring mass mobilizations and blockages of highways’, which stalled negotiations.<sup>33</sup>

In summary, inter-group violence particularly between anti-insurgent paramilitaries and insurgent groups, such as the FARC, have hindered brokering durable peace in Colombia. Competing ideologies, worldviews, and sets of powerful interests among such groups have made for cycles of violence that has proven difficult to break. Moreover, the GOC’s often contradictory position, negotiating for peace on the one hand with connections to paramilitary forces on the other hand, has complicated efforts to make peace and made it difficult for the government to commit and fully enforce the terms of each ceasefire/agreement.

### **The continuation of paramilitarism**

*Prima facie*, the potential for paramilitary spoiling of the current GOC-FARC peace process may appear unlikely. Between 2003 and 2006, the AUC reached an agreement with the GOC to demobilise. By 2006, the GOC claimed that over 30,000 paramilitary members had relinquished their weapons. The GOC also subsequently supported paramilitary reintegration programs through the Colombian Agency for Reintegration. Some AUC leaders were extradited to the United States and imprisoned on drug trafficking charges. Subsequently, according to the official GOC narrative, paramilitarism no longer existed in Colombia. Instead, the GOC posited that armed groups that emerged from the demobilisation process were ‘criminal gangs’ (known as BACRIMs) and not paramilitary groups.

However, critics have demonstrated that the paramilitary demobilisation process was deeply flawed from its inception and enabled powerful successor paramilitary groups to emerge throughout Colombia.<sup>34</sup> Groups such as *Los Urabeños*, who are often referred to as *Las Autodefensas Gaitanistas de Colombia (AGC)* or *El Clan del Golfo (Gulf Clan)*, *Aguilas Negras*, *Los Puntilleros (formerly ERPAC)*, *La Constru*, *Los Rastrojos*, *Paisas*, and *Nueva Generacion*, among many others, emerged immediately following the demobilisation process and have quickly expanded their presence across Colombia.<sup>35</sup> By 2010, successor paramilitary groups had an estimated 4,000–10,000 members and exhibited high levels of violence.<sup>36</sup> In 2014, Colombia's Ombudsman observed that these groups have expanded their presence and are active in approximately 15% of Colombia's territory, with a presence in 27 of the country's 32 departments.<sup>37</sup> During 2017, Colombia's paramilitary forces have continued to expand their control over territories left by the FARC following the peace agreement.<sup>38</sup>

The dismantling of the AUC and the rise of these successor groups have fragmented the landscape of paramilitarism in Colombia. According to Ariel Ávila and the *Fundación Paz y Reconciliación*, there are generally three types of successor paramilitary organisations. Firstly, groups or structures which did not demobilise; secondly, groups that entered the process but rearmed; and thirdly, entirely new groups that have formed.<sup>39</sup> Often, successor groups are led by AUC fighters who did not demobilise.<sup>40</sup> Former AUC leader Ernesto Baez warned the GOC in a letter sent from prison in 2006 that many former AUC mid-level commanders had continued to operate paramilitary groups and had begun recruitment into them.<sup>41</sup>

Many of these forces have different objectives and consequently represent a potential threat to the contemporary GOC-FARC peace process to different extents. *Los Urabeños* represent one of the biggest threats to the peace process, with approximately 3,000 to 5,000 members and a presence in 22 of Colombia's 32 departments. The group operates permanent military structures in many regions and is deeply involved in the illegal drug trade.<sup>42</sup> Similarly,

the *Águilas Negras* (Black Eagles) successor group has established a significant presence across Colombia, with the group's name appearing in 10 to 20 departments of Colombia.<sup>43</sup> In light of the group's political discourse, it represents a particular threat to the peace process (discussed in more detail below). Other significant groups include *Los Puntilleros*, a group which has consolidated its presence in the departments of Meta, Guaviare, and Vichada and is deeply involved in narcotrafficking.<sup>44</sup> Other groups have territorially benefitted from the FARC's demobilisation, such as La Constru which has expanded in southern Putumayo and Nariño and now controls the drug trade in these areas.

The GOC has posited that the armed groups which emerged from the paramilitary demobilisation process are 'criminal gangs' (known as BACRIMs) and not paramilitary groups. However, while there are differences, such as an absence of the more centralised organisational structure of the AUC compared to the current (more fragmented) landscape of paramilitarism in Colombia, many of these successor paramilitary groups continue to operate in similar ways as their AUC predecessors.<sup>45</sup> CODHES notes that successor paramilitary groups 'practice the same "modus operandi" of traditional paramilitarism.'<sup>46</sup> For instance, as with the AUC, successor paramilitary groups 'continue to use extra-judicial killings, forced displacement, disappearances, intimidation and threats to influence the activities of various movements jockeying for social reform such as labor unions, workers organizations and others,' often denouncing and targeting these groups as guerrillas or FARC sympathisers.<sup>47</sup> And like the AUC, successor paramilitary groups are deeply involved in the illegal drug trade. Many successor groups have also continued to express a political platform.<sup>48</sup>

One former AUC leader confirmed that successor paramilitary groups share much in common with the former AUC paramilitary structures.<sup>49</sup> Many of the high-level commanders of successor groups are former AUC personnel, such as Dairo Antonio Usuga, alias "Otoniel" the current leader of *Los Urabeños*. They also continue to espouse an anti-subversive ideology

and political stance. The respondent believed that the new paramilitary groups will oppose the peace process and FARC participation in politics whenever possible. However, the former leader argued that this new generation of paramilitary fighters might be more dangerous than ever before. While the AUC had close relationships with the state, some successor paramilitary members now distrust the GOC due to the way in which the paramilitary demobilisation process was handled and how the GOC reneged on some of its promises to the paramilitaries, including extraditing many AUC leaders to the US.

Similarly, in in-depth interviews and questionnaires with demobilising FARC members, all 20 interviewees perceived that the so-called ‘BACRIMs’ were a continuation of paramilitarism, rather than purely criminal entities.<sup>50</sup> As one FARC respondent put it: ‘BACRIM is the name given to the different actors that have continued the work of the paramilitaries: dispossessing, displacing and killing the population. We see BACRIM and paramilitaries as in the same category.’<sup>51</sup> Another respondent stated that ‘BACRIMs act like the paramilitaries through displacement of the population, torture, [by being] the “machine of destruction”, [by] looting, [by carrying out] the war of appropriation of land in the interests of the most powerful’.<sup>52</sup> ‘For us’, another respondent stated, ‘BACRIMs and paramilitaries are the same because they have the same politics’.<sup>53</sup>

While the ties between the state and paramilitary groups have certainly evolved since the existence of the AUC, some successor paramilitary groups continue to maintain unofficial links to various local Colombian state institutions.<sup>54</sup> In her detailed analysis of successor paramilitary groups, Hristov provides evidence that some of Colombia’s state institutions continue to exhibit complicity, tolerance, collaboration and direct participation in successor paramilitary activities. For instance, active police and military personnel have collaborated with – and have directly participated alongside – successor paramilitary forces. Hristov also highlights the continued links between Colombian politicians and successor paramilitary

groups, which includes political alliances, paramilitary financing of local election campaigns, the embezzlement of public funds that are diverted to paramilitary groups, and paramilitary infiltration of state institutions such as INCODER.<sup>55</sup> As Hristov argues, ‘to reduce present-day illegal armed groups to “criminal gangs” is a gross distortion of reality’.<sup>56</sup> Unlike BACRIMs, criminal gangs ‘do not have the kind of solid relationship with judicial, political and military state institutions that is necessary to secure impunity for their crimes, provide them with ammunition, facilitate their operations, and convert illegally accumulated wealth into legal capital.’<sup>57</sup>

### **The potential for direct paramilitary spoiling**

Direct spoiling activity constitutes action intentionally taken to derail a peace process.<sup>58</sup> Throughout GOC-FARC negotiations, as well as in the implementation phase up to the point of writing, a number of successor paramilitary groups have been opposed to the peace process and have undertaken actions intended to undermine it. In this way, the activities of some successor paramilitary groups are carried out with the specific intention of jeopardising the GOC-FARC peace process and forms part of a concerted effort to see the process fail. For example, in May 2015, Colombian senator Ivan Cepeda alleged that individuals opposed to the peace process held secretive talks to create a special anti-peace-process paramilitary group.<sup>59</sup> In March 2015, the *Aguilas Negras* issued death threats to 14 prominent politicians that supported the peace process, including Senators Ivan Cepeda and Claudia Lopez, as well as the then Mayor of Bogota, Gustavo Petro.<sup>60</sup> GOC representatives also accused successor paramilitaries of attempting to derail the GOC-FARC peace talks by threatening journalists and conflict investigators.<sup>61</sup>

During the GOC-FARC negotiations, the FARC cited the continuation of paramilitary groups as a central fear of the rebel group and one of the core obstacles facing the peace talks

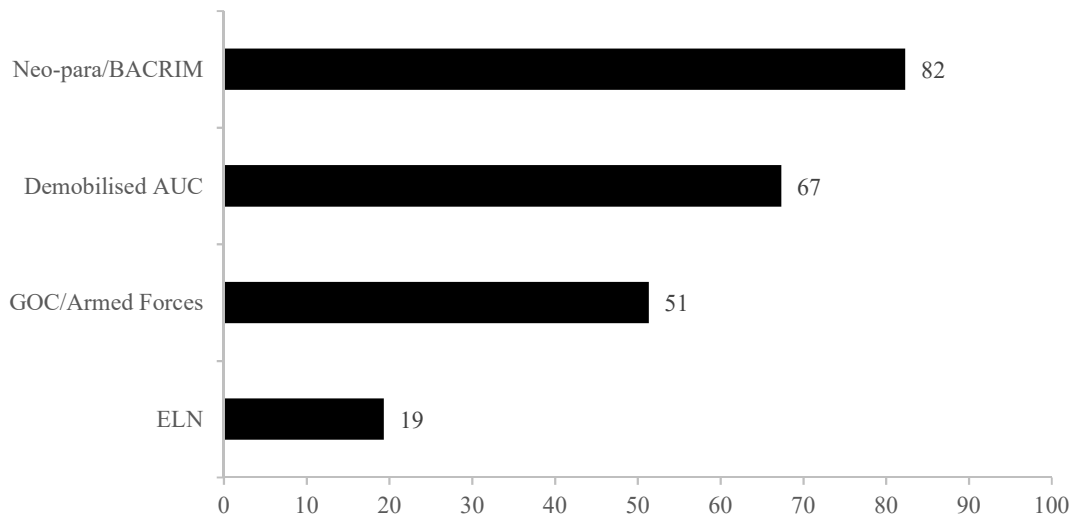
and the implementation of the agreements down the line.<sup>62</sup> The FARC also asserted that the need for the GOC to address paramilitarism extends beyond the paramilitary targeting of rebel soldiers in the reincorporation process. Dealing with paramilitary groups, according to the FARC delegation in Havana, is ‘a prerequisite for the free activity of political parties, trade unions and social movements in Colombia.’<sup>63</sup> This includes the newly formed FARC political group.

The fieldwork conducted for this article supports the FARC’s official concerns regarding paramilitarism. Interviewed FARC rebels expressed significant concerns for their security and reprisals from paramilitary actors during and looking beyond the FARC’s disarmament. In interviews, all FARC members expressed concerns that the successor paramilitaries will target demobilising guerrillas as they began to relinquish their weapons, as well as target members of the FARC’s political party. Furthermore, 16 respondents thought that this violence could resemble the endemic violent campaign waged against the UP during the 1980s and 1990s (as discussed above). In this light, the respondents’ memory regarding the historical record of previous peace processes – including paramilitary threats to demobilising guerrillas – has an impact on the respondents’ interpretation of the challenges to the current GOC-FARC deal and the threat posed by successor paramilitary groups. Respondents also raised concerns about the Colombian government’s links to successor paramilitary groups.<sup>64</sup> One FARC negotiator who was present during the negotiations in Havana alleged the GOC was unwilling to entirely restructure local government offices with links to paramilitary forces and that the FARC’s security concerns have been compounded by the GOC’s lack of the resources and infrastructure needed to provide comprehensive security to FARC members during their transition and disarmament.<sup>65</sup>

In questionnaires completed by FARC members in transition camps, when asked to score the level of threat that different groups (namely, neo-paramilitaries/BACRIM,

demobilised paramilitaries, the public armed forces, and the ELN) pose to the respondents’ personal security, respondents clearly identified neo-paramilitaries/BACRIMs as the greatest threat. As Figure 1 shows, scoring on a scale of 0 to 100 (where 0 = ‘no threat’ and 100 = ‘the greatest threat’), successor paramilitary groups scored an average of 82, followed by paramilitary members who were deemed to have demobilised (an average score of 67), the public armed forces (51), and the ELN (19).

Figure 1. Perceived level of threat to respondents’ personal security by armed group (scale 1 to 100, where 0 = ‘no threat’ and 100 = ‘the greatest threat’).

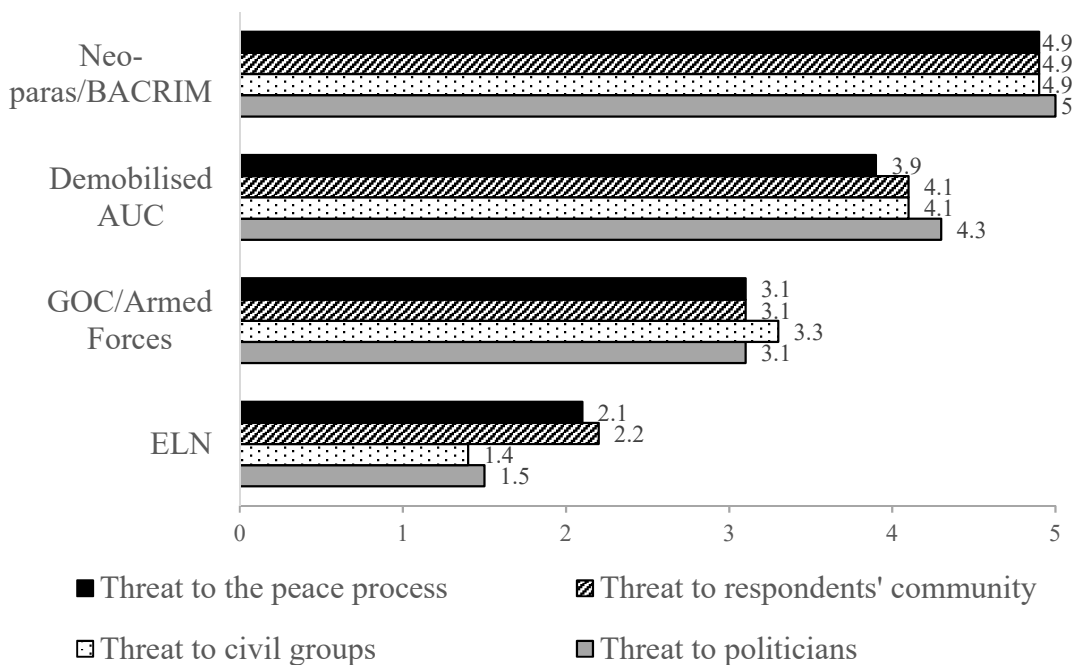


Source: fieldwork (questionnaire)

Respondents were also asked to identify the level of threat that they believe the aforementioned groups pose to (1) the peace process, (2) the respondents’ community, (3) to progressive social movements and trade unions (i.e., civil groups), and (4) politicians who will represent the respondents in the future. As Figure 2 shows, scoring on a scale of 1 to 5 (where 1 = ‘total disagreement’ and 5 = ‘total agreement’), respondents strongly agreed that successor paramilitary groups pose the greatest threat to the peace process (an average score of 4.9), the

respondents' community (average: 4.9), progressive social movements and trade unions (4.9), and politicians representing the respondents in the future (with all respondents scoring 5). The responses also show a suspicion of demobilised paramilitaries in Colombia (see also Figure 1).

Figure 2. Average scores of respondent's agreement/disagreement to the threat that different armed groups pose to (1) the peace process, (2) the respondents' community, (3) civil groups and (4) politicians representing the respondents in the future (scale 1 to 5, where 1 = 'total disagreement' and 5 = 'total agreement').

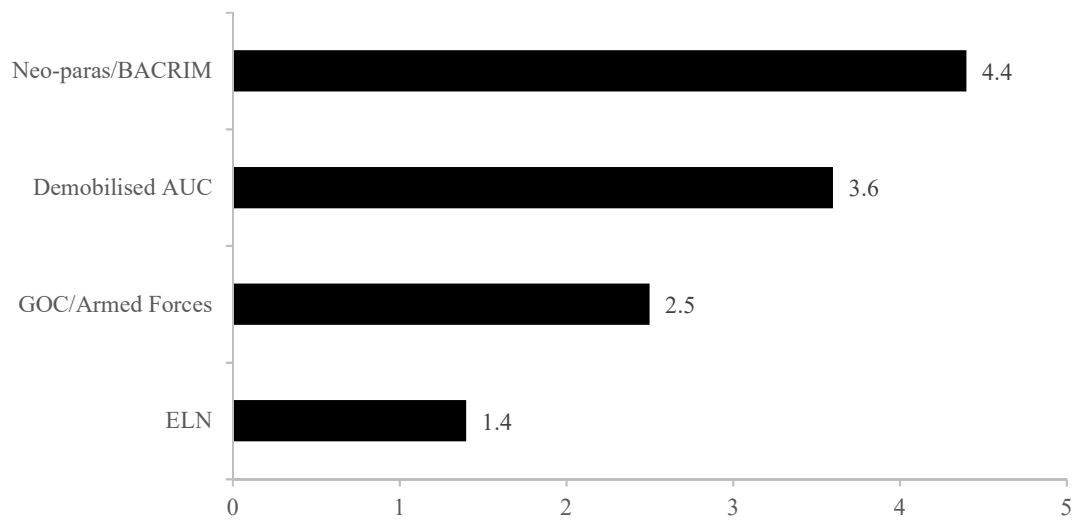


Source: fieldwork (questionnaire)

When respondents were asked to agree/disagree to statements on who they viewed as their enemy (Figure 3), neo-paramilitaries/BACRIMs scored the highest. From a scale of 1 to 5 (where 1 = 'total disagreement' and 5 = 'total agreement'), neo-paramilitaries scored an average of 4.4, followed by demobilised paramilitaries (3.6), the government's armed forces (2.5), and the ELN (1.4). As one respondent stated: 'The paramilitaries have always been [our] enemy, for many years'.<sup>66</sup>



Figure 3. Average respondent scores regarding who they believe is their enemy (scale 1 to 5, where 1 = ‘total disagreement’ and 5 = ‘total agreement’).



Source: Fieldwork (questionnaire)

Supporting the validity of these concerns, successor paramilitary groups have explicitly threatened to kill former FARC fighters who are reintegrating into Colombian society and have targeted other sectors of society, such as social movement leaders and human rights activists.<sup>67</sup> While the numbers differ according to the source, between November 2016 and July 2017, a total of five FARC members were reported to have been killed and many more threatened.<sup>68</sup> By 5 October 2017, 14 murders of ex-FARC members were reported in Colombia (namely, in Cauca, Nariño, Caquetá, Antioquia, Chocó and Tolima) since the peace agreement was implemented. The FARC have cited ‘paramilitary expansion’ as the reason for these assassinations.<sup>69</sup> On 15 October 2017, six demobilising FARC members were assassinated in Nariño.<sup>70</sup>

Assassinations of demobilising FARC members continue to rise. On 22 May 2018, Colombia’s president Juan Manuel Santos stated that 40 demobilising FARC members had been assassinated since the peace deal was signed.<sup>71</sup> The murders of demobilising guerrillas have created a narrative among the ranks of the FARC that it is safer for demobilising rebels

to remain in the rural transition zones than to return to Colombia's cities. The families of demobilising FARC members have also been targeted.<sup>72</sup> Furthermore, president Santos noted the assassinations of 261 social leaders between January 2016 and April 2018.<sup>73</sup> In 2017, 120 social leaders were murdered, representing the deadliest year on record for human rights defenders in Colombia, with paramilitaries increasingly targeting social activists.<sup>74</sup>

Assuaging the fears of demobilising FARC members will be crucial to the success of the GOC-FARC peace accord. Indeed, the GOC-FARC agreement seeks to address, among other things, the security of FARC members from threats posed by successor paramilitary groups. Interestingly, the agreements reference both 'criminal groups' as well as 'paramilitaries', representing a shift in GOC discourse towards acknowledging the continued existence of paramilitary forces (rather than dismissing them as purely criminal entities – BACRIM).<sup>75</sup> The GOC agreed to an 'integrated system to guarantee security' of members of the FARC participating in the reincorporation process, with an agreement that the government would dismantle paramilitary groups and address current local government ties to such forces. Subsequent to these agreements, the GOC has approved various decrees establishing new bodies to combat paramilitarism and criminal activities towards an end to the conflict, such as the '*Comision Nacional de Garantias de Seguridad*' or a National Commission for the Guarantees of Security and an elite police force to tackle paramilitary forces.<sup>76</sup> The GOC has also begun to implement governmental reforms to dismantle GOC-paramilitary ties in certain areas such as Buenaventura and Tumaco.

This possibility for direct paramilitary spoiling should be understood within the larger frame of the struggle for the future of Colombian politics in which 'some conservative political sectors that have a militarised approach to the conflict and foresee a political and electoral strengthening of the left.'<sup>77</sup> Paramilitary forces have traditionally served as the coercive spearhead against left-wing armed groups as well as civil movements and activists. Looking

forward, if the FARC is to successfully participate in Colombian politics via the creation of a new political party, they will require security assurances to ensure that they will not be targeted as the UP was during the FARC's previous attempts to enter Colombian politics.

### **Indirect paramilitary spoiling**

As noted in the introduction, we argue that continued paramilitary violence serves as a potential *indirect* spoiler threat to the current GOC-FARC peace process. Paramilitary violence in general, rather than that intentionally aimed at spoiling the peace process, exacerbates and perpetuates many of the root causes of the conflict that the current agreement addresses and may serve as an obstacle for the GOC to effectively implement the agreed terms of the GOC-FARC negotiation. We highlight two principal ways in which paramilitary violence could serve to indirectly spoil peace. First, this paper demonstrates that paramilitaries still represent a powerful fighting force and have expanded their territorial control over regions contested by warring parties. This supports a number of the concerns of FARC respondents that were raised in interviews and questionnaires regarding successor paramilitary groups (as discussed above). Successor paramilitary groups are responsible for the majority of victims of political violence which threatens the ability of the GOC to address the issue of victims of political violence and to put an end to the armed conflict as agreed in the peace negotiations. Secondly, paramilitary groups have continued the violent acquisition of land via forced displacement and have resisted land restitution efforts, both of which threaten to undermine the ability of the GOC to fully implement crucial terms of the GOC-FARC agreement around land reform, as well as exacerbate the root causes of the conflict.

### *Paramilitary expanded presence and operations*

According to numerous reports, successor paramilitary groups are gaining territorial control in areas where the FARC have left, taxing local residents (*vacuna*) and controlling illicit businesses such as illegal mines and drug trafficking.<sup>78</sup> In addition, violence over territorial control between the FARC and successor paramilitary groups intensified in contested areas during the negotiations.<sup>79</sup> CINEP's data record a number of instances of conflict between the FARC and successor paramilitary groups. For example, in Chocó in January 2014, combat between the FARC's 57th Front and the *Autodefensas Gaitanistas de Colombia* (also known as the Urabeños) led to the displacement of over 80 people. In September 2014, armed conflict between the FARC, successor paramilitary groups and the public armed forces led to the displacement of 986 people in Valle Del Cauca. In Nariño, March 2016, 90 people were displaced as a result of fighting between the FARC and successor paramilitary groups.

Overall, hundreds of thousands of people across Colombia have been victims of violence perpetrated by successor paramilitary groups. Between 2006 and 2016, 332,149 people had registered with the Colombian government as victims of BACRIM violence.<sup>80</sup> To further investigate current levels of paramilitary violence, we present data that cover an eight-year period (2009-2016) on Human Rights violations and Political Violence (henceforth: HRPV) published by a Colombian human rights group, Centro de Investigación y Educación Popular (CINEP).<sup>81</sup> We focus on 10 departments that cover the majority of Western Colombia and we have further analysed CINEP's data to provide a uniquely coded dataset. These data are disaggregated to the department level for the departments of Antioquia, Atlántico, Bolívar, Chocó, Córdoba, Magdalena, Nariño, Putumayo, Sucre and Valle Del Cauca (see Appendix 2). The analysis covers regions where the public security forces, right-wing paramilitaries, and the FARC all have a presence and vie for territorial control. While this data can highlight the

centrality of these groups' interaction, it also highlights that the conflict has continued to create many victims of violence, with implications for peace (discussed below).

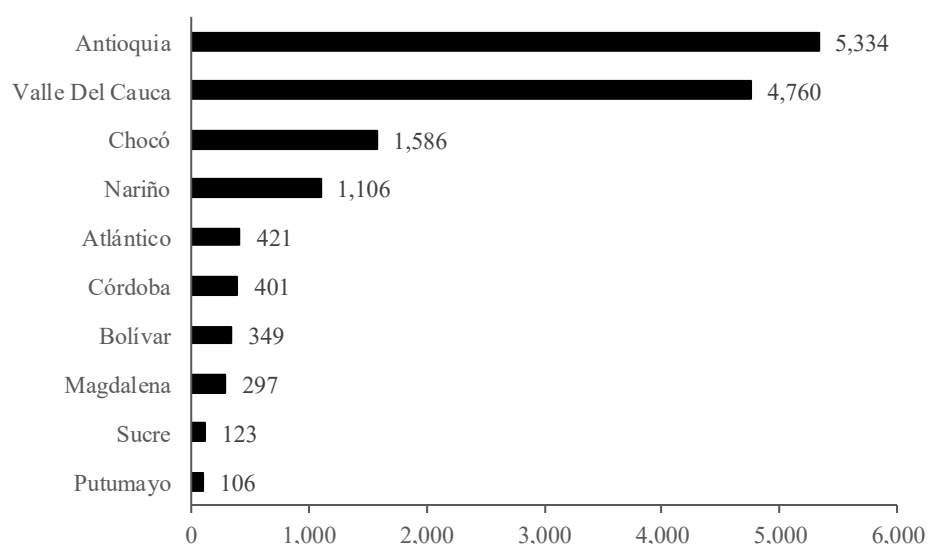
As Table 1 shows, successor paramilitary forces have been responsible for the majority (65% of the total) of HRPV victims in the departments analysed when compared to other armed groups. Figure 4 shows the concentration of much of this violence in Antioquia and Valle del Cauca,<sup>82</sup> areas where there is strong competition between Colombia's armed groups.

Table 1. HRPV victims by armed group, 2009-2016

Armed group	Number of victims	% of total
Public Forces	2,936	20%
Paramilitaries	9,381	65%
Combined Public-Para	133	1%
ELN	1,292	9%
FARC-EP	713	5%
Guerrilla unspec.	28	0%
<b>Total</b>	<b>14,483</b>	<b>100%</b>

Source: Data adapted from Banco de Datos de Derechos Humanos y Violencia Política del CINEP (n.d.)

Figure 4. HRPV victims, 2009-2016

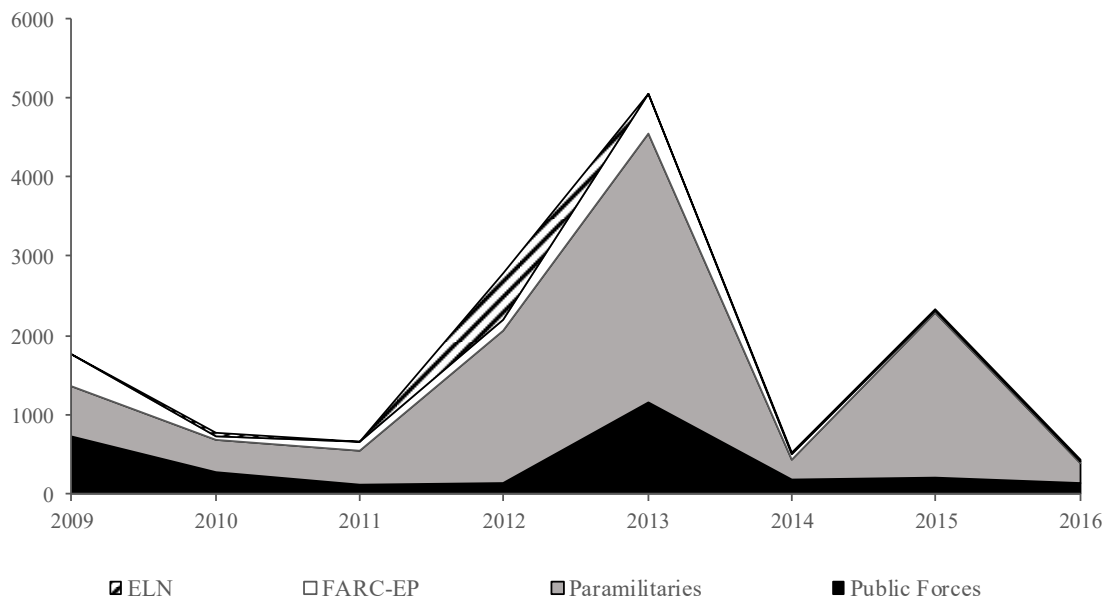


Source: Data adapted from Banco de Datos de Derechos Humanos y Violencia Política del CINEP (n.d.)

Since the peace talks began (2012), there was a sharp increase in the number of HRPV victims recorded; however, the intensity of violence varies during different periods. In 2011, 702 victims were recorded, rising to 2,813 in 2012 and peaking at 5,051 victims in 2013 (Figures 5 and 6), respectively. While the number of victims fell to 514 in 2014, the figure rose again in 2015, when 2,332 victims were recorded. The figure then fell to 447 victims in 2016. Paramilitary forces were responsible for much of this violence during this period, including episodes of mass forced displacement and death threats to members of civil organisations such as trade unions. Specifically, in the period 2012-2016 (i.e., after the peace talks were announced), 7,894 HRPV victims (71% of the total) were attributed as victims of paramilitary actions, followed by 1,839 (16% of the total) attributed to the actions of Colombia's public armed forces, 729 (7% of the total) to the FARC, and 651 (6% of the total) to the ELN.<sup>83</sup> As Figures 5 and 6 indicate, while the levels of paramilitary violence varied in the 2012-2016 period, ranging from acute levels of violence in some years (2012, 2013 and 2015) to relatively lower levels of HRPV victims in other years (2011, 2014 and 2016), it is nevertheless evident that paramilitary actions have been responsible for the majority of HRPV victims in these contested regions during this period.

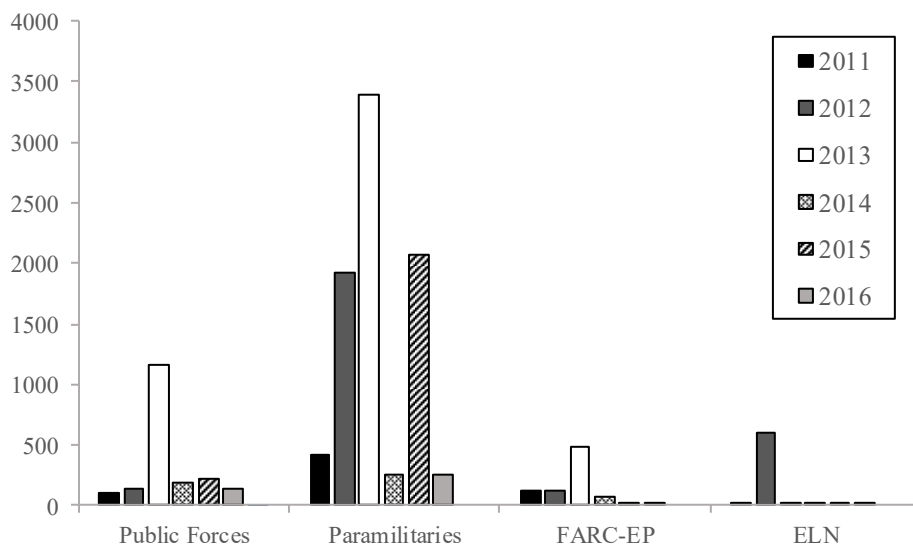
While the reason for the fall in HRPV victims and paramilitary violence in 2014 and 2016 is not immediately apparent, it is worth noting that spikes in violence can often be followed by lulls in conflict intensity – including levels of human rights violations and forced displacement – which is consistent with longer-term patterns in Colombia's conflict. Previous research has also highlighted how levels of paramilitary violence often rise when paramilitary groups expand their operations into new areas but, once their presence is consolidated, levels of violence subsequently fall.<sup>84</sup>

Figure 5. Victims of HRPV by responsible armed group, 2009–2016



Source: Data adapted from Banco de Datos de Derechos Humanos y Violencia Política del CINEP (n.d.)

Figure 6. Victims of HRPV by responsible armed group, 2011–2016



Source: Data adapted from Banco de Datos de Derechos Humanos y Violencia Política del CINEP (n.d.)

These high levels of paramilitary activity can present problems for the current peace process. Continued paramilitary violence along with violence perpetrated by other groups can result in a ‘partial peace’.<sup>85</sup> The GOC-FARC peace deal has brought an end to the FARC as an armed group. Yet, paramilitary violence continues, and the GOC remains in negotiations with the ELN under a bi-lateral ceasefire called on 5 September 2017. There remains a lot of work to be done if full peace is to be reached. Moreover, paramilitary violence, in the context of a rivalry with the FARC, can potentially serve to undermine the current GOC-FARC agreements. Continued paramilitary presence and violence in contested areas can provide new incentives for members of the FARC to return to fighting, create renewed group solidarity and provide a pool of potential new recruits. As Leech notes, ‘While some peasants join the FARC because of a lack of economic opportunity, others enlist in order to escape repression by the state or paramilitaries.’<sup>86</sup> Indeed, in response to paramilitary violence, some dissident FARC factions that did not join the peace process have allegedly formed the *Fuerzas Irregulares Armadas de Colombia* (FIAC), an anti-paramilitary organisation that declared war on successor paramilitary groups.<sup>87</sup> Similarly, increased actions by the guerrillas can also galvanise the support of and recruitment for the paramilitaries. This could lead to a vicious circle of violence.

#### *The continuation of forced displacement*

As a consequence of paramilitary expansion, a number of other issues arise that indirectly challenge the GOC-FARC peace process. Successor groups have employed widespread forced displacement as a strategy to expand and consolidate their territorial control. Successor paramilitaries have forcibly displaced large swathes of *campesinos* and the abandoned land is subsequently used for a variety of illegal (such as coca cultivation) and legal (such as palm oil) commercial activities.<sup>88</sup> As will be discussed, this indirectly threatens the

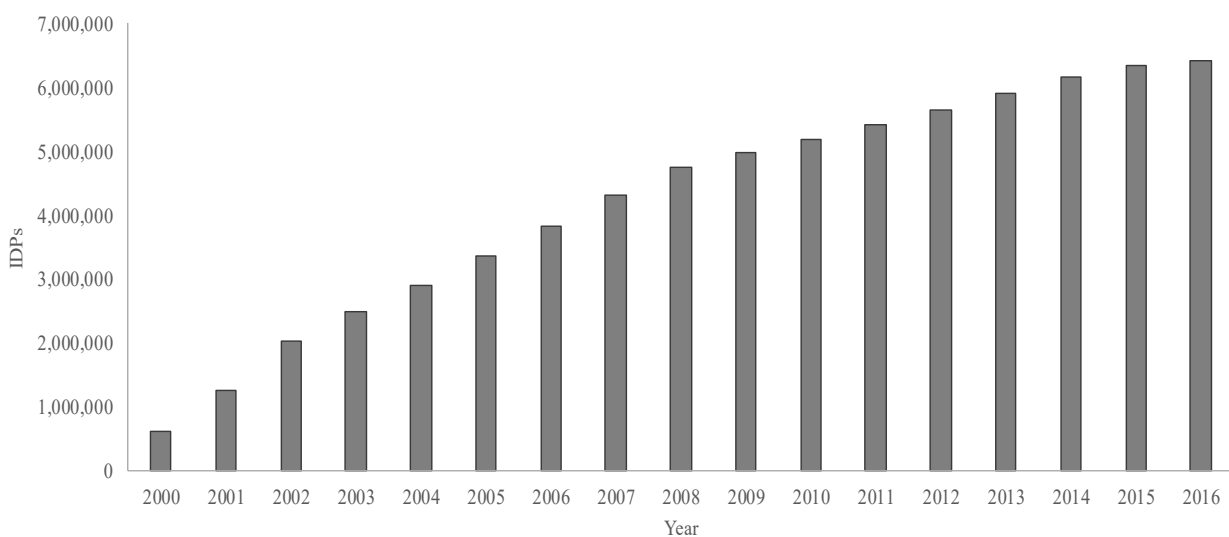


GOC's ability to implement parts of the GOC-FARC agreement and aggravates some of the root causes of the conflict.

Forced displacement is achieved through 'selective assassinations, coercion, and intimidation' to expand 'territorial control vis-à-vis the guerrillas and gaining control of areas of economic interest'.<sup>89</sup> Displacement in Colombia is not a 'by-product' of the conflict but is instead a concerted strategy of war.<sup>90</sup> Moreover, the majority of forced displacement in Colombia has been perpetrated by paramilitaries.<sup>91</sup> As many scholars have noted, this is often connected to the interests of large landowners and international business.<sup>92</sup>

According to data the GOC's Single Registry of Victims (*Registro Único de Víctimas* or RUV), a total of 7.8 million were displaced in Colombia between 1985 and 2016.<sup>93</sup> This represents approximately 16% of Colombia's total population.<sup>94</sup> Forced displacement intensified during the 2000s: of the total number of historic IDPs recorded, 64% were displaced between 2000-2009, according to the RUV. Furthermore, between 2007 and 2016, after the paramilitary demobilisation process had concluded (2003-2006), approximately 2.6 million people were forcibly displaced in Colombia.

Figure 7. Cumulative IDPs in Colombia, 2000-2016



Source: RUV, n.d.

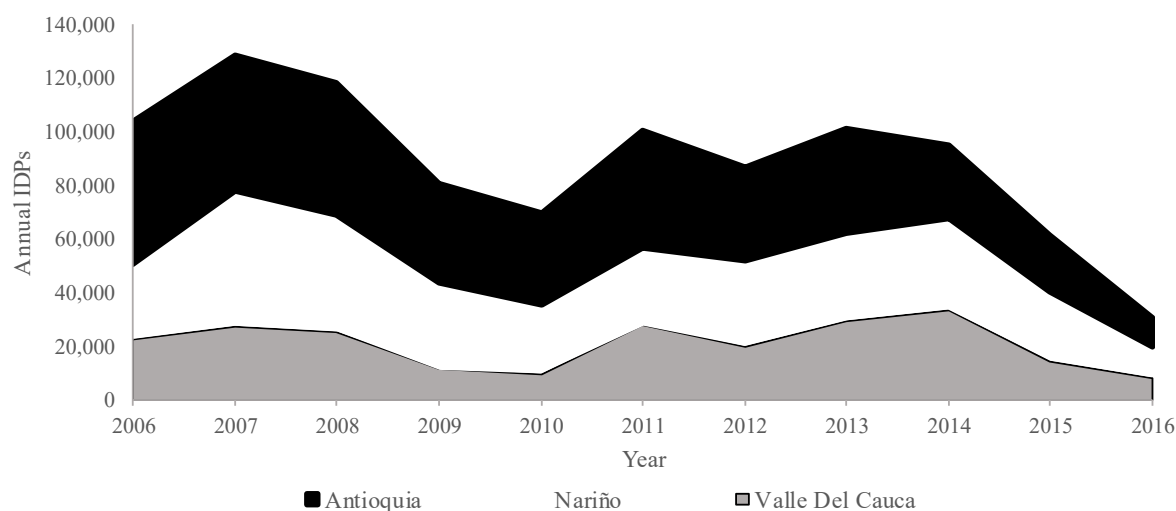
As Table 2 shows, forced displacement has been high in the 10 departments analysed above. In the period 2006-2016, approximately 1.7 million people were forcibly displaced in these departments. Moreover, between 2007 and 2016 (i.e., post-paramilitary demobilisation), 1.5 million IDPs were recorded in these 10 departments. Antioquia had the highest numbers of IDPs in the period 2006-2016, with 403,396 IDPs (24% of the total), followed by Nariño, which recorded 343,269 IDPs (20%) and Valle del Cauca, with 227,516 IDPs (13%). As Figure 8 shows, while the annual numbers of IDPs have undulated in the three most affected departments (peaking in 2007, when the paramilitary demobilisation process had completed), 974,181 IDPs were recorded between 2006 and 2016. While the data show declines in 2015 and 2016 (which is consistent with broader conflict dynamics and paramilitary expansion and consolidation, discussed above), the numbers of IDPs have been high in Antioquia, Nariño and Valle del Cauca since the GOC-FARC peace process was announced in 2012. More specifically, 374,224 IDPs were recorded in these departments during this period.

Table 2. IDPs in Western Colombia, 2006-2016

<b>Armed group</b>	<b>Number of IDPs</b>	<b>% of total</b>
Antioquia	403,396	24%
Atlántico	7,474	0%
Bolívar	142,075	8%
Chocó	165,699	10%
Córdoba	129,011	8%
Magdalena	130,677	8%
Nariño	343,269	20%
Putumayo	115,353	7%
Sucre	50,059	3%
Valle Del Cauca	227,516	13%
<b>Total</b>	<b>1,714,529</b>	<b>100%</b>

Source: RUV, n.d.

Figure 8: IDPs in Antioquia, Nariño and Valle Del Cauca, 2006-2016



Source: RUV (n.d.)

Data that codes the perpetrators of forced displacement by year, department and municipality are not readily available. However, as noted above, numerous human rights organisations have recorded that the paramilitaries are typically the main perpetrators of forced displacement in Colombia. This resonates with data available from CODHES, which highlights that in 2012 and 2013 the principal perpetrators of forced displacement were Colombia’s successor paramilitary groups.<sup>95</sup>

These observations are also supported by HRPV data recorded by CINEP. For instance, if the paramilitaries are responsible for much of the forced displacement in the departments discussed above, we should expect to see a high level of paramilitary violence in these areas since the means by which people are displaced involve violations of human rights. These HRPV data can therefore act as an indicator of armed group activity. Referring to Table 3, in Antioquia, Nariño, and Valle Del Cauca – the three departments of the 10 analysed that are most affected by forced displacement – the data indeed demonstrate that the paramilitaries were responsible for most victims of HRPV when compared to Colombia’s public forces and the

guerrillas. More specifically, in Antioquia, 3,915 people (73% of the total HRPV victims recorded in this department) were victims of HRPV perpetrated by the paramilitaries, 421 (38%) in Nariño, and 3,684 (77%) in Valle del Cauca. Overall, the paramilitaries were responsible for 72% of HRPV victims in these departments.

**Table 3. Percentage of HRPV victims by responsible group in Antioquia, Nariño, and Valle del Cauca, 2009-2016**

Department	Public forces	Paramilitaries	Public armed forces / paramilitaries	FARC	ELN	Guerrilla unspecified	Total
Antioquia	818 (15%)	3,915 (73%)	58 (1%)	512 (10%)	31 (1%)	0 (0%)	5,334 (100%)
Nariño	252 (23%)	421 (38%)	29 (3%)	375 (34%)	15 (1%)	14 (1%)	1,106 (100%)
Valle Del Cauca	985 (21%)	3,684 (77%)	32 (1%)	56 (1%)	1 (0%)	2 (0%)	4,760 (100%)
<b>Total</b>	<b>2,055 (18%)</b>	<b>8,020 (72%)</b>	<b>119 (1%)</b>	<b>943 (8%)</b>	<b>47 (0%)</b>	<b>16 (0%)</b>	<b>11,200 (100%)</b>

*Source:* Data adapted from Banco de Datos de Derechos Humanos y Violencia Política del CINEP (n.d.) (As above, data exclude ‘other’ and ‘no information’)

In the municipalities of Medellín (Antioquia), Buenaventura (Valle del Cauca), San Andrés de Tumaco (Nariño) and Cali (Valle del Cauca), CODHES records some of the highest numbers of forced displacement in Colombia.<sup>96</sup> These municipalities are also paramilitary strongholds.<sup>97</sup> For instance, in 2012, CODHES identified 24 cases of intra-urban displacement (i.e., displacement within cities), which were concentrated in six municipalities: Medellín, Buenaventura, and San Andrés de Tumaco, as well as Soacha (department of Cundinamarca), El Tarra (Norte de Santander) y Toribío (Cauca).<sup>98</sup> In 22 (92%) of these cases, CODHES identifies successor paramilitaries groups as the responsible parties. CINEP also records cases of mass forced displacement that are attributed to the paramilitaries. For example, in one

instance of mass forced displacement in the municipality of Buenaventura, the paramilitaries were responsible for the mass displacement of 600 Afro-Colombian families in 2013.<sup>99</sup>

The continuation of widespread forced displacement perpetrated by the paramilitaries and the dispossession of large swathes of land present indirect challenges to the current peace process. Land inequality and similar rural issues, such as access to land, are among the primary driving factors of political violence in Colombia.<sup>100</sup> The FARC mobilised in 1964 motivated by rural inequalities.<sup>101</sup> Paramilitary groups, such as the AUC, also trace their origins to the protection of large landowner assets and have practiced land-grabbing forced displacement towards the interests of large agri-business and the extractive industries. Land inequality has been a central issue among Colombia's warring parties, as well as the country's larger social networks and movements. Violent forced displacement historically has contributed to unequal land distribution.<sup>102</sup>

Between 1980 and 2000, armed groups dispossessed peasants of an estimated 4.5 million hectares of land and around 50% of the country's most fertile land.<sup>103</sup> By 2010, this rose to approximately 6.6 million hectares, equivalent to 13% of arable land. This does not include the territories of ethnic communities, the inclusion of which would augment these figures.<sup>104</sup> Consequently, Colombia has one of the highest rates of land distribution inequality in the world.<sup>105</sup> USAID estimated that '0.4% of the population owns 62% of the country's best land'.<sup>106</sup> Such rural inequalities form a central part of a complex socio-political context of exclusion that produces violence.<sup>107</sup> Following episodes of forced displacement, the UNDP has recorded an increase in land concentration over the last decade primarily due to paramilitary forced displacement and assassinations.<sup>108</sup> Between 2006 and 2009 the concentration of land ownership increased in 23 out of 32 departments in Colombia, and increased at higher rates in areas of intense continued paramilitary violence.<sup>109</sup>

Similar to the AUC, successor paramilitary forces are ‘legalising’ ownership of land acquired via violent means through a process of what Ballvé describes as ‘land laundering’.<sup>110</sup> Paramilitaries are concealing the origins of land acquisition through the use of ‘grassroots development’ initiatives. According to Ballvé ‘land laundering is not the one-off conversion of the illegal into the legal, but rather an on-going, everyday process of blurring any distinction between the two’.<sup>111</sup> Moreover, Nilsson and Taylor highlight that the Institute for Rural Development (INCODER) ‘not only distributed land to pay political bills instead of compensating victims who were pushed off their land during the long conflict’, but the Institute ‘also gave away land units to armed actors’.<sup>112</sup> Land that was recuperated from imprisoned members of the AUC and subsequently auctioned off to landless victims is then ‘often bought up by paramilitary straw men and thus brought back into the hand of illegally armed group.’<sup>113</sup> Nilsson and Taylor also give the example of the National Land Fund (Fondo Nacional de Tierras, responsible for administering land controlled by ex-paramilitary members), which is accused of ‘distributing land units on the basis of bribes rather than legitimate claims and often ends up giving land to fake peasant associations, set up by ex-paramilitary groups’.<sup>114</sup> Public notaries, *inter alia*, have also legalised the fraudulent transfers of land titles.<sup>115</sup>

Further, even if land has been declared ready for restitution, people may be deterred from returning due to threats to both the actors who are involved in the land restitution process and to peasants returning to their land. Human rights organisations have documented successor paramilitary violence and threats against those seeking to reclaim land through the current land restitution frameworks.<sup>116</sup> Reports of a paramilitary group calling itself the ‘Anti-Restitution Army’ with links to previous paramilitary formations has weakened the implementation of Law 1448 and other restitution attempts.<sup>117</sup> According to Human Rights Watch, acts of violence and threats against claimants have not only deterred many from returning to their lands, but also has forced many into displacement again, with a high level of impunity for those responsible.<sup>118</sup>

Amnesty International observes that representatives of indigenous and Afro-Colombian communities<sup>119</sup> that are seeking recognition of land rights ‘have faced, and continue to face, serious human rights violations and abuses, primarily at the hands of paramilitaries’.<sup>120</sup> In attempts to enforce existing restitution efforts, the Colombian government created a National Protection Unit in 2011. With an expanded budget of \$140 million a year, the program has protected around 500 land restitution leaders.<sup>121</sup> However, this program has also had limited success in removing the threat to land claimants, and there has been ‘insufficient means of long-term security actor presence.’<sup>122</sup>

The GOC has recognised the importance of agrarian reform and this has formed a central component of previous efforts towards peace. The 2011 ‘Victims and Land Restitution Law’ (*Ley de Víctimas y Restitución de Tierras*, Law 1448) aimed to compensate over a million victims of forced displacement.<sup>123</sup> More recently, the GOC and FARC agreed early-on in the negotiations on their first agenda item: land reform and rural development. Much of GOC-FARC accord on rural reform agreed in 2013, ‘Toward a New Colombian Countryside: Integral Rural Reform’, strikes at the heart of the conflict and constitutes a fundamental aspect of the current peace process. Negotiators agreed to a broad gamut of reforms including land access and use, new mechanisms for land restitution and formulisation of land rights and titles, and a variety of rural development policies.

Both resistance to land reform and continued paramilitary violence threatens the implementation of land reform and rural development initiatives agreed as part of the GOC-FARC peace negotiations. . If the government is unable to implement the reforms it has promised, as hitherto has been the case, it will have serious implications for the viability of the peace process. Indeed, Amnesty International has noted the importance of sustainable land restitution to Colombia’s peace process, arguing that if Colombia’s authorities are unable to ensure that land restitution rights are effectively respected ‘as a matter of urgency’, then ‘not

only will Colombia be in breach of its international human rights obligations, but it risks leaving one of the principal causes of the armed conflict unresolved. This could have serious repercussions for the long-term viability of any eventual peace agreement.<sup>124</sup>

## **Conclusion**

This article has demonstrated that successor paramilitary groups continue to operate in Colombia and has argued that paramilitarism represents a potential challenge to the on-going peace process in Colombia in a number of different ways. Here we have focused on two. First, continued inter-group violence represents a direct spoiler threat. As long as paramilitary forces continue to espouse an anti-subversive stance as well as target and threaten FARC members, left-wing activists and community leaders, the GOC-FARC peace may well be precarious. Such violence may provoke the FARC into taking retaliatory measures and strengthens hardline positions, obstructs the FARC from participating effectively in politics, leads to potential splintering of the FARC, and thwarts real political and social change. Secondly, continued paramilitary violence in pursuit of their interests threaten the ability of the GOC to fulfil its end of the deal with the FARC, particularly in the areas of rural reform where paramilitary groups continue to forcibly displace large sections of rural populations and resist land restitution efforts. Both of these can serve as significant obstacles to implementing the agreed terms of the first point on the negotiation agenda regarding rural reform and development. Moreover, this forced displacement perpetrated by the paramilitaries exacerbates some of the root causes of Colombia's conflict, which the negotiations aim to address. There are already indications that successor paramilitary groups threaten to undermine the agreed terms of the 'Comprehensive Agricultural Development Policy' by the continued expansion of paramilitary territorial presence throughout many areas of Colombia.



The GOC, within negotiations with the FARC, have agreed to address the paramilitary issue through a multi-dimensional approach which included the establishment of the *Comision Nacional de Garantías de Seguridad*. However, various obstacles prevent definitive action. First is the willingness of the GOC to address paramilitarism. The government has hitherto been slow to address the successor paramilitary issue, partly due to the GOC's focusing much of its attention elsewhere (such as the peace negotiations with the FARC and, later, with the ELN). Another obstacle is Colombia's continued localised institutional connections with paramilitarism and internal political forces opposed to militarily targeting paramilitary groups. In many areas of the country the ties that bind the paramilitary-GOC relationship remains strongly rooted, primarily out of corruption and economic interests. Moreover, these concerns have been compounded by the recent election of Duque as president of Colombia amidst claims of his alleged links to paramilitary groups, as well as Duque's close relationship with former president Álvaro Uribe, who has also faced allegations of links to Colombia's paramilitaries.<sup>125</sup> Secondly, state capacity to address paramilitary violence is limited. The GOC simply lacks the resources and infrastructure to effectively replace paramilitary control in contested areas. The absence of state presence in many areas of Colombia is notable yet the GOC's ability to exert institutional control will be central to the administration of more isolated rural areas. In this light, while the historical record of paramilitary spoiling has contributed to fears pertaining to the unwillingness of the Colombian state to protect demobilising guerrillas, there may also be a lack of state capacity to do so, regardless of how committed the GOC may now be in protecting demobilising FARC members.

This analysis and the identification of related threats have implications for how the GOC manages the peace process and provides security for members of the FARC political party.<sup>126</sup> Given the compelling evidence of the continuation of paramilitarism in Colombia, compounded with the FARC's insistence that paramilitaries continue to operate across

Colombia, it is crucial that the GOC continue the process of dismantling paramilitary forces in Colombia and addresses the issues that give rise to paramilitarism. To do this, the GOC needs to address the continued state-paramilitary links, with a full appreciation of the gravity of the ‘neo-paramilitary’ problem in Colombia. Domestic and international pressure can help make this happen.

What can we learn from the Colombian case? A key aim of this paper is to elucidate the case-based behaviour of Colombia’s successor paramilitary groups and the ways in which they might threaten the current peace process. However, we can draw further from this analysis to identify possible directions for future research. In particular, developments in Colombia point to the long-term perils of state support for and/or mobilising of paramilitary forces or ‘pro-government militias’, as part of the state’s counterinsurgency drive.<sup>127</sup> Pro-government militias, like the paramilitaries in Colombia, are third actors in conflict. These groups typically have divergent interests from insurgent groups or are commonly anti-insurgent, mobilised as part of a state’s counterinsurgency programme. Yet, the interests of these militias can be complex and can often differ from those of the state.<sup>128</sup> In conditions where such third actors are largely excluded from the peace process, such as in Colombia, these groups with a typically anti-insurgent ideology, divergent sets of interest and worldviews, and competing economic interests can increase the possibility of continued inter-group violence and therefore the possibility for spoiling. As a result, as new research has pointed to, conflicts in which pro-government militias are present may be more difficult to resolve.<sup>129</sup> Not only are multi-actor conflicts often more difficult to terminate,<sup>130</sup> but the inter-field rivalries between groups, as analysed in Colombia above, often further fuels cycles of conflict.<sup>131</sup> Future research could therefore help us to better understand how the presence of pro-government militias might have long-term implications for the prospects of peace. It might also address how states manage peace processes in the context of multiple armed groups.

## **Appendices**

### **Appendix 1.**

#### **Information regarding CINEP's data and author coding**

CINEP records a range of human rights violations and political violence, including extra-judicial killings, disappearances, collective displacement, torture, arbitrary detention, individual and collective threats, kidnapping, sexual violence, etc. These violations are recorded by event, thus multiple instances of human rights violations and political violence can be recorded in a single event. For the purpose of analysis in this article, the data have been further coded to include only the victims of violent episodes, rather than the number of violent acts per event. Any potential problem of over-reporting human rights violations and political violence is therefore eliminated. A possible drawback, however, is that that single events can involve a large number of victims (some of these cases are discussed in the article). Episodes of mass forced displacement and mass threats are cases in point, especially when considering paramilitary actions. Nevertheless, in light of the attempts of the peace process to consider victims of the conflict, events that result in a large number of victims are pertinent to the analysis in this article.

The data in this article thus consider victims of all categories of violence committed by all warring parties as recorded by CINEP. To do this, CINEP's data have been further coded to better illustrate the authors of violent episodes. In other words, CINEP does not employ a consolidated code or category to identify authors of a particular event. For instance, a violent episode attributed to Colombia's public armed forces can be recorded as Military Forces, Police, Air Force, Army, and so on. Moreover, multiple authors of violence (for example, Military Forces, Police, and Paramilitaries) can be recorded for a single event. For this article, in addition to coding CINEP's data by victim, the data have also been further coded into

consolidated codes for the authors of violence, specifically (i) Public Forces, (ii) Paramilitaries, (iii) Combined Public Armed Forces/Paramilitaries, (iv) ELN, (v) FARC, (vi) Guerrilla unspecified. These data have also been compiled by year, author, number of victims, and department.

The data show only the victims where an armed group could be identified as the perpetrator of HRPV. For instance, CINEP codes some instances as ‘no information’, as well as ‘combatants’ (e.g., victims of violence between armed groups). Once calculated, there were 7,405 HRPV victims where an armed group could not be accurately identified in the 10 departments analysed in this article, which, if included in the total sample, would represent 33% of total victims. Since an armed group could not be identified, these data are omitted.

## **Appendix 2.**

### **Information regarding data choices**

The department of Cauca – located south of Valle del Cauca and north of Nariño – has been omitted from this analysis. There is a particularly high level of HRPV in this department, with 23,947 victims recorded (CINEP, 2015). A large number (10,787) were victims of violence perpetrated by Colombia’s public armed forces. However, there were 10,301 victims whereby an armed group could not be accurately identified; for instance, when CINEP codes the incident as ‘combatants’ following an episode of armed conflict. With this in mind, a decision has been taken to omit Cauca.

## **Appendix 3.**

### **Information on interviews and questionnaires**

Interviews were conducted with members of the FARC in both April and July 2017 in three different FARC demobilisation camps or transition zones (*Zonas Veredales Transitorias de*

*Normalización*) across different regions of Colombia to ensure a geographical spread of respondents. The three FARC camps were located in Cordoba, Meta/Guaviare and Cauca. The respondents were FARC members in the process of ‘demobilisation’ (referred to as ‘reincorporation’ in Colombia) who occupied various positions within the organisation, including commander, sub-commander, militia, negotiator (in Havana, Cuba) and soldier. Respondents were from various age groups (between 30-75 years old). We interviewed an equal number of female and male fighters. The respondents’ identities have been withheld to ensure respondent anonymity. As part of the structured interviews, FARC members were also given a questionnaire which consisted of 50 questions on their perception of threats emanating from various actors. Most of the questions were scale gauges or multiple choice; however, some open-ended questions were included. Of the 20 interviewees, four did not want to complete the questionnaire. As such, a total of 16 questionnaires were completed.

In-depth interviews were carried out with two former AUC leaders (who were among the founders of the organisation) and one of their lawyers in Medellin in July 2017. Their names have been withheld for anonymity.

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## Notes

<sup>1</sup> Preceding this announcement, on August 26<sup>th</sup>, 2012, the GOC and the FARC signed a ‘General Agreement for the Termination of the Conflict and the Construction of a Stable and Durable Peace’, providing the relevant roadmap for the talks. See Bouvier et al., *Lessons for Colombia’s Peace Talks*.

<sup>2</sup> Valencia and Ávila, “Los retos del pos-conflicto.”

<sup>3</sup> Alsema, “Colombia Elects Peace Process Opponent Ivan Duque as President”.

<sup>4</sup> Santiago Romero, “Los riesgos en la implementación”; Kroc Institute, *Informe sobre el estado efectivo*.

<sup>5</sup> Alvarez Vanegas et al., *Las disidencias de las FARC*; McDermott, *The FARC, the Peace Process and the Potential Criminalization of the Guerrillas*.

<sup>6</sup> Battaglino and Lodola, *Negotiations and Possible Spoilers*.

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- <sup>7</sup> This includes the recognition of victims, victims' rights, and victim reparation.
- <sup>8</sup> Stedman, "Spoiler Problems", 5.
- <sup>9</sup> Ibid.; Pearlman, "Spoiling Inside and Out," 79; Steenkamp, *Violence and Post-War Reconstruction*.
- <sup>10</sup> Mac Ginty, *No War, no Peace*; Steenkamp, *Violence and Post-War Reconstruction*, 57; Nasi "Spoilers in Colombia."
- <sup>11</sup> Steenkamp, *Violence and Post-War Reconstruction*, 57.
- <sup>12</sup> Cunningham, "Veto players"; Nilsson, "Turning Weakness into Strength"; Nilsson and Söderberg Kovacs, "Revisiting an elusive concept."
- <sup>13</sup> Nilsson, "Partial Peace."
- <sup>14</sup> Phillips, "Enemies with Benefits," 63.
- <sup>15</sup> Steenkamp, *Violence and Post-War Reconstruction*, 60-63.
- <sup>16</sup> Barltrop, *Darfur and the International Community*, 55; Johnson, *The Root Causes of Sudan's Civil Wars*.
- <sup>17</sup> Velázquez Rivera, "Historia del paramilitarismo"; Gallego and Ardila, *La violencia parainstitucional*; Hristov, *Blood and Capital*. Romero, *Paramilitares y autodefensas*.
- <sup>18</sup> Leech *Crude Interventions*, 126.; Duncan *Los señores de la guerra*; Maher and Thomson, "The terror that underpins the 'peace'," 95-113; Maher, *Civil War and Uncivil Development*; Rivas Nieto and Garcia, "Las autodefensas y el paramilitarismo."
- <sup>19</sup> This scandal implicated numerous politicians – including members of Colombia's congress – for their links to paramilitary groups Valencia, *Parapolítica*; IHRLC, *Truth Behind Bars*.
- <sup>20</sup> Phillips, "Enemies with Benefits?"
- <sup>21</sup> A full list of sources detailing the links between the state and the paramilitaries would be too exhaustive to give here. For a selection of English texts, see HRW, *The 'Sixth Division'*; HRW, *Paramilitaries' Heirs*; Stokes, *America's Other War*; Hristov, *Blood and Capital*; Maher, *Civil War and Uncivil Development*; Gallego and Ardila, *La violencia parainstitucional*.
- <sup>22</sup> It is worth noting that some analysts consider the public security forces to be the main culprits of violence against the UP. Moreover, the military openly undermined the government's cease-fire orders and was responsible (in part) for the breakdown of the government's truce with the guerrillas. Nasi "Spoilers in Colombia."
- <sup>23</sup> Gomez-Suarez, "US-Colombian relations in the 1980s," 159-165; Nasi "Spoilers in Colombia," 224-225; Planta and Goerzig, "Undermining Reconciliation," 151-166.
- <sup>24</sup> Alsema, "The FARC's Biggest Fear"; Brittain, *Revolutionary Social Change*; Leech, *The FARC*, 32.
- <sup>25</sup> Nasi "Spoilers in Colombia," 225.
- <sup>26</sup> In addition to the spoiler activity of the GOC, FARC and ELN. See Ibid.
- <sup>27</sup> Ibid., 227
- <sup>28</sup> Ibid., p. 227
- <sup>29</sup> Bouvier, *Colombia: Building Peace*, 57; Semana, "El Pulso."
- <sup>30</sup> Planta and Goerzig "Undermining Reconciliation."
- <sup>31</sup> Nasi "Spoilers in Colombia," 234; Semana, "El Pulso."
- <sup>32</sup> Bouvier, *Colombia: Building Peace*, 57.; Nasi "Spoilers in Colombia," 229; Phillips "Enemies with Benefits?," 66.
- <sup>33</sup> Bouvier, *Colombia: Building Peace*, 57.
- <sup>34</sup> United Nations, *Informe para el examen*; Semana, "Preocupante aumento de bandas armadas"; CODHES, *Víctimas emergentes*; Maher and Thomson "The Terror That Underpins the 'Peace'"
- <sup>35</sup> HRW, *Paramilitaries' Heirs*.

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- <sup>36</sup> Maher and Thomson “The Terror That Underpins the ‘Peace’”; Andrade Rojas and Hurtado, “Grupos pos-desmovilización” y desplazamiento forzado.”
- <sup>37</sup> Colombia’s departments are further divided into municipalities. Defensoría del Pueblo, *Defensoría advierte presencia de ‘bandas criminales’ en 168 municipios de 27 departamentos*.
- <sup>38</sup> González Posso and Eduardo Espitia, *XIII Informe sobre presencia de grupos narcoparamilitares*; Corporación Nuevo Arco Iris, “La Persistencia del Paramilitarismo.”
- <sup>39</sup> Ávila, “Bacrim.”
- <sup>40</sup> HRW, *Paramilitaries’ Heirs*.
- <sup>41</sup> Valencia, “Las bandas criminales y el postconflicto.”
- <sup>42</sup> Gill, “Colombia’s post-AUC paramilitaries”; Semana, “Urabá, el nido de los nuevos paramilitares”; González Posso and Eduardo Espitia, *XIII Informe sobre presencia de grupos narcoparamilitares*
- <sup>43</sup> González Posso and Eduardo Espitia, *XIII Informe sobre presencia de grupos narcoparamilitares*; However, the group lacks a central leadership and the Black Eagles name is typically used by various successor groups that have adopted the AUC’s tactics and political discourse. See Alsema, “Aguilas Negras”; InSight Crime, “Aguilas Negras”
- <sup>44</sup> González Posso and Eduardo Espitia, *XIII Informe sobre presencia de grupos narcoparamilitares*.
- <sup>45</sup> CODHES, *Víctimas emergentes*; Hristov *Blood and Capital*, 129; Maher and Thomson “The Terror That Underpins the ‘Peace’”
- <sup>46</sup> CODHES *Víctimas emergentes*, 7.
- <sup>47</sup> Sánchez, “Bandas criminales: continuación de la violencia”, 36 -50. Maher and Thomson “The Terror That Underpins the ‘Peace’,” 104;
- <sup>48</sup> Alsema, “Neo-paramilitaries support and want to be involved in Colombia’s peace talks”
- <sup>49</sup> Fieldwork (interview).
- <sup>50</sup> Fieldwork (interviews).
- <sup>51</sup> Fieldwork (open-ended response given in questionnaire; respondent 1).
- <sup>52</sup> Fieldwork (open-ended response given in questionnaire; respondent 4).
- <sup>53</sup> Fieldwork (open-ended response given in questionnaire; respondent 3).
- <sup>54</sup> Gutiérrez Sanín, “Conexiones coactivas”; MAPP-OEA, *Eight quarterly report of the secretary general*, 6; UNHCHR, *Annual Report of the United Nations High Commissioner*; Semana, “Preocupante aumento de bandas armadas”; HRW, *Paramilitaries’ Heirs*, 99–107; Rosser, “600 Colombian Officials in Jail Over Ties to Urabeños.”
- <sup>55</sup> Colombia’s Institute for Rural Development; Nilsson and Taylor, “Applying the security-development nexus.”
- <sup>56</sup> Hristov *Paramilitarism and Neoliberalism*, 143.
- <sup>57</sup> *Ibid.*, 143.
- <sup>58</sup> Mac Ginty, *No War, no Peace*, 119.
- <sup>59</sup> El Espectador, “Denuncian que querían crear grupo paramilitar contra proceso de paz”; Caracol Radio, “Cepeda pide al Gobierno investigar complot militar contra el proceso de paz.”
- <sup>60</sup> Amnesty International, *Accion urgente: Amenazas de muerte*; El Espectador, “Lopez, Petro y Cepeda”; Cepeda, “En un solo dia recibí 2 amenazas.”
- <sup>61</sup> Fuentes Moreno, “Fiscal general dijo que criminales buscan torpedear proceso de paz amenazando periodistas”; El Pais, “Fiscalía asegura que bandas criminales están detrás de amenazas a periodistas.”
- <sup>62</sup> Alsema “The FARC’s Biggest Fear”; FARC-EP “No repetición”; Semana, “Las FARC exigen el fin del paramilitarismo”.
- <sup>63</sup> FARC-EP “No repetición”

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- <sup>64</sup> Fieldwork (multiple interviews).
- <sup>65</sup> Fieldwork (interview; respondent 13).
- <sup>66</sup> Fieldwork (questionnaire, open-ended question; respondent 6).
- <sup>67</sup> Alsema “The FARC’s Biggest Fear”: Lander, “Why not all FARC guerillas will demobilize.”
- <sup>68</sup> Ávila, “La Seguridad Física de las FARC”; Hernandez, “Asesinan indultado de las FARC.”
- <sup>69</sup> Valenzuela, “Las FARC, preocupadas por el asesinato de sus indultados.”
- <sup>70</sup> Vanguardia, “Asesinan a seis excombatientes de las FARC en Nariño.”
- <sup>71</sup> El País. “Al menos 40 miembros de las Farc han sido asesinados tras firma de paz: Santos”
- <sup>72</sup> Valenzuela “Las FARC, preocupadas por el asesinato de sus indultados.”
- <sup>73</sup> El País. “Al menos 40 miembros de las Farc han sido asesinados tras firma de paz: Santos”
- <sup>74</sup> McVeigh “2017 was deadliest year on record for Colombian human rights defenders”.
- <sup>75</sup> Alto Comisionado Para La Paz, *Acuerdo final*.
- <sup>76</sup> Ministerio del Interior, *Decreto Ley Numero 154 de 2017*,
- <sup>77</sup> Battaglini and Lodola, *Negotiations and Possible Spoilers*, 2.
- <sup>78</sup> Corporación Nuevo Arco Iris “La Persistencia del Paramilitarismo”; Prieto, et al., *Seis tesis*; Maher *Civil War and Uncivil Development*; Álvarez, et al. “Crimen organizado y saboteadores armados en tiempos de transición”
- <sup>79</sup> Nilsson and Taylor “Applying the Security-Development Nexus,”<sup>80</sup>; Alsema “The FARC’s Biggest Fear”; CINEP, *Banco de datos de derechos humanos y violencia*.
- <sup>80</sup> Gill, “Colombia’s post-AUC paramilitaries”
- <sup>81</sup> At the time of writing, full data for 2017 were not available.
- <sup>82</sup> It is worth noting that an episode of mass forced displacement, perpetrated by the paramilitaries in November 2013, has augmented the number of HRPV victims in Valle del Cauca. A total number of 3,000 victims were recorded during this episode, representing the bulk (92%) of total victims of paramilitary violence in this department. Given the gravity of this displacement, the data have been included and illustrate intensified paramilitary HRPV actions in recent years in Valle del Cauca and further highlight the similarity of successor paramilitary group actions when compared to the AUC.
- <sup>83</sup> While an analysis of the ELN does not fit the scope of this paper, it is worth noting that in 2012, there was an uptick in HRPV victims attributed to the ELN (600 victims), followed by a sharp fall in the number of victims (e.g., a total of 10 recorded in 2013 in these departments).
- <sup>84</sup> Maher *Civil War and Uncivil Development*.
- <sup>85</sup> Nilsson, “Partial Peace.”
- <sup>86</sup> Leech *The FARC*, 49.
- <sup>87</sup> Lander, “FIAC.”
- <sup>88</sup> Maher *Civil War and Uncivil Development*
- <sup>89</sup> Maher and Thomson “The Terror That Underpins the ‘Peace’,” 104; Maher *Civil War and Uncivil Development*
- <sup>90</sup> Muggah, “Conflict-induced displacement”; Ibáñez and Eduardo Vélez, “Civil Conflict and Forced Migration”; Ibáñez and Moya, “Vulnerability of victims”
- <sup>91</sup> Ibáñez and Eduardo Vélez “Civil Conflict and Forced Migration,” 662; Comisión de seguimiento, *Décimocuarto informe*; Hristov *Blood and Capital*.
- <sup>92</sup> Maher *Civil War and Uncivil Development*; Stokes, *America’s Other War*; Hristov *Blood and Capital*.
- <sup>93</sup> The data are recorded from ‘before 1985’ to 2016. Moreover, these forced displacement data are cumulative and do not show the number of IDPs who have relocated and resettled.
- <sup>94</sup> For population figures, see: <http://www.dane.gov.co/reloj/>
- <sup>95</sup> Andrade Rojas and Hurtado “Grupos pos-desmovilización,” 5.



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- <sup>96</sup> CODHES, *El Desplazamiento Forzado*, 12; Andrade Rojas and Hurtado “Grupos pos-desmovilización.”
- <sup>97</sup> See, for example, Paley, *Drug War Capitalism*.
- <sup>98</sup> Of these events, 23 were cases of mass forced displacement.
- <sup>99</sup> CINEP, *Banco de datos de derechos humanos y violencia*.
- <sup>100</sup> Zamosc, *The Agrarian Question*; Thomson, “The Agrarian Question and Violence”; Reyes, *Guerreros y Campesinos*.
- <sup>101</sup> Brittain, *Revolutionary Social Change*, 8-20.
- <sup>102</sup> Hristov *Blood and Capital*, 76.
- <sup>103</sup> UNDP, *Colombia rural*; Elhawary, *Between War and Peace*.
- <sup>104</sup> UNDP *Colombia rural*, 206, 277; Comisión de Seguimiento *III Encuesta nacional de verificación*, 4.
- <sup>105</sup> UNDP *Colombia rural*, 206
- <sup>106</sup> USAID, “USAID Country Profile,” 3.
- <sup>107</sup> Flores, “Vertical Inequality”
- <sup>108</sup> UNDP, *Colombia rural*, 206.
- <sup>109</sup> UNDP, *Colombia rural*, 198.
- <sup>110</sup> Ballvé, “Grassroots Masquerades”
- <sup>111</sup> Ballvé “Grassroots Masquerades,” 63.
- <sup>112</sup> Nilsson and Taylor “Applying the Security-Development Nexus,” 80.
- <sup>113</sup> *Ibid.*, 80.
- <sup>114</sup> *Ibid.*, 80.
- <sup>115</sup> Hristov *Paramilitarism and Neoliberalism*, 101.
- <sup>116</sup> HRW, *The Risk of Returning Home*, 42-43; Haugaard et al., *Far From the Promised Land*; Kraul, “Colombia Law Fails”;
- <sup>117</sup> HRW, *The Risk of Returning Home*, 42-43; Amnesty International, *Urgent Action: Paramilitaries Threaten Rights Organization*; Nilsson and Taylor “Applying the Security-Development Nexus”
- <sup>118</sup> HRW *The Risk of Returning Home*, 10, 14-15.
- <sup>119</sup> These groups are disproportionately victims of forced displacement (e.g., see Maher *Civil war and Uncivil Development*.
- <sup>120</sup> Amnesty International, *Accion urgente: Amenazas de muerte*, 7.
- <sup>121</sup> Farah, “Land Tenure,” 37.
- <sup>122</sup> Nilsson and Taylor “Applying the Security-Development Nexus,” 79.
- <sup>123</sup> Amnesty International, *Colombia: The Victims and Land Restitution Law*.
- <sup>124</sup> Amnesty International, *Accion urgente: Amenazas de muerte*, 14.
- <sup>125</sup> Telesur, “Colombia's Elections: Let's Talk About Paramilitarism”
- <sup>126</sup> Gomez-Suarez and Newman, “Safeguarding Political Guarantees”
- <sup>127</sup> Carey, Mitchell, and Lowe “States, the Security Sector and the Monopoly of Violence,” 250.
- <sup>128</sup> Carey, Mitchell, and Lowe “States, the Security Sector and the Monopoly of Violence”; Staniland, “Militias, Ideology, and the State”; Aliyev, “Pro-regime Militias and Civil War Duration.”
- <sup>129</sup> Aliyev “No Peace, No War”; Aliyev, “Pro-regime Militias and Civil War Duration.”
- <sup>130</sup> Cunningham, “Veto players and civil war duration”; Nilsson, “Partial Peace.”
- <sup>131</sup> Phillips “Enemies with Benefits?”

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