

**Paramilitarism and No Repetition: Colombia Post-conflict**

**Paramilitarism today**

The title of this paper mentions the word paramilitarism. While there is a great deal of debate and controversy over the nature of paramilitarism in Colombia today, the nature and the power of the BACRIM ("bandas criminales") are not the same as their United Self-Defence Forces of Colombia (AUC) predecessors. Therefore the threats they present to the FARC and any post-conflict scenario are different as well.

The FARC and other left wing analysts see the BACRIM as simply the new face of the paramilitaries. As seen in the table below there are certainly many points of similarity. However, in terms of capacity and motivation, they are very different structures and to simply state that the paramilitaries fought the FARC and thus the BACRIM do the same is simply not true. There is VERY little conflict today between the FARC and the BACRIM and as will be explored below the two sides now work very closely together in the interests of the drug trade and other criminal activities.

Comparisons between AUC and BACRIM in analysis of the potential threat to a post conflict scenario

<b>BACRIM Similarities with AUC</b>	<b>BACRIM Differences</b>
Personnel – Many ex AUC	Mafia structure, not paramilitary. Not the same military capacity and training as the AUC
Areas of operation – BACRIM operate in former AUC areas	No political façade or legitimacy
Links with local elites – the AUC were formed in many parts of the country at the request of local elites under threat from rebels. These local elites still use the BACRIM to protect their interests in many cases-	No institutional backing of organs of the state, particularly the security forces, which the AUC once enjoyed.
Links with local criminal actors – the criminal "brokers" in certain regions worked with the AUC and did not demobilize with the paramilitaries. They continue criminal activities with the BACRIM	Territorial presence is very different. Not overt, not with connivance of local institutions to the same extent as the AUC (there are some exceptions that prove the rule like in parts of Cordoba and Urabá).
Ability to corrupt local security forces, politicians, justice system	Not the same links to local communities, same level of open presence and legitimacy, therefore less social control and penetration. Although in the

	Urabeños heartland of Cordoba and Urabá, there is still a great deal of influence over local communities and a culture of illegality.
Continued intimidation and killing of community leader, left wing politicians, journalists and land restitution activists – however it is important to note that this is no longer a centrally and politically motivated crusade. This is local BACRIM elements responding to requests by local elites and those economically threatened by land restitution etc.	

The shadow cast by the decimation of the FARC's political party the Patriotic Union (Unión Patriótica – UP) during the late 1980s and early 90s is very present today. The killing of UP leaders was carried out by a mix of different elements, foremost among them the Medellin Cartel and the military, NOT the AUC, which was not formed until 1997.

This does not mean that the BACRIM do not present a threat to a demobilised FARC. They do, but the motivation will be more about criminal economies than politics, although local and even national elites threatened by a peace agreement may turn to the BACRIM as mercenaries to carry out assassinations or acts of violence as their interests are challenged.

### **The threats from the military**

While large sections of the army no longer work in tandem with the BACRIM as they did with their paramilitary predecessors, this does not mean that the military do not present a threat to the FARC and to the peace process. The Armed Forces have the most to lose should a successful agreement be negotiated with the FARC (and hopefully their smaller cousins in the ELN). The real size of the Armed Forces, should they return to their principal role of defending the nation against external attack, is probably between 60,000 and 80,000, compared to the 278,000 troops they have today. Neighbouring Ecuador has just 37,500 troops<sup>1</sup>, while Panama has no standing army. The greatest threat comes from Venezuela, which has over 113,000 men under

<sup>1</sup> See Global Firepower estimates at: [http://www.globalfirepower.com/country-military-strength-detail.asp?country\\_id=ecuador](http://www.globalfirepower.com/country-military-strength-detail.asp?country_id=ecuador)

arms<sup>2</sup> and large numbers of militia, but whose fighting ability is questionable. There is also a maritime dispute with Nicaragua, but the Nicaraguan armed forces number just 14,000.

Without a counterinsurgent war, the military will also lose a great deal of its budget, status and influence. The question is what might elements of the military do to maintain their current position? This is a military which has shown itself capable of killing its own citizens to gain advancement and promotion, as seen through the "false positives" scandal. Here anything up to 3000 civilians were killed by elements of the army and presented as guerrillas killed in combat. Many elements of the military blame former Vice Minister of Defence, and now Peace Commissioner, Sergio Jaramillo, for the false positive scandal. Jaramillo pressured for transparency from the Defence Ministry and prosecution of those officials involved. Many elements of the military wanted to sweep the murders under the carpet and protect their own.

Military suspicion of Jaramillo and the peace process has been made abundantly clear with different wiretapping scandals that have come to light over the last two years. The "Andromeda" scandal revealed that military intelligence had been snooping on government negotiators in Havana for more than a year.<sup>3</sup>

What might rogue elements of the military do to undermine the peace process? The obvious tactic, one used before with the Patriotic Union, would be to kill FARC leaders and politicians as they engage in the political arena. Another could be to stage an atrocity, an attack or a bomb, and then blame it on the FARC, hoping to create public rejection of the guerrillas and fatally wound the process. The military have shown themselves capable of these kinds of psychological operations. One such example was the 2006 false demobilization of a supposed FARC unit, "Cacique La Gaitana," which was revealed to have been set up by military intelligence.

### **Attempts to take over the criminal economies that currently sustain the FARC**

This is perhaps one of the greatest threats facing the post-conflict scenario. The FARC earn anything up to \$500 million a year principally from the drug trade<sup>4</sup>, extortion and illegal mining, a sum big enough to attract the most powerful criminal actors. These three illegal economies are dependent on territorial influence and control.

---

<sup>2</sup> see Global Firepower's comparison of the Colombian and Venezuelan military:

<http://www.globalfirepower.com/countries-comparison-detail.asp?form=form&country1=colombia&country2=venezuela&Submit=COMPARE>

<sup>3</sup> The Economist, "Snoopers sacked", February 6, 2014.

<http://www.economist.com/blogs/americasview/2014/02/colombias-spying-scandal>

<sup>4</sup> For a more detailed look at FARC involvement and earnings from drug trafficking see the InSight Crime report, "Criminal Activities of the FARC and Rebel Earnings", published May 20, 2013 at:

<http://www.insightcrime.org/investigations/farc-criminal-activities-income>

These illegal economies are therefore highly transferable, should another illegal actor managed to take over territory currently dominated by the rebels.

The FARC have presence in over 200 of Colombia's 1100 municipalities (see map below). This presence has three main variations: the first is dominant, where the FARC are the sole illegal actor with deep ties to communities; the second is partial, where they share territory with other illegal actors; and finally sporadic, where rebel units pass through on a regular basis but do not have permanent presence. Within the municipalities where the FARC have presence is some of the most sought-after criminal real estate in the country.



There are four potential scenarios for a recycling of criminal actors and illegal economies.

1. BACRIM - The first scenario is that the BACRIM seek to take over these lucrative FARC streams of income. However unlike their paramilitary predecessors, the BACRIM no longer have the sort of military capacity that we saw in the late 1990s and early 2000s, when there was war for control of coca crops between the AUC and the FARC in many parts of the country. The BACRIM are now a mafia structure, and while still capable of concentrating shock troops in certain areas, they prefer assassination, intimidation and bribery. It is therefore likely that rather than seeing a BACRIM "invasion" of FARC territory, BACRIM elements would seek to bribe or buy rebel elements to stay in the field, and stay in the business, this time working with the BACRIM. This is the so-called "FARCRIM" scenario, where rebel elements criminalise and go into business for themselves.

The FARC and the BACRIM are already cohabiting in up to 100 municipalities (see map below). The fact that there is little fighting between rebels and BACRIM in these municipalities reveals that, at the very least, there are agreements between the two sides in terms of nonaggression pacts, delineation of territory and the sale of coca base and perhaps cocaine.

There are indications that in certain areas agreements between the BACRIM on rebel elements go much further than this. There is evidence that in Chocó, along the Pacific coast, the FARC and the BACRIM are working together in the illegal gold industry, dividing profits and avoiding conflict.<sup>5</sup> There have even been suggestions from the police that the FARC and BACRIM are allied in parts of the north west of Colombia.<sup>6</sup>

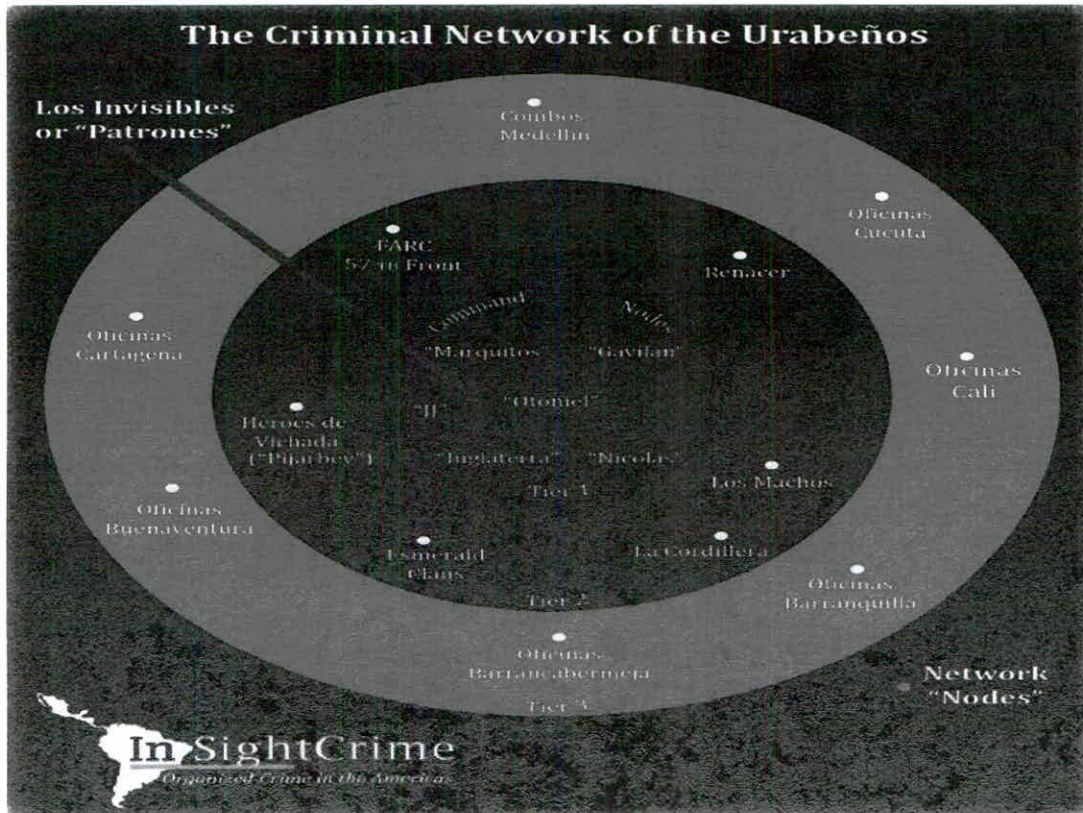
---

<sup>5</sup> InSight Crime, "FARC, BACRIM Dividing Gold Profits in Colombia Province: Police", March 14, 2014. <http://www.insightcrime.org/news-briefs/farc-urabenos-dividing-gold-profits-in-colombia-pacific-police>

<sup>6</sup> El Tiempo, "Alianza entre FARC y 'Urabeños', 'un engendro perverso'", September 17, 2014. <http://www.eltiempo.com/politica/justicia/alianza-farc-urabenos-habla-general-rodolfo-palomino/14551095>



shipments. The 57<sup>th</sup> Front is believed to escort cocaine shipments belonging to the Urabeños into Panama.<sup>7</sup> The diagram below shows how the Urabeños network is divided into different nodes. FARC units are also nodes in the network.



The different relationships that FARC elements already have with the BACRIM make the risks of a BACRIM/FARCRIM alliance post agreement very high, along with a recycling of the criminal economies.

2. Elements of the FARC refuse to surrender – all it takes is one member of the Secretariat, or even a member of the Central General Staff (Estado Mayor Central) to decide not to adhere to the terms of a peace agreement, and a dissident FARC force could be formed.

The EPL provide an unhealthy precedent for this. While the majority of the EPL leadership and fighters demobilized in 1991, after an agreement with the government, several hundred remained into the field under the leadership of Francisco Caraballo,

<sup>7</sup> Author's interviews with police intelligence officials in Medellin, August 12, 2014.

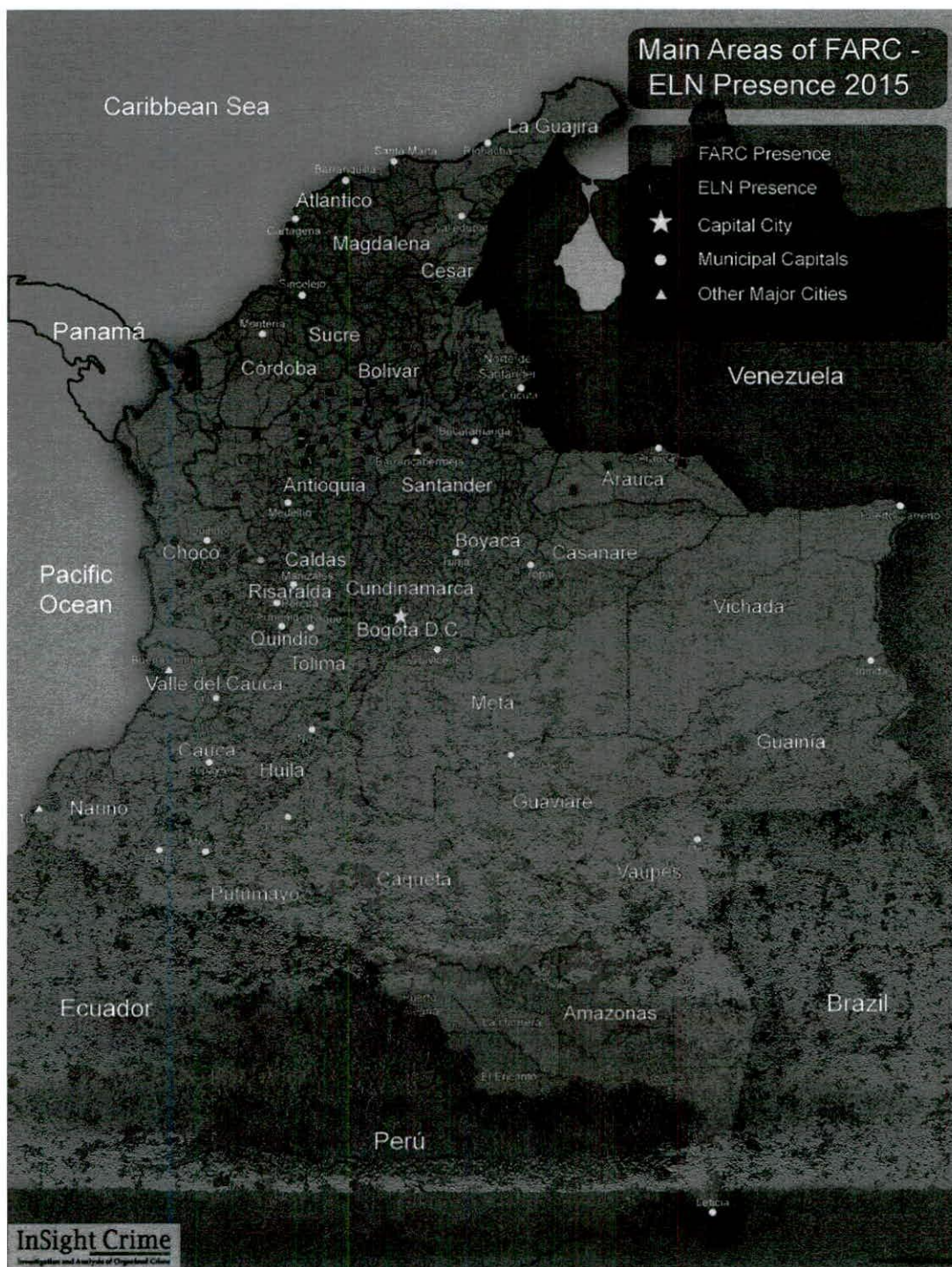
one of the historic leaders of that rebel movement. Today there is still an EPL redoubt in Norte de Santander, deeply involved in the drug trade.<sup>8</sup>

Under this scenario, certain FARC units could remain intact in some of their strongholds, continuing their involvement in illegal economies and maintaining the revolutionary struggle against the state.

3. The ELN - should the ELN remain outside any peace agreement signed with the FARC, it is very likely that this rebel group would act as a lightning rod for FARC elements unhappy with the terms of a peace agreement, which preferred to continue the armed struggle. As can be seen in the map below, the FARC and the ELN cohabit in up to 60 municipalities. In this scenario it would be easy to see the ELN taking over criminal economies in these areas, deepening their involvement in the drug trade, and continuing the civil conflict. The state would then end up facing a “supercharged” ELN, boosted by the illegal economies that currently sustains the FARC, and reinforced by FARC elements which either affiliate or ally themselves with the ELN, or join ELN ranks.

---

<sup>8</sup> InSight Crime, “Megateo: Rise of a Narco Guerrilla”, August 2, 2013. <http://www.insightcrime.org/news-analysis/megateo-how-a-narco-guerrilla-operates>



**4. Transnational organised crime** - For the international cocaine industry, the importance of the FARC cannot be underestimated. The FARC may dominate up to 70 per cent of Colombia's coca crops. This translates in them potentially being the biggest

single suppliers of cocaine in the world. At the moment the FARC are rather inefficient in the management of the drug trade. To maintain deniability the Secretariat has never coordinated the drug business centrally, leaving it to front commanders. Hence the potential profits from the cocaine, heroin and marijuana business that FARC units are involved in have never been maximised. If the FARC were to process all the coca base that passes through their hands into cocaine and export shipments they could earn in excess of a billion dollars a year.

The principal international buyers of cocaine in the world are now the Mexican cartels. They now dominate the biggest market in the world, that of the US, and are diversifying into other markets. However the Mexicans have a problem. They cannot get enough cocaine to feed their ever expanding markets.

Thus there is nothing that the Mexicans drug trafficking organisations (DTOs) would like more than to get elements of the FARC working for them. The Mexicans have the money, access to high grade weaponry and munitions, and sophisticated communications equipment. In short Mexicans DTOs could easily finance dissident FARC elements that decide to stay in the field, and stay in the drug business. InSight Crime has already found evidence of at least three FARC fronts (48<sup>th</sup>, 29<sup>th</sup> and 30<sup>th</sup>) with direct links to Mexican. International intelligence sources have told InSight Crime that Mexicans DTOs have been seen in Colombian drug labs, checking purity and supervising the loading of drug shipments up to Central America. Colombian antinarcotics commanders have also said that there is a pattern of Mexicans becoming more directly involved in shipping cocaine directly from Colombia.<sup>9</sup>

Yet it is not just Mexican DTOs that FARC elements have contact with. In neighbouring Venezuela, the FARC have long had links to elements in the Venezuelan armed forces. And today the biggest drug traffickers in Venezuela are the so-called "Cartel of the Suns,"<sup>10</sup> a network of corrupt elements in the military. The Cartel of the Suns has moved from initially facilitating the transit of cocaine through Venezuela, then actively protecting drug shipments, to today where they are now international players in their own right, buying and selling cocaine shipments. This powerful criminal structure, with ties to the very highest echelons of the Venezuelan government<sup>11</sup>, will not want to see the supply of cocaine from Colombia dry up. It might very well support FARC

---

<sup>9</sup> Fox News, "Mexican drug cartels now trafficking cocaine directly from South America, Colombian police say," September 24, 2014. <http://latino.foxnews.com/latino/news/2014/09/24/mexican-drug-cartels-now-trafficking-cocaine-directly-from-colombia-police-say/>

<sup>10</sup> See InSight Crime profile of the cartel of the Suns: <http://www.insightcrime.org/venezuela-organized-crime-news/cartel-de-los-soles>

<sup>11</sup> Wall Street Journal, "Venezuela Officials Suspected of Turning Country into Global Cocaine Hub," May 18, 2015. <http://www.wsj.com/articles/venezuelan-officials-suspected-of-turning-country-into-global-cocaine-hub-1431977784>

elements that wish to stay in the business, and provide arms, munitions, and access to many of the institutions of the Venezuelan state.

### **Threats to the FARC Post-Agreement**

1. Killing of FARC leaders and politicians as they emerged from hiding and engage in the political arena. This could be the easiest way to undermine a peace agreement and prompt elements of the FARC to take up arms again and return to the mountain and jungle strongholds. This risk has been cited by the FARC as one of the main reasons they will not hand in their weapons immediately, that and the risk of BACRIM incursions into their territory.
2. Criminalisation of FARC elements. The example of the AUC provides a disturbing precedent for this. In 2008, with the extradition of 15 of the top paramilitary leaders, the middle ranking commanders took over the criminal economies once under the AUC and the BACRIM were formed. The same could happen with the FARC. While the upper echelons of the movement, those negotiating in Havana, sign an agreement, middle ranking commanders on the ground might go into business for themselves. These commanders on the ground, who control territory and illegal economies, often have less political formation and ideology. They will also have fewer opportunities in a post-conflict environment to maintain the income and status they enjoy at the moment.
3. Forays by other illegal actors seeking to take over FARC criminal incomes. This might take the form of aggressive takeover attempts of FARC drug trafficking and gold mining operations, or the recruitment of former FARC fighters into other criminal groups.
4. Failure of the government to honour agreements. This could push FARC elements to take up arms again.
5. Worsening of security situation in FARC areas after the signing of an agreement. If there are not improvements for communities in areas of conflict with an agreement, and the state does not fully occupy national territory and provide services, then communities may turn to other, illegal actors.
6. That the FARC are unable to divorce themselves from the illegal economies that have sustained them to date and remain a criminal force even as they seek to enter the legal political arena.

### **Recommendations**

1. FARC leaders and political operatives must be given comprehensive protection. This protection may well best come from within FARC ranks. Former guerrillas must therefore be trained in protection strategy and tactics and incorporated into the police National Protection Unit. The FARC are unlikely to trust the police or army with their security, certainly in the early days after an agreement, so measures must be put into place to allow the rebels to protect their own.

2. As part of the above, and to prevent a criminalisation of guerrilla elements, the FARC must be given a great deal of support to allow them to make the transition from a rebel army to a political force. They cannot be expected to make the leap into the political arena overnight, and must therefore be guaranteed a certain amount of seats in Congress and preferential treatment in regional elections. To build confidence in the peace agreement, and prevent a recycling of violence, the FARC must make this transition as quickly as possible.

3. The government must identify the municipalities most at risk of a recycling of criminal economies and the violence associated with them. The main beneficiaries of the AUC peace process were the BACRIM and the rebel groups, which occupied the territory and criminal economies dominated by the AUC. The state failed to fill the void, leaving territory wide open for a recycling of criminality. Not only must security force presence ensure that other illegal actors are not able to take over the FARC's criminal economies, but other organs of the state and investment, both national and international, must boost legal economies in these areas and offer local communities an alternative to the illegal activity that have sustained them to date.

4. Due to a lack of trust in the government by the guerrillas, and the fact that there will most likely be presidential elections soon after any agreement is signed, international guarantees and guarantors must be part of any peace agreement, so that a new government does not renege on agreements.

5. The FARC must be persuaded to work against elements from their own ranks that refuse to adhere to the terms of a peace agreement, or who remain in the illegal world.

6. A FARC demobilisation will not be the same as that of the AUC, as the FARC want to retain their combatants as part of the formation of a political force. This must be encouraged. FARC members cannot be left unemployed or without good employment opportunities or they will return to what they know: illegal activity.

7. It could also be useful to employ or train former FARC combatants away from the areas that they have operated, at least for a period of time after an agreement is signed. This could reduce the chances of a criminalisation of FARC elements and a recycling of criminal economies. It might also serve to break the link between certain

FARC elements and corrupt politicians and organs of local government that have existed to date.

8. There should be international monitoring of all agreements and where possible the presence of international observers in some of the more sensitive areas where the FARC have traditionally operated, as a deterrence to a recycling of violence and breaking of agreements

9. The justice system must be much more agile and better resourced to sort out judicial parts of the peace agreement. The Peace and Justice Law has not provided a happy precedent, not instilled confidence in the capacity of the judiciary to provide resolution to legal aspects of any peace agreement.

10. The issue of extradition orders must be dealt with. After the extradition of paramilitary leaders after they had surrendered, the FARC have zero confidence in the government in this respect. Most of the FARC high command has extradition warrants pending to the US and this remains an obstacle to a lasting peace agreement and stable post conflict scenario.