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The United Self Defence Groups of Colombia (AUC) Peace Process

Aim

To present a brief overview of the peace process of the United Self-Defence Groups of Colombia (AUC) which started in 2002, focussing on the key issues which have arisen.

Map of the Republic of Colombia



Source: Google Images

Colombia at a Glance

Name: Republic of Colombia	Capital; Bogotá
Currency: Colombian Peso	Area: 1,138,910 sq km
Government: Republic	Languages: Spanish
GDP per Capita: \$7,900 (2005 est)	Unemployment Rate: 11.8%
Life Expectancy: M 68.15; 75.96 (2006 est)	
Population below Poverty Line: 49.2%	
Religions: Roman Catholic 90%, other 10%	
Key Export: Coffee, coal, apparel, bananas, cut flowers	
Internally Displaced Persons: 2,900,000 - 3,400,000 (2004 est)	
Army: 215,088*	Navy: 28,114*
Air force: 9,689*	Police: 131,038

Source: CIA World Factbook, *Uniformed personnel, Source: MoD Colombia

Background and Scenario

The complexity of today's conflict in Colombia can be attributed to a number of issues such as a history of limited state presence in many areas of the country, vast social inequalities amongst society, and the presence of drug cartels, illegally armed guerrilla and paramilitary groups. The origin of the conflict is generally dated to 1964 when the Marxist guerrilla group the FARC (Revolutionary Armed Forces of Colombia) began its insurgency campaign against the state. Based on the social, economic and political background of the country, which had suffered a long history of violence between the two traditional parties, the liberals and the conservatives, the FARC emerged and began to represent the liberal peasants calling for true land and political reforms based on a communist ideology. Shortly after, a second group emerged and joined in the guerrilla insurgency activities; this group, the ELN (National Liberation Army) also claimed to represent the poor and weaker sections of society against the rich and powerful classes of Colombia.

During the 42 years of conflict, there have been a number of attempts on behalf of the Colombian Government to control the activities of the FARC and the ELN but with no real success and a history of failed peace agreements¹. The state's lack of capacity and authority across certain areas of the country led to the surfacing of a number of local and regional paramilitary groups which confronted the insurgents with violence in order to protect their local economic, social and political interests.

In 1997, the United Self-Defence Groups of Colombia was created as what many describe as an umbrella organisation to the various paramilitary groups across the country. Although there are a number of different opinions about their origin, it is generally accepted that the AUC flourished as a counter-insurgency group against the activities of the FARC and the ELN where the state was incapable of doing so.

The increasing involvement of the paramilitary groups, as with the insurgents, in narco-trafficking activities provided a source of financing and fuelling the ongoing conflict.

First Steps towards a Peace Process between the Colombian Government and the AUC

In May 2002, President Alvaro Uribe came to power with an aggressive strategy to invest in state military power in order to weaken the illegally armed groups and to restore security and state authority across the country. President Uribe also provided a policy for the various illegally armed groups to approach the government in the search for peace, on the proviso that their illegal activities were immediately suspended.

In December 2002, the AUC declared a unilateral ceasefire. The ceasefire was the result of three month's work whereby the Self-Defence Groups sat down with the Catholic Church² and Colombia's High Commission for Peace in various meetings to reach the point of starting peace talks with the government. As a response, the government launched the Exploratory

¹ There have been successful demobilisations of other, smaller, armed insurgency groups such as the M-19, the Revolutionary Worker's Party, Quintin Lame and the Population Liberation Army

² The Episcopal Commission made up of a number of bishops.

Peace Commission to start interacting with the main contacts of each of the Self-Defence Groups with the objective of laying the foundations to negotiate the disarmament, demobilisation and reintegration (DDR) of combatants. This first phase was named the *exploratory phase*.

Following six months of dialogue with the various Self-Defence Groups, the Exploratory Peace Commission published a number of recommendations which would provide the basis for agreement between the Government and the AUC to continue to the next stage of the process, the negotiation phase (see recommendations in Annex I)

As a result of the exploratory phase of the peace process, an agreement was signed on the 15th July 2003 between the AUC and the Colombian government allowing for official negotiations to begin. The “Santa Fe de Ralito” agreement expressed accordance with the recommendations made by the Exploratory Commission and outlined the commitment on behalf of the AUC to demobilise all of its members by 31st December 2005. As part of the same agreement, the government agreed to provide necessary support for the reintegration of ex-combatants to civilian life. It was estimated that the number of members to be demobilised would be between 12,000 and 20,000.

International Involvement in the AUC Peace Process

Throughout the peace process with the AUC, the Colombian government has made numerous requests to the international community for its support. However, a lack of confidence in the transparency and fairness of the legal framework³ governing the DDR programme has resulted in limited international involvement. As a result, the Colombian government made a special request for support to its neighbouring countries through the Organisation of American States (OAS). The agreement reached on 23 January 04 stipulates that the specific objective of the OAS is to establish a Mission to support the Peace Process in Colombia (MAPP/OEA) and to verify the ceasefire and cessation of hostilities, demobilisation, disarmament, and reintegration initiatives undertaken by the government in connection with the Peace Process.⁴

During its mission, the OAS has confronted a number of issues of which the key ones are outlined in Annex II:

Zona de Ubicación (*Location Zone*)

A key element to the success of the AUC DDR programme has been the establishment of a designated area for AUC demobilisation, “Zona de Ubicación”, agreed upon on the 13th May 2004. The purpose of the “Zona de Ubicación” was to aid greater interaction and communication at the negotiating table to help define terms and conditions of demobilisation, concentrate AUC members for demobilisation and facilitate the verification of an end to hostilities and disarmament (under the responsibility of the OAS).

³ Justice and Peace Law, see more below

⁴ Text, “Agreement Between the Government of the Republic of Colombia and the General Secretariat of the Organization of American States on Monitoring the Peace Process in Colombia.” CP/INF.4934/04, February 2004, <http://www.oas.org/documents/OEA-Colombia/ConvenioOEA-ColombiaE.asp>

Legal Framework for Demobilisation

The most controversial and precarious element to the peace process has been the legal framework which governs the DDR process of the AUC. The Justice and Peace Law (JPL) law 975, was introduced in July 2005 following the widespread criticism of the initial law (Alternative Penalty Law) for its apparent impunity of ex-combatants. The introduction of the JPL has not managed to appease international or domestic criticism. In May 2006, the Colombian Constitutional Court ruled that there was a need to make modifications to the JPL. In response to this, the government issued a decree (3391) with various modifications, however, law 975 continues to be criticised for its leniency towards ex-combatants and disregard for the victims of the conflict.

The legitimacy of the legal framework governing the DDR programme has been continuously questioned. This in itself is a major obstacle to the success of the peace process due to the lack of confidence it generates not only in the stability of the process but also in the terms and conditions of the agreement. The main issues which continue to be discussed regarding law 975 can be found in Annex III⁵

The government has a tough task in balancing the rights of victims and the demands of ex-combatants. Many combatants want to serve the minimal time in prison and maintain the maximum amount of their assets as possible. Another issue which is complicating the legal process is the pressure for Colombia to extradite key ex-AUC individuals to the United States where they are wanted on drug trafficking charges, something ex-combatants are trying to avoid. Dissatisfaction with such details of the JPL led ex-AUC leaders to declare an official end to peace negotiations with the Colombian Government at the beginning of December 2006. Whilst the OAS mission suggests that this has not resulted in a specific increase of violence, the judicial process is just beginning and therefore this remains to be a delicate and precarious time for the stability of the country.

Reintegration

The reintegration process can sometimes be the most challenging aspect of a DDR programme as it requires careful planning and long-term commitment in order for it to be successful. Lack of support for ex-combatants can jeopardise peace-building due to the risk of demobilised soldiers becoming involved once again in criminal activities, with the perspective that life was better before demobilisation.

As part of the support process in Colombia, Reference and Opportunity Centres (CRO) have been set up to offer information regarding special benefits⁶ for demobilised ex-combatants at the end of their demobilisation and disarmament phase. However, in its latest report the OAS has explained that the pace of demobilisation has exceeded the response capacity of the state in implementing the necessary support structure.

⁵ For more information see Human Rights Watch "Letter to President Alvaro Uribe", 5th September 2005, <http://hrw.org/english/docs/2006/09/06/colomb14132.htm>

⁶ Ex-combatants are entitled to benefits under the Programme for Reinsertion into Civilian Life (PRVC) which offers certain benefits for a period of 2 years following demobilisation.

Reformation of New Armed Groups

Linked to the concerns above, there have been widespread reports of the appearance of new armed groups in areas where demobilised combatants once occupied. These groups are claiming to be a “new generation of paramilitarism”. This concern, coupled with police reports of secret arms caches which certain AUC groups failed to hand over when they were demobilised, needs to be addressed immediately before an escalation of the problem develops. It has been suggested that this issue has been exacerbated by the concentration of the AUC members in one area of the country under the Zona de Ubicacion. These developments demonstrate a lack of a carefully considered national security strategy to ensure that the citizens are protected from any further violence. This seems to be an element of the peace process which lacked a clear proposal from the government in terms of both strategy and costs.⁷

Conclusions

The demobilisation of the AUC has been a success with a total of 38 acts of demobilisation resulting in 31,671 members participating in the collective programme. A total of 18,025 arms have been laid down in 3 years, only 6 months beyond the agreed time according to the “Santa Fe de Ralito Agreement”⁸. However, this success has been marred by the widespread controversy caused by the Justice and Peace Law and the aforementioned concerns over reintegration. With the demobilisation phase over, this is a crucial time for the peace process as reintegration, justice and reconciliation starts to take place.

Colombia, unlike many other countries experiencing DDR, is doing so in an environment of ongoing conflict. This obviously causes an added strain to the process, not only economically but also psychologically. The situation of conflict in which Colombia has found itself in during the last 42 years has not ended and this could provide temptation for demobilised ex-AUC members to pick up their weapons again should they become disillusioned or unsatisfied with the results delivered to them by the peace process.

If the Colombian government is to maximise the benefit from the AUC’s demobilisation, then the DDR programme must not be seen as a stand alone exercise. The DDR programme of the AUC, and any future DDR programmes in Colombia, needs to be part of a wider national strategy which considers the strengthening of institutions and the improvement of fundamental sectors such as health, education, justice and security.

Questions

- Identify the successes and failures within the peace process to date – try and suggest alternatives where failures have occurred.
- Identify the actors involved in the peace process and identify the role they played.

⁷ Senator Rafael Pardo, Key issues in the negotiation process, in *The Peace Process in Colombia with the Autodefensas de Colombia – AUC*, pg 20, Jan 2005, Woodrow Wilson Report on the Americas, # 13

⁸ Figures as at the 30th August 2006. http://www.presidencia.gov.co/resultados/ingles/2006/desmovilizados_6.pdf

Issues for Discussion

- Where is the right balance between peace and justice?
- Consider how the demobilisation of just one actor in a conflict can affect the chances of a successful DDR programme.
- Consider the most opportune moment for reform of the security sector in Colombia?
- Consider how the drug trade is affecting Colombia's chance for peace?
- What should be the role of the international community during Colombia's peace process? What should its funding priorities be?
- Consider what lessons can be learned for the future peace processes between the Colombian government and the FARC/ELN.

Further Research

Arnson, Cynthia J et al; *'The Peace Process in Colombia with the Autodefensas Unidas de Colombia – AUC'* Woodrow Wilson International Centre for Scholars, January 2005, WWC Reports on the Americas No. 13

Arnson, Cynthia J et al; *'Colombia's Peace Processes: Multiple Negotiations, Multiple Actors'* Woodrow Wilson International Centre for Scholars, December 2006, Latin American Programme Special Report.

Demobilising the Paramilitaries in Colombia: An Achievable Goal? International Crisis Group, Latin American Report No.8, Bogotá and Brussels, August 2004

González Peña, Andrea and Restrepo, Jorge Alberto *Desmovilización de las AUC: ¿Mayor Seguridad Humana?*, UNPeriodico, Bogotá, September 2006
<http://unperiodico.unal.edu.co/ediciones/92/05.html>

Tougher Challenges Ahead for Colombia's Uribe International Crisis Group, Latin American Report No.11, Bogotá and Brussels, October 2006

ANNEX I

KEY POINTS EXTRACTED FROM THE RECOMMENDATIONS DOCUMENT:

- Provide one negotiating table for the various Self-Defence Groups.
- Bring all the illegal armed groups involved in the peace process into one concentrated area.
- Reach out to the international community for more help and support in the Colombian peace process.
- Develop a security policy for the areas of the country where the Self-Defence Groups are due to dismantle.

- Continue involving the support of the Catholic Church to encourage objectivity and transparency.⁹

ANNEX II

KEY ISSUES CONFRONTED BY THE OAS IN ITS MISSION TO SUPPORT THE PEACE PROCESS IN COLOMBIA:

- The increasing size of the DDR programme has provided the OAS mission with a real challenge. With AUC numbers originally estimated anything between 12,000 and 20,000, there was already a large margin of difference which could cause difficulties in the implementation stage of a DDR programme in terms of human/financial resources and equipment. However, based on the most recently published results by the High Commission for Peace, this difference between estimated and actual numbers of demobilised members has become even more significant and has been a cause for concern in terms of managing the programme against plan. With the final stage of demobilisation of the AUC taking place on the 15th August 2006, the total number of collective demobilised men and women stood at 31,671.¹⁰
- The commitment of the member states to donate the necessary funds needed to match the growing demands has been a struggle. Throughout this mission, but especially in the first year, there has been a strong need to increase the number of OAS personnel involved in the process as well as a call for more commitment to the reintegration programmes. That said, there has recently been a notable increase in external funding. Based on the latest OAS quarterly report, published on the 30th August 2006, it seems that the international community is starting to look more favourable upon the peace process and therefore funding is starting to improve.

“With specific reference to the Mission, the member states and observer countries gave a highly positive response to the Secretary General’s appeal to expand their support for the Mission. That appeal was for the countries interested in assisting the Mission to provide financial, material, and human resources. Of particular importance was the establishment of the “Friends of the OAS Peace Mission in Colombia,” a group of countries that includes Canada, Chile, Mexico, the Netherlands, Norway, Spain, Sweden, and the United States.”¹¹

⁹ Text, “Documento de Recomendaciones” (Document of Recommendations made by the Exploratory Peace Commission) http://www.altocomisionadoparalapaz.gov.co/noticias/2003/junio/jun_25.htm

¹⁰ Figures as at the 30th August 2006. There have also been a total of 3,466 AUC members who have demobilised individually. http://www.presidencia.gov.co/resultados/ingles/2006/desmovilizados_6.pdf

¹¹ “Seventh Quarterly Report of the Secretary General to the Permanent Council on the Mission to Support the Peace Process in Colombia” August 2006 http://www.oas.org/documents/OEA-Colombia/VII_Informe_IN.doc

All of this support has enabled the mission to increase its presence, with its 34 international verifiers, 17 local professionals, and 34 individuals providing temporary assistance-for a total of 85 participants, 38 percent of whom are women.¹²

ANNEX III

KEY ISSUES WHICH CONTINUE TO BE DISCUSSED REGARDING THE JUSTICE AND PEACE LAW 975¹³.

- Whilst waiting for their sentence to be ruled, ex-combatants may discount the time they voluntarily spend in the Zona de Ubicacion from their already reduced prison sentence.
- If ex-combatants confess to certain crimes such as forced disappearance, aggravated kidnapping, torture or terrorisms, they will be detained immediately and the prosecutors will be given 36 hours to charge the individual. It is suggested that 36 hours will not be enough to carry out a thorough investigation against the detainee.
- Judges have not been given the necessary protection by the state as the law leaves them open to corruption and intimidation due to the degree of discretion they have over the assets an ex-combatant needs to live adequately and whether or not an ex-combatant should have his/her reduced sentence revoked due to failing to fulfil with demobilisation conditions.
- Ex-combatants should only be entitled to benefits if they confess the whole truth and if they declare all of their assets (assets obtained both legally and illegally).
- On a practical level, it appears that the attorney general's office which is responsible for the Justice and Peace Units which will try the ex-combatants is severely stretched in terms of resources. Like many aspects of this peace process, the unexpected number of demobilised individuals outweighs the budget available, which ultimately means that corners will be cut in following processes such as thorough investigations to determine the extent of crimes committed by ex-combatants during the conflict.

¹² "Seventh Quarterly Report of the Secretary General to the Permanent Council on the Mission to Support the Peace Process in Colombia" August 2006
http://www.oas.org/documents/OEA-Colombia/VII_Informe_IN.doc

¹³ For more information see Human Rights Watch "Letter to President Alvaro Uribe", 5th September 2005,
<http://hrw.org/english/docs/2006/09/06/colomb14132.htm>