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paper 43

**To End a War:
Demobilization
and Reintegration
of Paramilitaries
in Colombia**

To End a War: Demobilization and Reintegration of Paramilitaries in Colombia

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“The whole idea of Colombia as a functioning nation, critics argued, was a fiction.” (Julia E. Sweig)¹

The following *paper 43* is a result of a cooperation between the Colombian foundation “Ideas para la Paz”, the Universidad de los Andes, and the Bonn International Center for Conversion (BICC), which started in 2002 at a conference in Bogota entitled “Voces y opciones del desarme: Enseñanzas adquiridas de la experiencia”. As a follow-up of this conference BICC staff visited the country twice and held various discussions with actors in Colombia on demobilization and reintegration issues.

This *paper* gives an update of the demobilization efforts undertaken until the end of 2004. It is hoped that the discussions between the Universidad de los Andes, the Foundation *Ideas para la Paz* and the relevant actors in the demobilization process will continue and will make it possible for the researchers to continue their evaluation and monitoring of this process.

This report by Markus Koth fits well into BICC’s peacebuilding efforts, one of the three main topics of our work (“Arms”, “Peacebuilding” and “Conflict”). The publication is a first approximation towards the multi-faceted problem of demobilization in Columbia where a complex political situation, described best as a ‘country between war and peace’, prevails.

During the Donors’ conference in Cartagena in February 2005 some critics felt that despite all efforts presently taken with regards to demobilization there is a real risk that this process will leave the underlying structures of non-state violent groups intact, their illegally acquired assets untouched and their abuses unpunished. However, it should be noted that whichever law will be passed it will not only apply to the current, but also impact on future demobilization efforts.

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Peter J. Croll
Director, BICC

1 Foreign Affairs, September/October 2002, p. 125)

List of acronyms and abbreviations

AIDS	Acquired Immune Deficiency Syndrome
AK-47	Avtomat Kalashnikov 47
AUC	Autodefensas Unidas de Colombia
CAN	Comunidad Andina de Naciones
CODA	Comité para la Dejación de Armas
Codhes	Consultoría para los Derechos Humanos y el Desplazamiento
CONVIVIR	Cooperativas Comunitarias de Vigilancia Rural
DAS	Departamento Administrativo de Seguridad
DD&R	Disarmament, Demobilization and Reintegration
DEA	Drug Enforcement Administration
ELN	Ejército de Liberación Nacional
EPL	Ejército Popular de Liberación
EU	European Union
FARC	Fuerzas Armadas Revolucionarias de Colombia
FARC-EP	Fuerzas Armadas Revolucionarias de Colombia-Ejército Popular
GSP	Generalized System of Preferences
IACHR	Inter-American Commission of Human Rights
ICBF	Instituto Colombiano de Bienestar Familiar
IDP	Internal Displaced Person
ILO	International Labour Organization
IO	International Organization
IOM	International Organization for Migration
IRA	Irish Republican Army
MAPP/OEA	Misión para Apoyar el Proceso de Paz/Organización de Estados Americanos
MAS	Muerte a secuestradores
M-19	Movimiento 19 de Abril
MiG 29	Soviet-made jetfighter Mikoyan-Gurevich 29
NDIC	National Drug Intelligence Center
NGO	Non Governmental Organization
OAS	Organization of American States
PAHD	Programa de Atención Humanitaria al Desmovilizado
SAM	Surface-to-air-missiles

SALSA	Small Arms and Light Weapons Administration
SALW	small arms and light weapons
SENA	Servicio Nacional de Aprendizaje
SUR	Sistema Único de Registro
UN	United Nations
UNDP	United Nations Development Program
UNHCR	United Nations High Commissioner for Human Rights
UNICEF	United Nations Children´s Fund
UN-LiREC	United Nations Regional Center for Peace, Disarmament and Development in Latin America and the Caribbean
UP	Unión Patriótica
USA	United States of America
USAID	United States Agency for International Development

Executive Summary

The following paper studies the prerequisites and implementation of the current disarmament, demobilization, and reintegration (DD&R) process of paramilitaries in Colombia. It treats DD&R as an integral part of the peace process. The report covers especially the so-called “collective demobilization” of the right-wing paramilitaries (*Autodefensas Unidas de Colombia* – AUC) and the demobilization of individual fighters. The analysis is based on a field trip to Colombia in November 2004 as well as on desktop research. The DD&R process is examined against the backdrop of prior demobilization experiences in Colombia as well as in other countries.

The report stresses the need for more technical support in the implementation of the DD&R process as well as improved monitoring and an evaluation. The report recommends special DD&R programs for female and disabled ex-combatants, and a small arms and light weapons collection program; it also discusses the impact of international support measures. Finally, it formulates recommendations geared at participants and supporters of the DD&R process.

DD&R in Colombia has a huge impact on the intensity of the violent conflict. Successful demobilization of the paramilitaries could help to re-establish governmental control of war-torn regions of Colombia and pacify them. If, as a result of the demobilization, security is provided for, the state would have a chance to re-establish its essential functions and institutions and an economic upswing in these regions could ensue. Successful DD&R of the paramilitaries could serve additionally as an incentive for the left-wing guerrilla movement to lay down their arms. The legal and institutional framework, as well as the procedure of DD&R concerning the right-wing paramilitaries might serve as a basis for future demobilization of the guerrillas.

However, a failure of the DD&R process may in turn have negative repercussions and lead to an intensification of the conflict. To illustrate this danger the report begins with an introduction into the history of the Colombian conflict and a portrayal of its main participants. This account is followed by an overview of the already accomplished demobilization efforts. The achievements and flaws of these earlier demobilization activities are discussed in detail.

The government is pursuing a negotiation strategy with the paramilitaries. These negotiations should lead to a cessation of the fighting and the complete demobilization of approximately 18,000 paramilitaries by the end of 2005. Such a demobilization program

was agreed upon in July 2003 with the AUC. Yet the DD&R of the paramilitaries does not follow any military defeat or stalemate which would have forced the paramilitaries into negotiations. The demobilization of the paramilitaries is thus not based on a peace agreement but is underway while the conflict continues with the possible danger of combatants taking up their arms and re-joining active groups. To prevent this from happening two aspects of the DD&R program are vital: provision of security for the civilian population within the demobilized regions as well as for ex-combatants, and successful reintegration efforts. The security vacuum arising as a result of the paramilitaries' demobilization has to be filled by the government.

Reintegration is not just about giving ex-combatants a possibility to generate income – it has to enable reconciliation between civil society and ex-combatants. For a sustainable peace alternative, conflict solution strategies have to be developed. Some regions subject to demobilization are located on the Venezuelan border. These regions are very difficult to control and suitable for cultivating and trafficking drugs. The Colombian government is not well represented in these borderland regions which are mostly controlled by different insurgent groups. The security of these regions' population as well as the security of the paramilitaries has to be assured and a re-conquest of these regions by the guerrilla has to be prevented. Only if the government is able to assure lasting confidence in its institutions will security emerge.

A failure of the DD&R process with the paramilitaries is still possible. No adequate legal framework for the execution of the DD&R process exists. The motivations of the paramilitaries to demobilize are at times dubious, and whether they are really interested in a peaceful cessation of the conflict remains an open question. It is possible that the paramilitary machinery is only being downsized in order to make it more profitable and efficient. The consequence would result in Mafia-like structures in which they could keep on pursuing their illegal business. The self-interest of some paramilitary leaders, who want to prevent their extradition to the United States, might be another reason for the will to demobilize. The DD&R process is thus highly ambiguous.

Support from Colombian society is deficient, and international donors are hesitant. Furthermore, the DD&R process is not being executed by a single, authoritative institution. Apart from institutional deficits and a lack of financial support, the demobilization of individuals is at times perceived as a mere war tactic.

Successful demobilization and reintegration of paramilitaries could theoretically offer an incentive for the left-wing guerrilla movement to lay down their arms as well. Yet the guerrillas, currently in danger of losing their fight, may reject demobilization and expect greater gains from an escalation of the conflict. It remains unknown to what extent the guerrilla movement, and the FARC in particular, is actually interested in a negotiated solution. Is the FARC politically motivated or rather working like a Mafia involved in drug trade and kidnapping whose goal is the preservation of the status quo?

As of now, the approach of the Uribe government towards the guerrilla movement resembles a heavy-handed rollback strategy. The government started a military offensive against it in early 2004. This military offensive was based on an enlargement and upgrading of the security forces. The modernization of the army and police was mostly made possible by the *Plan Colombia* and its financial help from the United States. In particular, a new category of soldiers – the peasant soldier – was created to win the government’s fight against the guerrillas. Peasant soldiers are complemented by a network of informers who provide the government with security-related information. However, the peasant soldiers may draw the populace even deeper into the conflict. One therefore has to ask to what extent the military offensive of the Colombian government contributes to the cessation of the conflict.

This report argues in favor of conditional external support for “collective demobilization”. Preconditions for such support should be the fulfillment of the requirements of the London Declaration by the Colombian government and the creation of an adequate legal and institutional framework. A legal framework would have to avoid impunity for paramilitaries and must respect the rights of the victims.

Introduction

After several unsuccessful peace negotiations during the last decades, the Colombian government under president Uribe launched a multi-faceted strategy in 2002 to bring the violent conflict with the left-wing guerrillas and the right-wing paramilitaries to an end. The government promoted the demobilization of individuals and started to negotiate with the right-wing paramilitaries of the *Autodefensas Unidas de Colombia* (AUC) about a “collective demobilization”. This demobilization started under difficult conditions, as neither a peace treaty nor a cease-fire has been negotiated with the different armed groups in Colombia. While the government started to demobilize some AUC groups, the fight against the guerrillas, paramilitary entities that do not belong to the AUC, and with the AUC itself, continued. Demobilization negotiations with the paramilitaries started in late 2002. Until early 2005 these negotiations have resulted in the demobilization of some 3,500 AUC combatants. However, the disbanding of the paramilitary AUC still remains problematic.

Previous experiences with the demobilization of the *Bloque Cacique Nutibara* in Medellín in 2003 demonstrate the danger of a shortsighted DD&R process. Many participants of this earlier ‘demobilization’ were only recruited by the paramilitaries with the purpose of showing a willingness to demobilize. Paramilitary structures were not really disbanded and therefore remained a danger for the peace process. There still is a legal vacuum, as the Colombian government has not put in place an adequate legislative framework to regulate the collective DD&R. For example, there are no regulations governing how violations of human rights or humanitarian law, such as kidnapping and massacres, should be handled.

While the current collective demobilization of the paramilitaries is widely discussed, demobilization of individuals is less exposed. Under the presidency of Alvaro Uribe, more than 6,000 members of the FARC (*Fuerzas Armadas Revolucionarias de Colombia*), the ELN (*Ejército de Liberación Nacional*) and the paramilitaries have surrendered to the government. But this demobilization still lacks attention and support. Despite of its dimension and importance the Colombian government considers it to be mere war tactics. The Colombian government itself proceeds with the war against the guerillas; it has strengthened the armed forces in order to be able to launch a new offensive against the FARC.

History of the Colombian Conflict

Colombia's armed conflict has its roots in the so-called *la violencia* (the violence), a confrontation between the followers of Colombia's two major parties, the conservatives and the liberals. *La violencia* lasted from 1948–1953. It started after the famous Colombian leftist politician Jorge Eliecer Gaitán – expected to win the presidential elections – was killed by the Colombian oligarchy which feared social change under his presidency. The subsequent popular revolt was fought by the Conservative Party, which started a violent offensive against the supporters of the liberal and the communist party throughout the country. To be able to defend themselves, the mostly rural population started to carry arms and built so-called self-defense groups². When the violence stopped, allowing a militant turnover by the later dictator General Rojas Pinilla (1953–1957), some estimated 200,000 people were dead. Pinilla was able to demobilize parts of the self-defense groups – mostly those, whose ideology was closer to the liberal party – while the majority of the followers of the communist party remained armed. It was the first demobilization to take place in Colombia, and it failed, partially because of the fact that not all combatants laid down their arms. It was followed by a general amnesty for the combatants. Moreover, the failure was due to the fact that many of the demobilized men were killed later on.

The Pinilla government was followed by the National Front, a coalition between the conservative and the liberal parties, which organized the division of power within their groups until the mid-1970s. Big parts of society were excluded by the national front and were unable to participate actively in political life. This exclusionary policy was the reason that the political minority decided to organize itself in a more effective way. The guerrilla movement became the symbol for the fight for political participation.

The ELN

In 1964, the ELN (*Ejército de Liberación Nacional*) was founded. The ELN is a guerrilla organization that was ideologically influenced by the Cuban revolution. One year later, in 1965, Camilo Torres, a young university preacher, joined the ELN. Torres preached a “revolutionary Christianity” and talked about the duty of each Christian to fight a violent regime, even with

2 For a general overview see Oquist, 1980.

arms. Although Torres died in 1966, he is still the ELN's greatest idol.

During the 1980s, some fighters of the ELN participated in a demobilization that was primarily negotiated with another guerilla group, the M19. Between 1998 and 2002 the ELN held sporadic talks with the government when peace negotiations between the government and the FARC took place under president Andres Pastrana (1998–2002). Pastrana, however, did not pay much attention to the negotiations with the ELN as he had given priority to a possible demobilization of the FARC. Yet in the summer of 2004, the Colombian government intended to start talks with the ELN – currently comprising an estimated 3,500 fighters³. For this purpose, the Mexican government was asked to act as a mediator. Since July 2004, the ELN has been in steady contact with the government through a mediator from Mexico, Andres Valencia.

The goal of this mediation is to build a base for further talks. As a first precondition, the government asked the ELN to declare a cease-fire. However, the ELN did not react to this request. Instead, it offered a bilateral cease-fire to reach a general amnesty for all its members held by the government as political prisoners⁴. It also “offered” that it would reduce and control its use of anti-personnel mines. The government in turn insisted on a one-sided cease-fire as a precondition for direct negotiations and discarded the proposal on anti-personnel mines, referring to already-signed international agreements. As a gesture of good will, the ELN announced it would clear some minefields in the municipality of Morales, from the beginning of 5 January 2005 onwards⁵.

In addition, ELN spokesman Milton Hernandez announced that the guerillas were willing to participate in a coalition of left-wing organizations in the upcoming elections of May 2006. This left-wing coalition will be formed by the *Frente Social y Político*, in which the communist party is involved, and the group *Presentes por el Socialismo*, which has a trotskyite origin, combined with the social and trade union basis that forms the ELN's foundation in its operating zones⁶.

While the FARC tries to enter into bilateral peace talks with the government, the ELN considers civil society as a potential partner for future peace negotiations. The association stems from

3 www.ciponline.org/colombia/infocombat.htm

4 www.elnvoes.com/Correo_del_Magdalena/Cartapresidentedelsenado.html

5 www.eln-voces.com/ (carta a las comunidades de Mico Ahumado)

6 www.alia2.net/article3296.html

its traditional relationship with civil society, and could serve as a springboard for forming a political party. The ELN also appreciates the assistance of international mediators – of the Group of Friendly States (Spain, France, Norway, Switzerland and Cuba), for example. The idea to involve mediators might be taken up and could be the key to further negotiations with the ELN. However, peace talks should not be overloaded with expectations.

The FARC

The second still-active Colombian guerrilla group, the FARC-EP (*Fuerzas Armadas Revolucionarias de Colombia–Ejército Popular*) was created in 1966. The FARC has its roots in the rural self-defense groups that were built during *la violencia*. It belonged to those groups which formerly had refused to lay down their arms in the demobilization process that was executed by president Pinilla. The FARC was formed as a reaction to a massive military offensive of the government, supported by the US government, and directed against some villages, which had originally organized themselves in local self-governed areas. Due to the ongoing uprisings in other Latin-American regions, especially the Cuban revolution, those villages were perceived as a security risk.

The FARC was founded as a peasant-based organization with a Marxist ideology. However, its influence and size grew during the 1990s due to its increasing income from illegal activities, mainly kidnapping and drug trafficking. The FARC today has about 18,000 members⁷, many of them women and children. The fact that it generates between US \$600 million and US \$1 billion annually is what makes it an independent actor⁸. This financial independence is all the more impressive since the breakdown of the Soviet Union. The failure of the Communist System destroyed the guerrillas' ideological legitimization, and left the FARC internationally isolated.

First attempts to end the conflict peacefully were made by the FARC in the mid-1980s when it entered the political scene by establishing a political party, the *Unión Patriótica* (UP). The reason for this was a cease-fire signed by the Colombian government under president Betancur (1982–1986) and the FARC. Betancur backed up the process by giving a wide amnesty to political prisoners and by trying to open negotiations with the guerrillas. In 1986, the *Unión Patriótica* participated in the elections with

7 www.ciponline.org/colombia/infocombat.htm

8 Blumenthal, 2001, p. 145.

considerable success. After these elections, the UP was confronted with systematic assaults on its members and supporters, in which nearly 3,000 persons were killed – thus drastically diminishing UP's influence. The government was not able to guarantee the security of the ex-combatants – probably the most important reason why the transformation from guerilla group to political party failed.

After this failure, another negotiated effort to stop the conflict was undertaken under the presidency of Colombia's president Andres Pastrana. He initiated peace talks with the FARC in 1999, guaranteeing it a "safety zone" where negotiations took place. This demilitarized zone was established in the municipalities of Mesetas, La Uribe, La Macarena and Vista Hermosa. These areas are located in the south of Colombia and have a size of 15,000 square miles – roughly the size of Switzerland.

The FARC, however, used the demobilized zone to reorganize its structure and refill its lines by forcing parts of the population to join their troops. The conflict went on with high intensity during the negotiations with the guerrillas continuing their military attacks. As a result the negotiations came to a halt. Currently, the relationship between the leftist guerrillas and the government has reached a dead point. Since the government started a new military offensive against the FARC, there have been some timid efforts to start talks. Not even a humanitarian exchange of 23 imprisoned *guerrilleros* for some 65 victims of kidnappings has been carried out. The chance for regular peace talks further declined when the Colombian government extradited one of the FARC's leaders, Ricardo Palmera alias Simon Trinidad, to the United States at the beginning of 2005.

Until now FARC guerrillas have refused to negotiate with the Uribe government. But with a potential re-election of the current president this attitude may change⁹. Re-election may deprive the insurgent groups of the possibility to 'sit out' the problems. Future negotiation will depend crucially on whether the guerrillas are still driven by ideology or if economic interests have won the upper hand. It remains to be seen whether they really are interested in serious negotiations with the government or if they will only be interested in stopping the government's military offensive to be able to pursue their illegal business. Beneficiaries of the war economy, drug dealers and the Mafia will try to prevent an agreement.

9 www.presidencia.gov.co/sne/2004/diciembre/27/08272004.htm

It is crucial to what extent the government is willing and able to guarantee the security of combatants should demobilization take place in the future. Memories of the FARC's intention to transform itself into a political party, the *Unión Patriótica* and of the deadly demobilization experience of the 1950s, are still present. In order to regain trust the government has proposed the church as a mediator and released 23 FARC prisoners¹⁰.

Irregular troops who have fought a government for decades will, in case of a peace agreement, not be at ease with the political and economic system. A peaceful solution of the conflict therefore might have to be connected with a change in the constitution. Such a new constitution could eliminate the democratic deficits of the current one and secure the access of the guerillas to politics as a political organization¹¹.

M19

During the 1970s, more guerrilla groups established themselves – of which the M19 (*Movimiento 19 de Abril*), which gained international attention for its spectacular actions was the most famous. This group was partly demobilized under president Betancur (1982–1986), who, with Decree 2711, created the *Comisión Asesora*, which defined the legal requirements of the demobilization. The Law No. 35 (*Ley de Amnistía no condicionada y en pro de la Paz*) defined the guerilla organizations as political actors and created the framework for demobilization activities, in which nearly 700 members of the FARC, the ELN, the EPL (the Popular Liberation Army, *Ejército Popular de Liberación*) and the M19 participated.

The demobilization under president Betancur was based on a general amnesty but did not result in a peace treaty¹². Law No. 35 also formed the basis of the La Uribe Contract from 1984, in which the FARC agreed to a cease-fire and announced the foundation of a political organization, the *Unión Patriótica*¹³. The Barca government (1986–1990) tried in 1988 to revive the efforts to demobilize the guerillas by starting the *Iniciativa para la Paz*. The

10 www.elcolombiano.terra.com.co/BancoConocimiento/G/gobierno_autorizo_contacto and www.presidencia.gov.co/sne/2004/diciembre/13/04132004.htm

11 Heidrun Zinecker, "Kolumbien, wie viel Demokratisierung braucht der Frieden?" in HSFK Report 2/2002.

12 Gabriel Turriago Piñeros, José María Bustamente Mora: „Estudios de los procesos de reinserción en Colombia 1991-1998“ p.1. Alfaomega, Bogotá 2003

13 www.ideaspaz.org/documentacion/detalle.php?id=1507

goal was a national reconciliation process. The M19 decided to follow this incentive by building a working group for peace and national reconciliation, which operated in cooperation with the government. In the end, remaining fractions of the M19 laid down their arms on 8/9 March 1990.

The legal treatment of the ex-combatants was solved with the formula “forgetting and forgiving in favor of peace” (*olvido y perdón en pro de la paz*) – a formula that allowed for broad interpretation and, in fact, meant amnesty for political and related crimes committed by the ex-combatants¹⁴. The negotiating parties had originally decided not to talk about reintegration benefits. M19’s goal was political participation and democratic reform. The duration, framework and procedure of the reintegration activities remained unclear. The government was primarily focused on terminating the conflict and therefore neglected the creation of suitable reintegration programs. The first national reintegration office (*Oficina Nacional de Reintegración*) opened on 29 April 1991; thirteen months after the demobilization of the M19 had been announced. The first reintegration program started on 26 December 1992. As the M19 was mostly interested in political change, many of its members did not ask for special social or economic assistance.

Yet, financial assistance proved to be insufficient for social integration. Almost every small project failed due to the lack of financing, training or education of its participants and because of insufficient technical assistance and monitoring of the ex-combatants’ projects¹⁵. After the demobilization of the M19, additional demobilization efforts took place under the presidency of César Gaviria (1990–1994). Seven insurgent groups laid down their arms, the last one in 1994. Demobilization took place while the fighting continued.

The FARC and the ELN did not participate in the negotiations with the M19. The FARC even started a military offensive in order to gain control in the demobilized zones, which in turn had a negative impact on the talks.

Paramilitaries

During the 1980s, violent attacks against the guerrillas were launched by regular government troops, partly supported by a new actor in the conflict – the so-called paramilitaries. The paramilitaries, groups of armed civilians that fight on the side of

14 Rubio, 2004, p.13.

15 Helfrich-Bernal, 2001, p.120.

the government against groups, have a long history and tradition in Colombia. The historical predecessors of today's Colombian paramilitaries, the so-called "*pájaros*" (birds), already fought together with governmental troops during the 1950s. During *la violencia*, the conservatives used groups of criminals, the "*pájaros*", to fight the opposition. After the military turnover of 1953, the "*pájaros*" lost their importance and disappeared for some time before the paramilitary system was reestablished in the 1960s to fight the communists. This time, paramilitary actions were even legitimized by Decree No. 3398 of 1965. The paramilitaries gained their final juridical legitimization in 1968 when Decree No. 3398 was transformed into the Permanent Law No.48¹⁶. This law did not change until 1989, when the Colombian High Court declared it illegal and not conforming to the Colombian constitution.

The paramilitaries, as they are known today, were formed in 1981. On 3 December 1981, flyers were dropped from an airplane in Cali, one of Colombia's biggest cities. These flyers announced the creation of a militant group named "Death to Kidnappers" (*Muerte a Secuestradores* – MAS). It was announced that more than 200 Mafia bosses had created a 2,230 men-strong private army that would execute everybody who was connected to kidnappings. This group was created by Fabio Ochoa, one of the kingpins of the Medellín drug cartel.

From 1985 onwards, the Castaño brothers – Fidel (a co-founder of the MAS) and Carlos (AUC's longtime political leader) – began to establish the paramilitary structures. The private army of rich landholders was formed primarily for the reason of self-defense, but soon started to change into a counterinsurgent paramilitary organization. The paramilitary network grew fast and the group started to fight the guerrillas. The strategy of this organization was to transform the society that supported the guerrillas, as it was not possible to destroy the guerrillas themselves. As a result, the paramilitaries started to fight civil society, social movements and their leaders. Over the years, the paramilitaries became more and more important in the fight against the guerrillas, so that the state started to collaborate more intensively with this group, supporting it clandestinely with weapons and intelligence. In 1995 the institutionalization of the paramilitaries reached a new level and different units joined forces and founded the United Self-Defense of Colombia (*Autodefensas Unidas de Colombia* – AUC) to concentrate their military power¹⁷.

16 Blumenthal, 2001, p.150.

17 Fischer, Cubides C. 2000, p.116.

Since then, the paramilitaries have tried to generate a political profile and establish AUC as an independent political actor. An important step in this direction has already been taken; AUC leader Mancuso, who along with many other paramilitaries has been accused of being responsible for several massacres and human right violations, spoke in front of the Colombian Congress in the summer of 2004¹⁸. AUC is trying to sharpen its political profile and to constitute a political basis within their operation areas. AUC therefore regularly publishes “communiqués” and policy papers, often with the help of the Colombian press¹⁹. Another strategy to form a basis in their regions is to fight and displace guerilla supporters and critics of the paramilitaries, replacing them with their own supporters.

Today, the AUC has an estimated 18,000 fighters²⁰. The AUC is not only present in many parts of the society, but has also claimed (through one of its leaders) that some 35 percent of the Congress members depend on it²¹. Manipulations of the elections in favor of the paramilitaries have indeed been reported²². The AUC operates nationwide and is suspected of controlling large parts of Colombia’s drug trade. However, its organization is no longer a homogenous group.

In December 2002, the AUC announced a cease-fire to fulfill the government’s precondition for starting peace negotiations. As a result, a “concentration zone” was set up in Santa Fe de Ralito in July 2003, where the first negotiations took place and where an agreement was signed on the demobilization of all paramilitary units until the end of 2005.

Armed forces

While the government negotiates with the paramilitaries to stop the conflict, it is enlarging its security forces *vis-à-vis* the guerrillas. Colombia’s armed forces have increased and have been modernized significantly during the past years. The modernization of the armed forces already started under the administration of Andres Pastrana, who in 1999 received US \$308.8 million in military and police aid from the United States

18 eltiempo.terra.com.co/proyectos/resumenano/resumenpolitica/noticias2004/ARTICULO-WEB-_NOTA_INT-1928851.html

19 <http://www.colombialibre.org/colombialibre/comunicados.asp>

20 ciponline.org/colombia/infocombat.htm

21 www.elespectador.com/periodismo_inv/2004/septiembre/nota4.htm

22 Interview with Gustavo Petro in Berlin on 25.02.2005

for that purpose²³. Subsequently, the security forces, national army and police increased to some 353,803 men by December 2004²⁴. This is an increase of some 27 percent since the beginning of the Uribe administration in August 2002 (the then combined strength of Military Forces and police consisted of 278,796 men)²⁵. However it is still not enough to win the military fight against the insurgent groups.

With the failed negotiations with the FARC and the start of the *Plan Colombia*, the government focused on defeating the FARC with military means. The *Plan Colombia* was originally praised as a great investment plan and was meant as an invitation for the insurgent groups to participate in the development of projects in the field of economy, finance, land reform, justice and human rights. It had a total volume of US \$7 billion and depended heavily on international financial support. While the *Plan Colombia* was originally designed as a multifaceted development plan, the military became more and more important as a result of pressure by its main financial supporter – the United States. The US government changed the direction of the plan and concentrated its focus on the fight against drugs.

As both the Clinton and Bush administrations perceived Colombia as a latent danger for its national security, Colombia received a total amount of US \$1815.2 million in military aid for the last four years, aimed at modernizing the armed forces.²⁶ Since 11 September 2001, US policy towards the conflict has changed. The three main irregular actors of the Colombian conflict, namely the FARC, the ELN and the paramilitaries, were put on a list of international terrorist groups. The counter-insurgency issue became more important and the US government modified and focused its aid on military aspects as well as on training and consulting the Colombian army.

The need for a negotiated solution with the FARC

Although it might be possible to bring the FARC back to the negotiation table by attacking them harder, or to end the conflict by winning the fight, the military offensive by the government may in fact have some negative repercussions. If the government concentrates solely on military actions without seriously trying to

23 www.ciponline.org/colombia/aidtable.htm

24 “Efectividad de la Política de Defensa y Seguridad Democrática”, at: www.emcolbru.org/RESULTADOSPSD20022003.pdf

25 www.mindefensa.gov.co/politica/documentos/effectiveness_cdsdp_upto_200312_eng.pdf

26 www.ciponline.org/colombia/aidtable.htm

get back into negotiations, the FARC could try to escalate the conflict by using more dangerous weapons, especially surface-to-air-missiles and by relocating the conflict into the urban centers, launching attacks on urban infrastructure, military targets and the civil society. Such actions could be a military alternative for a decimated guerrilla force that is losing the fight over territory. A huge military machine would no longer be necessary for the FARC. It is true that a transformation from a traditional guerrilla army to a small terror group would be against their “ideological” goal to help “the society”, however, the long military fight has developed its own war economy and war society, which can not easily be given up. The probability that the guerrillas would lay down their arms in a situation of existential crisis must be considered small. The guerrillas will lay down their arms only if they can save face.

The government also seems to be moving in the direction of conflict escalation. New categories of soldiers, the “*soldados campesinos*” (peasant soldiers) and the so-called “*red de cooperación ciudadana*” (Network of Citizen Cooperation) represent a dangerous development. Civil society is getting more and more involved in the conflict by serving as informers and military collaborators and is thus becoming a possible target of violent attacks. The military strategy therefore can serve only as a temporary instrument of pressure on the FARC and the ELN to bring them back to the negotiation table. The Colombian government has to create an adequate framework for this to happen, for example by announcing the possibility of a cease-fire. The military offensive has to be accompanied by a social and economic development strategy.

President Uribe's policy: “La Seguridad Democrática”

To be able to fulfill the *Plan Nacional de Desarrollo*, Colombia's plan to improve the country's infrastructure and social and economical development, president Uribe announced that a countrywide restoration of law and security was his main goal. After the failure of ex-president Pastrana's strategy to achieve a negotiated peace with the FARC, Uribe won the elections in 2002 with the promise to act with a heavier hand against the illegal groups.

To achieve security, the government formulated the policy of “*seguridad democrática*”. Its aim is to improve security by adopting a multi-faceted approach in addressing one of the state's main problems – its historical inability to execute authority on its territory. The government therefore increased the size of the

armed forces, created a network of informants that covers the whole country and provides the army with information.

In January 2004 the Colombian army started a military offensive against the FARC. Reportedly some fighting between the national army and paramilitary groups is also taking place. Nevertheless, the Colombian military planners came to the conclusion that a lasting re-conquest of the territory, which was controlled by the guerrillas for years or in some cases even for decades, would require a new strategy. To recapture a territory, the region has to be occupied for a longer period of time. To effectively fight a guerrilla army it does not suffice to show military presence once in a while. As the guerrilla army is flexible and moving fast and as its combatants are not always identifiable, a lasting presence by the state security forces is unavoidable.

To be victorious, the Uribe government created a new category of soldiers – the “*soldados campesinos*”²⁷. These new units are recruited from the rural population. Local recruitment has the advantage of reaching people who know the affected population and the area. It also smoothes over historical differences between Bogotá and the hinterland. As of now, there are 256 peasant soldier groups of roughly 35 men each. The *soldados campesinos* belong to the national army and the marine infantry and receive basic military training for three months. In addition, the Ministry of Defense claims that they receive special training on human rights and on how to interact with the local community. It is planned that they will operate in their homelands, always accompanied by regular troops or the national police. The *soldados campesinos* stay in military service for eighteen months²⁸. It has been reported that the peasant soldiers allegedly have a huge impact on the recent successes of the Colombian military and the *Plan Patriota*, as government troops are now able to stay in the recaptured areas²⁹.

The mobilization of peasant soldiers involves the civil society more actively in the fighting³⁰. It is questionable whether the peasant soldiers are trained well enough to fight against experienced combatants. The peasant soldiers are usually accompanied by professional soldiers or the police, but this only

27 www.cgfm.mil.co/cgfm.nsf/0/3c3b5f95a989fb678525ce9006d006a?opendocument

28 www.presidencia.gov.co/cne/2003/junio/16/01162003.htm

29 <http://semana.terra.com.co/opencms/opencms/Semana/articulo.html?id=84559>

30 Carta de 2002 para el presidente de la alta comisionada de Naciones Unidas para los derechos humanos, Mary Robinson www.hchr.org.co

barely reduces the risks. They fight in areas where the guerrillas are very strong and the state often not present. The guerrillas can easily spot out who belongs to these soldiers and attack them at night when they go back to their homes without weaponry. Insufficient professionalism may contribute to infringements on human rights. NGOs report attacks by *soldados campesinos* on civilians as well as attacks of the guerrillas on their families³¹.

Whether the creation of the *soldados campesinos* is really an advantage for the fight against irregular groups is not yet clear. Young men who become such a 'soldier' out of economic desperation may either decide not to fight the enemy whom they know much better than the state or may take the extra money the state offers, while preserving their affiliation to their original military group. Thus, they could earn income during the daytime as a *soldado campesino* and at night as a *guerrillero*. Infiltration by the paramilitaries is also a risk that cannot be overlooked. But more importantly, the creation of units of peasant soldiers brings to mind the support of past governments for the creation of the paramilitaries, which are currently subject to demobilization. Instead of reverting to peasant soldiers, it seems to be more advisable to professionalize the armed forces.

Another 'innovation' introduced by the government consists of the creation of the "*red de cooperantes*". This network system is meant to provide the counter intelligence with information about the 'enemy'. In December 2004 the government installed a new 24-hour calling line (*línea 146*) to receive information by Colombian individuals. The government recently announced that it would handle and verify all received information by guaranteeing confidentiality to each caller³². Yet, human rights activists point out that the informers take over a military role as collaborators of the military intelligence, while verification of the information is difficult. Abuse is possible and has already been evidenced³³. This is even more likely when the informant is paid for information he provides. According to governmental sources some 3,210,964 collaborators are already participating in the program, and the number of participants is still growing³⁴. The Colombian society may well transform into a 'spy society'.

31 Comisión Colombiana de Juristas. 2004, p. 51.

32 www.presidencia.gov.co/sne/2004/octubre/06/11062004.htm

33 *La semana*, 26 August 2002, p.26.

34 www.presidencia.gov.co/sne/2004/octubre/06/11062004.htm

The Small Arms and Light Weapons (SALW) Problem

The insurgent groups possess many weapons and a lot of ammunition. To satisfy this demand, the illegal groups do not just need financial backing, but logistical capacities and a SALW market where they can be purchased. The illegal armed groups are involved not just in the drug business but also in arms trafficking. The actual number of small arms and light weapons circulating in the country can only be estimated. The broad distribution of small arms and light weapons (SALW) and the internationalization of this problem clearly need to be addressed.

Weapons are brought to Colombia through different routes. Actors from nearly all countries neighboring Colombia participate in some way in the arms trade business, some as dealers and some just as traffickers. Most of the illegally traded weapons come from corrupt employees of the security forces of other Latin-American countries. In Peru, under the government of Alberto Fujimori, the intelligence leader Montesinos sold 10,000 second-hand AK-47s to the Revolutionary Armed Forces of Colombia (FARC) in 1999³⁵. Another major part of the weaponry that is available on Colombia's black market is of Central-American origin. Many weapons belonged to large weapons stocks of Central-American countries affected by civil war, like Guatemala, Nicaragua and El Salvador, before they were sold to Colombia.

Colombian paramilitaries managed to buy some 3,000 AK-47s and 2.5 million rounds of ammunition from the Nicaraguan government's stocks which were officially designated for the Panamanian police³⁶. The OAS later claimed that the deal was possible because Nicaraguan counterparts did not really check if the order was legitimate. An arms shipment destined for the paramilitaries and discovered in December 2004 again came from Nicaragua. Traffic routes are obviously still active³⁷.

Rumors have spread that the Russian Mafia, too, is linked to the illegal weapons trade. According to a US Intelligence source, between 1998 and 2002, illegal airstrips in Russia and the Ukraine were used to transport arms via Jordania to the demobilized zone of FARC. In return, Colombian cocaine was supposedly taken to

35 www.ni.laprensa.com.ni/archivo/2002/mayo/09/el_mundo/

36 www.ni.laprensa.com.ni/cronologico/2002/abril/23/nacionales/nacionales-20020423-09.html

37 eltiempo.terra.com.co/coar/ACC_MILITARES/accionesarmadas/ARTICULO-WEB-_NOTA_INTERIOR-1934503.html

Russia³⁸. However, there has not been any independent confirmation of these rumors.

It is beyond doubt that there is a very active and continuous weapons trade between Brazil and Colombia. Many airplanes fly regularly from Brazil – the second largest consumer of Colombian cocaine in the world after the United States – to Colombia, on illegal business. One of the heads of a Brazilian drug cartel, Luiz Fernando da Costa, regularly delivered arms to the guerrillas in exchange for drugs³⁹. It is said that currently the guerrillas are short of ammunition for their AK-47 rifles because of intensive confrontations with the Colombian army⁴⁰. It is assumed that the FARC has started producing ammunition of its own. Criminals have established workshops where they produce copies of German Heckler-Koch guns. Some of these workshops were found in January 2003 by Colombia's secret service⁴¹. It is guessed that the guerrillas received help from external experts both in building illegal weapons plants and for training in the usage of such weapons. The standards of weapons found are quite high. The judgment of a Colombian court against three Irish citizens who illegally spent some time in FARC's demobilized zone in the year 2002, and who were said to be linked to the Irish Republican Army (IRA), underlines this assumption⁴².

The air force of the Colombian military is very important for the transport of troops, logistical material, and war material. The air force plays an important role in the government's fight against the illicit drugs that build the economic basis of the FARC. The guerrillas try to buy surface-to-air-missiles (SAMs) to counter the government's biggest advantage – air power. A videotape of the FARC shows the testing of some homemade SAMs. The alleged destruction of some 333 SAMs in Nicaragua in the summer of 2004 is seen with suspicion – rumors have spread that not all of these missiles were really destroyed. Although General César Delgado, who executed the destruction under international observation, said that the whole process had been successful, intelligence sources are afraid that some of these missiles could have soon thereafter appeared on Central-American black markets⁴³. Surface-to-air missiles could intensify the level of conflict dramatically. The use of SAMs by the guerilla forces

38 www.loc.gov/rr/frd/pdf-files/NarcsFundedTerrs_Extrems.pdf

39 www.fiscalia.gov.co/pag/divulga/InfEsp04/armas.doc

40 McDermott, 2004.

41 McDermott, 2004.

42 www.terra.com/actualidad/articulo/html/act188220.htm

43 www.esmas.com/noticierostelevisa/internacionales/381010.html

would definitely change the configuration of power between the guerrillas and the government's armed forces.

To be able to address these problems adequately, US Secretary of Defense, Donald Rumsfeld, and his Canadian counterpart proposed in November 2004, at the Conference of the Defense Ministers of America in Quito/Ecuador, to transform the "*Junta Interamericana de Defensa*" into a coordinating organ for the fight against drugs and terrorism in America. Brazil rejected this proposal, as well as the idea to create an inter-regional special force to fight drug and arms trafficking as well as illegal passenger trafficking. Instead, a stronger intelligence partnership was proposed as a key element in the success of any fight against international crime.

Most of Colombia's neighbors announced unilateral actions to reinforce their borders with Colombia instead. Brazil announced the reinforcement of one of its frontier brigades and an enlargement of some military posts on the frontier with Colombia. Colombia and Peru announced that they are preparing common rules for the engagement of a binational border patrol. Due to its dimensions and character, the common border in the jungle of the Putumayo and the Amazon region is very hard to control. Nevertheless, these actions may help to reduce the weapons and drugs trafficking.

Venezuela also announced a strengthening of its border with Colombia and published a large weapons deal with Russia in December 2004. There have recently been some tensions between Colombia and Venezuela over the latter's purchase of 100,000 Russian semi-automatic machine guns, 40 helicopters as well as its interest in Russian MiG29 airplanes, although officially the Colombian side does not consider this a problem⁴⁴. Even if there is no imminent threat by Venezuela, some of the Venezuelan weapons to be replaced may enter Colombia's black market. The Venezuelan territory has also often served as a safe haven to the irregular troops in recent years. Since Hugo Chávez became president of Venezuela this retreat of combatants into Venezuela has expanded even further. The tensions between the Colombian and Venezuelan governments have increased following the detention of Rodrigo Granda (FARC's "Minister of Foreign Affairs"). Granda had allegedly moved freely on Venezuelan territory and had a Venezuelan passport⁴⁵.

44 www.amsterdampost.nl/modules.php?name=News&file=article&sid=450

45 www.eluniversal.com/2005/01/26/pol_art_26104B.shtml

Regional cooperation is required to fight the production and trade of illegal drugs, the weapons and persons trafficking as well as the problem of large numbers of Colombian refugees who are leaving their country each year to start a new life in Colombia's neighboring countries. If this can not be reached, a spillover of the Colombian conflict to its neighboring countries could be possible. Common approaches to arms possession as well as international regulations on arms trafficking are essential. International help plays an important role in regard to technical and financial support for Colombia. This requires institutionalized communication between the various national agencies and international actors.

Why do paramilitaries lay down their arms?

One of the most important questions that has to be asked with regard to 'collective demobilization' is why the AUC has decided to lay down its arms while the guerrillas have not yet been destroyed. Why does the AUC declare that it will disarm at a moment when its influence is seemingly growing, resulting in increased income from illegal actions such as drugs trafficking? Why do they want to demobilize while the guerrillas suffer? One possible explanation is that the paramilitaries have realized that the opportunity to lay down their arms offers a chance to retain political and social influence. It might be a good moment for them, as the current president – while governor of Antioquia (1995–1997) – had already demonstrated his moderate views about paramilitaries. At that time, he was responsible for the creation of the security cooperation CONVIVIR (*Cooperativas Comunitarias de Vigilancia Rural*). This security cooperation, an association of civilians, had received weapons from the government in order to fight the guerrillas.

In addition to this, the illegal groups are faced with a growing desire for peace in the Colombian society which, consequently, decreases the acceptance of their actions. The paramilitaries might have seized the chance to demobilize as long as their status at the negotiation table was stable and their power in the regions was strong. This seems all the more reasonable since the direct and indirect support of the paramilitaries by the Colombian army has already diminished. Furthermore, the United States pressures the Colombian armed forces to distance themselves from the paramilitaries. Another reason for the demobilization could be the personal interest of some individuals that are leading the AUC. These leaders hope to prevent their extradition to the United States from happening by implementing

the demobilization of their groups in exchange for impunity. The Colombian government protects paramilitary commanders, whom the US wants extradited for drugs trafficking and money laundering, as long as they participated in negotiations on demobilization.

The changes within the structures of leadership of some paramilitary units in recent years demonstrate that many former commanders of the AUC have been replaced by drug lords. It has been estimated that kingpins like Francisco Javier Zuluaga alias “Gordolindo” or Diego Montoya Sánchez paid several million US dollars to ascend to a high military rank within the paramilitary organizations to benefit from the peace process⁴⁶. In such cases, the wish to transfer the economic and personal status from the conflict to civil life seems to be the main reason for demonstrating a willingness to lay down one’s arms. Ideological reasons for a continuation of the fighting are waning anyway.

Asked for the main reason why, most demobilized combatants cite the desire for security for themselves and their families⁴⁷. For some, the permanent fear for their lives is a strong incentive to demobilize. Peer pressure or group dynamics may also play a role in this decision-making process.

Demobilization, Disarmament and Reintegration (DD&R)

The importance of a DD&R program consists of its ability to generate human security for the ex-combatants and their communities, as well as of its provision of opportunities for income generation. A DD&R program is mandatory for a sustainable peace process as it helps to create political, social and economic security. Therefore it is crucial to convince ex-combatants that there are better options to taking up arms again. This conviction is of special importance in Colombia, since the DD&R of the paramilitaries does not follow any military defeat or stalemate which would otherwise have forced them to start negotiations. The demobilization of the paramilitaries is not based on a peace agreement, but has to be undertaken while fighting continues. The possibility is quite high that combatants take up their arms again and join other still active groups. To prevent this from happening, the combatants’ needs, interests and capabilities have to be taken into account. A successful implementation of the DD&R program for paramilitaries will not just consist of

46 Rachel Van Dongen: “Drugs complicate Colombia’s peace plan”; found at: www.csmonitor.com, 2 November 2004.

47 Interview with ex-combatants in Bogotá on 17 November 2004

measures providing human and economic security for communities; successfully executed DD&R could also serve the guerrillas as an example and, as such could help to end the conflict between the government and the guerrillas.

Demobilization alone does not diminish the root causes of the conflict. If adequately managed, DD&R can nonetheless help to assist the peace process by decreasing conflict intensity. Demobilization, as part of a DD&R process, is a confidence-building measure that can support the entire peace process.

The Colombian government therefore started and revived a set of demobilization programs which strike for different goals. Wile, according to statements of the deputy Secretary of Defense, Andrés Peñate, the demobilization of individuals is regarded as a “war tactic” by the government, as its emphasis is on the retrieval of information and the weakening of the insurgent groups⁴⁸ “collective demobilization” is conceived as a peace instrument.

“Collective demobilization” of paramilitaries

The only legal basis for the current “collective demobilization” of paramilitaries is Law No. 782 of 2002. This law foresees that a partner for peace negotiations has to be recognized as a “political actor”. Since the illegal armed groups were categorized as terrorist groups in 2001, the legal situation had to be changed to make negotiations possible. Due to the fact that this categorization was subsequently dropped, negotiations with so-called terrorist groups are now also possible.

The “collective demobilization” is organized and executed by the Office of the High Commissioner of Peace. He is also the one who negotiates demobilization with the paramilitaries. The current “collective demobilization” process in Colombia is divided into several parts: Sensitization, preparation, concentration, demobilization, verification and the beginning of the reintegration measures. In particular:

- Establishment of assembly areas by decree. These areas operate for 15–30 days. Identity cards are issued to the demobilized in the areas where registration takes place, interviews are undertaken and weapons handed in and stored. Additionally, assistance is provided in form of accommodation, nutrition and clothes, medical assistance, etc;

48 Interview on 19 November 2004 with the Deputy Secretary of Defense Andres Peñate

- The reintegration process is administered by the Department of the Interior. Reintegration programs take place in five centers: Turbo, Medellín, Cúcuta, Montería and Bogotá. In these centers the legal situation of the individuals is clarified, vocational education starts, medical and psychological assistance is provided and financial help is admitted.

The Colombian government started negotiations over demobilization of the AUC under the premise that the AUC declared a unilateral cease-fire. However, “collective demobilization” started even though this precondition was never really fulfilled⁴⁹. These violations signaled a serious departure from the preconditions agreed upon, and international donors voiced their criticism accordingly. The result is weak international support and minimal external funding of the DD&R process. The only positive exception in terms of international support is the Organization of American States (OAS), which monitors the whole process. However, the OAS was not able to guarantee the cease-fire and could not enforce compliance with the agreements.

The greatest problem with the ongoing “collective demobilization” is the lack of an adequate legal framework, which results in uncertainty and skepticism. It is feared that the paramilitaries could achieve impunity, even though many of them are responsible for massacres and human right violations.

Legal framework for collective demobilization

One of the most difficult problems facing the Colombian peace process concerns the creation of an adequate legal framework. Such a framework would have to respect the rights of the victims in terms of reparations as well as the right to information about conflict-related crimes and the prosecution of such. At the same time, it should provide incentives for the paramilitaries to participate in the demobilization process and to lay down their weapons. Although a first version was presented and discussed as early as in August of 2003, such a framework does still not exist. The so-called law on Truth, Justice and Reparations (“*verdad, justicia y reparación*”) still has not passed parliament.

A future law will hopefully make successful demobilization and reintegration of the paramilitaries possible and, at the same time offer opportunities for nationwide reconciliation.

The law on Truth, Justice and Reparations will not only have to meet the expectations of the victims for truth and reparation, but also uphold the supremacy of the constitution and rule of law.

49 Comisión Colombiana de Juristas. 2004, p. 67.

It has to be formulated in accordance with international agreements signed by the Colombian government, especially with the Inter-American Court on Human Rights, as well as with the regulations of the International Court of Justice. The Inter-American Court of Human Rights demands the prosecution and punishment in case of grave human rights violations such as rape and extra-legal executions, torture, and forced displacement. Such crimes are subject to obligatory investigation and determination (Article. 184/263/264 et sqq). Likewise, the right of the victims to truth, punishment of the perpetrators and compensation for damages must be specified. The International Court of Justice, which Colombia belongs to since 5 August 2002, forecloses impunity for heavy crimes. A general amnesty should therefore be excluded. A reduction of sentences for serious crimes to a maximum of 5–10 years could provide incentives for demobilization but also demonstrate that a hidden acquittal (*indulto disfrazado*) is ruled out. A partial amnesty could be take place by reducing the maximum term from 40 years foreseen in the Colombian penal code to 10 years. In what respect, in such a case, justice is served to the victims and their right to punishment of the perpetrator, is another matter.

However, it remains unclear to what extent the law on Truth, Justice and Reparations will be compatible in the end with international law. The submitted bill foresees that the president has the final right to decide who is entitled to preferential treatment and who is not. Judges can only give recommendations, whereby the separation of powers is clearly suspended. The reference to the determination of the enforcement location (*Art.15 ley de justicia, reparación y verdad*) also leaves space for speculations. Theoretically the enforcement location could be situated abroad, leaving the door open for possible extradition to the United States. It could also be that a verdict would be executed and the sentence served in the already existing “concentration zone” of the paramilitaries. This was recorded during a discussion between the Alto Comissionado de Paz, Carlos Restrepo, and the negotiator of the paramilitaries, Mancuso⁵⁰. Even other regions controlled by the paramilitaries could fall under this definition. With respect to the extradition issue, no definitive legal decision has been taken. Presently, extradition orders have been suspended as long as the affected persons show their “good will” to contribute to peace. It also

50 http://eltiempo.terra.com.co/coar/NEGOCIACION/negociacion/ARTICULO-WEB-_NOTA_INTERIOR-1915933.html

remains to be discussed whether the time the paramilitaries have already spent in the “concentration zone” of Santa Fe de Ralito could be credited. A number of points are still unclear, such as the period of probation (as suggested in one of the drafts of the law on Truth, Justice and Reparations), the cancellation of the parole period on the one hand as well as the remuneration of the victims on the other hand, even though it appears that the last draft includes several improvements.⁵¹

One reason why the law on Truth, Justice and Reparations, which aims at an adequate definition of collective demobilization, does not yet exist is that it became part of the negotiations between the High Commissioner of Peace, Restrepo, and the paramilitaries. The paramilitaries insist repeatedly on their right to participate in the formulation of the legal framework.

The creation of an adequate legal framework is ultimately the legislators’ duty. Therefore, a decision by the parliament would have enhanced the claims of the executive in negotiations with the paramilitaries. It probably would have prevented such problems. As a result of this legal vacuum, the entire process is in danger of failing. The paramilitaries have already announced that they will abandon the negotiations if an adequate legal framework is not created.

Currently, all participants of the paramilitary groups who are suspected of having committed serious crimes have to stay in the “concentration zone” of Santa Fe de Ralito. They await judgment on a final legal framework – and their own punishment. This naturally creates tensions among the participants of the DD&R process. The “concentration zone” of Santa Fe de Ralito was built against the will of its citizens, who expressed concerns about violent attacks by the paramilitaries. Some paramilitaries left the “concentration zone” without permission, although they were suspected of being violators of human rights and as such would have had to stay in this zone. Combatants who leave the zone lose all their entitlements and are liable to normal jurisdiction in case they are captured. All this undermines the trust of potential international donors and the Colombian society at large.

It would be advisable that the international community contributes to the observation of international standards and victims’ rights. Should the Colombian government not adopt proper legislation on its own, the international community may have to put pressure on the Colombian government. If such pressure failed, the international community could step back from its commitments of support.

51 For further reading see: Ambos, 2004.

Registration and disarmament

The disarmament process started with the definition of a “target group”. The fact that proven drug cartel leaders were members of paramilitary units and as such included in the “target group” led to criticism from the United States, which had asked that some of these individuals be extradited. The disarmament begins with the registration of participants and weapons in the “concentration zones”. It is a positive sign that the assembly areas where the disarmament takes place only exist for a maximum of 30 days. This diminishes possible security risks and prompts the immediate start of reintegration measures.

The lack of knowledge about the number of combatants to be demobilized hampers planning. Additionally, it leaves space for abuse as people can join the paramilitary groups only with the purpose of receiving benefits. Therefore, an effective registration and verification process is the key to finding out who really is an ex-paramilitary and who is entitled to access to the reintegration program. An additional cooperation with the leaders of each paramilitary group on information about the number of members that is supposed to participate would ease the preparations. Negative experiences with earlier ‘demobilization’, such as in Nutibara/Medellín in November 2003 when the paramilitaries recruited young men in Medellín with the only purpose of letting them participate in the demobilization process afterwards should be avoided. As a result it is said that only 30 percent of all demobilized men were actually former paramilitaries⁵². Such an abuse of the DD&R program has to be prevented.

The government keeps each weapon that was handed in by ex-combatants. Officials examine those weapons in order to find possible connections to crimes⁵³. The value of such investigations might be questionable, as the owner of the weapon is not automatically the perpetrator. When a weapon is still usable, it is passed on to the military. It would be preferable if the weaponry was destroyed, as to avoid its potential disappearance. It would also enhance the chances that future weapons collection programs are successful because civilians would not have to fear reutilization. However, the collection of small arms, ammunition, explosives and communication technology already diminishes the

52 www.elheraldo.com.co/antiores/04-10-31/nacionales/noti11.htm

53 Interview on 17 November 2004 in the Ministry of Defense with Coronel Forero, Coordinator of the Programe „Atención Humanitaria al Desmovilizado (PAHD)

intensity of the conflict and makes it more difficult for the various groups to rearm.

The demobilization process

During the demobilization process ex-combatants receive identification documents. At the same time, important information is gathered for their successful reintegration into civil society. The International Organization for Migration (IOM) was involved in the creation of the questionnaire that is used for this purpose. IOM additionally provides technical assistance in preparing identity cards for the paramilitaries.

Many of the ex-combatants who did not immediately return to their hometowns reportedly spent the money they had received for their weapon as well as other financial support on alcohol. To prevent abuse of material aid that diminishes the effectiveness of the reintegration and enlarges the security problems, alternatives to financial support should be considered.

In order to minimize misuse of reintegration funding money could be sent to a bank account or assistance could be provided in form of material aid or credit notes. A transaction of the financial aid to the ex-combatant's partner could also be considered. This would assure that assistance would benefit the partner and family of the demobilized as well. To assure that ex-combatants actually return to their hometowns, payable transactions could be executed in the respective home regions or they could be linked to the transport of the demobilized to their hometowns.

Security problems

The fact that ex-combatants stay in the region where they were demobilized causes security threats for the population of the region as well as for the demobilized combatants. A direct transport of the ex-combatants to their hometowns and to the places of their ultimate reintegration would be advisable.

In September 2004, some paramilitary groups were demobilized in strategically important areas. The region of Catatumbo is 'ideal' for the trafficking and cultivation of drugs as it lies directly on the Venezuelan border, in an area that is very difficult to control and has an advantageous climate. Additionally, the Colombian government is not strongly represented in the region, which is controlled by various insurgent groups and their followers. There is a very low police and military presence, and the insurgent groups not only form the regional security sector

but also control jurisprudence and the administrations. The fact that the paramilitary and other militant groups are not just present as military groups but also as executive bodies complicates the fight against their influence. To pacify and to make those regions recover, non-military efforts will also be necessary.

In some of the most important areas of the department of Santander, the paramilitaries had started to build up logistical networks that protect their influence on all illegal business. These Mafia-like networks form the basis for the survival of the paramilitary structures. It is therefore not enough to demobilize the active paramilitary troops; all paramilitary structures should be subject to dissolution in order to undercut the paramilitaries' financial and organizational background.

There is widespread skepticism among the population of Santander and other affected regions that the state might not be able to guarantee the security in the area. Skepticism grows as the guerillas that are operating close to the affected zones could try to recapture the drug cultivation and zones controlled by the paramilitaries. This could happen as soon as these decide to lay down their arms. That the guerrillas actually are interested in recapturing this zone was already mentioned by some of their leaders⁵⁴. It is therefore important to prevent that guerillas take advantage of the sudden change in the balance of military power.

To prevent the guerrillas from becoming a powerful player again, some local politicians have already asked for military support. The government pledged to fulfill their wishes and wants to send more troops⁵⁵. It is important to guarantee the security of civilians and of the demobilized ex-combatants in order to achieve a sustained pacification of the whole region. If security is established, the state has a chance to re-establish its essential functions and institutions.

For a certain amount of time, private security agencies could take over control of the demobilized zones, offering security for international and national companies, landowners, and private persons. In the area of Catatumbo, an increasing demand for private security has already been reported⁵⁶. Yet, a simple renaming of paramilitary groups into security companies or a shift of the security problem towards private security agencies has to

54 http://sigob.presidencia.gov.co/snol/noticia_anterior.asp?ID=120491

55 http://eltiempo.terra.com.co/coar/ANALISIS/ analisis/ARTICULO-WEB-_NOTA_INTERIOR-1975658.html

56 Fundación Seguridad & Democracia: „La Desmovilización del Bloque Bananero de las AUC”, p. 4, Bogotá 2004.

be avoided. In any case, national standards for a certification of these security agencies have to be implemented and controlled by a national superintendence.

Some paramilitaries have offered additional proposals on how to handle the security problem in the affected zones. In October 2004, the paramilitary negotiator and ex-M19 member Carlos Alonso Lucio suggested the integration of all paramilitary fighters into the regular Colombian army after a short training period⁵⁷. During this period they should be educated in “democracy” and “rule of law”. Paramilitaries believe that this would prevent a long economic reintegration process and would guarantee the security of the population in the affected regions. The proposal implies that paramilitary knowledge of and experience in operating in this region would be useful to the military. Yet this self-interested proposal involves plenty of new problems, among them the implicit quest for a plain amnesty. An inclusion of the paramilitaries would make the military lose its credibility and also inhibit further negotiations with the guerillas. The government therefore rejected Lucio’s idea. Law does actually not allow demobilized ex-combatants to become part of the regular army⁵⁸. However, it is questionable whether this prohibition can actually be enforced.

Lucio also offered that the paramilitaries eradicate their drug plantations in collaboration with and under supervision of the US Drug Enforcement Administration (DEA). The paramilitaries announced that they would be prepared to finance the entire eradication process and would work on the cultivation of alternative products. The paramilitaries also offered to build several prisons and reintegration camps for adolescent ex-combatants. Such proposals makes one think of the times when the infamous Colombian drug baron Pablo Escobar (1949–1993) built his own prison. Respective plans simply lack credibility.

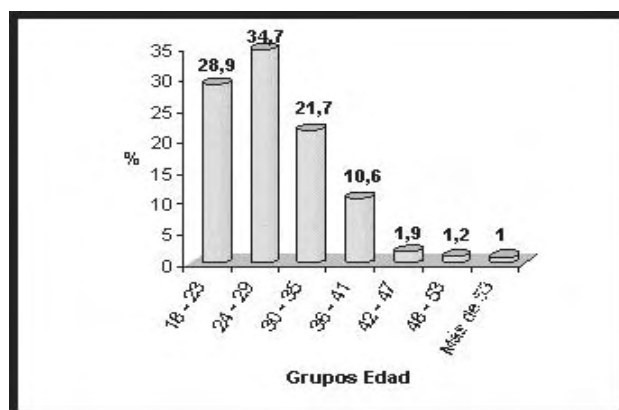
Results of the demobilization of the paramilitaries

Since September 2003, the paramilitary groups of Calima, Catatumbo, Bananero, Cundinamarca, Sur de Magdalena, Isla de San Fernando, and Sur Oeste Antioqueño have laid down their arms, as well as the group Cacique Nutibara and the “*Autodefensas Campesinas de Ortega*”, which do not belong to the AUC. This

57 semana.terra.com.co/opencms/opencms/Semana/articulo.html?id=82490

58 Interview on 17 November 2004 in the Ministry of Defense with Coronel Forero, Coordinator of the program „Atención Humanitaria al Desmovilizado (PAHD)

amounts to a total of 3,674 paramilitaries who handed in 3,983 weapons by the end of January 2005. Most of these demobilized combatants are paramilitaries who participated in the “collective demobilization”. The majority is between 18 and 35 years old, male and has not received a higher education.



Note: Results of socio-economic questionnaire

Source: http://www.altocomisionadoparalapaz.gov.co/noticias/2005/enero/ene_26_05b.htm

Most of the demobilized never received any vocational training before they entered the irregular groups. 8 percent of all participants of the “collective demobilization” were disabled. Asked what they expected first of all, the demobilized wished to reunite with their families.

Variable	Category	Percentage						
		Banaeros	Cundinamarca	Sur de Magdalena	Catatumbo	Calima	Córdoba	
Sex	Male	96	99	100	99	96	97	
	Under 30	66	56	64	79	66	64	
Age	Over 30	32	43	32	20	34	36	
	Single	41	39	40	36	53	38	
Civil state	Open relationship/ married	56	61	57	63	46	60	
	Family	81	90	84	97	84	92	
Who did you live with	Alone	12	5	9	2	12	5	
	5 or more	52	64	51	72	47	56	
Number of family members	10 or more	8	10	13	10	4	10	
	Any children	59	61	68	52	61	68	
Children	legitimate	50	56	66	35	47	53	
	Illiterate	13	15	17	12	11	7	
School degree	Without elementary degree	59	59	34	49	42	34	
	With elementary degree	48	40	66	50	56	66	
Formation	Received formation?	13	7	11	12	14	17	
	Employee	35	52	65	95	45	40	
What did you do before?	Temporal worker	28	23	9	26	17	23	
	Family business	8	12	9	9	11	6	
	Finca owner	5	7	7	7	11	5	
	Own business	7	2	2	7	9	8	

	Student	7	2	2	2	3	6	6
	Without a job	8	2	7	0	2	6	6
Occupation	Do you have any occupation?	75	69	96	80	76	76	76
	None	80	86	83	94	83	82	82
	Residence	8	5	11	1	6	8	8
	Bank account	2	1	0	0	1	3	3
	Reunite with family	65	66	64	76	95	92	92
	Look for a secure place	27	23	15	34	48	50	50
	Employee	20	23	40	23	16	18	18
	Micro-enterprise on my own	46	57	40	53	48	49	49
	Micro-enterprise with companion	32	20	19	23	34	33	33
	Family	83	89	100	98	84	92	92
	Alone	6	4	0	0	6	3	3
	Disabled	12	20	4	6	4	8	8
	Interviewed by SISBEN*	42	67	38	29	47	27	27
	No access to health system	50	44	50	74	74	74	74

The expectations do not exclude one another

*Sistema de Identificación de Beneficiarios (SISBEN) is a proxy means test index widely used to select beneficiaries of social programs in Colombia since 1994. It serves as an indicator of households' economic well being and was based on a cross-section sample of Colombian households collected in 1993. The SISBEN index is a function of a set of variables related to the consumption of durable goods, human capital endowments and current income.

Reintegration of collectively demobilized paramilitaries

The “collective reintegration” of ex-combatants, where they receive education in their hometowns or other regions of their request is characterized by decentralization. The vocational training is executed by the “*Servicio Nacional de Aprendizaje*” (SENA). Before the vocational training starts, the demobilized ex-combatants receive a special course in which leadership, communication, teamwork and social values are taught.

For future evaluation and monitoring, the Colombian government created seven “*Centros de referencia*”. Six of them are located in the cities of Cúcuta, Montería, Bogotá, Buga, Turbo, and Medellín, and one will be mobile to visit ex-combatants who live in the periphery. These centers are monitoring the reintegration process and supervise the ex-combatants⁵⁹. The localization of these centers has been chosen in accordance with the preferred places of return of the ex-combatants. The government also installed a free hotline number so that all ex-combatants can call to ask questions related to their demobilization process.

One of the main problems of the government’s reintegration program consists of the necessity to decentralize the program. Until the end of 2004, nearly all reintegration measures had been implemented in Bogotá. These programs now have to be transferred to other regions in the country. However, decentralization requires an appropriate communication network that did not exist until the end of 2004. At present there is a lack of regional capacities and financing. From demobilization experiences in other countries, one can see that it is favorable when national and international organizations and NGOs should get involved and when the principle is observed to build reintegration upon the self-interest of the ex-combatants; that is demand should determine supply as much as possible. In contrast to this, 90 percent of all participants in a SENA course for individually demobilized combatants, visited by the author in Bogotá in November 2004, could not imagine working for a single day in the profession they were being taught.

Problems and risks of the DD&R of paramilitaries

There are different bodies that organize and implement the DD&R process; child soldiers are attended to by the Ministry of

59 www.altocomisionadoparalapaz.gov.co/desmovilizaciones/2004/index_centro.htm

Family, the individually demobilized combatants are first attended to by the Ministry of Defense, the collective demobilization is managed by the Office of the High Commissioner of Peace, and the overall reintegration process is managed by the Ministry of the Interior. The financing of all programs depends on the Ministry of Finance. To avoid organizational, communicational and bureaucratic problems, a planning, coordinating and implementing body is required.

Collective demobilization runs the risk of combatants deciding to re-join other violent groups. This risk may grow if combatants do not feel an improvement of their security and economic situation as a tangible result of demobilization and reintegration. As the AUC possesses huge economic resources, it would be easy for its leaders to recruit new troops. To prevent a re-joining of irregular troops, the basic economic needs of the ex-combatants have to be met. The demobilization of the guerilla group EPL may serve as a negative example. When their personal status did not improve following demobilization, a considerable number of ex-combatants decided to take up their arms again and to re-join.

Next to economic security, human security in the demobilized zones is of prime importance. Confidence in security is not only a key issue in the demobilization of the paramilitaries but also in the possible disarmament of civil society. If people feel that they no longer need their weapons they may decide to hand them in. Unless a secure environment can be created and maintained, the DD&R process will fail. Another possible negative scenario for collective demobilization is that of a simple replacement of the leadership of some units by new leaders that try to go on with illegal actions. It is still a definite possibility that existing structures are just renamed or transformed into Mafia-like organized crime. Through the demobilization of 'surplus' fighters, paramilitary groups could even become more flexible and efficient. By giving up the counterinsurgency cause, transformation of the paramilitaries into more clandestine groups is possible. It will therefore be crucial not just to demobilize the combatants, but also to dissolve the paramilitary structures, destroy their sources of financing, and to undermine their political and economic support.

Even in the best case of successful demobilization of all eleven groups that announced their participation in the DD&R process, expectations with respect to an improvement of the security situation should not be overly optimistic. New conflicts will arise in the course of the transfer of power from the paramilitaries to the Colombian state. Irritation and fights will

emerge due to a temporary vacuum of power and the new distribution of illegal resources and positions within their structures. Paramilitaries will probably not be able to change their conflict behavior immediately. National and international NGOs should therefore design post-conflict programs and training modules that target a change in paramilitary behavior patterns. Disarmament programs for civil society and educational campaigns on small arms should be reconsidered.

Individual demobilization

During the 1990s, President Cesar Gaviria Trujillo (1990–1994) introduced the demobilization of individuals with an incentive package for defection from the paramilitaries or guerillas. With the Decree No. 1385 of 1994, in combination with the “*Comité Operativo para la Dejación de Armas*” (CODA)⁶⁰, a legal framework was created. Under Cesar Gaviria, “individual demobilization” was understood as a tactic to weaken irregular groups. Above all, it was seen as an instrument to obtain intelligence information about the insurgents. After various “collective demobilizations” during the 1990s, hardly any success was expected from individual demobilization. Therefore it was not promoted very much.

Under Gaviria’s successors, Ernesto Samper and Andrés Pastrana, individual demobilization made little progress; even though Pastrana created an important component with the “*Programa de Atención Humanitaria al Desmovilizado*” (PAHD), which is still valid for demobilization⁶¹. In 1997, the legal framework was modified with the introduction of the Law No. 418, which governed the demobilization (modified in 1999 by Law No. 548 and in 2002 by Law No. 782)⁶². Rights of admission and benefits of the program were defined by Decree No. 128 of 2003, which divided the process into two parts: demobilization and reintegration⁶³.

Combatants who want to demobilize individually have to surrender to an official authority, which is defined by Decree No.128. This authority has to inform the Public Attorney’s Office and the closest military garrison immediately. From the moment of surrender onwards, the Ministry of Defense is in charge of the

60 www.mininteriorjusticia.gov.co/pagina5_subdetalle.asp?doc=115&pag=451&cat=22

61 www.ideaspaz.org/proyecto03/boletines/boletin06.htm

62 www.secretariassenado.gov.co/leyes/L0418_97.htm;
www.secretariassenado.gov.co/leyes/L0782002.htm.

63 www.mininteriorjusticia.gov.co/pagina5_subdetalle.asp?doc=115&pag=450&cat=22

combatant; it grants security, accommodation, nutrition, and clothes to the combatant. The combatant delivers his weaponry to the department in charge and is interviewed by the military. This interview ought to assure his membership to an illegal group and his (or her) right to participate in the demobilization and reintegration process. The interview also aims at collecting intelligence information about the insurgent groups. Such information is being paid for (Decree No. 128 Art. 9).

If all eligibility criteria are met, the demobilized combatant receives a certificate by the *Comité Operativo para la Dejación de Armas* (CODA) which serves as a permission to enter the Department of Interior reintegration program (Decree No. 1385 Art.10). The CODA records the circumstances of the demobilization and delivers legal applications of the demobilized that are granted to him to the Department of Interior, which in turn has to decide about the possible mitigation of a sentence or the closure of proceedings. The Department of the Interior is responsible for the reintegration of individually demobilized combatants as well as for the reintegration of larger groups.

Since 2002, paramilitaries are also admitted to the program. Due to a massive information campaign launched by the government and the increased military pressure on the irregular groups, the number of participants in the individual demobilization has risen from 1,100 (1999–2002) to 6,335 fighters (2002–2004). Out of these participants, 5,444 are male and 891 are female, 3,250 belonged to the FARC, 1,996 belonged to the paramilitaries and 889 to the ELN, while 200 participants belonged to other dissident groups. 19 percent (or 1,187 of the demobilized) were underage combatants⁶⁴.

Deficits of individual demobilization

The perception of the individual demobilization as a war tactic contains risks with regard to an appropriate treatment of the combatants who are willing to participate in the demobilization. Moreover, legal problems due to contradictory formulations in the Decree No. 128 (Art. 13 and 23), increase the chance of impunity for the demobilized. As the Inter-American Court of Human Rights objected against these formulations, the legal treatment of the demobilized became even more complicated⁶⁵.

64 [www.fuerzasmilitares.mil.co/cgfm.nsf/1b56ba58ffde6d5e05256b3600494681/3F360A03BC25DDE785256F93005C8BBC/\\$file/estadisticas%20desmovilizados.pdf](http://www.fuerzasmilitares.mil.co/cgfm.nsf/1b56ba58ffde6d5e05256b3600494681/3F360A03BC25DDE785256F93005C8BBC/$file/estadisticas%20desmovilizados.pdf)

65 <http://www.Cidh.oas.org/countyrep/Colombia04sp/informe4.htm>

During the past two years, approximately 400 people have tried to enter the demobilization program illegitimately. These people claimed to be members of illegal groups to gain admission to the reintegration programs and their benefits.

In the course of the interviews the demobilized are asked for intelligence information that could help the government in their fight against the insurgent groups. In Decree No. 128, article No. 9, which offers financial aid for any helpful information, the legal background for these actions was established. The fact that the information is paid for implies the danger of abuse.

Reintegration

Starting in 1994, the *Red de Solidaridad Social* (social solidarity network) was initially responsible for the reintegration of ex-combatants⁶⁶. Decree No. 2546 of 1999 put the *Dirección General* (general board of directors) within the Ministry of the Interior in charge of the reintegration process of all individually or collectively demobilized combatants. Article 4 of Decree No. 128 of 2003 determines that the Ministry of Defense has to guarantee the first assistance to ex-combatants through the *grupo de atención humanitaria*. Chapter V of the same decree determines that children and adolescents have to be attended to by the *Instituto Colombiano de Bienestar Familiar* (ICBF). The aim of the program is make ex-combatants adapt to civil society through humanitarian assistance, personal security, education, and vocational training the latter being of prime importance for him to start a new civil livelihood.

After demobilization, the ex-combatant receives a certification from the *Comité Operativo para la Dejación de las Armas* (CODA). If the certification declares that the beneficiary is an ex-combatant, he or she gets access to the reintegration program. Spouses, partners, parents, siblings and children also have access to certain benefits. Assistance is provided for up to two years and can be granted only once. Assistance is provided in form of humanitarian aid and health care, including family members. Psychological assistance is offered too.

Vocational training starts with a general inquiry, the so-called “*modulo sero*”, to determine the knowledge, the talents, and the expectations of the ex-combatants. This inquiry is obligatory for all ex-combatants and should determine the education needs,

66 www.dnp.gov.co/ArchivosWeb/Direccion_Inversiones_Finanzas/BPIN/legislacion_bancos_de_proyectos/Decreto_1225_1997_Reglamenta_parcialmente_Ley_368_1997.doc

which shall in turn constitute the basis for the reintegration measures. The *modulo sero* was introduced with the start of the collective demobilization that took place in November 2004. Afterwards, the ex-combatant can choose between different education possibilities; for example, basic education, graduation, university education or professional training. A literacy program is also available.

The “*Servicio Nacional de Aprendizaje*” (SENA), or national education center, an institution which operates nationwide and is open for the public too, is in charge of the vocational training.

Reintegration of individually demobilized combatants

In contrast to collective reintegration which is decentralized, nearly all reintegration programs for individually demobilized combatants take place in Bogotá. After entering the reintegration program of the Ministry of the Interior, the ex-combatants move to so-called “*albergues*” (hostels) where security is granted and where they receive a monthly personal hygiene kit, alimentation, clothes and transport. There are a total of 40 *albergues* which are managed by private persons who, until November 2004, did not undergo any special sensitization in advance. After the demobilized combatants spent at least three months in one of the *albergues* they can move to a “*hogar independiente*” (independent home), where they can stay with their family. Here they receive 1.5 times the minimum salary, plus half of the minimum salary for each additional member of the family. “*Hogares acompañados*” (accompanied homes) are reserved for persons who have left the programs of the *Instituto Colombiano de Bienestar Familiar* but still have the right to attend governmental reintegration programs. In these homes they are accompanied by a special tutor. The ex-combatants are not specifically guarded but are instructed on how to behave and act to prevent violent attacks.

The transfer of ex-combatants from the Ministry of Defense to the Ministry of the Interior is far from smooth. Ex-combatants suffer from a lack of information and object to not having a contact person for their problems. They also report contradictory statements by the participating institutions on the scope of reintegration assistance. Ex-combatants complain at times of having been supplied with wrong information. Their negative reports may diminish the willingness of other combatants to demobilize.

The reintegration programs have to more appropriately address the security needs of ex-combatants. They repeatedly report personal danger due to threats by their former groups. If

the security needs can not be addressed some may quit the reintegration program. There is a lack of accommodation in the hostels due to the increasing number of participants in the program. By the end of November 2004 no monitoring or evaluation mechanism was in existence⁶⁷.

While demobilization of adults and children is essentially identical, there are some differences with regard to the sequences and contents of the reintegration programs.

Reintegration of children

The *Instituto Colombiano de Bienestar Familiar* (ICBF) is in charge of the reintegration of children. It is assisted by the national agency “*Defensoría del Pueblo*” and international organizations like the Organization for Migration and the US Agency for International Development (USAID). The goal of the reintegration program for children is to keep them out of the conflict and to help them to enter into a civilian life and protect their rights as children. An attempt is made to repatriate children back to their families’ homes. All adolescents under 18 years old who have been involved as members of illegal groups in war actions have access to the programs of the ICBF. Adolescents have access to the programs regardless of whether they turned themselves in or were captured.

Reintegration consists of the following elements:

- Prevention – which is implemented by the ICBF throughout the country. These programs give the adolescent prospects for the future and keep them out of the conflict.
- Attention – adolescents receive protection in transitional homes (“*hogares tutores*”) for a period of up to 45 days as well as through “*centros de atención*” (attention centers) where they receive psychological assistance, education, and vocational training for 8–12 months.
- Finally there are “*casas juveniles*” (youth houses) where the adolescent is prepared within the scope of the ongoing programs for self-reliance until he or she reaches the age of 18. Afterwards the adolescent has the right to enter the reintegration program of the Ministry of the Interior in case he/she fulfills the requirements of CODA.

67 Interview with Juan David Angel, Program director of the reintegration program of the Ministry of Interior and Justice, 18 November 2004.

- There is also a component for family protection. In “hogares tutores” 1–2 children stay in families to re-learn social and general life skills⁶⁸.

Numbers of demobilized children (1999–2004)

Month	1999	2000	2001	2002	2003	2004	Total
January	-	9	6	13	35	62	125
February	-	2	17	24	21	50	114
March	-	1	15	31	37	42	126
April	-	1	7	31	47	49	135
May	-	19	18	40	53	66	196
June	-	7	28	33	104	46	218
July	-	5	25	32	96	57	215
August	-	2	17	32	63	40	153
September	-	4	15	29	71	93	212
October	-	1	11	39	80	77	208
November	7	9	25	37	60	36	174
December	3	40	12	54	59	66	234
TOTAL	10	100	196	394	726	684	2110

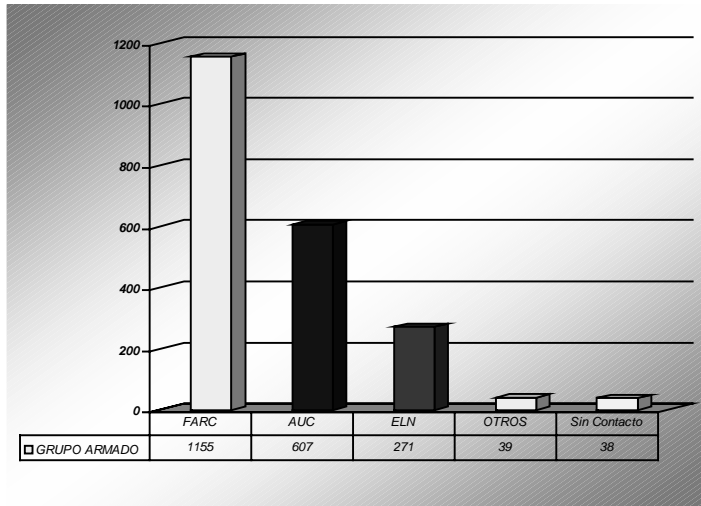
Source: Sistema de Información ICBF-OIM; Cut off date: 31 December 2004

72 percent of all demobilized children were male, 28 percent were female. 1,155 children belonged to the FARC, 607 children to the paramilitaries, and 271 to the ELN. The rest belonged to other dissident groups or had no contact with any of the mentioned groups.

One main problem in the reintegration of children consists of high security risks in certain parts of the country. It is often impossible to reunite the children with their families, as these children are often not permitted by the guerrillas or the paramilitaries to leave their regions. Underage combatants with children and children with AIDS pose another serious challenge. Special programs for adolescents with children do exist but are not yet sufficient. Some children quit the reintegration programs because they have to feed their families and depend on the salary the insurgent groups pay them. At the same time, the insurgent

⁶⁸ Interview with Luzmila Cardona of the ICBF on 17 November 2004.

groups try to retain children by offering them money, alcohol or force them into prostitution.



Source: Sistema de Información ICBF-OIM; Cut off date: 31 December 2004

The ICBF program still does not include evaluation and monitoring components, thus the effectiveness of the projects cannot be monitored, and it is therefore not clear what happens to adolescents after they have left the programs. Monitoring and evaluation thus has to be institutionalized. Coordination between the different national and international agencies involved should be a key element of such an output orientation.

The numbers of children who directly participated in the armed conflict varies between 11,000 to 14,000 children⁶⁹. The number of children affected by displacement and physical and/or psychological force could be as high as some 1.5 million⁷⁰. Children and adolescents are mostly disregarded in the peace processes and reintegration programs even though they make up a considerable part of the total number of combatants. Of the estimated overall number of child soldiers, 2,200 are estimated to belong to the AUC, 7,400 to FARC, and 1,480 to the ELN⁷¹.

Olara Otunnu, Special Representative of the Secretary-General for Children and Armed Conflict, stressed in New York

69 "You'll learn not to cry", at:

<http://www.hrw.org/reports/2003/colombia0903>;
La infancia amenazada www.unicef.es/contenidos/250/sowc05_sp.pdf.

70 *El tiempo*, 10 December 2004.

71 "You'll learn not to cry", at:

<http://www.hrw.org/reports/2003/colombia0903/>

on 20 January 2004 the necessity of protecting and rehabilitating war-affected children⁷². This includes the consideration of child soldiers in DD&R programs. Child soldiers were often forced to join the illegal groups and they could become victims again if reintegration programs do not assist them. Reintegration can be seen as compensation for a lost childhood and youth as well as for the traumatic experiences that the children had to suffer during the conflict.

Female fighters

As members of the armed groups, women were also involved in the conflict. Female fighters were mainly recruited by the FARC, where one-third of the combatants were estimated to be women⁷³. Women may have taken on new roles and authority by having joined armed groups or by having provided for their children themselves and may not want to give up this new self-reliance. Women are often victims of the conflict too – as victims of sexual abuse or as sex slaves within the insurgent groups; unfortunately, they are often not recognized as victims of sexual violence. Women are also affected by the conflict as forced combatants, as mothers, partners, and relatives who suffered the loss of a family member and often have to support their families on their own. Despite of the fact that some participated in the fighting, they often are not respected as fighters. 74 percent of the displaced persons are women and children. Unfortunately, there does not yet exist any special demobilization and reintegration program for women.

Disabled ex-combatants

Eight percent of the ex-combatants are handicapped in need of special treatment⁷⁴. Many of those handicapped are victims of mines. Minefields have to be cleared and agreements on the reduction and control of antipersonnel mines should be signed. Special reintegration programs have to be established that focus on the needs of disabled ex-combatants. However, it is often difficult to establish whether a person is handicapped as a result of the conflict or from an accident that happened prior to joining the conflict. Victims have to register in their hometowns, but due

72 <http://dominio.un.org/UNISPAL.NSF/0/2d476bcd3a5886fa8525e220053845d?>

73 www.womenwarpeace.org/issues/ddr/ddr.htm

74 www.altocomisionadoparalapaz.gov.co/desmovilizaciones/2004/balance.htm

to their membership in a military organization the previous status can often not be proven.

The indigenous population

The rights of Colombia's indigenous population were defined in 1993 when the new constitution was adopted. However, the institutions are not strong enough and the state does not make sufficient efforts to guarantee indigenous rights. As a result, the estimated 750,000 indigenous people, who live in some 80 communities throughout the country, suffer from human right violations committed by actors from all parties to the conflict. The "demilitarized" and "neutral" zones which the indigenous people live in are regularly penetrated by armed groups. The traditional indigenous authorities are not respected by these groups, which try to impose their law on the native communities. The indigenous leaders are often killed and the communities are at times forced to leave their home regions. If these regions are of interest to the armed groups, this risk increases. Between 2000 and 2002, nearly 150 indigenous people, mostly community leaders, were killed⁷⁵.

Insurgent groups are moving more and more into "neutral zones" to cultivate the coca plant. They move to indigenous territories because fumigation (= eradication of illegal coca crops by spraying poisonous chemicals) is prohibited there at least in theory. The irregular groups are not just interested in expanding the area of cultivable land for their illicit crops but they are also interested in appropriating the indigenous territory. Due to the high number of assassinations and displacements in some regions, Rodolfo Stavenhagen, special rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, announced in his report to the Commission on Human Rights that some native communities are in danger of extinction⁷⁶. As most indigenous people who are forced to leave their traditional settlement areas move to other rural regions and do not register as internally displaced persons (IDPs), it can be assumed that the real number of affected persons is higher than estimated.

Nine percent of the reported violations of indigenous rights are ascribed to the Colombian armed forces. The *soldados campesinos* and the network of informers also have a negative impact on the native population. These 'assistant soldiers' are

75 "Callejon con salida" at www.pnud.org.co/2003/full/capitulo_5.pdf. 2004, p. 16.

76 <http://daccessdds.un.org/doc/UNDOC/GEN/G05/101/60/PDF/G0510160.pdf?OpenElement>.

reported to have attacked indigenous people or to have arrested some of them on falsified grounds. The indigenous peoples would be directly affected if Law No. 48 of 1993, which exempts them from military service, was modified as intended. Males would have to serve regardless of the ethnic background⁷⁷. It has been suggested that the government stop the obligatory military service for indigenous people. Indigenous peoples should not only be protected – their representatives may actually have an active role to play in the peace talks, too. Furthermore, all armed groups should respect the neutrality of the demobilized zones. If necessary these zones should be monitored and controlled by international observers.

Internally displaced persons

Internally Displaced Persons (IDPs) are one of Colombia's main problems. In 2004 alone, more than 200,000 persons were forced to leave their homes and became internally displaced persons. Between January 1995 and December 2004, some 1,568,596 persons were registered in the “*Sistema Único de Registro*” (SUR) – a governmental institution that deals with IDPs⁷⁸. The independent organization “*Consultoría para los Derechos Humanos y el Desplazamiento*” (Codhes) that in their figures includes those IDPs who did not register in the government institution SUR, reported for the same period some 2,590,041 IDPs⁷⁹. The IDPs fled temporarily in fear of repression by illegal groups or as a result of ongoing fights between armed groups. Other reasons include a reaction to economic pressure resulting from fumigation.

It became the war strategy of the paramilitaries to fight the populations supporting the guerrillas as they realized that they could not destroy the guerrillas itself, at least with weapons only. The paramilitaries also use forced displacement to consolidate their power in some regions by replacing the enemies' supporters with their own sympathizers. The guerrillas in turn used violence to force people to stay in their regions. The guerrillas do not permit people to leave because they do not want to lose their regional infrastructure. It was reported, for example, that some 1,400 members of the community of Aquitania, Antioquia had to stay in their village against their will⁸⁰. Another reason for the high

77 Comisión Colombiana de Juristas. 2004, p. 51.

78 www.red.gov.co/Download/Files/Registro_SUR/Registro_SUR_Feb_08_2005/Registro_SUR_Feb_08_web_Acumulado.htm

79 www.codhes.org.co/cifra/GraficoTendencias1985_2004.jpg

80 www.codhes.org.co/dbreves2.php?breve=217

number of internally displaced persons is the ongoing military offensive against the FARC.

The result of the large displacements is a high concentration of territory in the hands of few groups while a large number of peasants and refugees have to abandon their farms, etc. and thus are deprived of their livelihoods. It is therefore important to give the IDPs a possibility to reclaim their property. If the rights of the nearly three million displaced persons are not respected while special programs are offered to the perpetrators of violence, national reconciliation will be impossible. Land reform, financial assistance, and special reintegration programs or reintegration programs for ex-combatants should include IDPs.

International Cooperation

Organization of American States (OAS)

The Organization of American States (OAS) possesses a long tradition and high legitimacy in the region – it is particularly well placed to observe compliance with international legal standards. On 23 January 2004, the OAS signed an agreement with the Colombian government on how to monitor the peace process⁸¹. The promotion and defense of human rights as well as the strengthening of the judiciary system and the recovering of trust and security throughout the country are further goals. The mission is planned to last three years. The OAS installed nine regional offices and “networks” in the most affected areas to observe and facilitate demobilization of the paramilitaries. The mission consists of eight international and six national cooperators. The main goal of OAS’ mission is to monitor the demobilization process of the paramilitaries. Until now the OAS has not been able to guarantee the announced cease-fire. One reason seems obvious – the number of observers needs to be higher.

The OAS monitors the disarmament, the security and the general situation within the demobilization zone. This includes the situation of the paramilitaries as well as that of the inhabitants of this zone. Subsequently the organization assists the ex-combatants too, by helping them to reincorporate into working life and civil society. Juridical support for ex-combatants is also offered where requested.

81 216.239.59.104/search?q=cache:li-he47I4lsJ:www.oas.org/documents/OEA-Colombia/inf-colombia051104e.pdf+OAS+23+january+2004+colombia&hl=de&ie=UTF-8

The OAS, represented through the Inter-American Commission of Human Rights (IACHR), monitors the situation within the demobilization zone and other directly affected areas, predominantly concentrating on the situation of vulnerable groups. The situation of the indigenous population in Santa Marta as well as the situation of children and women is taken into special account. To observe a wide territory, the OAS works as an intermediary between international and national NGOs and the Colombian government.

The IACHR criticizes the human rights situation in different regions of Colombia, underlining the extraordinary importance of a clear legal framework. Paramilitaries who are accused of crimes against humanity should not be immune against prosecution. The OAS additionally calls for an improvement of victims' rights. The IACHR stresses as well that the draft law on Truth, Justice and Reparations (*verdad, justicia y reparación*) (see above) should focus more on the real needs and on the indemnification of victims rather than on the rights of the perpetrators.

The United Nations

The United Nations Development Program (UNDP) is working together with the Colombian government on the reduction of poverty and the "promotion of democratic governance". The UN High Commissioner for Human Rights (UNHCR) plays an important role in documenting the human rights situation within Colombia. He also developed a list of recommendations that served as a basis for the EU in the London talks with the Colombian government. This donor meeting took place on 10 July 2003 with representatives of 24 governments. A stronger involvement of the international community in the current demobilization process of the paramilitaries was discussed and the Colombian government asked to respond to the UNHCR's recommendations, especially with respect to the human rights situation.

To improve the situation of children, UNICEF is working together with the ICBF on reintegration programs for child combatants. The United Nations Regional Center for Peace, Disarmament and Development in Latin America and the Caribbean (UN-LiREC) additionally plays a role in the fight against illegal weapons trafficking. It trains law enforcement officials on the small arms problem and promotes the Small Arms and Light Weapons Administration (SALSA) System. This web-based computer system was developed with the aim of providing

a platform to increase coordination and cooperation among partners in Latin American and the Caribbean region.

UN special adviser James LeMoyne, who has worked as mediator between the FARC and the Colombian government since 2001, announced his resignation in April 2005. The government and the guerrillas had come to the conclusion that peace talks are currently futile. The Colombian government insists on a unilateral cease-fire to start negotiations while the FARC demands for itself a neutral zone, a kind of safe haven.

The International Organization for Migration (IOM) and the International Labour Organization (ILO)

The International Organization for Migration and the International Labour Organization work in the field of the reintegration of conflict-affected children. The IOM office in Colombia backs the government's efforts through the promotion of initiatives that aim at a strengthening of civil society and, above all, ethnic minorities, victim organizations and human rights organizations. IOM assists the Colombian government actively through consulting, the allocation of experts, and training in the areas of conflict resolution and leadership. IOM trains so-called "*consejeros de paz*" – local experts in conflict resolution and promotion of peace and created the so-called "*Centros de Convivencia Ciudadana*". These Centers shall promote the peaceful co-existence of citizens and offer incentives for the strengthening of governance. The IOM also supports different programs for child combatants, and developed a program for the insertion of demobilized adolescents in the labor market. Finally, IOM was involved in developing a questionnaire on the demobilization process and provided technical assistance in the preparation of identity cards for the paramilitaries.

The European Union

The European Union and the Colombian government met in London in 2003, when the EU declared its solidarity with the Colombian government. In the London Declaration of July 2003, recommendations of the UN High Commissioner for Human Rights (UNHCHR) were announced, including the recommendation to publish a plan of action on human rights with a timetable for implementation⁸². These recommendations have not yet been implemented and the relationship between Colombia and the European Union subsequently suffered in 2004. Instead

82 usofficeoncolombia.org/documents/londondeclarationmemo.htm

of fulfilling the London Recommendations Colombia's government is looking for a military solution with the guerillas. The creation of *soldados campesinos* and the *red de informantes* is heavily criticized by the European Union. The European Union is also skeptical of the *Plan Colombia* and the European Commission is therefore not willing to support it financially. The Iraq war worsened EU-Colombian relations even further – while most of the European countries had criticized the US government for its war against Iraq, Colombia followed the US government. Following the change of government in Spain, the new President Zapatero stopped the delivery of 32–42 tanks to Colombia⁸³.

While Colombia is asking for some direct bilateral technical and financial support for the ongoing demobilization process with the paramilitaries, the European Union combines its willingness to help with some preconditions. The European Union links its support to further integration of the Andean region. Furthermore, the EU announced its support for Colombian efforts conditional on fulfilling the human rights requirements formulated by the High Commissioner of Peace of the United Nations Office in Colombia. To revitalize its relationship with the EU, it is important that Colombia demonstrate a willingness to meet the European Union's human rights requirements. Colombia should fulfill the list of 27 recommendations set by the UNHCR in London in 2003.

The lack of transparency and the unclear legal situation regarding the demobilization of the paramilitaries are additional reasons for the reluctance of the European Union. A sign of improvement might be seen in the agreement of the European Union and the Colombian government during their meeting in Brussels on 13 December 2004. In this agreement, the European Union reaffirmed its will to accompany the Colombian peace process. The EU said that it is willing to facilitate the reestablishment of national unity and justice. The fight against terrorism and the reformation of social cohesion are additional concerns of the EU.

The EU may exert more influence on the design of the new *Plan Colombia* – the focus of which should be less on military aspects and more on the recognition of human, children's, and women's rights. At a later stage, the European Union could extend its assistance as a mediator. The European Commission already supports the Colombian peace process through so-called "*laboratorios de paz*" (Peace Laboratories). These peace laboratories are comprehensive programs aimed at supporting peace initiatives

83 www.colombiaweek.org/20041004.html

on the local level. There is one peace laboratory in Magdalena Medio. A second peace laboratory was set up in 2003 to cover the regions of Norte Santander, Oriente Antioqueño and Macizo. The EU announced in April 2001 at a meeting with the Colombian government that it would support Colombia with €330 million. €140 million are planned to be transferred to Colombia between 2001 and 2006 through technical aid delivered by the European Commission⁸⁴. It is the largest sum for a single country in Latin America. Additionally the EU supports Colombia through special trade benefits. The Commission recently submitted its project for the renewal of the Generalized System of Preferences (the GSP) that should enable to maintain and even increase the preferential trade treatment enjoyed by Colombian exports to the EU. The EU Commission should proceed with financing the peace laboratories and try to expand them. These laboratories could play an important role in the promotion of civil conflict resolution and in the promotion of democratic structures within the conflict-affected regions. An evaluation about already executed programs is planned to be carried out.

United States

Development aid and military assistance makes the United States the biggest donor in Colombia; Colombia at the same time is the third-largest recipient of US military aid in the world after Israel and Egypt. Apart from this assistance, the United States may play a more constructive role in the peace process as well. The *Plan Colombia* was launched by former Colombian president Andres Pastrana, who conceived it as a countrywide economic and social support program. Since President Clinton (1993–2001) signed the *Plan Colombia* on 13 July 2000, the United States provided more than US \$3.7 billion in assistance until the end of 2004. For 2005, President Bush has requested US \$574.15 million in military and police aid and US \$150 million in social and economic aid for Colombia⁸⁵.

Military aid not only focuses on financial help but also on training assistance. The number of active American troops in Colombia rose to 800 men. The main goals of the *Plan Colombia* are to fight drug cultivation and strengthen the rule of law on Colombian territory. Successes of this program, such as the

84 europa.eu.int/comm/external_relations/news/ferrero/2004/sp04_508.htm

85 ciponline.org/colombia/aidtable.htm

number of destroyed coca fields and the reduction of available cocaine in the United States can be felt directly in the United States.

However, as announced by the National Drug Intelligence Center (NDIC) in one of its latest reports, the availability of cocaine remains quite stable. Compared to the tremendous eradication and fumigation efforts sponsored by the US government the results are sobering⁸⁶. At the same time, the negative impact of fumigation becomes visible. The fumigation of both illegal and legal crops in 2003 forced some 27,000 Colombians to leave their homes⁸⁷. The negative impact on the environment and human health is not yet fully established. As a result of the fumigation, drug cultivators are expanding their cultivation into the more inaccessible regions, or national parks and reservations, knowing that aerial herbicide spraying is prohibited there. In 2003, 116,000 hectares of coca were eradicated by aerial spraying. Compared to the 160,000 hectares that were cultivated in 1999, the 86,000 hectares that were cultivated in 2003 represent a 40 percent reduction⁸⁸. Obviously, the cultivation of coca has in many cases just been transferred to other Colombian regions or neighboring countries.

As part of alternative development, USAID is supporting the improvement of infrastructure in Colombia's rural areas to build a market for crops. These infrastructure programs include the building of streets, municipal buildings, water systems and schools, etc. Other programs managed by USAID concentrate on strengthening Colombia's democracy. These projects are targeted at an improvement of Colombia's juridical system, the empowerment of local governance and the protection of human rights. USAID is also working on programs with IDPs and child soldiers. A recent request to USAID related to the support and design of a demobilization and reintegration program for adult combatants is under review. However, as paramilitaries are categorized as terrorists, an approval seems unlikely due to legal problems. However, the United States already supports the demobilization of paramilitaries with US \$3 million. Due to its direct and indirect involvement in the counterinsurgency, it is impossible for the United States to play an active role as a mediator. At the same time it is obvious that US interests can not be ignored. The extradition orders of the US government covering paramilitary and guerrilla leaders that are accused of

86 usofficeoncolombia.org/documents/pcf04.pdf

87 usofficeoncolombia.org/documents/pcf04.pdf

88 www.unodc.org/pdf/colombia/colombia_coca_survey_2003.pdf

drug trafficking and money laundering have to be taken into account. It is questionable to what extent the Colombian government will be able to make independent decisions on these extradition requests.

As the *Plan Colombia* will be reshaped, a new definition of the subject of cooperation and assistance should be considered. The United States should use its influence on the Colombian army and connect further military aid to the complete cut of relations between the army and the paramilitaries. The United States should also consider reintroducing the so-called “Clinton ban” to stop illegal arms trafficking to Colombia.

Recommendations

- The Colombian government has to create an adequate legal framework for the implementation of the demobilization programs. This framework has to define the eligibility criteria, the procedure, and scope of the reintegration measures. Such a legal framework has to guarantee the prosecution of serious crimes that were committed by demobilized paramilitaries.
- Colombian civil society has been affected directly and indirectly by the conflict. Large numbers of people died, many became victims of physical and psychological violence. Others were kidnapped or had to flee. Their situation has to be included in the design of reintegration and reconciliation programs. Chances for an integral and sustainable peace depend on an acknowledgement of the needs of war-affected groups as well as a satisfaction of their right to truth and compensation.
- Successful reintegration depends on an adequate institutional framework. One single coordination and decision-making body is required to manage the different implementing organs.
- As the success of the demobilization depends largely on successful reintegration, measures should be fostered in this regard. Solid funding, monitoring of the programs and continuous assistance to ex-combatants, even after they have finished the official programs, is essential. The design of the programs has to focus on the requirements of the ex-combatants and the receiving society. Participants of the “individual demobilization” have to be treated equally.
- An integral strategy is required for pacification. Negotiations should not just involve the insurgent groups but groups

affected by the war too – including ethnic minorities, women's organizations, human rights associations, organizations dealing with displaced persons, as well as victim groups, trade unions and international NGOs.

- A requirement for the success of the DD&R process in Colombia is a sustainable security environment within the demobilized zones. Militarization of civil society has to be avoided, as does infiltration of the military or the private security sector by former combatants. Connections between the military and the paramilitaries should be cut effectively. Paramilitary structures have to be dismantled and their networks must be disrupted.
- Sensitization to the needs and perspectives of vulnerable groups (children, women, the displaced and disabled) has to be included into the DD&R programs. Next to the reintegration programs for children, special DD&R programs for women and disabled persons have to be launched.
- Transparency is a prerequisite for stronger international participation. Donors should be more incorporated in the planning and execution of the DD&R process.
- After years of civil war and armed conflict a diffusion of violence can be observed in Colombia. DD&R programs should therefore be accompanied by weapons collection programs for the civil society at large.
- Regular program evaluations could help to reduce errors and mistakes, adapt future demobilization programs and identify preconditions for a possible demobilization of the guerrillas.

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