

Negotiating with the paramilitaries

a minefield or
a road to peace?

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Negotiations with the paramilitaries, Santa Fé de Ralito, July 2003

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Few issues have created such controversy during the past fifteen years as the paramilitary and self-defence groups, and their effect on the peace process with the guerrillas. Peacemakers have considered these groups the main spoilers of a negotiated settlement. Thus, negotiations between the government of President Álvaro Uribe (2002–2006) and the United Self-Defence Forces of Colombia (AUC), and the extent of the judicial benefits submitted for congress approval in 2003, have alarmed opposition parties, human rights organizations, sectors of the Catholic church, and even members of Uribe's coalition.

Carlos Castaño, the most outspoken leader of the AUC until 2002, defined his organization as "para-statal", alluding to the paramilitaries' support of the Colombian state in its fight against the insurgencies. However, the main targets of these groups have been unarmed civilians accused of being "guerrilla collaborators", "parasubversives", or "plainclothes guerrillas". Paramilitary groups have killed, silenced, or forced the displacement of thousands of trade unionists, social, political, or human rights activists and leaders, as well as inhabitants of the regions with social conflicts and guerrilla influence. According to the Colombian Commission of Jurists, they are responsible for two thirds of the selective killings and assassinations with known perpetrators of the past decade. The UN and international human rights organizations have also expressed their concern at the process. In late August 2003, Michel Frühlings, Director of the Colombia office of the UN High Commissioner for Human Rights warned about the extent of the planned judicial benefits and called for adherence to the norms of international law.

Motivations for the negotiations

What are Uribe's motivations for engaging in such risky and criticized negotiations with the AUC? His electoral campaign emphasized the need to strengthen the state and the rule of law; having an irregular armed group accumulating political and military power and resources under the pretext of defending and assisting the state was therefore untenable. He was also elected with strong support from regional constituencies with ties to the AUC, such as cattle ranchers and agribusiness elites. Uribe is responding to their requests to provide a suitable exit for AUC leaders, powerful regional landlords, businessmen and military entrepreneurs. Finally, he is committed to defeating the insurgencies through a combination of military force and politics, and aims to isolate them from any political support. The AUC's demobilization would portray the guerrillas as recalcitrant groups insisting on armed struggle and terrorism.

The AUC leadership saw Uribe's term of office as a favourable opportunity to demobilize. His political stance gave them confidence: he has criticized any negotiation other than terms of surrender with the guerrillas, his government has continued a military build-up that seems to be containing the insurgents, and his tax-raising campaign to fund the armed forces has diminished the flow of resources to the paramilitary treasuries. As the AUC and its allies are not fighting the government or advocating social or political reforms, this combination of factors persuaded the main AUC leaders to seek an advantageous negotiation. However, not all groups under the AUC umbrella have easily accepted demobilization. Forces of up to 4,000 armed men in the middle Magdalena Valley, the department of Antioquia, the eastern plains, and Urabá have demanded separate negotiations or remained out of the talks. Disagreements between units have even led to instances of armed confrontation.

Progress in the negotiations

Soon after taking office in August 2002, Uribe outlined the conditions for negotiations: a ceasefire, an end to the killing and abduction of civilians, and the severing of links with the illegal drug business. In response, the AUC announced a "unilateral ceasefire" on 1 December 2002. However, the government failed to establish a mechanism to verify the fulfilment of the conditions for negotiations, despite public knowledge that different AUC groups have continued drug-related activities or operations against civilians. Media outlets, the military and the police – previously extremely critical of the guerrillas' misbehaviour during peace negotiations – have been particularly cautious in reporting or commenting on these activities.

The administration subsequently obtained congressional approval for a new law allowing the government to begin negotiations with an armed group without granting them political status. On 23 December, Uribe appointed a six-person exploratory commission to begin contacts with the AUC and define the conditions for negotiations. The commission includes only one government representative (Carlos Franco, a former guerrilla demobilized in the early 1990s and in charge of the Human Rights Programme of the Vice-President's office). The other five members are private citizens, whom critics claim were appointed because they hold the same political views as Uribe. Representatives of the Catholic Church agreed to facilitate the talks. After seven months of confidential negotiations at the paramilitary compounds in northwest Colombia, the commission released a public statement on 25 June 2003. It recommended that the government continue the negotiations, and enable "verifiable implementation of

a total ceasefire," suggesting the concentration of forces as a means to fulfil this condition. The commission also demanded an end to illicit activities such as "drug trafficking, stealing of fuel, extortion and abduction". It asked the Catholic Church to continue its role as facilitator and witness of the negotiations, the international community to support the process, and the government to define judicial mechanisms to "pave the road to peace." Then on 15 July, High Commissioner for Peace Luis Carlos Restrepo and nine of the AUC leaders signed the *Santa Fé de Ralito Accord*, outlining the parties' acceptance of the commission's statement and the phases of a demobilization process to begin before the end of 2003 and be completed by the end of 2005. Towards the end of 2003, the Bloque Central Bolívar and the Bloque Aliado Vencedores de Arauca signed a similar agreement. By the end of the year, 870 paramilitaries had demobilized in Medellín, and 155 in Ortega, Cauca.

Concerns about the process

Critics of the process have two main concerns: the timing of the judicial benefits and the lack of a comprehensive peace plan that includes negotiations with the guerrillas. Human rights organizations accept that a degree of impunity is justified when a peace process includes all parties, and the likelihood of ending the confrontation is high. They claim that any concession to the AUC should be the outcome of a process in which the victims' rights have been addressed. They are also concerned that negotiations could help drug traffickers within the AUC to whitewash their police records and legalize their properties without punishment. Carlos Castaño announced that "if the alternative at the end of the road is jail, none of the AUC commanders and his troops would walk in that direction," warning about the effects of failure in the negotiations.

In May 2003, former Interior Minister Fernando Londoño submitted the government's 'alternate penal plan', which aims to 'facilitate national reconciliation and reparation for the victims'. Initial reactions suggest it will not be approved easily. The President's initiatives are likely to face difficulties in light of the failure of the government-sponsored referendum on 25 October and the recent success in the regional and local elections of the *Polo Democrático*, which has led opposition to the process.

By tackling one of the most difficult issues of the armed conflict President Uribe has demonstrated that he likes tough games. However, the negotiation could become a minefield, creating the conditions for new cycles of revenge and deepening Colombians' frustration. It could also be a first step on the road to peace. For this to happen, President Uribe needs to behave like a peace and nation builder, rather than a warmonger.