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# Criminal Agendas and Peace Negotiations

## The Case of Colombia

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## EXECUTIVE SUMMARY

The objective of this paper is to analyze how criminal agendas were addressed during the peace negotiations between the Revolutionary Armed Forces of Colombia (FARC) and the Government of Colombia (2012-2016) and to highlight key lessons that can be drawn for future application.

### Key innovations:

Illicit and criminal economies, ranging from drug trafficking, illegal mining, kidnapping and extortion have shaped the nature, dynamics and duration of the 52-year long conflict in Colombia. As FARC leadership and representatives from the Colombian Government entered the peace talks in 2012, there was no escaping the need to take into account criminal agendas on the prospects of peace in the country. Negotiators recognized that criminal agendas were a threat to the process but also to the very social fabric of the country and developed key innovations to tackle them, including:

- The provision of credible security guarantees to FARC's membership, particularly from criminal organizations. This was key to convincing the FARC to lay down their arms and commit to the peace process;
- A paradigm shift in the strategy to combat illicit economies. The negotiators agreed to adopt a public health-based approach to dealing with the problem of illicit drugs and agreed to work together to combat organised crime. The FARC agreed to leverage its criminal insight to combat illicit economies and the government agreed to create viable alternatives to illicit economies for FARC members and local communities;
- A shift away from criminal to restorative justice, creating alternative sentencing models that privileged reconciliation over incarceration. The process also found practical ways to distinguish between politically-motivated crimes and those committed for profit-driven motives. This helped persuade the FARC to open up about its hidden criminal agendas.

### Challenges and unintended consequences:

Despite these innovations, a series of challenges and unintended consequences threatened the viability of the negotiation process and the ultimate agreement:

- The threat of dissidence and recidivism among FARC members remained a constant threat throughout the negotiations and continues to be a primary source of pre-occupation for public authorities. Criminal groups continue to lure FARC members into their fold by offering double the stipend that they will receive through disarmament and demobilization;
- The lack of state capacity to guarantee the security of FARC members, their families and the communities in which they operated is becoming evident. A worrying number of social leaders have been assassinated and criminal organisations are moving into FARC-controlled territory, leaving populations vulnerable to criminal control;
- Since the beginning of the negotiations, coca production has risen dramatically, causing many opposition leaders to question the effectiveness of the peace process and provoking serious questions about the capacity of the state to contain illicit economies.

### Key recommendations:

To tackle these challenges, this paper identifies a series of policy recommendations for both national and international actors supporting the peace process and its implementation.

- **Cultivate a robust knowledge of criminal agendas today and assess how they will evolve tomorrow:** the link between peace negotiations and criminal agendas is a two-way interaction. Criminal actors are great entrepreneurs and have a tremendous capacity to adapt to changing circumstances on the ground. It is essential that public authorities understand the types of new opportunities and governance vacuums that will be created by removing key actors from the criminal market.
- **Devise new and inclusive strategies to deal with pervasive illicit economies** including: providing credible economic opportunities and alternative sources of livelihood, recovering criminal assets and developing options for criminal organizations to transition into the lawful order.

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- **Place emphasis on the social dimensions of re-integration** by developing longer-term strategies that go beyond economic incentives and include psycho-social support, the development of non-violent networks, and tailored incentives that speak to each profile and category of the population that is being re-inserted.
  - **Target capacity building to enable state authorities to bring the most pernicious criminal actors to justice:** In Colombia, this means strengthening the capacity of the Attorney's General Office, identifying and supporting rule of law reformers (especially in the security sector) and localizing anti-corruption efforts.

## INTRODUCTION

After more than fifty years of conflict, bloodshed and destruction became the norm in parts of Colombia. Violence took many forms ranging from guerrilla warfare, to extortion, kidnapping, political assassinations, terrorism and criminal disorder. The results were devastating with over 220,000 deaths, nearly six million displaced<sup>2</sup>, 23,000 targeted assassinations, over 1,500 victims of terrorism, 11,000 maimed as a result of land mines and over 27,000 kidnap victims since the conflict began in 1964. This horror was punctuated by some 1,982 massacres committed by paramilitary groups, rebel groups, Government authorities and others.<sup>3</sup>

Beyond the shadow of doubt, criminal agendas were deeply intertwined in the conflict and emerged as a pivotal factor shaping the nature, scale, duration and motive behind much of the violence. The Revolutionary Armed Forces of Colombia (FARC) was not the only armed actor engaged in criminal activity, yet the scale of its involvement was profound causing some to question the degree to which FARC's political cause had been compromised by criminal ambition.<sup>4</sup>

Many approaches have been attempted over the years in Colombia to deal with criminal agendas in the context of conflict. Initiatives have ranged from heavy-handed military approaches aimed at defeating the FARC, to failed attempts at brokering peace with the guerrilla group.<sup>5</sup> When Colombia emerged as the largest coca producer in the world in the 1990's, exorbitant resources were spent to eradicate coca production in the country. Many of these programs were met with mixed reviews and ultimately did little to alter the structural drivers behind illicit economies or to change the political realities of a socially, economically and politically divided country.

Thus, when a peace agreement was finally approved by Congress in November 2016, after a tumultuous process that included a failed referendum and revisions to the initial agreement, it represented a significant breakthrough.<sup>6</sup> The accord was remarkable in many respects and particularly in how it sought to deal with criminal agendas. The 310-page agreement recognized organised crime as the central threat to the viability of

the agreement.<sup>7</sup> The peace accord acknowledged that a sustainable pact needed to move beyond technical efforts to deal with criminal economies and include reforms that took to heart the political realities of the country and challenged the well-entrenched political and social order that had established itself after decades of conflict.

This case-study sets out to analyze how the FARC and the Government of Colombia handled criminal agendas within the context of peace negotiations between 2012 and 2016. It does not seek to provide a comprehensive analysis of the peace accord nor a complete account of the conflict. Rather, the focus is on assessing how criminal agendas impacted the negotiations and highlighting key lessons that can be drawn from this case for future application.

The study begins by providing an overview of the complex relationship that emerged between criminal agendas and conflict actors over the course of the insurgency. A second section highlights key innovations in the attempt to mitigate criminal agendas and a third, the unintended consequences of the peace deal on criminal agendas. The paper concludes with a list of key policy recommendations that take stock of lessons learned.

The analysis presented in this case-study is based on extensive desk-based research and fieldwork conducted in Colombia between November and December 2016. During the course of the fieldwork, the authors interviewed over forty stakeholders including negotiators who took part in the peace talks, journalists, researchers, government representatives,<sup>8</sup> local authorities, NGOs, UN entities,<sup>9</sup> regional organizations,<sup>10</sup> victims associations, community representatives and officials from the diplomatic community.<sup>11</sup> In order to avoid a capital-centric analysis, in addition to Bogotá, the research team traveled to Medellín and Apartadó (see Map 1). The latter two cities were chosen due to their proximity to the conflict and associated violence, the presence of armed groups, and their strategic location along key trafficking corridors.<sup>12</sup> In addition, a series of interviews were also conducted in Washington D.C. and New York with various international, regional organizations and think tanks<sup>13</sup> to get a broader, international view of the process.

Map 1: General Map of Colombia\*



Source: UN Cartographic Services

\*Red circles indicate where fieldwork took place (Bogotá, Medellín and Apartadó)

## WHY CRIMINAL AGENDAS CANNOT BE IGNORED IN COLOMBIA

Illicit activity ranging from drug trafficking, illegal mining,<sup>14</sup> kidnapping and extortion have long sustained armed actors in Colombia. Yet, the impact of criminal agendas does not end there. These activities have facilitated access to political power, enabled social control and even helped to sustain the legitimacy of guerrilla movements.<sup>15</sup> By regulating coca production, resolving disputes and delivering extra-judicial justice, the FARC was able to provide communities under its control with access to livelihoods and a relatively predictable, albeit difficult and often violent, way of life. In so doing, the FARC was able to present itself as more than a revolutionary movement but also as a protector of marginalized communities, particularly when their livelihoods were threatened by eradication drives mounted by the Colombian government and backed by the United States. As its involvement in illicit activity increased throughout the 1990<sup>s</sup> and early 2000<sup>s</sup>, the FARC became ever more dependent on criminal rents for both its economic and political power, thereby making it increasingly difficult to disentangle the FARC's political motivations from its criminal interests.<sup>16</sup>

## Criminal Agendas and the Colombian Armed Conflict - A Historical Overview

Criminal agendas in Colombia have established roots in the very essence of the Colombian state-building project, which has been characterized by deep socio-economic divisions and a wildly differentiated state presence throughout the country.<sup>17</sup> In fact, evidence indicates that across large swaths of the rural country-side, the few state institutions that exist either lack capacity or have been coopted by private interests and illegal actors.<sup>18</sup> In these localities, the state does not have (perhaps never had) a monopoly over violence or tax collection.<sup>19</sup> In fact, most aspects of daily life in these areas have been governed by armed and criminal groups that have either filled the vacuum left by the absence of the state or replaced or supplanted the state.<sup>20</sup>

It is in these peripheral zones where criminal agendas have thrived. The outcome has not always been violent. In some areas, collaboration has been the preferred *modus operandi*. In such instances it is not uncommon to witness criminal actors team up with local elites and illegal armed groups to further their own interests.<sup>21</sup> Social and economic elites have often used their patronage networks<sup>22</sup> to corrupt state officials and to manipulate state finances (allocation of budgets, payrolls and contracts) at the national and local levels.<sup>23</sup>

### Box 1: Understanding the FARC's criminal agenda

The precise extent of the FARC's involvement in illicit economies remains a matter of debate. Estimates of FARC's income garnered through illicit activities range from several hundred million to \$3.5 billion annually.<sup>24</sup> The FARC has traditionally downplayed the level of its engagement in drug trafficking. When it ultimately conceded to engaging in illicit activity, its leadership contended that the proceeds obtained from these acts (extortion, kidnapping, coca cultivation) were exclusively motivated by and used to support their political objectives. Others argue that criminal rents have emerged as the *raison d'être* of the FARC in certain territories.<sup>25</sup> Both narratives are likely true.<sup>26</sup>

Uncontestable is the fact that revenues from criminal economies enabled the guerrilla group to expand significantly both in membership and geographic reach.<sup>27</sup> FARC leadership officially endorsed the taxation of coca to fund the insurgency at the guerrilla group's Seventh Conference in 1982 and by the late 1990s, the FARC emerged as the single largest buyer of raw materials for cocaine production. At their peak, the organization was supporting 60 fronts with approximately 18,000 members. This helped the FARC to establish what some called a "rebelocracy" in concrete territories under its control where the guerrilla group would regulate every aspect of economic, political and social life.<sup>28</sup>

Yet, the FARC's involvement in criminal economies also came with organizational challenges. Internal tensions and fractures began to emerge in the 1990s between senior leadership and some mid-level commanders who were accused of being overly enmeshed in illicit activity with little involvement in political work. Tensions mounted between FARC fronts directly involved in the drug business and those who were not. Concerns revolved around the erosion of the FARC's political identity and the perversion of its mission by narco dollars. The "war on drugs" also placed communities loyal to the FARC in heightened danger of bombardment and attack as part of the counter-narcotics operations mounted by the Colombian Armed Forces and backed by the United States.<sup>29</sup> While illicit economies enabled the FARC to raise large sums of money and impose order on vast expanses of territory, its engagement in illicit activity and kidnapping also opened up the organization to increased scrutiny and rejection from a society that on several occasions denounced it as nothing more than narco-terrorists.<sup>30</sup>

The FARC was not the only organization engaged in such criminal activity. In fact, some of the biggest players were paramilitary groups that had strong links to the armed forces, politicians and local elites.<sup>31</sup> Often with support from the state, these groups combined violent counter-insurgency campaigns against the FARC with illicit activities such as drug trafficking and illicit mining. The confluence of such criminal acts with political motives gave rise to what became known as “parapolitics”<sup>32</sup> corroding accountable and democratic governance and challenging the very integrity of state institutions, particularly at the local level. Emerging from this backdrop, efforts to bring peace required strategies that could both end the conflict and mitigate the destructive impact of criminal agendas on Colombia.

### Converging Agendas: From Counter-narcotics to Counter-insurgency and Counter-terrorism

As the link between drug trafficking and political violence solidified, dismantling organizations engaged in drug trafficking emerged as a national security priority for the Colombian government. It was in this context that the Colombian and US governments devised one of the most expansive counter-narcotic programs in history. *Plan Colombia* was sold as a better and broader version of previous bilateral US-Colombia counter-narcotics cooperation agreements. Yet, in practice it was a counter-insurgency strategy that simultaneously sought to reduce coca production and in so doing forcibly extend the authority of the state into territories controlled by guerrilla groups.<sup>33</sup> Aggressive counter-narcotics campaigns in Colombia would make it more difficult to cultivate coca and traffic drugs out of Colombia, but also target an important revenue source of the FARC, which could no longer depend on financial patrons as it had during the Cold War.

This tendency to conflate counter-narcotics with counter-insurgency was only heightened in the wake of failed peace talks with the Pastrana government and the subsequent rise to power of President Uribe who vowed to strengthen the counter-insurgency campaign against the FARC.<sup>34</sup> In the aftermath of the 9/11 attacks in the US, convergence reached another level as the fight against drugs and the FARC was subsumed into the war on terrorism.<sup>35</sup> In fact, at one point President Uribe refused to acknowledge the existence of an armed conflict in the country, categorizing the FARC as a narco-terrorist group.<sup>36</sup>

In addition to weakening the FARC militarily, *Plan Colombia* contributed to a dramatic change in the very conceptualization of security in the country. The war against drugs was merged with a war against communism and eventually against terrorism. The Colombian Armed Forces quickly found themselves working side-by-side with US drug enforcement and military officials in a drawn out effort to confront the FARC and other criminal groups that ultimately changed the criminal landscape across the country.<sup>37</sup>

These transformations unfolded over three key phases. The first (1980-1995), saw big “cartels” (i.e. the Medellín and Cali cartels) dominate the criminal landscape and emerge as the primary source of insecurity in the Country. These large organizations were then dismantled between 1995-2003, leading to a fragmentation of criminal groups and the spread of “mini-cartels” throughout the country. During this period, FARC consolidated its control and deepened its involvement in illicit economies. Re-armed and resourced, the war between the FARC and the Colombian Armed Forces intensified. Finally, between 2003 and 2017, experts began to witness a shift in criminal strategy that embraced fragmentation and adopted a networked model where small criminal groups (*Bandas Criminales*) would collaborate with larger criminal organizations and non-state armed groups (FARC and the ELN) to further their objectives.<sup>38</sup> Some analysts interpreted this final phase as one that “domesticated” criminal organizations while others warned that a “*pax-mafiosa*” might be on the horizon.<sup>39</sup> The effect was one where criminal organizations sought to avoid violent confrontation with the state and with each other, choosing alliances over violent competition. A tangible, and politically beneficial, outcome was the dramatic decrease in the country’s homicide rate, which fell from 86 homicides per 100,000 inhabitants in 1986 to 25 homicides per 100,000 in 2016.

### Previous Attempts at Peace - A Tale of Trial and Error

Over the last three decades, Colombia has experienced no less than nine peace negotiations with various armed and criminal groups.<sup>40</sup> The first wave happened between 1988 and 1991, when the government successfully reached agreements with the guerrilla group M-19, the Workers Revolutionary Party (PRT), the Armed Movement Armado Quintín Lame and the People’s Liberation Army (EPL).<sup>41</sup> The second wave of peace negotiations began in 1994, when three organizations laid down their arms: the Socialist Renewal Current, the Francisco Garnica Front and the Popular Militias of Medellín. The last wave involved the paramilitary groups such as the United Self-Defence Forces of Colombia (AUC).<sup>42</sup> While many AUC members were demobilized, an estimated twenty percent recycled themselves into new criminal organizations denominated by the Government as *Bandas Criminales* (BACRIM) between 2003-2012.<sup>43</sup>

The first attempts to negotiate with the FARC took place in 1984, when the government of President Betancur and the guerrilla reached a ceasefire agreement. Through this dialogue process, the FARC created the Patriotic Union (UP), which would serve as the political party of the FARC. These talks, however, came to a bitter end in 1985 when paramilitary groups launched a series of deadly assaults on civilians, politicians, FARC members as well as UP representatives.

The result was the assassination of two presidential candidates, eight congressmen, 13 deputies and 70 councilors of the UP.<sup>44</sup> Subsequent attempts between the FARC and the government of Andrés Pastrana (1998-2002), also failed after violence on both-sides broke out and escalated, with a heavy toll on the civilian population (See Figure 1).<sup>45</sup> This experience would go on to haunt the FARC and even factored into the definitive peace negotiations of 2012-2016.

A series of factors facilitated the re-opening of negotiations between the FARC and the Colombian Government in 2012. These include the realization from both sides that a military victory could not be achieved, regional developments that saw the coming into power of leftist governments and former guerrilla leaders (Bolivia, Ecuador and El Salvador) through democratic processes, as well as a realization within FARC leadership that President Santos was someone they could negotiate with. In part, President Santos's alternative approach to dealing with the illicit drug problem helped facilitate this image.<sup>46</sup>

As FARC leadership and representatives from the Colombian Government re-entered talks, they also took to heart key lessons learned from previous peace negotiations. Most importantly, there was no escaping the need to take into account the impact of criminal agendas on the prospects for peace. It was not just the peace process itself that was at stake. Negotiators recognized that criminal agendas were a threat to the very social fabric of the country, particularly in the periphery where state institutions had historically been absent or

**THE 2012-2016 PEACE PROCESS: INNOVATIONS AND ADVANCES**

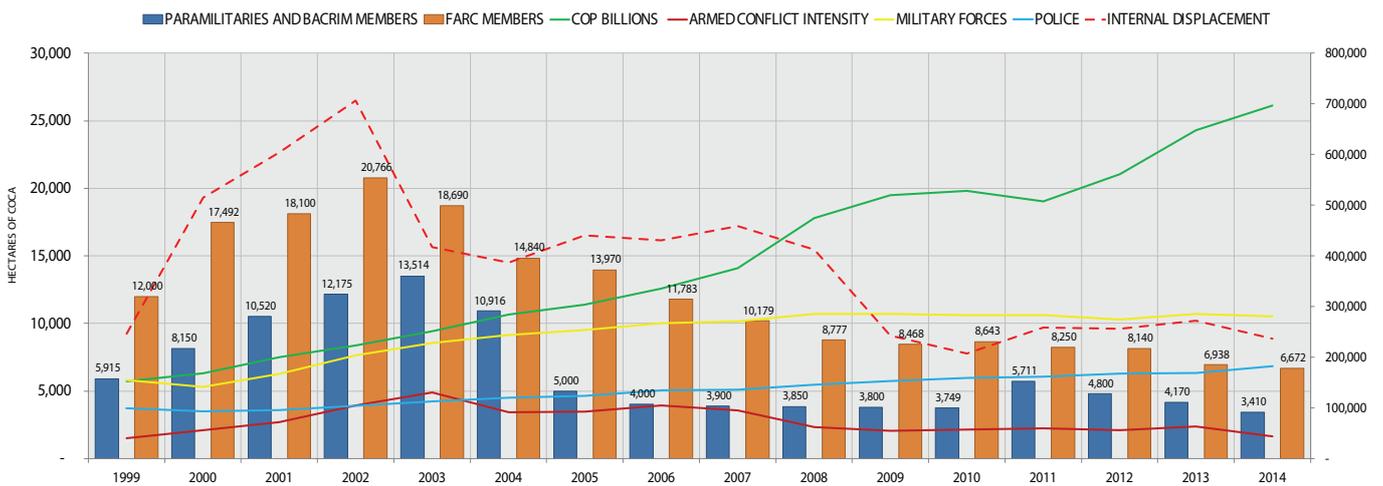
The final accord agreed to in November 2016 included significant innovations to deal with criminal agendas in the context of peace negotiations. Each of these factors added up to an effective approach that provide insights into some of the essential elements for dealing with criminal actors. They included: stopping the violence, providing security guarantees, leveraging criminal insight to combat illicit economies and promoting restorative justice.

**Stopping the Violence**

For peace negotiations to succeed, combatants must accept that the hope of a military victory has died.<sup>48</sup> Often coming in the form of ceasefires, ending the violence is a frequent precondition for one or both warring parties to engage in negotiations. Some have referred to ceasefires as "the most visible sign-posts along the war to peace trajectory."<sup>49</sup> Yet, accepting the futility of an armed struggle is not enough. As cases such as Myanmar and the DR Congo have demonstrated, it is critical that negotiating parties demonstrate command and control over their fighters to end the violence and all associated activity that supports this violence.<sup>50</sup>

In the latest rounds of negotiation between the Colombian Government and the FARC, doubts persisted as to whether the FARC's leadership was capable of demonstrating unity of command behind an agreement.<sup>51</sup> After years of bombardment, its leadership structure had been weakened and due to its deep engagement in illicit

**Figure 1: Intensity of the Conflict (red dotted line), 1999-2014**



Source: Fundación Ideas para la Paz

thoroughly corrupted.<sup>47</sup> The following section focuses on observations gleaned from negotiations with the FARC highlighting key success factors, as well as challenges and unintended consequences.

markets, profound questions remained about whether the leadership could garner sufficient support among its rank-and-file to abandon an armed struggle and disengage from a lucrative criminal trade.

As negotiations began, a predominant concern was that fractures had appeared degrading FARC's cohesion and unity of purpose. By many accounts, the possibility of internal fragmentation was thought to be particularly high among the mid-to-lower levels of command who were thought to be most deeply entrenched in a 'life of crime' and in disagreement with the decision of FARC leadership to enter into negotiations with a government that they thought was illegitimate.<sup>52</sup> According to some accounts, FARC fronts in Colombia's south-central and south-western regions were most at risk of defecting from the negotiations due to their deep involvement in the cocaine trade and illicit mining.<sup>53</sup>

As such, the starting position for the Government was to insist that there would be no respite in kinetic operations against the FARC despite on-going negotiations. It was up to FARC's leadership to demonstrate that it was committed to the negotiation process and that it had command and control over its rank and file. Between December 2012 and August 2016, the FARC declared a total of six unilateral ceasefires.<sup>54</sup> During that period, the FARC reduced violent acts against state forces by some ninety percent.<sup>55</sup> This was a strong demonstration of command and control as well as a solid indication of the FARC's commitment to ending its armed struggle.

Nevertheless, fears of a return to violence and criminal activity spiked after the accord suffered a devastating defeat in the 2 October 2016 plebiscite. Colombia's Minister of Defence, Luis Carlos Villegas, went on record suggesting that the FARC could "potentially unravel due to the lack of authority and discipline within ranks, as well as pressure from their guerrilla cousins in the National Liberation Army (ELN), organised crime or other armed groups."<sup>56</sup> According to the Attorney General's office, one of the largest organised crime groups in the country, the "Clan del Golfo" (or as they call themselves the Autodefensas Gaitanistas de Colombia (AGC)) had been offering FARC combatants some US \$600 a month to join their groups. This represented more than twice what they would receive through the proposed UN administered demobilization program.<sup>57</sup> Despite widespread fears of mass desertion (which continue to this day), defections were minimal and remain so.<sup>58</sup> While the lure of criminal opportunities remained, the ability of the FARC leadership to maintain cohesion behind the peace process, stop the violence and instill discipline among its rank and file was an essential success factor that guarded against criminal strategies.<sup>59</sup>

### From Sworn Enemies to Security Guarantees

Hatred between FARC militants and the Colombian Armed Forces ran deep. The very notion that through these negotiations FARC combatants would no longer be targeted but protected by the state, ran counter to every fighting fiber held by even the most senior military officials.<sup>60</sup> Humanizing the enemy was an essential first

step<sup>61</sup> and even more, guaranteeing the security of FARC combatants from their enemies was of critical importance.

In the context of peace, what the FARC feared most were threats and attacks from the successors of paramilitary organizations who were born out of the failed demobilization of paramilitary organizations in the early 2000s.<sup>62</sup> Threats were perceived to be particularly stark in areas where both the FARC and criminal groups had fought over criminal economies, including around trafficking routes and border zones.<sup>63</sup> Such groups were considered a threat not just to FARC militants but also to their relatives and communities in territories controlled by the FARC. For peace to succeed, guarantees from the government that FARC members, their families and the communities under their control would be protected was imperative.<sup>64</sup> The FARC also pushed for the government to dismantle criminal groups noting that they represented a principal source of insecurity for the FARC and its supporters.<sup>65</sup>

The experience of the UP assassinations had a large impact on how FARC approached the issue of security guarantees. Fearful of a repeat of the systematic assassinations experienced during that period, the FARC began negotiations demanding that the government provide special guarantees to a range of leftist political and social organizations. They also requested the establishment of "Special Territories for the Construction of Peace" that would be controlled by the FARC and whose security would be guaranteed by the UN, Union of South American Nations (UNASUR) and the Community of Latin American and Caribbean States (CELAC). For its part the Colombian government rejected the idea of creating territories of peace but did agree to the notion of having zones of concentration administered by the UN and secured by Colombian Armed Forces, where FARC members would demobilize.<sup>66</sup> An additional factor which contributed to agreement on this front related to the sources of insecurity to the FARC. The FARC maintained that their primary source of insecurity came from the successors of paramilitary groups, entities that the government refused to recognize and instead called criminal groups. Rather than negating the label and causing a fundamental disagreement between negotiating parties, both sides agreed not to define "the enemy" in the text of the agreement and included references to both.

The mechanisms through which this would be operationalized included the creation of a Commission for Security Guarantees presided over by the President, a Special Investigative Unit in the Attorney General's office equipped with an elite police and judicial force to dismantle these groups, an Integrated Program for Security and Protection of Communities and Organizations in the Territories, as well as a new system of prevention and early warning within the Ombudsman's office. Ultimately, these security guarantees were sufficient to convince FARC and its membership to lay down their arms.<sup>67</sup> The absence of the guarantees would likely have resulted in a breakdown of the agreement.

### Leveraging Criminal Insight to Combat Illicit Economies

FARC's initial position in the negotiations was to deny all assertions linking it to the drug trade.<sup>68</sup> Considering substantial evidence to the contrary, this narrative was outright rejected by the Colombian government. It demanded that the guerrilla group reveal all information regarding its involvement in illicit activity and totally withdraw from the drug trade. FARC's reticence about acknowledging its involvement in the drug trade also made the negotiations vulnerable to attack from key opposition figures to the peace process.<sup>69</sup>

Having been responsible for a significant portion of the world's coca production, few organizations had a better understanding of the coca trade than the FARC.<sup>70</sup> As President Santos put it in his address to the Nobel Committee, the agreement had to contain a commitment by the FARC to "break whatever link it had to drug trafficking and to combat the issue jointly with the Government."<sup>71</sup> Ultimately, the FARC did just that. It agreed to end all of its involvement in the drug trade and provide the government with information on trafficking routes, money laundering sources, and its alliances with criminal groups as well as corrupt government agents.<sup>72</sup> Embedded in the peace agreement were thus concrete measures to leverage the FARC's criminal insight to combat the growth of illicit economies.

It was not merely the exchange of information between the FARC and Colombian authorities that was needed; negotiators acknowledged that a whole new strategy was required to combat illicit economies by transforming the very conditions that prevented viable alternatives for communities in contexts of illicit activity. These conditions were characterized by political, social and geographic marginalization, the weakness of state institutions in the territories, corruption, and the strong presence of armed criminal groups.

Ultimately, agreed to by both parties was a call for a paradigm shift away from a policy favouring a militarized "war on drugs" that converged with counter-insurgency strategies to one that adopted a public health-and human rights-based approach to the issue.<sup>73</sup> The objective was larger than simply finding a solution to coca cultivation and trafficking. The agreed goal was to create a model for national development that integrated these marginalized communities into the Government's plans for social, political and economic transformation.

This paradigm shift was bolstered by a number of favorable international developments that opened up the space for alternative approaches to combat the world drug problem. President Obama's questioning of the effectiveness of the so-called "war on drugs", the leadership of Juan Manuel Santos in the drug policy debate in the Americas,<sup>74</sup> as well as discussions leading up to the UN's special session on the world drug problem in 2016, all fed into this new approach.<sup>75</sup> Also reflected was deep awareness of failed counternarcotic policies in other conflict zones like

Afghanistan and Myanmar where billions of dollars spent on eradication measures had not only been ineffective but largely counterproductive.<sup>76</sup>

While the precise dimensions of FARC's involvement in the drug trade have yet to be divulged publicly, the fact that the Government convinced FARC to acknowledge its involvement and agree to cooperate to dismantle the drug trade, represented a big step forward.

### From Criminal to Restorative Justice

The key challenge facing the negotiating team in Havana with respect to justice was to find a way to balance FARC's claims of legitimate acts of war connected with the rights of victims as per obligations under national and international law.<sup>77</sup> In a context where FARC militants were deeply involved in illicit activity ranging from extortion to kidnapping, to drug trafficking, money laundering and illicit mining, the connections between these criminal acts and FARC's political struggle were not always obvious. For an agreement to be struck, the FARC found it essential that negotiators found a way to make such criminal activity admissible under amnesty provisions. The alternative, which was to criminally prosecute all individuals engaged in criminal activity, was unacceptable to the FARC. At issue was not just jail time, but the very identity of the FARC as a political movement.<sup>78</sup>

Organised in seven regional fronts and over sixty fighting units (blocs), ensuring command and control over revenues raised by various units was a challenge for a FARC leadership that was largely in exile.<sup>79</sup> Weakened militarily by a decade-long US-backed counter-insurgency and counter-narcotics campaign,<sup>80</sup> and having witnessed their political legitimacy erode due to increased criminalization over time, the FARC entered negotiations with little political capital. Despite international support for the talks, the task of building support for reconciliation with the FARC was monumental. For a variety of reasons, large segments of the population rejected the idea of FARC transitioning into legality.<sup>81</sup> Figures such as the former President Uribe mounted vigorous campaigns characterizing the FARC as drug traffickers intent on taking advantage of the Colombian government as part of their criminal strategy.<sup>82</sup>

FARC's involvement in criminal markets forced negotiators to find practical ways to distinguish between criminal acts committed for political purposes and criminal acts committed for individual and profit-related motives. This led to one of the most innovative – yet controversial – points in the final agreement: whether or not "connected crimes" (*delitos conexos*), including revenues raised through illicit drug trafficking to fund the insurgency, should be considered "political" and therefore eligible for amnesty.<sup>83</sup> This was a controversial issue and the ultimate agreement enabled a newly created Special Tribunal for Peace to decide whether a particular crime should be considered a "connected crime" by examining whether it was motivated

by political or personal gain.<sup>84</sup> In addition to this, guarantees that FARC members would not face jail time nor extradition for drug offences were also negotiated.<sup>85</sup>

Despite initial reluctance to acknowledge any criminal wrongdoing,<sup>86</sup> the FARC eventually agreed to open up about its hidden criminal agendas in exchange for restorative justice.<sup>87</sup> While no compromises would be made with respect to crimes against humanity, for which guilty persons would be sentenced to jail time, for all other crimes, both sides agreed to alternative sentencing. This included an agreement for former guerrilla fighters to participate in coca substitution programs. The FARC also agreed to voluntarily reveal all of its assets and use those proceeds to contribute materially to compensate victims as part of a reparations program.<sup>88</sup> In so doing, a powerful message of restoration and reconstruction would be sent to the entire country.<sup>89</sup> By connecting the perpetrators with victims through proactive reparation programs, the hope was that the FARC would be able to help convince the Colombian people that it was indeed committed to peace and not driven by criminal strategy. Whether this will materialize in practice remains to be seen.

## ON-GOING CHALLENGES AND UNINTENDED CONSEQUENCES

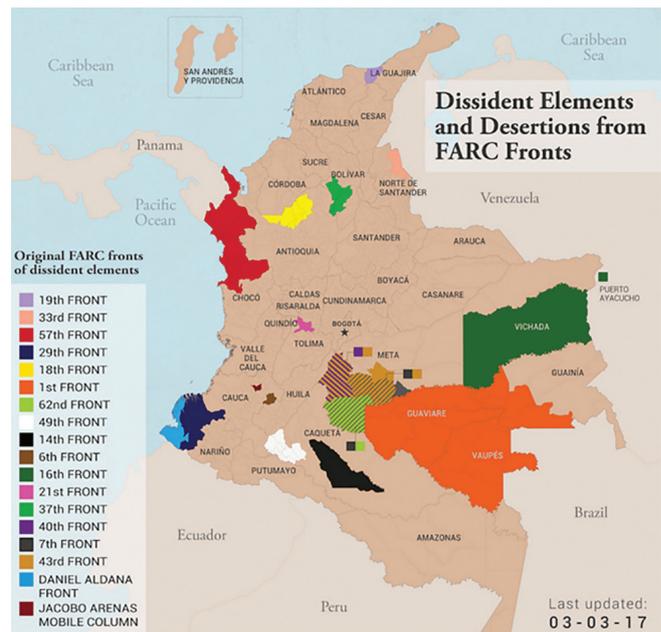
Despite these key innovations, success remains far from guaranteed. In fact, the threats posed by criminal organizations and criminal elements within the FARC remain real and in some cases are growing.<sup>90</sup> In particular, the ability of the FARC and the State to prevent recidivism remains in question due to the strong presence of criminal groups and illicit economies in transition zones where FARC combatants are to be disarmed.<sup>91</sup> Furthermore, there are significant questions about the capacity of the state to deliver on its promise of guaranteeing security to FARC members, their families and communities involved from the threat posed by criminal groups. Insecurities continue to mount as the recent assassination of over sixty social leaders signals a worrying trend,<sup>92</sup> causing some to recall the traumatic experience of extermination targeting members of the Patriotic Union.<sup>93</sup> Below are some key challenges related to criminal agendas that could unravel the peace process.

### The Threat of Recidivism

Colombia's history has been one of recycling criminal groups. In the case of FARC's peace deal with the Government, dissidence, while relatively contained to date, remains a concern. In July 2016, the leadership of FARC's 1<sup>st</sup> Front, declared that it would not demobilize.<sup>94</sup> This front has been reportedly heavily involved in criminal economies. Other reports indicate that members of Fronts 18, 19 and 36 have deserted zones of pre-concentration and integrated into criminal groups. There are also rumblings that Fronts 1, 7, 14, 44 and 64 representing approximately 300 soldiers are at risk of recidivism.<sup>95</sup> These risks will continue to increase the longer it

takes the government to put in place effective reintegration program. In the meantime, FARC members will continue to be heavily recruited by members of organised crime groups (such as the Clan del Golfo) as well as other insurgent groups. The strength of these pull factors will only increase if reintegration programs fail to give ex-combatants a sense of belonging and status, which crime and rebel groups will.

**Map 2: Dissident Elements and Desertions from FARC Fronts as of March 2017**



Source: Insight Crime

Existing literature on conflict relapse indicates that civil wars have "surprisingly high recidivism rates."<sup>96</sup> Numerous studies suggest that the presence of criminal groups in zones of transition are also highly correlated with recidivism.<sup>97</sup> Recent research on Colombia indicates that guerrilla fighters are fifty percent less likely as compared to former paramilitary members to return to illegal activities.<sup>98</sup> This is attributed to their strong personal and political motives for joining the armed group in the first place. Similar findings have been found in places such as Mozambique and Sierra Leone.<sup>99</sup> Yet, the fact that the majority of FARC combatants have no formal education, have significant connections, experience and knowledge of illicit economies, and will be demobilizing in the vicinity of criminal groups may negate this tendency. History is replete with stories of ex-combatants turning to a variety of illegal groups in the wake of unsuccessful reintegration programs. The reasons for this range from security threats, to poor access to land, poverty, and a loss of prestige.<sup>100</sup> Colombia has all of these elements.

Research indicates that successful reintegration programs should not rely simply on cash assistance or in-kind benefits and vocational training. It is not enough to provide individual incentives to lure ex-combatants away from selling

their services to criminal groups.<sup>101</sup> Recent investigations undertaken in Colombia indicate that former combatants are likely motivated not only by individual considerations but also by social factors.<sup>102</sup> In fact, no evidence was found to support the notion that ex-combatants in Colombia returned to crime for economic reasons. Rather recidivism was higher among ex-combatants that maintained ties to former commanders and peers who re-entered a life of crime.

The reality is that networks forged in times of war often endure long after the war has ended.<sup>103</sup> In the case of FARC reintegration, serious efforts should be made to encourage ex-combatants to develop non-violent networks and ties with individuals and communities that have not been involved in the guerrilla movement or criminal enterprise.<sup>104</sup> Yet, the fact that most demobilization and reintegration is planned in isolated and self-contained rural communities dominated by existing FARC members, associated militias and networks, and even former enemies does not bode well. While the mayors of major cities such as Medellín have preferred to stay silent about the prospect of hosting a significant number of ex-FARC combatants,<sup>105</sup> the reality is that the chances of success may be greater in urban zones that provide more opportunities for FARC fighters to find meaningful employment and develop non-violent social networks. Furthermore, as the accord envisions the re-incorporation of FARC soldiers as a collective (as opposed to individual cases), the challenge will likely be amplified. The Colombian government has decades of experience reintegrating former paramilitary organization that it could potentially draw on. Over the past decades more than 27,000 ex-paramilitaries and guerrillas have been allegedly integrated into society through the Colombian Agency for Reintegration (ACR).<sup>106</sup> However, doubts persist over whether this past experience will serve as a reference for the re-integration of FARC members, their families and the communities that they governed.

### **Weak State Capacity and the Challenge of Containing Organised Crime**

With few exceptions, all of the zones of concentration are located in strategic regions that have served as corridors for drug trafficking and other illicit goods.<sup>107</sup> There are strong criminal structures and interests, both national and transnational, that will seek to compete for control over these zones. In some cases, the FARC has already negotiated an exit from these zones with other armed groups such as the ELN and the EPL in the Catatumbo region.<sup>108</sup> In other cases, it is beginning to witness the presence of criminal groups entering these areas determined to fill the vacuum created by FARC demobilization (i.e. the Clan del Golfo or AGC). A December 2016 communique from the FARC central command, described in detail how organised crime groups were threatening political leaders, store owners and farmers in such zones without any opposition from the State. The communique went on to describe how these groups moved in and out of these zones without any degree of difficulty.<sup>109</sup>

One issue facilitating the expansion of criminal groups in zones previously controlled by the FARC has to do with the lack of state capacity to secure these zones and establish an institutional presence.<sup>110</sup> This reality is made more stark by demonstrations of significant social control exercised by certain criminal groups such as the "Clan del Golfo" (AGC) over vast, strategic trafficking corridors. This power was amply demonstrated on 1 April 2016, when the AGC orchestrated a general strike across 40 municipalities in six departments across the country.<sup>111</sup> FARC responded to this noting that the AGC was intentionally trying to intimidate its combatants.<sup>112</sup>

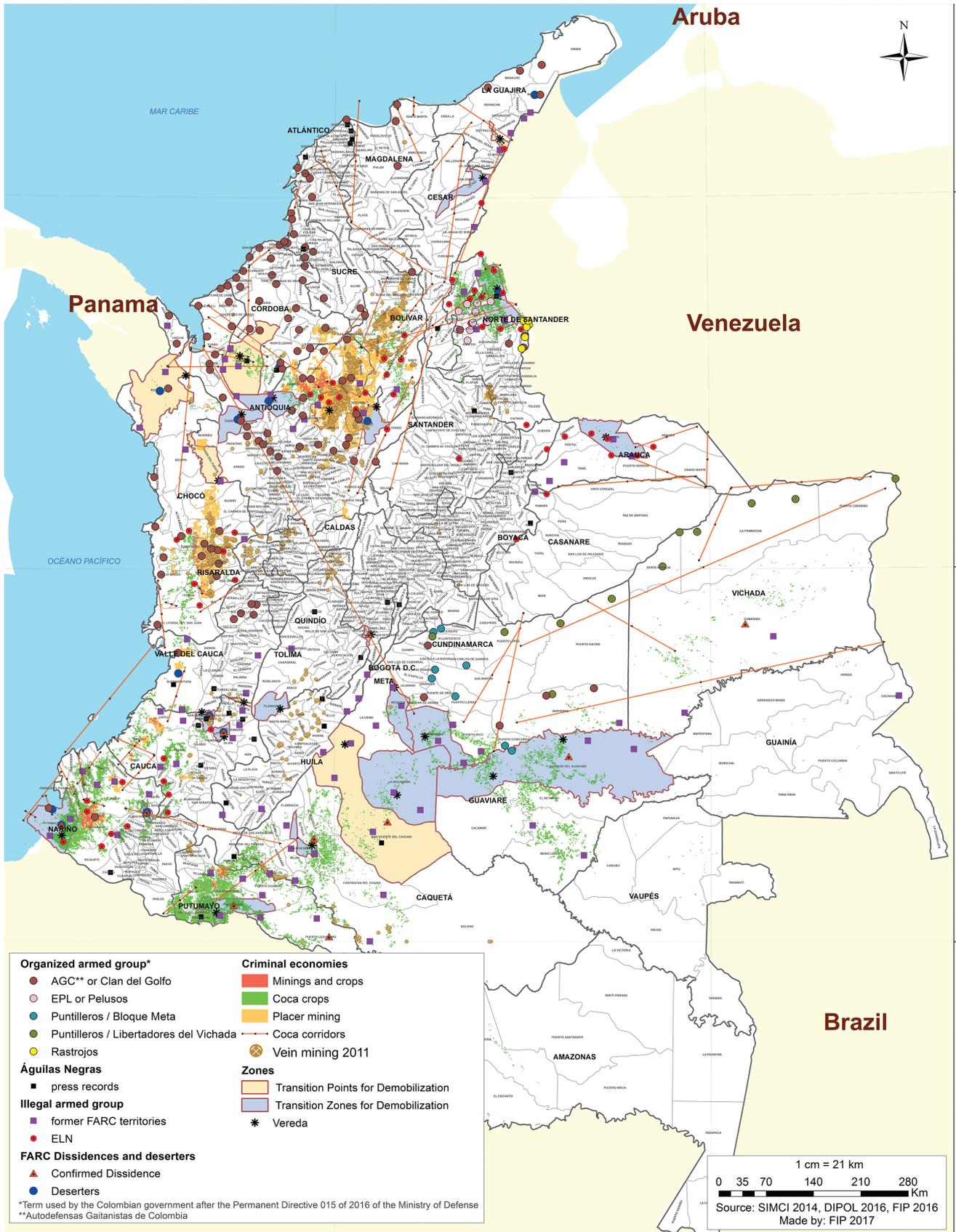
After three decades of consolidation, criminal economies and structures have mutated and matured. While there are very few flash points of confrontation, they exercise significant social and market control. Some of these organizations have more capacity than the State not only to control populations but also to respond to their needs.<sup>113</sup> While the criminal world has grown more diverse, sophisticated and potentially powerful than ever before, the State remains weak in many parts of the country. These criminal actors are potentially powerful spoilers to the peace process.<sup>114</sup> They employ diverse strategies ranging from outright competition over territory and illicit economies to various forms of collaboration and alliances with other criminal and armed groups. They take advantage of the absence of the state in strategic zones, develop ties with existing political and economic elites seeking to protect themselves from potential threats, and often fuel high levels of corruption.<sup>115</sup> For peace to be sustainable a clear commitment from the State to combat organised crime and corruption in strategic zones formerly occupied by the FARC will be essential. Moreover, the presence of State institutions that are capable of delivering security, services and livelihoods will be key to success.<sup>116</sup>

### **The Emergence of Perverse Incentives**

There are more drugs being produced in Colombia since the start of the peace negotiations with the FARC than before. The same goes for illegal mining and micro-trafficking.<sup>117</sup> These are not positive trends for a government that is trying to sell a peace accord domestically and internationally. According to the UNODC, the number of hectares cultivating coca in 2015 rose by 39 percent over 2014 to some 96,000 hectares.<sup>118</sup> These trends are projected to continue. The US government claims that in 2016 coca was cultivated in over 188,000 hectares, representing a two-fold increase.<sup>119</sup>

While there are a number of theories to explain this dramatic rise (such as the halting of aerial fumigation), a plausible explanation is that the peace accord created perverse incentives for people in the regions most affected by the FARC to cultivate coca. The accord envisioned significant benefits for individuals and families that were willing to engage in coca substitution programs, thereby favoring farmers who cultivated coca over those who did not.<sup>120</sup> If this is the case, instead of encouraging disengagement from illicit activity, the accord unintentionally inspired illicit production.

Map 3: Transition zones and Criminal economies



Source: Fundación Ideas para la Paz

If substitution programs fail, as they have in Afghanistan and Myanmar where the drug economy remains a key source of livelihood,<sup>121</sup> this could cause significant challenges for Colombia's efforts to combat organised crime.

Another area of concern, relates to recent calls from organised crime groups for negotiated settlements with the state, following the example of the peace negotiations with the FARC. Calls have been issued by the "Clan del Golfo" (AGC), Clan Usuga as well as the Oficina de Envigado.<sup>122</sup> In some ways, instead of reducing the spread of organised crime and its impact on society, the peace accord may have emboldened them to aspire for a political dialogue and settlement with the state. Their motives seem to be driven by the desire to evade prosecution while consolidating their control over illicit economies.<sup>123</sup> The challenge for the Government of Colombia, is whether it has the capacity to contain what appears to be the growing reach of some criminal armed groups while trying to deliver on what is a comprehensive peace deal with the FARC. In addition, the Government is faced with a moral, legal and ethical dilemma. Should it negotiate with criminal groups that are clearly motivated by criminal proceeds with no-clear endgame in sight. In choosing to do so, the Government will explicitly acknowledge the political power of these criminal groups and likely make compromises to justice that are difficult to roll-back. The alternative of a costly and drawn-out fight is equally daunting: it would likely cause significant casualties and do little, if anything, to change the structural factors that emboldened criminal agendas in the first place. To these questions, there are no easy answers.

## CONCLUSION AND POLICY RECOMMENDATIONS

In the wake of a historic agreement ending the 52-year conflict, a tense peace currently reigns over Colombia. Amidst the euphoria and relief are persistent doubts about the capacity of the state to deliver on its promises of security, development and justice. There are also significant concerns about the ability of FARC members to successfully transition out of conflict and crime in a context of continuing insecurity and uncertainty. Despite an official end to hostilities, the UN reports that more than 900 families have been displaced by violence from "new armed groups" since January 2017 and human rights and social leaders continue to be assassinated.<sup>124</sup> Criminal agendas are at the core of the challenge. Furthermore, the mobility of criminal economies and enterprises has been impressive with a multiplicity of actors emerging in the context of negotiations to take advantage of FARC demobilization by filling governance vacuums and taking over illicit business.<sup>125</sup> Considering Colombia's history of recycled criminal and armed groups, the emergence of new insurgencies and violent criminal competition cannot be ruled out. To prevent such a scenario, this paper recommends the following:

### Cultivate robust knowledge of current and future criminal agendas

To effectively deal with criminal agendas at the negotiating table it is essential to understand the scale and evolving dynamics of the problem.

- **Boost analytical capacities:** Limited knowledge of the scope and nature of the FARC's criminal activities created some uncertainty among negotiators and the general public as to whether the FARC was indeed committed to the process and prepared to abandon armed resistance as well as a life of crime. With little known about the exact nature and scope of the FARC's involvement in criminal economies, questions persist about the ability of authorities to verify FARC's exit from illicit activity. This leaves the agreement and the implementation process vulnerable to attack from individuals and entities that accuse the FARC of being nothing more than a criminal organization.
- **Anticipate the criminal agendas of tomorrow:** Peace with the FARC has opened up zones of opportunity for criminal organizations. Before the peace deal was even finalized a variety of criminal actors (national and transnational) had already started to move into territories occupied by the FARC. In many cases they threatened local populations, in others FARC representatives negotiated their exits. Upfront thinking is required to militate against this threat. Authorities should prioritize positioning resources along key trafficking, mining and drug cultivation zones.

### Devise new and inclusive strategies to deal with pervasive illicit economies

Although both the FARC and the Government of Colombia have not fully articulated the metrics for success, there is consensus that much will depend on the ability of the Government to assert control over territory and among people where the authority and legitimacy of the state has historically been contested. As was articulated in the agreement, the competition for government and governance in these areas cannot be won militarily. Instead the priority should be to:

- **Provide credible opportunities for economic development to affected communities:** The government, in collaboration with multiple local, national and international partners, should be a source of economic opportunity, security and stability for people living in these zones, including ex-FARC combatants. Criminal actors have already started to pre-position themselves to take control over these territories. The deep social, political and economic divisions that segregate the country need to be repaired and inclusive strategies that bring these segments of society into the national development plan are essential.<sup>126</sup>

- **Provide alternatives to coca cultivation before eradication and crop substitution programs take effect:** Drawing from successful programs in places such as Thailand, implementing agencies should pay attention to carefully sequencing crop substitution efforts in zones where few alternatives exist.<sup>127</sup>
- **Focus on recovering criminal assets:** In the final agreement of November 24, FARC leaders ultimately agreed to disclose all of their assets and to use those assets to support a reparations program. Doing so will be essential to establish public trust and counter accusations against the peace process. Considering the transnational nature of criminal economies, support from regional and international partners in tracking down FARC assets will also be important.
- **Provide options for criminal actors to transition into the lawful order:** Criminal actors are already entering into the governance vacuums left by the FARC. Their objectives are often to take over illicit markets in these strategic zones of illicit crop cultivation and trafficking. Simultaneously, a number of criminal organizations (Clan del Golfo) have called for peace negotiations of their own with the government. The Colombian government should carefully consider this opportunity as an option to de-escalate an already delicate situation and help individuals and organisations exit a life of crime.<sup>128</sup>

#### Place emphasis on the social dimensions of re-integration

Research has demonstrated that the social dimensions of re-integration are at least as, if not more, important than individual or material aspects. Considering the social benefits that groups such as the FARC derive from regulating and engaging in criminal activity (legitimacy, authority, respect), re-integration programs must find alternative avenues through which ex-combatants can build social and political capital. Doing so will take time and will require:

- **Developing longer-term socialization strategies** that transform the order established under criminal agendas to a set of norms for more acceptable behavior. Surrounding ex-combatants with non-violent social networks has also proven effective in motivating them to abandon a life of illegality.<sup>129</sup>
- **Providing psycho-social support** to both victims and victimizers. To that end, cognitive behavioral therapy, which trains criminally-engaged individuals to better manage emotions and practice non-aggressive responses, should be considered.
- **Tailoring incentives and programs to the various profiles of FARC members** will be important. The same incentives provided to FARC leadership, such as running for political office, will not work for mid-level commanders

and lower-level foot soldiers. More broadly, thought needs to be given to how re-integration programs will support the transition of thousands of Colombians who lived under FARC government and governance for decades into a lawful order.

- **Building on similar reintegration processes in other regions:** Lessons from Northern Ireland on the positive role of community-based initiatives in supporting the reintegration of ex-prisoners as well as post-conflict regeneration and social development could be particularly relevant for Colombia and something that DFID could help facilitate.<sup>130</sup>
- **Supporting innovative and restorative justice mechanisms:** the decision to prioritise restorative justice over criminal justice was a fundamental innovation. The idea of alternative sentencing structures that have perpetrators of crime engage in community restoration and illicit crop substitution programs is a move in the right direction. The process also found practical ways to distinguish between politically-motivated criminal acts and those committed for profit-driven motives by establishing the notion of a “connected crime” to the FARC’s political revolution. This helped persuade the FARC to open up about its hidden criminal agendas. While the burden of proof for establishing whether a criminal act should be considered a “connected crime” will be left to a judge to decide on a case-by-case basis, opening up this option was truly inventive. Moving forward, however, support from the international community (and, in particular, the United States) on sensitive issues such as extradition will be important for continued FARC support.

#### Target the Most Pernicious Actors

Significant concerns remain about the lack of state capacity and the corruption of state authorities. These concerns permeate every level of government and society. The peace process offers an opportunity to provide a demonstrative effect to change these dynamics by promoting a process of good governance and accountable justice. It also provides ways to:

- **Build the capacity of the justice system and in particular to strengthen the Attorney General’s office** (as an independent body), to investigate the most pernicious criminals. The international community’s expertise and resources will be critical in this respect.
- **Identify and support rule of law reformers** in national and local governments that are committed to accountable governance over patronage networks. Evidence suggests that when decisions over public coercion and public spending are devolved to local governments, as has been the case in Colombia and the rest of Latin America throughout the 1990s, there is an increased risk of corruption.<sup>131</sup> Research conducted

in Colombia even suggests that this can contribute to increased levels of violence at the local level, as armed groups try to capture empowered local authorities.<sup>132</sup> Anti-corruption efforts should go beyond national-level reforms and “go local.” As suggested elsewhere,<sup>133</sup> one solution may be to combine centralized anti-corruption measures with randomized auditing and enforcement procedures at the local and provincial levels.<sup>134</sup>

- **Reform the security sector from the ground up:** As evidenced in many settings, incomplete security sector reforms can often lead to the entrenchment of corrupt networks and the resurgence of violence. To avoid this situation in Colombia, priority should be placed in reforming the security sector at the local level. Programs should start with reforming the local police who have been singled out for their susceptibility to corruption.<sup>135</sup>

In conclusion, the signing of the peace accord between the FARC and the Colombian government was a significant achievement. It represented a breakthrough in many ways and provided an opportunity to better understand how criminal agendas play into the negotiation process and the final settlement. In the best case scenario the Government of Colombia, the FARC together with the international community will be able to militate against recidivism, capitalize on the opportunity of implementing restorative justice and work together to deal with criminal economies. Yet, risks abound. It will take time for jobs, social reintegration, and demobilization to take place. There are already significant delays being reported in demobilization efforts and security concerns have not diminished. The reality is that the threat of criminal agendas derailing the process remains very real.

## ENDNOTES

1. John de Boer is Managing Director of the SecDev Group; Juan Carlos Garzón-Vergara is Research Associate at the Fundación Ideas para la Paz and Global Fellow at the Woodrow Wilson Centre; Louise Bosetti is Policy Officer at the UN University Centre for Policy Research. The authors would also like to thank José Luis Bernal Mantilla (Junior Researcher at the Fundación Ideas para la Paz) for his invaluable help during the field research as well as Maria Victoria Llorente and Eduardo Álvarez Vanegas of Fundación Ideas para la Paz for their support.
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3. For data on the conflict, see: Centro de Memoria Historica, "Estadísticas del conflicto armado en Colombia"
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5. For an overview of past (and failed) attempts at negotiating with the FARC, see for example: Camilo Gonzalez Posso, "Alternative to War: Colombia's Peace Processes", *Conciliation Resources, Accord*, Vol. 14, pp. 41-51
6. On the ratification process, see: "In the Shadows of 'No': Peace After Colombia's Plebiscite", *International Crisis Group, Latin America Report*, No 60, 31 January 2017.
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8. Interviews were conducted at the Ministry of Justice, Ministry of Defense and the Attorney's General Office.
9. These include the UN Mission in Colombia, the Office of the High Commissioner for Human Rights (OHCHR), the UN Refugee Agency (UNHCR), the Office for the Coordination of Humanitarian Affairs (OCHA), the UN Development Programme (UNDP), and the UN Office on Drugs and Crime (UNODC).
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51. See for example Isacson, A. (2014). *Ending 50 Years of Conflict: The Challenges Ahead and the U.S. Role in Colombia*, Washington, D.C.: Washington Office on Latin America. Also se: Rabasa, A. et al. (2017). *Counternetwork: Countering the Expansion of Transnational Criminal Networks*. Ran Corporation. In Colombia's case, bitter lessons had been learned from previous attempts which came to a shattered conclusion when violence ruptured any possibility for a negotiated peace in the early 2000s. See: Forero, J. (2002), "Colombian Rebels Hijack a Plane and Kidnap a Senator". The New York Times. 21 February,
52. InSight Crime has published numerous reports on this risk. See for instance: Clavel, T. (2017). "Colombia's Urabenos Recruiting Dissidents from FARC Peace Process", *Insight Crime*, 26 January 2017; LaSusa, M (2016)., "Tempted by Gold, FARC Dissidents Reject Peace Process", *Insight Crime*, 19 September 2016; Yagoub, M. (2016),

- "Peace Deal Signed in Colombia as Threat of FARC Fragmentation Looms Large", *Insight Crime*, 24 November 2016. See also: Gill, S. (2017). "Dissidents attack Colombia FARC rebels as paramilitary successors eye rebel territory". *Colombia Reports*, 12 January 2017; Álvarez, E., Pardo, D., Poole, A. (2017) "Disidencias, desertores y la organización de las FARC de cara a la implementación del acuerdo de paz: el debate actual y experiencias internacionales. Fundación Ideas para la Paz (forthcoming).
53. See: "Can the FARC Peace Deal Be Salvaged?". Stratfor, 3 October 2016.
  54. For an overall chronology of these ceasefires, see: "Cronología. Los acuerdos para el cese al fuego de las FARC", *El Universal*, 23 June 2016.
  55. See: Valencia, L. & Avila, A. "Para qué sirvió el cese al fuego unilateral de las FARC?", *Las 2 Orillas*, 26 May 2015; "Los resultados de los ceses al gredo decretados por las FARC", *El Tiempo*, 23 September 2015. Key criticisms of these ceasefires indicate that extortion and illicit activities continued on the part of the FARC. See for example: "Colombia acusa a las FARC de violar cese al fuego unilateral", *Excelsior*, 11 May 2016.
  56. Yagoub, M. "Colombia's FARC Could Break Apart: Defense Minister", *Insight Crime*, 25 October 2016; Radio W, "Se podría dar una division en las filas de las FARC: Mindefensa", 24 October 2016.
  57. "Demora en negociación con FARC puede crear división y caos: Mindefensa", *El Herald*, 24 October 2016; Yagoub, M., "FARC Units Defy Leadership Orders to Halt Extortion", *Insight Crime*, 19 August 2016; Bristow, M., "FARC Play Dominoes as Drug Cartels Occupy Colombian Villages", *Bloomberg*, 8 February 2017.
  58. This one report notes that FARC elements have in fact continued extortion: Yagoub, M., "FARC Units Defy Leadership Orders to Halt Extortion", *Insight Crime*, 19 August 2016.
  59. See: Álvarez Vanegas, E., & Pardo Calderón, D., (2017). *Entornos y riesgos de las Zonas Veredales y los Puntos Transitorios de Normalización*. Fundación Ideas para la Paz. See also: Yagoub, M. "We Will Not Demobilize"; First FARC Dissidents Won't Be the Last", *Insight Crime*, 8 July 2016. Since the agreement was signed dissidents have emerged but continue to be limited. It should also be noted that the FARC central command "came down" hard on the dissidents to enforce cohesion. See: "Colombia: FARC Expels five Leaders Who 'Refused to Accept Peace'", *BBC News*, 15 December 2016; "FARC Comes Down Hard on Dissident Members Opposing Peace Deal", *Telesur*, 9 July 2016.
  60. Interviews with military officials who took part in the negotiations, conducted in Uraba. See also: Garcia, C. & Goodman, J., "A Colombian general's journey to peace with rebels", *The San Diego Union Tribune*, 13 September 2016.
  61. See for instance President Santos's speech at the Nobel Peace Prize Ceremony.
  62. For the specifics about how the military defines these groups see Permanent Directive 15 from the Colombian Ministry of National Defence (2016).
  63. See: Álvarez Vanegas, E., & Pardo Calderón, D., (2017), op. Cit.
  64. See: Álvarez Vanegas, E. (2017). "Agenda de paz, crimen organizado y conflicto híbrido", Fundación Ideas Para la Paz, 14 February 2017.
  65. Vélez J. et al. (2016), "Las FARC ha cedido mas que el Gobierno en La Habana", *La Silla Vacía*, 27 June 2016.
  66. See: Álvarez Vanegas, E., & Pardo Calderón, D. (2016). "Mitos y realidades de las zonas de ubicación para las FARC", Fundación Ideas para la Paz, 15 March 2016.
  67. The mechanisms through which this would be operationalized included the creation of a Commission for Security Guarantees presided by the President, a Special Investigative Unit in the Attorney General's office equipped with an elite police and judicial force to dismantle these groups, an Integrated Program for Security and Protection of Communities and Organizations in the Territories, as well as a new system of prevention and early warning within the Ombudsman's office. See: Herbolzheimer, K. (2016). *Innovations in the Colombian Peace Process*. Norwegian Peacebuilding Resource Centre.
  68. Alsema, A. (2016), "The FARC and drug trafficking: The evidence so far", *Colombia Reports*, 9 June; McDermott, J. (2014) "The FARC and the Drug Trade: Siamese Twins?", *Insight Crime*, 26 May. Instead, the FARC heaped blame on paramilitary and transnational organised crime groups. Its negotiators initially called for a truth commission that would investigate the impact of the drug trade on the economy, prosecute and expropriate capital from groups engaged in the trade, punish corporations that produced supplies to process coca, and address the issue of money laundering.
  69. For an analysis of the results of the referendum, see: Álvarez-Vanegas, E., Garzón-Vergara, J.C., Bernal, J. L. (2016). « Voting for Peace: Understanding the Victory of 'No' », Fundación Ideas para la Paz, 20 October. On its impact on the legitimacy of the peace process, see: International Crisis Group (2017). In the Shadow of "No": Peace after Colombia's Plebiscite. Latin America Report No 60, 31 January.
  70. According to *Insight Crime* the FARC controlled up to seventy percent of coca cultivation in Colombia. See: McDermott, J. (2016) "What Does Colombia Peace Deal Mean for Cocaine Trade?". *Insight Crime*, 24 August 2016; Camilo C. and Eccehomo. C. (2016). *El Dorado de las Farc*. Ediciones B. Bogota: Colombia.
  71. See President Santos' speech at the Nobel Peace Prize Ceremony.
  72. The final text of the agreement is available here: <http://www.altocomisionadoparalapaz.gov.co/procesos-y-conversaciones/Paginas/Texto-completo-del-Acuerdo-Final-para-la-Terminacion-del-conflicto.aspx>

73. See Herbolzheimer, K. (2016), op. cit.
74. See for example: Mulholland, J., "Juan Manuel Santos: 'It is time to think again about the war on drugs'". *The Guardian*, 12 November 2011. Interviewees, however, highlighted contradictions in the drug policy orientation of the Santos administration.
75. The Special Session of the United Nations General Assembly (UNGASS) on the World Drug Problem took place in April 2016. All documentation related to the event is available at: <http://www.unodc.org/ungass2016/index.html>
76. See Felbab-Brown, V. (2016). *No Easy Exit: Drugs and Counternarcotics Policies in Afghanistan*. Brookings Institution; Felbab Brown, V. (2013). *Counterinsurgency, Counternarcotics, and Illicit Economies in Afghanistan: Lessons for State-Building*," in Jacqueline Brewer and Michael Miklaucic, eds., *Convergence: Illicit Networks and National Security in the Age of Globalization*. Washington, DC: NDU Press, 2013, 189-212 On Myanmar see: Stepanova, E. (2009). *Addressing Drugs and Conflicts in Myanmar: Who Will Support Alternative Development?* SIPRI Policy Brief, June.
77. See: "Las cinco claves del acuerdo sobre justicia con las FARC", *El Tiempo*, 24 September 2015. According to the US Institute of Peace, "there is no other peace process in the world where victims have occupied such a central role." See: United States Institute of Peace (2015). Q&A: Colombia Breakthrough a World Model for Peace Talks, with Virginia A. Bouvier. 24 September.
78. One could argue that the mere act of the State entering into negotiations with the FARC was recognition in and of itself of the organization's political character. This narrative had substantive reasoning. Not only did the FARC originate as a political movement in the 1960s, but it also had an important social base of support in many communities in the peripheries. The FARC fought for a cause that envisioned a radically different political system. While many of its rank-and-file had engaged in narco-trafficking since the 1990s, its central command had always maintained a strong political mandate and vision and there were strong indicators that many of their followers continued to subscribe to that political vision. See: International Crisis Group (2013). *Justicia transicional y los diálogos de paz en Colombia*. Informe sobre Latinoamérica No 49. 29 August.
79. See Alsema, A., "FARC fronts (map)", Colombia Reports 17 June 2012.
80. «Plan Colombia» was launched in 1999 by the government of Colombia, with strong financial and military support from the U.S. to combat drugs and the insurgency in the country. See: Mejia, D. (2016). *Plan Colombia: An Analysis of Effectiveness and Costs*. Centre for 21<sup>st</sup> Century Security and Intelligence Latin America Initiative, Brookings Institution.
81. According to a LAPOP (Latin America Public Opinion Project) survey conducted in 2013, almost 70% of the total Colombian population disapproved the transformation of the FARC into a political party. See: USAID & Vanderbilt University (2014). Ajustes y Desajustes de la Democracia Colombiana en la Antesala del Posconflicto.
82. For an analysis of the results of the referendum, see: Álvarez-Vanegas, E., Garzón-Vergara, J. C., Bernal, J. L. (2016). *Voting for Peace: Understanding the Victory of 'No'*. Fundación Ideas para la Paz, 20 October. On its impact on the legitimacy of the peace process, see: International Crisis Group (2017). *In the Shadow of "No": Peace after Colombia's Plebiscite*. Latin America Report No 60, 31 January.
83. See: Travesi, F. & Rivera, H. (2016). *Delito político, amnistías e indultos: Alcances y desafíos*. ICTJ, March 2016.
84. See: Molano Jimeno, A., "El dilema de la amnistia y los delitos conexos", *El Espectador*, 9 July 2016; International Crisis Group (2013), op. Cit.
85. It is allegedly on the request of the FARC that the U.S. nominated a Special Envoy to the Peace Process in 2015 with a view to provide sufficient guarantees to FARC's membership on this specific issue. Source: Interview with the State Department, Washington D.C., 26 November 2016.
86. Despite evidence of the FARC's financial gains related to their involvement in illicit activities, the FARC denied it until the very end of the negotiations. It is only one day before the referendum of October 2, 2016, that they released a communiqué promising to reveal their war assets to the government and use them to compensate the victims.
87. See: Cockayne, J. (2016). *Hidden Power: The Strategic Logic of Organised Crime*. London/New York: Hurst/Oxford University Press.
88. Interview with a negotiator from the government.
89. "Las cinco claves del acuerdo sobre justicia con las FARC", *El Tiempo*, 24 September 2015.
90. A recent report by Fundación Ideas para la Paz shows different types of risks in seven regions of Colombia: Álvarez, E. Cajiao, A., Cuesta, I (2017). *Siete regiones sin las FARC. ¿Siete problemas más?*. Fundación Ideas para la Paz: Bogotá.
91. Álvarez, E., Pardo, D. (2017). Entornos y riesgos de las Zonas Veredales y los Puntos Transitorios de Normalización. Fundación Ideas para la Paz: Bogotá
92. See: Howland, T. "Victimas y la no repetición de violaciones: el centro del proceso de paz con las FARC", *Semana*, 28 February 2015.
93. Mesa, A. G. "El Genocidio de la U.P.", *El Tiempo*, 2 March 2004.
94. Yagoub, M. "'We Will Not Demobilize': First FARC Dissidents Won't Be the Last", 8 July 2016.
95. Álvarez Vanegas, E., & Pardo Calderón, D., (2017), op. Cit.

96. See Walter, B. F. (2010). *Conflict Relapse and the Sustainability of Post-Conflict Peace. World Development Report 2011: Background Paper*. World Bank.
97. See Kaplan, O. & Nussion, E. (2016). Explaining Recidivism of Ex-combatants in Colombia. *Journal of Conflict Resolution*.
98. Kaplan, O. & Nussion, E., 2016, op. cit.
99. For more on this see Call, C. (2012). *Why Peace Fails: The causes and prevention of civil war recurrence*. Georgetown University Press.
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101. Zukerman Daly, S., Paler, L. & Samii, C. (2015). *Wartime Networks and the Social Logic of Crime*, N.d. For a summary of this research see: Zukerman Daly, S., Paler, L. & Samii, C. "How can Colombia stop former FARC rebels from turning to crime?". *The Washington Post*, 2 October 2016.
102. Zukerman Daly, S., Paler, L. & Samii, C. (2015). *Wartime Networks and the Social Logic of Crime*, N.d. For a summary of this research see: Zukerman Daly, S., Paler, L. & Samii, C. "How can Colombia stop former FARC rebels from turning to crime?". *The Washington Post*, 2 October 2016.
103. See Collier, P. & Duponchel, M. (2013). The economic legacy of civil war: firm-level evidence from Sierra Leone. *Journal of Conflict Resolution*, 57 (1), 65-88. Also see Cheng, C. (2012). Private and Public Interests: Informal Actors, Informal Influence, and Economic Order After War. In Berdal, M. & Zaum, D. *The Political Economy of Post Conflict Statebuilding*. London: Routledge.
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105. See Maria Luiz Avendano, "Medellín, historia de reinsertados", *El Espectador*, 26 September 2016.
106. See their official website of the ACR at: <http://www.reintegracion.gov.co/en>
107. Álvarez Vanegas, E., & Pardo Calderón, D., (2017), op. Cit.
108. Interviews in Uraba with MAPP-OEA.
109. FARC-EP, "Paramilitares Amenazan Pobladores Cerca a Zona Veredal de Ituango", FARC-EP Website, 28 February 2017; "FARC denuncian presencia de 'Los Urbanos' cerca de zona de concentración", *El Espectador*, 10 December 2016.
110. International Crisis Group, 2013, op. cit.
111. "En Córdoba y Chocó, donde más se siente paro armado del 'clan Usuga'", *El Tiempo*, 1 April 2016.
112. "Paro de los Usuga buscó intimidar a amigos de la solución política", *El Tiempo*, 6 April 2016.
113. Alvarez Vanegas, E., 2017, op. cit.
114. See also: Garzón-Vergara, J. C. (2016). Avoiding the Perfect Storm: Criminal Economies, Spoilers and the Post-Conflict Phase in Colombia. *Stability: International Journal of Security & Development*, 4(1): 36, 1-15 ; Global Initiative against Transnational Organised Crime, Insight Crime, Geneva Peacebuilding Platform (2016). The FARC peace process – ushering in a new chapter in Colombia's history of crime and violence. Geneva, 1 September.
115. Alvarez Vanegas, E., "El crimen organizado en lo local: ¿un problema subvalorado en Colombia?", *Fundacion Ideas para la Paz*, 16 January 2017.
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119. *The Economist*, "An unwelcome resurgence: Coca-growing in Colombia is at an all-time high" March 23, 2017.
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121. For a broad overview of the unintended consequences of alternative livelihood programming and other drug crop reduction efforts, see: Chouvy, P.A. (2012). A Typology of the Unintended Consequences of Drug Crop Reduction. *Journal of Drug Issues*, 43 (2), 216-230. On Afghanistan, see: Felbab Brown, V. (2013). Counterinsurgency, Counternarcotics, and Illicit Economies in Afghanistan: Lessons for State-Building," in Jacqueline Brewer and Michael

- Miklaucic, eds., *Convergence: Illicit Networks and National Security in the Age of Globalization*. Washington, DC: NDU Press, 2013, 189-212. On Myanmar see Vanda Felbab-Brown's paper for this project.
122. Alvarez Vanegas, E. "Agendas de paz, crimen organizado y conflicto híbrido", Fundación Ideas para la Paz, 14 February 2017. See also Piñeros, E., "Colombia's coca growers fear new peace accord", IRIN News, 27 October 2016.
  123. See Gill, S. (2016). Are the Urabenos negotiating with the Colombian Government?. *Colombia Reports*, 7 April.
  124. See UN News Centre, "Colombian Fighting Displaced More than 900 Families since January". 10 March 2017. Also see Telesur, "Colombian Human Rights Leader Assassinated", 18 January 2017.
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  126. González, F.E (2014). *Poder y Violencia en Colombia*. Bogotá: Odecofi-Cinep. For more general literature on this see Felbab-Brown, V. (2010). Conceptualizing Crime as Competition in State-Making and Designing an Effective Response'. *Security and Defense Studies Review*. 10, 155-158; Felbab-Brown, V. (2009) *Shooting Up: Counterinsurgency and the War on Drugs*. Washington DC: Brookings Institution Press; Reitano, T. & Shaw, M. (2015). *Fixing a fractured state? Breaking the cycles of crime, conflict and corruption in Mali and Sahel*, Global Initiative on Transnational Organised Crime: Geneva.; Skaperdas, S. (2001). The political economy of organised crime: providing protection when the state does not. *Economics of Governance*, 2.
  127. On the importance of sequencing, see: Felbab Brown, V. (2013), op. cit.
  128. For more details on this kind of programming, see: Cockayne, J. et al. (2017) *Going Straight: Criminal Spoilers, Gang Truces and Negotiated Transitions to Lawful Order*. United Nations University Centre for Policy Research.
  129. Zukerman Daly, S., Paler, L. & Samii, C. (2015), op. cit.
  130. See for example Dwyer C.D. (2012). Expanding DDR: The Transformative Role of Former Prisoners in Community-Based Reintegration in Northern Ireland. *International Journal of Transitional Justice*, 6 (2), 274-295.
  131. See: Bosetti, L. et al. (2016). Crime-Proofing Conflict Prevention, Management and Peacebuilding: A Review of Emerging Good Practice. United Nations University Centre for Policy Research. Occasional Paper (6). On the case of Mexico, see: Rios Contreras, V. (2013). How Government Structure Encourages Criminal Violence: The Causes of Mexico's Drug War. Doctoral Dissertation. Harvard University.
  132. See Chacón, M. L. (2014). In the Line of Fire: Political Violence and Decentralization in Colombia. EDGS Working Paper, 15.
  133. See: Bosetti, L. et al. (2016). Crime-Proofing Conflict Prevention, Management and Peacebuilding: A Review of Emerging Good Practice. United Nations University Centre for Policy Research. Occasional Paper (6).
  134. See Olken, B. (2007). Monitoring Corruption. Evidence from a Field Experiment in Indonesia. *Journal of Political Economy*, 115 (2), 200-249.
  135. In some regions, local police are deliberately not involved in anti-crime operations for fear that corrupt police officials will leak plans in advance. In fact, the largest operation targeting a variety of organised crime groups in the region of Uraba (*Operation Agamenón*), deliberately leaves the local police out of the loop and is entirely centrally planned.