

# PARAMILITARY GROUPS AND THEIR IMPACT ON COLOMBIAN POLITICAL SITUATION

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## VIOLENCE AND THE STATE

One of the features often cited as characterizing the modern state is its capacity to use coercive means to compel obedience to its dictates. To the extent that this capacity derives from a consensus of the people or has some other acceptable basis of legitimacy, the use of force is considered a right of the state, and of the state only. The employment of force by persons lacking legitimacy has, correlatively, been regarded as an act of violence that must be repressed by the force of the state.<sup>1</sup> The basis of legitimacy of the state, which is granted the monopoly of force (or of power, if we adopt Hanna Arendt's terminology)<sup>2</sup> may of course be debated, and those who reject it will regard any efforts by the state to impose or conserve a particular order as acts of violence. Moreover, even where the legitimacy of the state is accepted and its objectives are held to be lawful, it might resort to unlawful means to apply its force, in which case it could properly be said to be committing acts of violence.<sup>3</sup>

Claims of political legitimacy by guerrilla and even terrorist groups have introduced increasing complexities into the question of political violence, which need not be dealt with here. It is however worthwhile to point out that in situations of extensive social conflict many modern states have resorted to non military means of institutionalizing the capacity to exert public coercion. From the French Revolution to our days there have been various kinds of national or popular militias, civic guards, etc., which have derived their legitimacy from the state's and have generally been covered by legal provisions consistent with the country's constitutional framework. Very often these groups, whose very existence is proof of the state's relative weakness to perform its functions, begin to break the controls set on their actions, and only under certain dictatorships with a high degree of ideological identification do they remain subject to a clear political leadership.

In the case of Colombia, the characteristics of its so called political violence have led to a situation in which violent behavior by those bent on replacing the prevailing system by a professedly fairer one, is diversely combined both with violence on the part of a weakly legitimate state that resorts to unlawful means to exert its authority, and with violent acts perpetrated by civilian groups having the backing of different governmental bodies or agents. Because of the Colombian state's incapacity to keep the peace when it is disturbed by movements enjoying a significant degree of social support, it has been traditional practice for civilians to take a hand in military activities. This involvement has, on various occasions, been given a legal basis similar to the legal foundations on which popular militias have been formed in other countries.

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<sup>1</sup> See Robert Paul Wolff, "On Violence," in *The Journal of Philosophy*, Vol. LXVI, No. 19, 1969, for one of the few arguments against this point of view. Wolff denies that any state has the right to compel obedience.

<sup>2</sup> Hanna Arendt, *On Violence*, London, Allan Lane, 1970, p. 42.

<sup>3</sup> A discussion of these aspects will be found in Leslie Macfarlane, *La violencia y el estado*, Madrid, Abraxas, 1977.

But a closer look immediately reveals some fundamental differences that heighten the anomalous nature of these groups in Colombia. Thus, such armed civilian organizations as have been set up in accordance with the law have been formed not on a national scale but in response to local situations. Their integration with action by the state has therefore been mediated by powerful local interests, usually connected with the political parties, while control over them has been in the hands of lower echelon military authorities. This has meant that, despite their legal ties with the army, they have often turned into armed bands whose members follow a given political ideology, are only tenuously subject to military discipline and often devote themselves to satisfying personal or partial interests. Legally created groups have frequently gone beyond the explicit objectives of their supporters within the state structure and started to act independently and to resemble ever more closely groups of another kind, established without regard to the law, though originally seeking aims parallel to those of the military institutions.

These illegal bands have mostly been created on the initiative of groups of individuals who wield regional economic or political power and can afford to finance such bands to perform jobs of political violence. Since these bands are not part of the overt military system, their ties with military institutions are informal and spasmodic. They usually obtain military safe conduct passes and firearms licenses quite easily, coordinate some of their activities with different ranks of military authorities, and rely on information gathered by military intelligence units for enemy identification. Not being subject to military laws, they disregard all restrictions on the use of force that armies must abide by. So political assassinations, terrorism, death threats and acts of provocation all form part of their modus operandi. Their actions may thus complement the work of the army, especially if the army finds itself lacking sufficient resources to fight an armed enemy successfully. The activities of illegal bands tend therefore to increase when the army sees its efforts hampered by restrictions or is unable to provide adequate protection to private citizens against guerrilla or other insurgent groups. Lacking as they do any legal basis, the armed illegal bands cannot be openly supported by the army and usually operate underground. The identities of their members are seldom discovered, or divulged by themselves. And their political objectives are expressed in terse macabre slogans, without any effort being made to uphold a program of national scope by any minimally consistent ideological discourse.

Over the past decade the part played by certain armed civilian groups in combating guerrilla movements or any other groupings held to be subversive has become a major factor in political conflicts in Colombia. An attempt is made in this chapter to identify very broadly some of the background features of these groups—known as "paramilitary" groups—; the reasons for their growing importance, their distinctive traits, the nature of both their links and confrontations with the army and the state, and the policies followed by the government in relation to them. As may be appreciated, it is necessary to emphasize that these are armed groups combating perceived subversion, to differentiate them from the armed groups that seek purely private ends unrelated to any political consideration. If we were to attempt a rough classification of the armed groups existing in Colombia, we might end up with the following table, which fails like all classifications to take into account the overlapping between the different groups that together cover a whole spectrum of possible situations.

	<i>Groups created on legal basis</i>	<i>Groups given illegal official support</i>	<i>Private groups independent of or in</i>	<i>Groups opposing the system</i>
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			<i>confrontation with the government</i>	
<i>Political enemies</i>	Self defense groups	Anti guerrilla groups created by private initiative	Groups acting in favor of the political aims of drug mafia	Guerrilla groups
<i>Private or common criminal enemies</i>	Security Agencies	Groups for doing away with criminals or undesirables	Bands of hired killers	

There has been much discussion over the paramilitary nature of some of these groups. If the central criterion is performance of acts of violence intended to take the place of state action, then all the groups listed in the table would qualify as paramilitary, with the exception of the guerrilla groups, which are radically opposed to the system of government, and the bands of hired killers, who act without any political considerations at all. The fact that a group is rightly qualified as paramilitary does not, of course, constitute proof in itself that its actions are illegal or criminal.

Nevertheless, this article maintains that even in the case of groups that are legal and might theoretically act with full respect of the law (as some self defense groups claim to do and security agencies on the whole do), the actual circumstances prevailing in Colombia tend to turn them into criminal organizations.

It needs to be reiterated that the foregoing differentiation does not necessarily correspond to a true distinction of the actors, because many of the groups that perform functions of a political nature behave also as bands of common criminals. Moreover, whether the armed groups with antisubversive political aims have been formed legally by military authorities (leaving aside here the juridical positions that presume these groups to be absolutely illegal in Colombia on relatively technical grounds) or have been established by private citizens, and whether regardless of their origins they receive support from the military or not, they all quite recognizably carry out similar functions in Colombia's political conflict. They need not therefore be treated separately in this article because of their other characteristics, though these may be helpful for understanding their complex interactions with the state, or useful for designing strategies to reincorporate them into civil society.

### **THE STATE'S POWERLESSNESS IN THE FACE OF GUERRILLA CHALLENGE**

In Colombia there is a long though discontinuous tradition of participation by armed civilian groups in politically motivated combat. In the country's civil wars, during the nineteenth century, the combatants were mainly armed civilians, because regular professional armies hardly existed here at the time. And on several occasions the state resorted to the expedient of forming militias of ordinary citizens, most notably in 1885 when the government of Rafael Nunez, uncertain of the loyalty of the country's small army, gave arms to groups of Conservatives in order to have a force it could rely on. During the long peace of 1903 to 1948 there was not much occasion for the state to have recourse again to civilian help in discharging its functions of maintaining law and order. Sporadic outbreaks of violence did occur in the early thirties but the government did not find it necessary to resort to paramilitary groups.

Armed civilian groups reemerged to perform public functions during La Violencia,

particularly from 1950 on, when the government organized "anti mob" or "peace guerrilla" groups to reinforce military action in areas where guerrillas maintained a strong presence (the Oriental Plains and southern Tolima). In this case groups of civilians were armed by the state, given relatively precise functions and subjected to conditions involving at least a certain measure of discipline. However, the political context in which they came into being made it possible for them to pursue widely different objectives. From the standpoint of military strategy their essential function was to occupy the areas liberated by military actions and prevent them from being recovered by a relatively mobile enemy with influence among the population. Since the members of the groups were militant Conservatives, on occupying any area they would set about persecuting the Liberals and, when their political adversaries eventually abandoned their lands, would take advantage of the opportunities thus provided to enrich themselves and acquire property. In most cases, then, these groups further worsened the conditions of violence and intensified political confrontations amongst the civil population. Many of the atrocities committed during La Violencia were the work of these paramilitary civil organizations, which also received funding and support from local bosses of the Conservative party.<sup>4</sup>

The military government (1953-57) tried, as is well known, to bring about peace by granting a broad amnesty to guerrilla insurgents. In doing so it decided, congruently with the situation, to treat the paramilitary groups in the same way. Consequently, the amnesty provided for in Decree 1823 dated June 13, 1954 covered both guerrilla and paramilitary groups for political crimes committed before January 1st of that year. The definition of political crimes embraced both types of groups, for such crimes were defined as "all those committed by Colombian nationals with the motive of attacking the government, or which are explainable by an overstepping of limits in supporting or adhering to the government, or by political hatred or sectarianism." As we know, violence broke out anew after attempts at pacification and rehabilitation failed. And in certain phases of this resurgence a major part was played by the former members of guerrilla combating armed civilian groups, now called "pájaros" (birds).

Just as it was difficult to have former guerrillas return to civil life, so it proved a highly complex affair to reincorporate armed individuals who had become used to relying on violence to settle their conflicts and often to gain personal ends.<sup>5</sup> The state's open support of paramilitary groups legitimized the use of violence against political adversaries, and this legitimization was undoubtedly a contributing factor in fostering a climate of tolerance for violence in Colombian society.

In any case, that the Conservative government had to call on private citizens identified with it to carry out military tasks showed that the state was not strong enough: it lacked sufficient resources to make an adequate stand against the Liberal guerrilla rebellion. Because the country's military forces were relatively small and financing their expansion was fraught with difficulties, the state's civilian leadership considered it preferable to arm private citizens provisionally.

The National Front system (1958-1974), as has often been noted, engendered some

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<sup>4</sup> No thorough study has been done on these groups. Some of their more extreme forms of operation are described in Maria Victoria Uribe, *Las masacres de la Violencia*, master's thesis, Departamento de Historia, Universidad Nacional de Colombia, 1990 (typed copy).

<sup>5</sup> 5. Full descriptions of this process will be found in Gonzalo Sánchez and Donny Meertens, *Bandoleros, gamonales y campesinos*, Bogotá, El Áncora, 1984, and Darío Betancourt and Martha L. García, *Matones y cuadrilleros. Origen y desarrollo de la Violencia en el occidente colombiano*, Bogotá, Tercer Mundo, 1990.

paradoxical and contradictory developments.<sup>6</sup> Though fighting between the political parties and violence infesting the country were successfully reduced from the heights of previous years, the mechanical distribution of power withheld the parties from modernizing themselves in line with the country's rapid economic development and substantial social transformation. And the sectors whose political and social programs tended to exclude them from the political system came to regard the system as illegitimate. Given Colombia's tradition of armed guerrilla fighting and the example of the Cuban victory, it is understandable that, for many university intellectuals and the activists of workers' or peasants' movements whose aims and concepts were denied expression under the constitutional framework of the National Front, armed struggle should have appeared as a plausible alternative.

Pursuit of revolution as the objective of guerrilla movements from the first half of the sixties on became a decisive factor in the evolution of the National Front. It is relevant in the present context to point out as one of its effects how, in the face of this guerrilla challenge and in view of the long complex process of implementing social reform projects, an essentially military strategy was adopted, which gradually led to an increase in the army's traditionally limited power. Increasingly heavy reliance on military rather than political means to check guerrilla insurgency created a strong tendency to leave it to the military authorities to define the main lines of the state's anti guerrilla action. This abdication of authority may have been motivated by fears of a possible military coup (increased by developments in other parts of Latin America) and by certain trade offs that allowed civil governments to keep overall military costs relatively low. Another growing tendency in all government sectors, civil as well as military, was to identify any assertion of social claims with subversive struggle, associated at least implicitly with guerrilla insurgency.

However, another paradox of the National Front was that concern for maintaining the formal aspects of democracy prompted governments to allow parties known to support guerrilla groups to engage at the same time in lawful political activity, the Communist party being a case in point. On the other hand, the victims of guerrilla actions felt it was a gross injustice that those who committed acts of violence against them should belong to movements whose civilian leaders could not be held accountable for such acts. And this differentiation, between a movement's clandestine action and its lawful action entailing public accountability, quite likely strengthened the victims' impulse to respond to violence in kind.

The military's gain in autonomy gradually lessened their respect for the law and soon imposed a climate of tolerance towards violence against guerrilla activists as well as against civil populations presumed to sympathize with them. Killing guerrillas and torturing conspirators began to become common practice in the fifties, as did making arbitrary arrests, seizing peasant property, bombing civilian populations (even with napalm in 1954), and generally committing different forms of violence against civilians more or less suspected of giving help or encouragement to guerrilla groups. These tactics notwithstanding, guerrilla insurgency began to revive and grow from 1964 on. The older groups, which were attached to the Communist party, were formed into the FARC (Fuerzas Armadas Revolucionarias de Colombia) in 1966, and new ones were created: the Castroist ELN (Ejército de Liberación Nacional) in 1965, the Maoist EPL (Ejército Popular de Liberación) in 1964, and the populist and nationalist M 19

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<sup>6</sup> See Francisco Leal Buitrago, *Estado y política en Colombia*, Bogotá, Siglo XXI, 1984; Jorge Orlando Melo, "El Frente Nacional," (1978) in *Sobre historia y política*, Bogotá, La Carreta, 1979; and Mario Latorre, "Colombia, una sociedad bloqueada," (1978) in *Hechos y crítica política*, Bogotá, Universidad Nacional de Colombia, 1986.

(Movimiento 19 de abril) a decade later, in 1975. These groups became powerful in recently settled parts of the country, where conflict over land tenure tended to be pretty serious.

On the whole the state proved incapable either of defeating the guerrilla movements militarily, or of reducing their capacity to expand by eliminating some of the social or political factors that favored their emergence. Counter insurgency action by the state reached a peak during the administration of Julio Cesar Turbay (1978-82), when the army obtained the executive's support for waging an anti guerrilla campaign, unimpeded by traditional legal considerations. By Decree 1923 of September 8, 1978 (referred to as Security Statute) the military were given certain judiciary functions, a circumstance that reflected a growing crisis in the country's congested, formalistic and inefficient judicial system. Moreover, extensive use of torture by military investigators was tolerated, and authorization given to make arrests on the strength of mere suspicions by the military authorities, apparently without fulfillment of the conditions stipulated by the Constitution for such arrests. People presumed to be guerrilla activists: or sympathizers were massively arrested, their numbers totaling 60,000 from August 1978 through July 1979, according to the then Minister of Defense.

The offensive failed, partly because torture and indiscriminate repression were widely, condemned by the citizenry. This condemnation heightened the guerrilla groups' recruiting capacity and the climate of sympathy for them among more or less broad sectors of the population. A further outcome was that in 1982, Belisario Betancur, the presidential candidate who seemed to be least identified with the Turbay administration and its policy of indiscriminate repression, won the election, largely because he appeared to offer hopes of peace, though not in any explicit terms. This was happening at a time when, despite certain spectacularly successful army operations against urban guerrilla groups (particularly the M 19, whose leaders were in prison), armed insurgent groups continued to grow in strength, especially through consolidation of the FARC in rural areas. This consolidation was supported in part by a financing strategy that forced landowners in the FARC's areas of influence to pay them relatively high sums as protection money, locally known as *vacuna* (vaccination). Funds to pay for guerrilla activity were also extorted by kidnapping, a method commonly and increasingly relied on since 1965 and more especially from 1976 onward.

It thus became evident that the state was incapable of keeping order in troubled rural areas, where a permanent conflict over possession of land and widespread indigence created a suitable environment for growth of guerrilla insurgency. The state's weakness was further revealed by the growing deterioration of the system of justice. In rural districts guerrilla groups filled the gap left by the absence of state authorities, collected protection money and imposed an onerous *modus vivendi* on landowners, while in the cities Colombians found that the police were corrupt and inefficient and that the judicial system took years to hand down a decision, often influenced by bribery or intimidation.

The legitimacy of the state was called in question: it was incapable of keeping peace in the countryside, it used illegal methods to fight guerrilla insurgency and subversion, it was unable to protect the citizenry from robbery or criminal violence, and it did not manage to imprison most of those guilty of any kind of crime.

## **GROWING LOSS OF THE STATE'S MONOPOLY OF FORCE**

One of the first responses to erosion of the state's capacity to perform its policing function was a mushrooming of private security organizations. For quite some years

now a good many Colombians, especially from the higher income groups, have found it necessary to resort to private security facilities to protect: their property, and the state has largely been displaced in its policing function by private companies.

With the intensification of security problems connected with political problems or with kidnapping by armed insurgent groups or common criminals, companies providing protection against criminal threats to businesses or individuals and their property have expanded to the point of forming a veritable parallel army that offers watchmen, bodyguards, etc. to those who can afford to pay for security. The incapacity of the state to guarantee the individual safety of its citizens has at times even led its spokesmen to call on the population at large to organize their own defense and arm themselves for the purpose. One such spokesman was General Luis Carlos Camacho Leyva, who in 1978 as Minister of Defense called on the general public to assume its own defense.

The expansion of private security firms has added new difficulties to the task of curbing violence in the land. The granting of the right to carry arms to private individuals or companies has made it possible to shield with official licenses weapons intended to be used for any kind of criminal action. The state's abandonment of its legal monopoly over the application of force has reached such a paradoxical point that licenses are issued to private parties, sometimes suspected of links with the drug barons, to employ weapons that are supposed to be for "the exclusive use of the army." On the whole, the expansion of private security organizations has not only constituted further evidence of the incapacity of the state to perform its most essential functions, but it has contributed to increasing this incapacity. For, in a context in which several forms of violence are intermeshed and the possibilities of corruption are great, the existence of such organizations, despite efforts by the government and the armed forces to regulate them, makes it difficult to maintain a control on arms; lends itself to the making of shady deals by which retired police or army officers are at times involved in protecting very powerful groups of criminals; and entails the risk of a good part of the state's major security functions remaining in the hands of security or guards firms belonging to groups or individuals associated with criminal activities.

Although the state has not been strong enough at any time in this century to enforce the principle of state legal monopoly over arms, its abdication of this monopoly, compounded by the sharp increase in the army of private watchmen and bodyguards, has proved more and more damaging as the political and social conflicts referred to above have intensified in rural Colombia.

The crisis besetting the country towards the end of the past decade was further attended by the appearance of a new and unusually powerful social actor. Marijuana dealers, who were making considerable but still locally commensurate fortunes, moved rapidly into cocaine trafficking during the second half of the seventies. Colossal fortunes were amassed with this traffic, through illegal actions requiring audacity, decision, and a readiness to use violence against competitors and opponents. Although some drug traffickers relied on protection from legal private security firms, many others set up veritable private armies to protect them from kidnapping threats, provide security for their trafficking, intimidate judges, liquidate enemies or opponents, and carry out other similar functions.

High rates of urban unemployment in a context of growing social mobility, of rapid economic development and of radical changes in social values, meant likewise that there was no shortage of recruits to perpetrate well paid violent crimes: the hired killer, gunning down his victims from a motorbike, has been a familiar figure since the late seventies.

## THE MANY BEGINNINGS OF PARAMILITARY ACTIVITY

The idea that it might be necessary to resort to organizing private defense against guerrilla violence was expressed back in the early years of the National Front. In 1964, for instance, Manuel Castellanos, head of the SAG (Sociedad de Agricultores de Colombia), a leading association of farming estate owners, requested the government to authorize the creation of self defense groups to protect landowners from the wave of kidnappings then sweeping the country. Not until four years later, in 1968, did the government enact Law 48, establishing regulations for creating armed civilian groups under the control of the armed forces. Little is known about the activity of these groups, but it must originally have been mostly of a defensive nature.

A new type of antiguerrilla action began to be waged from about 1974-75: the assassination of activists of the Communist party or other left wing groups in different parts of the country. The civic strike of 1977 heightened the apprehension caused in establishment circles by the expansion of guerrilla groups and the apparent upsurge of large scale urban unrest. The first notorious "disappearance" of left wing activists occurred almost at the same time as the civic strike, when two militants of MOIR (Movimiento Obrero Independiente Revolucionario) fell victim to this still newer form of official violence against guerrilla activists or their sympathizers. Several extreme left political leaders were assassinated in 1978, the most notable among them being Jose Manuel Martinez of the ELN. Still others died in terrorist actions or attempts. And in areas such as Urabá, where guerrilla groups drew strength from situations of virulent social strife and gave their armed support to unionized workers, the army or the police tried to weaken the guerrilla groups by threatening the civilian populations.

Although those responsible for assassinations and disappearances in this period were never identified (except in the case of Omaira Montoya of MOIR), many of the actions were presumed to have been carried out either by members of the armed forces directly or by others on the basis of information furnished by them. This impression was naturally reinforced by the perpetrators' total impunity and the army's evident reluctance to allow any kind of investigation of its personnel. An attempt by Congress to hold a debate on excesses committed by forces of the state, at the time of the 1977 civic strike occasioned such angry protests from the military leadership as to intimidate those who questioned the army.<sup>7</sup>

The decline in discipline and ethical standards in the armed forces began to grow worse, especially after the M-19's large scale robbery of arms from a military base in Bogota in January 1979; and many servicemen have since been carrying out activities involving torture, violence and disinformation. The year 1980 was marked by a wave of assassinations of militants of the UNO, a political front created and controlled by the Communist party; by accusations against the military of applying torture, particularly in the Puerto Boyacá area, where the FARC held sway; and by the first "cleaning up" operations, initially carried out in regions such as Cesar and directed against anyone suspected of cattle rustling or other crimes.

The emergence of groups such as the Escuadrón de la Muerte (death squad) and Alianza Anticomunista Americana also occurred in 1980, but it has been impossible to establish clearly whether they were fronts for covert action by the military or independent groups. Available information gives the impression, however, that during the Turbay administration paramilitary bands may not have been needed to carry out

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<sup>7</sup> Daniel Pécaut, *Crónica de dos décadas de política colombiana*, Bogotá, Siglo XXI, 1988, p. 300.

illegal activities against subversive groups, because the armed forces and police felt authorized to carry out such activities themselves and in fact did so. Moreover, torture provided results that were relatively effective in the short term, and the army became accustomed to relying on violence rather than on intelligence and investigation. One may plausibly assume that this was the atmosphere imbibed by personnel who later came to support the actions of private anti subversive groups.

Yet, it was the threat of kidnapping that led to the creation of the first private armed groups. Back in 1965, the kidnapping and death of Harold Eder had been followed by a short sharp wave of slaying of criminals allegedly associated with bands of kidnapers; though responsibility for these slayings was not claimed by any group, military involvement in them cannot easily be discarded. It was in 1981, when the M 19 kidnapped a sister of drug baron Jorge Luis Ochoa, that the first attempt was made to coordinate large scale efforts by drug lords against the threat of kidnapping by guerrillas. The MAS (Muerte a Secuestradores: death to kidnapers) seems to have been set up with financial support from major drug traffickers and endowed with a relatively large capacity for action. Initially it behaved with a touch of chivalry (captured women guerrillas were handed over to the police, for the MAS "doesn't kill women"), being concerned mainly to warn off guerrilla groups (the kidnapers of Marta Nieves Ochoa were left chained to railings of *El Colombiano* newspaper in Medellin).

Such reserve and restraint was not to last. Groups like the MAS began to be formed in different parts of the country, particularly in areas where drug traffickers were investing money in land purchases. Such investments were typically made in recently settled areas, where in many cases conflict was rife between guerrilla groups and the larger landowners.

The latter jumped at the chance of ridding themselves of their lands, usually at much higher prices than they could have hoped for in a market depressed by kidnappings and demands for protection payments. But such prices were still low ones for the buyers, if they could manage to "clean away" the guerrilla influence from the areas in question. The acquisition of large estates by drug dealers accelerated up to 1988 and became a major factor in the process of "agrarian counter reform" that has been taking place in extensive regions of the country. Landed traffickers, accustomed to deploying squads of bodyguards and diverse armed groups, soon formed a new antiguerrilla alliance, which was joined with relief or enthusiasm by older landowners who had been unable to obtain sufficient protection from the army, and by large sectors of the army itself.

### **BETANCUR (1982 86): PEACE EFFORTS AND PARAMILITARY EXPANSION**

President Betancur 's peace policy changed the relationships between the army and government. Gone was the feeling among the military that they could count on unlimited support from the executive, and they were led much against their will to countenance an effort to negotiate with the guerrillas, which was incompatible with such practices as torture. They saw Betancur's approach as obstructing a military policy that was about to produce results and preventing the reaping of such results both by stopping torture—the preferred means of investigation in the preceding four years—, and by ordering military actions to be suspended when they were likely to affect negotiations with the armed insurgents.

The amnesty offered in November 1982 reinforced the tendency to resort to paramilitary groups, because different sectors were hostile to President Betancur's peace efforts and found it intolerable that those who had used arms against the army and government should be amnestied. According to available data, paramilitary actions

increased particularly rapidly from late 1982 to late 1983; and in September 1983 the army itself issued a statistical report which showed that, besides 159 insurgents killed in clashes with the army and 254 deaths caused by insurgents, there had been 456 murders committed by "paramilitary" groups.<sup>8</sup>

Existing documentation leaves the impression that these ' initial paramilitary actions relatively consistently expressed frustration among military sectors over the curbing of the antiguerrilla campaign, hostility towards the government's peace efforts, and the intention to get even with leftist militants who were involved in kidnappings and other criminal actions and could no longer be punished because of ,the amnesty laws. Many of these paramilitary actions were carried out on the initiative or with the collaboration of junior army officers, probably with the acquiescence of senior ones, but the part played in them by groups like the MAS grew larger and larger. The MAS was held responsible for a multiple killing in the Puerto Boyacá region in July 1983, when a number of small farmers were shot after their names had been read out from a list, a ritual that was repeated many times in that year. In parallel with these events self defense groups were organized in the region with the help of the military. This part of the Magdalena Valley —"Magdalena Medio"—had long been an area of agrarian unrest and widespread FARC influence. Though the FARC's domination over local ranchers and businessmen rested partly on usual elements of guerrilla violence, it was exercised under political considerations calling for a measure of support to be maintained among the population of the region. This situation was altered when the FARC's Fourth Front was replaced by the Eleventh. Greater violence was used and even small and medium proprietors became victims of kidnapping and extortion. This led to the creation of the first self-defense organizations in 1982, when oil companies, politicians, ranchers and businessmen, with the help of the armed forces, set up a fund of over 200,000,000 pesos (about US\$ 3.000.000 dollars) for the defense of the region. The initiative coincided with efforts by the army to bring southern Magdalena Medio back under control, for which purpose a Twelfth Brigade was created with headquarters in Puerto Berrio. According to Amnesty International, some 800 people were slain in the area in 1983, many of them evidently by paramilitary bands.

Accusations made by the Attorney General, Carlos Jiménez Gómez, against the MAS and military personnel who supported the group's activities brought about the replacement of the region's military commander, as well as a temporary halt to killings by paramilitary bands, and a search for alternative forms of self defense providing a greater capacity for political action. On July 24, 1984 a peasant farmers' association was created that came to play a key role in the consolidation of paramilitary bands. This was ACDEGAN: Asociación Campesina de Agricultores y Ganaderos del Magdaleno Medio. ACDEGAN may be said to have combined all possible forms of action. It undertook lawful activities designed to gain support from small farmers, for example organizing civic campaigns, establishing schools, providing medical services and creating community stores. It served as a political base for Liberal party groups that were in the process of winning back local power from Communist party supporters. And lastly it set up military training schools on a scale that was revealed by the state security agency, DAS, in a report dated May 19, 1988. These schools were run with the help of foreign instructors and trained a good many members of the paramilitary bands.

As an association with explicitly legitimate objectives, ACDEGAN was able to receive support from both public bodies such as some mayors and the armed forces, and private organizations such as associations of ranchers. Its activities were securely

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<sup>8</sup> Daniel Pécaut. *Op. cit.*, p. 390.

financed by a large number of land owners with high incomes derived from their connections with the drug trade. And it succeeded in obtaining a significant amount of political support in so far as it was regarded as a defense against the depredations of guerrilla groups and as an effective means of fighting them. In a clear allusion to ACDEGAN in Puerto Boyacá, the Ranchers' Society of Córdoba stated at the time that they were willing "to renounce the lawful right of social defense, so successfully asserted in other regions, if the government was capable of protecting them from the guerrilla movements."

The higher military authorities, for their part, refused to acknowledge what was happening. The first relatively concrete accusations against paramilitary groups, such as those made in early 1983 against the group operating in San Vicente de Chucurí, elicited from the Minister of Defense flat denials that met with total disbelief. When the Attorney General, on his part, maintained that these groups were emerging on the initiative or with the support of the military and reported in February 1983 that 59 members of the army belonged to the MAS, the military leadership responded by calling on active servicemen to donate a day's salary, towards defending the accused. At the time, the military's ties with private groups were not particularly systematic, though there were increasing reports and rumors of mutual aid between estate owners, especially landed traffickers, and local military commanders.

Paramilitary actions appear to have fallen off quite sharply during 1984, for reasons that are not at all clear. The truce signed with the FARC in May of that year may have reduced the pressure of extortion by this group against private citizens, and may have diverted military action especially towards the groups that had not signed a peace accord.

Moreover, the army was temporarily on the defensive, as a consequence of the accusations made by the Attorney General, Carlos Jimenez Gómez. Concern among senior government officials over the impact of paramilitary groups made it difficult to maintain the attitude of general tolerance towards them that had prevailed up to mid 1983. This did not however prevent attempts on the lives of amnestied leaders of the M 19, including Carlos Toledo Plata and Antonio Navarro.

The creation of the Unión Patriótica in early 1985, as a result of the agreements signed between the government and the FARC in La Uribe, marked the beginning of a new surge of paramilitary activity. During the twelve months before the 1986 elections dozens of candidates and activists of the UP were assassinated. At the same time "cleaning up" actions against the indigent and common criminals became common, particularly in Medellín, Cali and Pereira. These actions could only have been carried out with information, complicity and connivance on the part of some members of the armed forces, as asserted by Carlos Jimenez Gómez on several occasions and as proved, despite emphatic initial denials, in the few proceedings that could successfully be terminated in later years.

On the other hand, the ending of the truce in 1985 and the climate of upheaval created by the tragedy of the Palace of Justice deprived the executive of all its capacity to act as a curb on the armed forces. Moreover, the UP's success in obtaining 5% of the vote in the 1986 elections was seen as a threat by right wing groups. And the prospect of its emerging as the winner in many parts of the country in the first mayoral elections to be held in Colombia, in 1988, was a cause of concern for numerous sectors. Most particularly for landowners in areas where the guerrillas had managed to subject them to extortion despite the presence of authorities ready to defend them: what would happen then if the mayors themselves were guerrilla supporters? Throughout the uneven course of the peace negotiations and agreements, the FARC behaved with an evident ambiguity that tended to be interpreted as the intention of simultaneously

keeping an armed force—strengthened by the relative immunity given it by the agreements—and a political force.

Such ambiguity was a major factor in maintaining an atmosphere of distrust of UP leaders. This might explain the fact that from 1986 almost up to the 1988 elections paramilitary groups, which clearly continued to receive help from members of the armed forces though their contacts with the higher military authorities were steadily waning, concentrated their attacks on the visible heads of the UP. Nearly 30 of the UP's candidates had been assassinated by the time of the elections.

#### **THE BARCO ADMINISTRATION (1986 90); PARAMILITARY BANDS SUPPORTED BY THE DRUG CHIEFS.**

As indicated in the preceding paragraph, during the first year of the Barco administration the UP and other left wing groups or activists continued to be the target of the paramilitary groups' extermination campaign. From 1987 on, however, a significant development—as announced by the slaying in December 1986 of Guillermo Cano, the director of *El Espectador* newspaper—appears to have been the evident predominance of paramilitary organizations directly financed by the principal drug chiefs. In the last two years of the Betancur administration the paramilitary groups, which were mostly made up of ex servicemen, had already begun to be dominated by drug dealers, but their offensive had been directed against the dealers' immediate enemies for territorial control over the rural areas where they had established themselves as dominant landowners. Now, however, it was the traffickers' wider objectives that were given priority, and assassination victims included judges and state officials (Hernando Baquero July 1987, Carlos Mauro Hoyos January 1988), journalists (Guillermo Cano December 1986), left wing politicians (Jaime Pardo Leal October 1987), and civic leaders (Héctor Abad, August 1987). Army involvement had apparently shrunk gradually to occasional clandestine collaboration by junior officers. Victimization of the UP continued, but for a time the movement's special enemies were major traffickers of eastern Colombia, with whom it came into conflict from early 1987, after a period of actual though difficult collaboration.

It is significant that at the beginning of 1987 Jaime Pardo Leal, the head of the UP, made accusations in Congress against Gonzalo Rodríguez Gacha, one of the most powerful drug barons, Víctor Carranza and Gilberto Molina, prominent emerald dealers, and Pablo Guarín, a Liberal leader of Puerto Boyacá. These were, in fact, the UP's greatest enemies, who still received help from some commissioned and non-commissioned officers, although connections between the army and traffickers were steadily being severed.

During 1987 and 1988 paramilitary organizations were modeled on the example and experience of those operating in the Puerto Boyacá area, which was the center of power of the country's major drug dealers and where, as stated before, widespread extortion by the FARC had caused a broad front to be created against them. This campaign against the FARC was evidently successful, for Liberal groups had fully regained political power in the area, and the peasantry, who had before supported the FARC willingly or unwillingly, now supported the new dominant groups equally willingly or unwillingly. Only the Asociación de Campesinos del Magdalena Medio, founded in 1985, tried to keep aloof from the armed struggle between the guerrilla insurgents and paramilitary bands.

Success and an abundance of funds led the paramilitary organization, which was centered in Puerto Boyacá, to enter upon a new stage of development, characterized by efforts to encourage the creation and guide the actions of similar bands in the rest of the country. To give its operatives a better training, foreign instructors began to be

brought to Colombia in late 1987, and soon operatives from the region became involved in a new type of paramilitary action. From early 1988 on they took part in other, regions of the country in mass killings of peasants or town dwellers suspected of sympathizing with guerrilla insurgents: Urabá (March, 1988), Córdoba (April 1988), and Segovia in north east Antioquia (November 1988). Moreover, the fact that they were increasingly acting as common criminals became evident in November 1987, when they murdered a group of traders, probably smugglers going from Bucaramanga to Medellín and ran off with their goods. These self defense groups began to be treated with growing reserve by the state in 1988. The alarm was raised when numerous people were slain on the "Honduras" and La Honda" estates in Urabá. And General Miguel Maza, the head of DAS, concluded in a secret report that these killings had been carried out with the support of civil authorities of Magdalena Medio and the participation and support of members of the army. The immediate leaking of this report to the press prevented the investigation from being carried through to its ultimate consequences.

The slaying of a team of court investigators in January 1989 finally turned the state against these groups, and early in the same year a deserter became the main source for an extensive report that confirmed ACDEGAN's ties with the paramilitary bands as well as the existence of quite sophisticated training camps where members of the bands learnt the tricks of the trade. Soon after the government suspended the decree that authorized the creation of self defense groups, and President Barco stated that these: "... are not just groups of common criminals. They are actually terrorist organizations... It is useless for them to cover up their criminal actions with the mantle of anticommunism or counter insurgency, for most of the victims of their terrorist acts are not in fact insurgents, but men and women—and even children—who are not in armed revolt against the country's institutions, who are peace loving Colombians." The mayors of Magdalena Medio defiantly defended the self defense groups and accused the government of playing into the hands of the insurgents: "Here we're going to defend ourselves on our own. Here we're not going to strip the peasants of their right to defend themselves from the communists." They were particularly vexed about the removal of the Commander of the Bárbula Battalion, Luis Bohórquez, \*who had given them considerable support.

In May 1989 the government's repudiation of paramilitary bands was buttressed by a Supreme Court decision that considered contrary to the Constitution the old 1965 decree on which the 1968 law on self defense was based. The Court maintained that weapons meant for the exclusive use of the armed forces could not be authorized by the government to be held as private property. This decision was reinforced by the Council of State's ruling on June 22 that arms intended for the use of the military should be returned by the citizenry to the army; the ruling was immediately condemned in an *El Tiempo* editorial.

Shortly before, a video broadcast on television had shown the splendid training received by paramilitary agents under an Israeli instructor, who was subsequently identified and explained that he had come to Colombia under the impression that the task in question was legal, and had always spoken to army officers, senators and senior officials who knew what he was coming for.

Despite growing evidence of paramilitary violence, many people still persisted in regarding the Puerto Boyacá groups as a form of legitimate defense, or at least continued to cast doubt on General Maza's version of the events. On May 31, 1989—the very day that a bomb destroyed his vehicle—*El Tiempo* gave prominence to a statement that all the accusations made by the head of DAS were the machination of a deserter who was "a pathological liar, information peddler, compulsive drug addict,

thief and bogus doctor " On June 25 the members of the Magdalena Medio self defense groups published an advertisement expressing their point of view, so as to refute the "accusations made by certain extremists" according to the paper's explanation. And again on July 4 there appeared an interview with their chief. Press objectivity did not extend to equal treatment for guerrilla insurgents. Some columnists continued to insist on the need for self defense and tried to make the government's efforts to curb these groups appear "foolish," while the army refused to accept what was now common knowledge, causing the Attorney General to complain as late as mid 1989 that the Fifth Brigade had failed to carry out various orders for the arrest of paramilitary agents. Only the assassination of Presidential Candidate Luis Carlos Galan in August was to remove all delusions, for it became evident that most of the paramilitary groups were in the service of those who had become the chief enemy of peace in Colombia—the drug traffickers—, though such groups may at one time have been instrumental in turning guerrillas out of certain parts of the country and terminating their extortions there. The public storm over the slaying of Galan wrecked a final attempt to uphold the legitimacy of self defense organizations: three days earlier the creation of a new political party, MORENA (Movimiento de Reconstrucción Nacional), headed by the leaders of ACDEGAN, had been publicly proclaimed.

However, the situation in Puerto Boyacá was quite different from the situation in other places, where paramilitary groups had no political cover and operated solely as clandestine bands. The self defense groups of Magdalena Medio were publicly known, operated behind legitimate organizations and received support from the authorities and politicians, who denied the obvious connections between them and paramilitary actions. This shows the natural evolution of supposedly strictly "self defense" groups: they were inevitably drawn into escalating the conflict. Once armed, it was impossible to prevent them from committing actions that they considered more effective or exemplary, from serving the direct interests of those who financed them, or from becoming —legitimately, according to some sectors of the country— the armed branch of the new class of estate owners engendered by drug dealing fortunes.

## **THE LOGIC OF ACTION OF THE ARMED ORGANIZATIONS**

The current complex situation is characterized, as stated at the outset, by the presence of different types of non official armed organizations.

*Guerrilla movements* On the one hand there are the armed guerrilla movements, which are engaged in open political lawlessness and do not conceal their intention of coming to power by means of arms so as to change the present order. As the case of Puerto Boyacá has shown, these armed insurgent movements have caused widespread reaction to set in against them, which has developed into a suitable atmosphere for the creation of self defense groups. Yet, though the guerrilla groups have carried out terrorist actions, attacked civilian populations, kidnapped private citizens not involved in the conflict, and committed other similar acts, they are movements with political objectives, subject in some measure to criteria of political efficacy. Their acts may be designed to diminish the legitimacy or power of the regime, but must seek the support of at least a part of the people and must have a political logic that makes it possible to justify them publicly. This is why the guerrilla groups usually claim responsibility for their military and even terrorist actions as a legitimate part of a defensible struggle. There is, however, a growing tendency among some guerrilla groups to disregard every type of "politico-ethical" constraint. Support for guerrilla ideas and objectives has been limited in Colombia, except in areas where the nature of the response from state institutions and the landowners has been such as to drive the local population to take refuge with the insurgents. Consequently the guerrilla movements' networks of

urban sympathizers have been relatively reduced. And they have increasingly had to resort to traditionally criminal activities, such as kidnapping, extortion and even bank robberies, to obtain money.

*Self defense and paramilitary groups* And on the other hand there are the paramilitary groups. They have at times emerged as self defense groups, under the umbrella of legality provided by Law 48 of 1968 and with overt support from the military and other state institutions.

The logic of events has turned most of them into clandestine groups that do not claim responsibility for their actions, can count on some irregular help from the army without submitting to its authorities, and have no ethical considerations nor any need to maintain a political image other than that created by terror and the short term efficacy of their actions.

Their political objective is limited to "cleaning up" society or a particular region by eliminating undesirable elements, such as insurgents, their sympathizers, opposition political activists, labor unionists, and certain kinds of criminals..

Since no one is publicly answerable for them, they are not obliged to explain their acts to society. They simply appear as criminal bands, publicly condemned by all for the barbarity of their acts, but secretly protected and abetted in some cases.

A special situation obtained as regards the self defense movement of Puerto Boyacá, in which clandestine type actions were neither confessed to nor claimed but covered up by front organizations with ideological and political objectives centered on anticommunism and community defense. Thus those who gave political support to the region's self defense organizations could publicly deny supporting the typically paramilitary acts of violence, and the Puerto Boyacá movement was spoken of by important political, state and military sectors as a legitimate political organization. In the meantime, irrefutable evidence has convincingly revealed the close connection between the front organizations and the massacres and assassinations that have been committed. And efforts have been made by certain state bodies and especially certain judiciary officials to put an end to the action of the region's paramilitary bands or to bring those guilty of criminal acts to justice.

These bands can only operate with the support of economically powerful groups and the protection, help or at least acquiescence of some civil authority representatives or armed forces personnel. In many cases the connection between armed forces personnel and the paramilitary groups may be closer still, and there is evidence of active participation by servicemen in typically paramilitary actions; while in other cases the members of the paramilitary groups appear to be civilians but receive information and protection from some members of the armed forces. In all cases, the presence of drug organizations, with experience in recruiting and using hired assassins, helps to break through any kind of restriction on the procedures likely to be used against guerrilla movements or any groupings regarded as their sympathizers.

From 1983 to 1987 a good many victims of the paramilitary bands were individual leaders of opposition political groups or of labor unions that sympathized with armed insurgents or with legal opposition parties, but lately the bands have been increasingly perpetrating mass killings. The first strategy might be thought to have been ineffective, in that it made heroes of the individual victims, who were moreover inevitably and promptly replaced. Thus, the new strategy would appear not to target those who are specifically "responsible" for or "guilty" of supporting the guerrilla groups, but to strike at the community as a whole and show it what can happen to those who help guerrilla insurgency or even the UP. So that terrorism, which up to the 1988 elections was directed against UP candidates, appears now to be directed—

perhaps in preparation for the 1990 elections— against the communities that have supported the UP. At the same time, a substantial part of the paramilitary bands' power of action has been employed in pursuit of the drug dealers' political aims, more specifically in creating such conditions as will force the government to enter into negotiations on issues such as extradition or forms of repression. The victims in this case have been journalists, members of the judiciary system or politicians widely known to be opposed to the activities of the drug trade.

## **TENDENCIES TOWARDS ALL OUT VIOLENCE**

Guerrilla or irregular warfare has traditionally involved a measure of disregard for the rules of regular war. Hence the perpetration of violence against civil populations suspected of collaborating with the army, and resort to means of financing that are a travesty of public "taxation." Military response to guerrilla insurgency, in Colombia as elsewhere in the world, has also tended to transgress the conventions of war by including attacks against civilian populations suspected of supporting insurgents, arbitrary detention of non active sympathizers, use of torture, application of the stratagem of "shot on the run," etc. But, just as guerrilla movements cannot break all the rules with impunity, so it is impossible for the armed forces of a land governed by law to act with complete disregard for legality, their acts of barbarity against civilians and even insurgents constituting violations of military regulations themselves, violations that may be covered up or ignored but never claimed. Furthermore, both the guerrillas and the military are identifiable parties in conflict, each espousing a public political program and trying to gain legitimacy among the civilian population.

With the emergence of the paramilitary bands the war began to intensify and the methods employed became steadily harsher and more inhuman—the "dirty war." The clandestine nature of the bands, the support they received from the drug dealers, their need of eliminating all witnesses, together with other factors, led to actions in which all those present were to be killed. The lack of any public political discourse that could justify the assassination of civilians meant that the effort to gain support among the population was replaced by the opposite effort to create fear among them. Thus the bloodiest acts might seem the most effective in the struggle for control over the civilian population. The enemy was no longer identifiable and confusion reigned among the parties in conflict and the civilian population. Fighting between the guerrilla groups and paramilitary bands thus acquired an increasingly irregular and illegal character, for they felt in no way restrained by such legal restrictions as tend to curb the action of regular military forces.

## **FACTORS FAVORING THE EXISTENCE OF PARAMILITARY BANDS**

Some members of the army and government have recommended the constitution of self defense groups, though naturally without admitting that they are very liable to become paramilitary bands that commit murders and massacres. However, although most official sectors are currently opposed to the constitution of self defense groups, official discourse and ideology—particularly among the military—contain certain elements that are conducive to justification of such groups or their creation. These elements are difficult to combat because of the powerlessness of the state, assuming that the political will exists to do so. The following may be cited as contributing factors in creating a favorable atmosphere for the formation and operation of paramilitary bands:

A. A tendency on the part of members of the armed forces to regard as a help to the

guerrilla movements any efforts to ensure that the agents of the state do not become involved in violations of human rights and do not individually support the actions of paramilitary bands. Any suspicion expressed or concrete accusation made about violations of military regulations by individual servicemen is taken to be an accusation against the institution itself and is responded to by a heightening of its esprit de corps. To hold in suspicion anyone reporting human rights violations by agents of the state has acquired the force of a presumption of law, on the theory that to report such violations is a central strategy of guerrilla insurgency and one designed to limit the armed forces' capacity for action.

B. A tendency to respond to suspicions and accusations of this kind by accusing those who make them of being biased because they fail to refer to human rights violations committed by the guerrilla groups. This argument appears to imply that if the guerrillas violate human rights, the violations committed by the state are less serious. It ignores the fact that the state's primary obligation, as guarantor of the rule of law in the land, is to defend and protect the citizens' human rights, and that therefore violations of such rights by the state constitute a radical perversion of its function and diminish its legitimacy. This is true even if, contrary to prevailing opinion among human right activists, it is held that crimes committed by armed insurgents or armed civilians, and affecting individual rights, technically constitute violations of human rights and not just criminal acts that must be prosecuted and punished by the state.

C. A tendency to find that any effort to increase the protection of human rights by institutional or legal measures (such as classifying certain actions as crimes or adhering to the relevant international conventions) in some way favors the guerrilla movements, grants them the status of belligerents, or implies criticism of the armed forces.

The tendencies described above make it more difficult to censure conduct by members of the armed forces that violates the military's own regulations as well as the laws of the land. Servicemen who carry out acts of assistance to the paramilitary bands—such as identifying "enemies," supplying intelligence information, and even taking part personally in paramilitary operations—can count on being protected by the military regardless of legality and expect all the more to enjoy impunity. Even those who do not support these acts tend to deny the possibility of their occurring within the military institution or to dismiss all accusations in this connection as emanating from the guerrilla camp. Often also efforts are made to invalidate such accusations by stating that they are made by criminals, who cannot be given greater credence than the military authorities, as occurred for example when a survivor from the massacre at Altos del Portal affirmed that it had been carried out by order of the drug chief Gonzalo Rodriguez Gacha.

All this, together with the evident inefficacy of the judicial system, has helped to ensure a high degree of impunity, making it impossible to investigate ties between the paramilitary bands and the army or other state institutions.

While the army's inability to defeat the guerrilla groups derives from logistic difficulties, the extent and geographical features of the territory to be covered, a lack of proper training for irregular war, and problematical relationships with civilian populations, the state's inability to deal with the paramilitary groups is due to other factors. The groups in question in this case are based in populated centers and not in jungles, live side by side with the authorities and associate with them, and their ties with the agents of the state are usually an open secret. These ties are impossible to prove partly because the civilian communities feel too threatened to give evidence, but largely because it is rightly or wrongly assumed that the groups are supported by forces within the army or other state institutions. As long as this assumption is not

shown to be false by means of vigorous exemplary action, no one will dare to inform against a member of a paramilitary group, from fear of becoming a victim of these groups through intelligence leaks. Even such radical safeguards (including a change of identity) as have been offered in the investigation of the Segovia massacre are not convincing if people think there are paramilitary sympathizers in the state's security organizations.

## **IDEOLOGICAL JUSTIFICATIONS FOR THE EXISTENCE OF PARAMILITARY BANDS**

In addition to the sectors which, without approving of the creation of paramilitary bands, put forward arguments that in fact justify their existence, there are others which consider them to be a legitimate weapon against insurgents. This is due in part to the spread of ideologies that tend to identify any kind of opposition to the established order with armed insurrection and the perpetration of criminal acts.

Thus, the trade union or agrarian leader, the intellectual, and the political activist are held to be as guilty as the guerrilla insurgents for the ambushes, assaults and other acts of violence committed by the insurgents. And if according to counter insurgency ideology "total war" without mercy is lawful, then such a war may be waged against civilians and for the purpose resort may be had to equally civilian bands.

The foregoing arguments led to use of violent action as the major means of combating guerrilla insurgency, and to disregard the need, in any civil strife, of a political strategy to gain legitimacy and allegiance from the civilian population. But one of the factors most responsible for the continued existence of guerrilla insurgency in Colombia has been the frequent application of indiscriminate repression by the agents of the state against sectors of the civilian population, often causing victims among ordinary citizens with no ties at all to the armed insurgent groups. The doctrine of national security and "passive subversion" has caused the peasant farmer living in a guerrilla area to be regarded as a culprit deserving punishment rather than as someone whose support should be won for the established political order.

This is the ideological outlook of the paramilitary bands, which tend to ignore every distinction between guerrilla fighters, political militants, sympathizers and others, and to consider any evidence of support for guerrilla related action as sufficient reason for making an exemplary punitive assault, even though such support is often given under duress.

## **UNDESIRED OUTCOME OF PARAMILITARY ACTION**

It has been argued by some sectors that it would be suicidal for a democratic civil state to respect human rights too strictly, for it would thereby give advantages to those wishing to destroy it and would make its agents victims of subversive groups, who observe no rules in fighting. Historically, nothing could be farther from the truth: the only regimes that have ever been overthrown by guerrilla insurgents have been precisely those that refused to provide such advantages. No democratic government has ever been toppled by a guerrilla movement. The only governments and armies vanquished by guerrilla insurgency have been those that were morally suspect or were considered to be morally unequal to the forces opposing them. No guerrilla movement has emerged victorious unless the regime opposed by it had first lost its legitimacy. And this legitimacy is lost precisely when the regime no longer adheres strictly to democratic legality, when it abandons its strategy for undergirding democracy within the society for short term objectives. And one of the most important means of

conserving legitimacy is to maintain public confidence in the institutions that regulate life in society: the judicial system, which is responsible for settling disputes between citizens, and the armed forces, which are the sole holders of the monopoly over the legal use of force.

Suspicion that these institutions are corrupt and incapable of performing their functions and that they have surrendered the settlement of conflicts and meting out of punishment to private hands will invite a similar behavior from society at large. And if the creation of self defense groups is encouraged or promoted in the face of guerrilla actions, should it not be allowed and fostered in those communities whose political leanings make them potential targets of paramilitary bands, to enable them to protect themselves against such bands? The country's recent history has shown how violations of the law by agents of the state for the purpose of gaining a more rapid victory over internal enemies have not only been ineffective but have in fact produced the opposite results to those intended. Acts of violence against peasant populations, who have been subjected to more or less arbitrary systems of control and registration, hostility towards trade unionists suspected of sympathizing with the opposition, and strategies such as those employed in 1979 against urban sectors, including arbitrary searches, rough treatment etc., have helped to strengthen the guerrilla movements, win them new supporters, prolong their recruiting capacity, and turn them in some areas into a means of protection against arbitrary acts expected from the state. Thus the guerrilla movements, whose overall political ideas and aims have neither legitimacy nor support in Colombia, have by the force of circumstances acquired a measure of local legitimacy. Illegal actions by the state and the expansion of paramilitary activity have, moreover, resulted in the armed insurgent groups' obtaining public sympathy from abroad, not so much for their political objectives as for their situation as victims of the dirty war.

### **THE PARAMILITARY BANDS' IMPACT ON SOCIETY**

Abandonment by the state of the effort to keep its monopoly on the use of force can have extremely dangerous unforeseeable consequences. The paramilitary bands that begin to operate with the support and acquiescence of the state may at first keep within parameters defined by those who have fostered their creation. But their very structure, their semi clandestine nature, and the types of action they carry out engender a culture and ethic of violence that hold them back from returning to a fully civilian life. Once the enemy has been exterminated—assuming this to be possible—, who will be the next target of their arms? There is a very high risk of their turning to crime to continue a way of life now become familiar. In Colombia this risk has become a reality, to the extent of forcing many of those who initially defended the self defense groups to observe that what had begun well has become corrupted. In addition, the existence of groups of this kind with links to the state is damaging to the military services and the police force, for it spells indiscipline, corruption and internal divisions. Underground organizations are formed within military institutions, which dislocate the tatter's institutional structure; illegal operations are undertaken which have to be covered up; and conflicts arise among the different groups over private interests.

Proliferation of paramilitary groups also taxes the political capacity of the government in so far as the groups impede implementation of concrete strategies defined by the government. Some years ago action by such armed groups was highly instrumental in sabotaging the government's peace efforts, and today their presence is one of the main obstacles to the return of guerrilla insurgents to legal activity and civil life. The existence of paramilitary groups has thus become a limitation on the autonomy of the state itself and a sword of Damocles liable to fall on the very government should its policies appear unacceptable to them. Moreover, when armed groups of private

citizens, empowered by legal delegation or acting on their own initiative, carry out functions pertaining to the state, a permanent climate of fear is created that inhibits threatened sectors from engaging in political activity and effectively destroys the possibility of free open discussion, which is essential to any democratic order. As a rule, support for the creation of paramilitary bands, like support for any kind of action that violates the law with the complicity or participation of agents of the state, tends to produce results at variance with the aims of those who promoted the bands. The methods of private justice play havoc, in fact, with the administration of official justice and, what is more, erode the moral authority of those who govern the land. The mere suspicion that the state supports such methods further impairs the already precarious situation of justice, which loses credibility. And the state as a whole finds itself deprived of the citizenry's common consent, that essential source of strength of democratic institutions.

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