

**A Compendium of Colombian Policing Challenges:
From Pablo to Present.**

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Abstract

Colombia has one of the oldest democracies in Latin American, however it has a history of violence that stretches from the time of the breakup of Gran Colombia. Simón Bolívar's vision started to erode in the 1830s and ended in 1903 with the independence of Panama. Contemporary Colombia saw violence continue with peasant revolts in the 1920s and 30s, *la Violencia* in the 1940s, the formation of the insurgent groups like the FARC and ELN in the 1960s, the creation of drug cartels in the 1970s and their transformation into narco-terrorist groups and then micro traffickers in the 1980s and 1990s. There have been limited periods of peace for the citizens of Colombia.

These events have consequently challenged Colombia's judiciary and police forces in the areas of general violence, inequality, geographical policing challenges, corruption, case backlog and Colombian police leadership. As former president Belisario Betancur states, 'Modern times have not been easy for Colombia' (1998, p.XV).

The challenges in writing this thesis have been considerable. This author has utilised experience gained from living and working in Colombia for over five and a half years and the experience of his protected sources as well as the foundations laid by other academics and the media in order to present the most significant of the challenges to Colombian policing in the last forty years. The goal of this document is to form a compendium on these areas for those who are new to Colombian policing, its judiciary and the history that has helped to shape them.

To Theresa, Nicole and Jasmine.

My Mother who always nurtured and supported me, my Wife who always supported and tolerated me and to my Daughter who is supported, nurtured and tolerated.

To Hayley Dunn and Dr James Hawthorne for Academic Advice

Dedicated to Thomas Parr

Your wisdom and debates will be sorely missed

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List of Abbreviations

ACCU - Autodefensas Campesinas de Córdoba y Urabá /Peasant Self-Defence Forces of Córdoba and Urabá - the pre-cursor group to the AUC.

ANP – Anti Narcotics Police

AUC - Autodefensas Unidas de Colombia - The United Self-Defence Forces of Colombia - Formed from the AUCC

BACRIM - Bandas Criminales – Criminal Bands

CAI – Centro de Atención Inmediata – local police station

CNP – Policía Nacional de Colombia - Colombian National Police

CTI - Cuerpo Técnico de Investigación – Technical Investigation Team – Judicial Police and a part of the Fiscalía

DIJIN - Dirección Central de Policía Judicial e Inteligencia - Central Judicial Directorate of the Colombian National Police and Intelligence centre.

DIPOL - Dirección de Inteligencia Policial – Police Intelligence, more Akin to MI5

DIRAN Dirección de Antinarcóticos (DIRAN) – Anti Narcotics Police

ELN - Ejército de Liberación Nacional – National Liberation Army

FARC/FARC-EP - Fuerzas Armadas Revolucionarias de Colombia—Ejército del Pueblo
The Revolutionary Armed Forces of Colombia - People's Army

Fiscalía – La Fiscalía General de la Nación - Attorney Generals Office

GAO's – Grupos Armados Organizados – Organised Armed Groups the new name for BACRIM groups.

UP Unión Patriótica – Patriotic Union the Political Party of the FARC in the 1980's and 1990's

Introduction

Colombia has a reputation for conflict. That reputation revolves around Colombia's over 65-year struggle with violence due to an internal civil war with guerrilla groups, lawlessness throughout its territory and the 45-plus year struggle with illegal drugs, principally cocaine. In light of this view of Colombia's past, this paper aims to present the challenges faced by law enforcement in Colombia and how Colombian policing adapted to regain control of territory, protect citizens and oppose the production and trafficking of illegal drugs. The purpose of this thesis is to provide a compendium of knowledge on Colombian policing in order to provide those new to the subject with an overall view of where Colombian policing has been, the challenges faced and where change has transpired. Principally this thesis will explore the main challenges faced by the Colombian National Police (CNP), but also those of the Attorney General's Office (the Fiscalía), the impact of those challenges throughout Colombia's history, the issues that remain and potential solutions. Issues facing Colombia's Judicial Police (CTI) and the Colombian military will be explored in the periphery. In order to provide a better foundation to present the aforementioned, this author will now describe the basic structures of Colombia's government, the Fiscalía/CTI and finally the Colombian National Police.

The Formation of Contemporary Colombia & The Structure of Government

In the 19th century direct Spanish colonial rule was lost across Latin America and Gran Colombia was born from Simón Bolívar and Francisco de Paula Santander's revolution to create a grand republic to unify a large part of Latin America. Gran Colombia continued to grow and assisted in the liberation of other areas from the Spanish. However, departments of Gran Colombia sought separation from the idea of centralist government, preferring a more federal model. Gradually various regions broke away to form their own countries – first Venezuela, then Ecuador and finally decades later Panama with assistance from the United States. The department formally known as Cundinamarca went through numerous name changes over the years from the Republic of New Granada to eventually the Republic of Colombia, more commonly known simply as Colombia.

The Republic of Colombia is a unitary republic comprising 32 departments, and one capital district. Since Colombia adopts the representative, republican, and democratic form of government, it is governed by representatives of the people, who are elected through direct vote. The country embraces a system made up of governmental powers (mainly an Executive Power, a Legislative Power, and a Judicial Power), and also has a written Constitution. (Ramirez 2007)

In 1991 there was a complete constitutional change, which had a great impact on the function of the Colombian police (Ruiz-Vásquez, 2015, p. 3). As part of this change the government created a constitutional assembly and five new jurisdictions across Colombian to focus on terrorism, anti-narcotics and cases of police corruption. The constitutional assembly was designed as a more inclusive model where by indigenous persons, ex-guerrillas, peasants, union leaders and academics were included. This new design utilised prosecutors and judges who were anonymous in order to curb corruption and assassinations of key players in the justice system. This was also the first time that Colombia's constitution formally stated the right to preserve life and protect human rights of an individual or a group and therefore it was a considerable step towards more comprehensive citizen safety. Lastly, Article 315 in the Colombian constitution makes for greater 'decentralisation', allowing local mayors (rather than the central government) to have more control, in areas like 'citizen security'. This reform was the largest since the 1886 constitution and still considered the most significant in Colombia's history Ruiz-Vásquez (2015). Also during this constitutional revision the new 'Corte Constitucional' (Constitutional Court) oversaw and provided judicial powers to policing agencies Goldsmith and Lewis (2000).

Appendix items one to three show organisational charts of the Courts, Fiscalía and Colombian National Police, with organisational charts from the two former agencies originating from their official websites.

The Courts

The Constitutional Court is one of five of the main judicial branches of the Colombian state, along with Superior Council of Judicature, Supreme Court of Justice, Council of State and the National Institute of Medicine and Forensic Science. The Constitutional Court is the final appeals court where citizens or institutions can challenge the Colombian constitution,

legislations and statutes. This court was created in conjunction with the 1991 constitution to provide fair and reasonable justice to Colombian citizens.

The Supreme Court of Justice is the highest court of ordinary jurisdiction and is the final resort for judicial cases and appeals, to judge the President's administration if required, to judge the Attorney General's office (Fiscalía), ambassadors and diplomats. Therefore it is the highest court to oversee and prosecute all Colombian policing agencies either via the President's administration or the Fiscalía.

The Council of State is the highest Court of Administrative Litigation and advisory body of the Government, with a remit to unify Colombian law through their interpretation, to plan and reform draft laws and amendments to the constitution, to examine decrees and advise the Colombian government on matters of law.

The National Institute of Medicine and Forensic Science provides medical legal advice, forensic legal advice and services to the Colombian government and the criminal the justice system.

The Fiscalía & CTI

Another outcome of the 1991 Constitution was the formation of the Fiscalía General de la Nación (Attorney General's Office) and CTI (Cuerpo Técnico de Investigación – Technical Investigation Team – Judicial Police). The Fiscalía was created in 1991 and opened in 1992. It serves as the legal legislative component of Colombian policing, providing criminal prosecution, administrative and legal support to all public prosecutions within Colombia. All investigations must be assigned a 'Fiscal' or a judge to authorise a police investigation.

CTI

The CTI (The Judicial Police) are a policing agency positioned under the Fiscalía, with a focus on high level criminal groups, narco terrorism (which they approach from a more technical policing perspective such as with the use of communications interception) and also as a hub to support victims of domestic violence and victims of sexual violence.

The Colombian National Police

The Colombian National Police (CNP) sits under the Ministry of Defence rather than a civilian ministry. While this might appear unusual compared to the policing model in the U.K. it is not unique, for example the customs police (*Guardia di Finanza*) in Italy also falls under the ministry of defence (Gobinet, 2008, p. 101). The Colombian force is around 160,000 strong, spread across eight specialised departments; Anti Kidnap/Anti Extortion, Anti Narcotics, Citizen Security, Criminal Investigation, Indigenous/ Rural security, Intelligence, Government/VIP Protection, Traffic. These departments are deployed across eight policing regions in Barranquilla, Bogota, Cali, Cucuta, Medellin, Neiva, Pereira and Villavicencio. The policing powers of the CNP have changed considerably over the years and have been modified again with the new police act of 2017, which is set out in more detail in the appendix four. Colombian police officers have the powers of arrest and ability to enter premises and homes where it is deemed appropriate and proportional, however, most street-based officers still rely on seeking permission from senior command officers. Police conscripts are also utilised and have limited powers, they are considered an augmentation to existing police officer deployments rather than able to function alone except for basic guarding duties at public events.

It should also be noted that although previously mentioned the Constitutional Court provides judicial powers to policing agencies, including the Colombian National Police. The CNP is a part of the military in Colombia, therefore they are also answerable to the Ministry of Defence for all administrative matters, including crime statistics and finances.

Inquisitorial to Accusatorial

Part of the judicial reform that commenced in 1991 aimed to revise its courts from an inquisitorial system whereby the court is a key component in the investigation process to an accusatorial model. In the accusatorial model the court is not actively involved in the investigation process, but resides as an impartial arbiter of justice during the trial. This process, however, was not fully implemented until the mid 2000s. Torres states that before this time the inquisitorial system was ‘woefully deficient on several fronts’ (2007, p.8). Backlogs were a considerable problem and ‘the average processing time for a theft case taken to a Bogotá court was approximately 567 days’ (Torres, 2007, p. 8). In the mid 2000s the

Colombian judiciary moved to the accusatorial model, which has had some considerable positive impacts on Colombia's courts and policing and will be discussed further and in more detail in Chapter Five.

Theme

The main theme for this paper is to explore the history of each chapters subject and present the challenges and outcomes not just with Colombia's policing, but also the changes with the insurgent and criminal groups that they have fought for decades. Whilst some might argue against using the term 'fought' in relation to a police force, this author wishes to make clear that Colombia has a police force and not a police service. Susan Martin roughly highlights the responsibilities of a police service as such: 'Police not only enforce the law and arrest offenders; they also are responsible for preventing crime, protecting life and property, maintaining peace and public order, and providing a wide range of services to citizens 24 hours a day' (Martin, 1999, p. 115). In contrast, Colombian police forces are currently far more recognisable as a militaristic group, with a military rank structure and a quasi-military remit, which will be described in more detail throughout this thesis.

This thesis will cover Colombian policing challenges across six chapters, with a different focus presented in each chapter: the war on drugs, paramilitary/criminal groups, insurgencies, police leadership and the overall Colombian criminal justice system. The first chapter will look at the war on drugs and its actors, from one of the most famous narco-traffickers Pablo Escobar, through to changing nature of drug trafficking with a focus on the downfall of the classic Colombian family-based cartels and the advent of contemporary micro trafficking cells. The challenges focused upon will be how the police handled the traditional cartels and what were the outcomes. The second chapter will then move on to the rise of paramilitary groups with a focus on the AUC (United Self-Defence Forces) and their eventual evolution into the BACRIM ('bandas criminales') groups, how those groups challenged the police and the outcomes of this. The third chapter will focus on the historically prominent guerrilla group in Colombia, the FARC (Revolutionary Armed Forces of Colombia), the FARC's political party - the UP (Unión Patriótica), the previous peace processes in the early 1980s through to the 2000s, and finally their change of focus from a Communist insurgency into a drug trafficking body with some Marxist influences. When it comes to the FARC the focus will be not only the police, but also the Colombian military who have taken on some policing

responsibilities in remote areas. Challenges and outcomes here will focus on the current peace process. The fourth chapter present the perspective of the leadership of the Colombian police, both in terms of its internal processes and in relation to the war on drugs. This chapter will assess challenges and outcomes relating to the war specifically as they pertain to police structure and leadership. The police leadership chapter will aim to quantify police leadership: is it appropriate and efficient? The fifth chapter will briefly look at the criminal justice system (CJS) as a whole to assess how the CJS could be impacting Colombian policing. The last chapter will present this author's findings, namely how Colombian policing has changed, where its future lays, the cost of corruption - an issue that was constantly raised throughout this author's research - the impact of inequality, and why the current peace process with the FARC might be the last.

The first three chapters will commence chronologically from the origins of each chapter's subject, with the first chapter beginning in the 1970s during the time of Escobar. Chapter Two will go back as far as the 1940s at the commencement of la violencia onwards to the paramilitary groups, while Chapter Three will start in the 1960s with the origins of the FARC and continue until the current peace process. This will allow this author to present multiple Colombian policing challenges across a broad spectrum and some of the outcomes of those challenges, be they from Pablo Escobar; the paramilitaries or the FARC; and the Police force's own place within the Colombian criminal justice system across the decades. In contrast the police leadership, criminal justice system and conclusion chapters will be from an overview perspective considering the most pertinent issues covered over the preceding chapters, with the primary focus being on the contemporary situations.

There are a few considerations that this author wishes the reader to please take into account: firstly not all sources are native English speakers, therefore some quotes will be in broken English; this was due to this author aiming to translate and not interpret the answers in order to ensure the source's meanings were preserved. The interviews took place over a five-year period, therefore references to the FARC peace process or areas of legislation will be seen to change reflecting the changes in these processes and local legislation during the interview process. This author has chosen the quotes from the most pertinent sources, therefore some interviewees will be quoted more than others due to their experience in Colombia and the relevance of their profession. For example this author would quote a barrister more on the subject of Colombian law as opposed to other sources – for their ability to articulate the

pertinent points efficiently and concisely. However, it should be equally noted that all opinions were considered and used regardless of whether they agreed or disagreed with this author's narrative, or indeed any of this author's personal or professional views. Hearing opposing views to different debates has been one of the highlights of this study.

Literature Review

When one looks online for books on Colombia on Amazon.co.uk or.com, there is a mix of travel guides and books on Pablo Escobar and Colombia's violent history. When looking through a more academic lens, there are over 20,000 sources of information on Colombian policing. However, most of those results appear to this author (this author was unable to verify all 20,000 sources) to be combined studies across multiple countries or subjects whereby Colombian policing was on the periphery of the study rather than the central focus. Despite these examples, it is not to say that such specific focused work on Colombian policing does not exist. Dr Juan Carlos Ruiz-Vásquez has multiple papers on Colombian policing and there were a few other notable experts in the field. This author will now break down each area of research, from academic articles and journals, through academic books and finally other sources, such as the media.

Articles and Journals

Dr Juan Carlos Ruiz-Vásquez has over 25 years of experience in academia. He is an Associate Professor at the Faculty of Political Science, Government and International Relations at the Rosario University in Bogota Colombia. Dr. Ruiz-Vásquez has published four papers on policing, three specifically on Colombian policing and has written several chapters in books on Colombian policing. This author was fortunate enough to discuss this thesis with Dr Ruiz-Vásquez and acquire a copy of his thesis titled 'Colombian Police Policy: Police and Urban Policing, 1991-2006' - a paper that as of June 2018 has not been published, and of which Dr. Ruiz-Vásquez very generously gave a full copy to this author to read in relation to his own research. In light of the fact that this work has not officially been published, and to avoid abusing the considerable trust that Dr. Ruiz-Vásquez has shown; this author will avoid referencing or quoting the unpublished thesis directly, ensuring there is minimal crossover between the two works instead using it as a foundation for research. However, this author will quote his other works, specifically Ruiz-Vásquez's 2012 article 'Community police in Colombia: an idle process', his 2013 article 'Colombian police under fire: image, corruption and controls' and finally his 2015 article 'Crime and Punishment in Colombia'. The first of Ruiz-Vásquez's work covers the creation and deployment of the Community Policing model within Colombian Policing. The second article covers the 'extent

and impact corruption’ and Colombian public perception of the police. The third covers crime historically in 1990s Colombia, external factors for example extradition and the history of violence the country has endured.

Professor Andrew J. Goldsmith is currently the Strategic Professor in Criminal Justice at Flinders University in Australia, has significant academic experience in criminology and international policing and was a source this author utilised during the research process. Goldsmith and James Sheptyckis’ ‘Crafting transnational policing: Police capacity-building and global policing reform’, is the top search when entering ‘Colombian policing’ into Google Scholar as of June 2018. Examining this result reveals the book to have one chapter focusing solely on Colombian policing, with this chapter’s perspective being transnational policing in regards to foreign assistance. Similarly Goldsmith’s *Civilian Oversight of Policing: Governance, Democracy, and Human Rights* (2000), which is the first result to be displayed from Google’s book search also in June 2018, is a book that covers this author’s subject in one chapter among the far greater study of the books overall theme.

Eduardo Moncada is currently the Assistant Professor of Political Science at Barnard College – Columbia University New York. Moncada has an exceedingly large amount of academic experience covering multiple papers and a book which again formed the basis of this author’s research including citations within this thesis from Moncada’s 2009 paper ‘Toward Democratic Policing in Colombia: Institutional Accountability through Lateral Reform’. Moncada has focused on specific policing issues of race, accountability and urban violence amongst other subjects. In contrast, this author will aim to specifically cover Colombian policing and peripherally the Colombian judiciary in regards to their challenges over multiple decades.

Elvira Maria Restrepo is currently the Assistant Professor at the department of International Studies at the Miami University of Arts and Sciences, having originally studied and gained her PhD at Oxford University in Politics in 1999. Restrepo has a large amount of experience researching and publishing cross-disciplinary works covering conflict, human rights, women’s rights, criminal justice and peace building and is also a member of the Colombian bar after being certified in 1991 in the United States. Restrepo has written multiple papers and contributions, including as an occasional columnist at *El Espectador*, a Colombian

national newspaper. This author read and will cite considerably from the *The Colombian Criminal Justice in Crisis: Fear and Distrust* (2003).

Colombian Policing and Insurgency Books

Whilst it was also stated that other forms of previous research have not focused exclusively on Colombian policing, three books have crossed into several pertinent areas on enough occasions that this author considered them to be key areas of research before conducting one's own studies. The books of choice are: Steven Dudley's *Walking Ghosts: Murder and Guerrilla Politics in Colombia*, Mark Bowden's *Killing Pablo: The Hunt for the World's Greatest Outlaw* and Garry Leech's *The FARC: The Longest Insurgency*.

Firstly, this author will briefly analyse *Walking Ghosts* as this is the most relevant of the books in relation to the author's studies, and also covers in more detail an issue that is key to this author's work; namely the first process with the FARC and the Unión Patriótica (UP). Steven Dudley, the author of *Walking Ghosts*, has his roots in reporting and investigation and is a co-director and co-founder of Insightcrime.org, a website whose purpose is the investigation and analysis of organised crime across Latin America. During the course of this author's research, multiple Colombian agencies and embassies considered InSight Crime a reliable source and Mr Dudley a reliable journalist. Therefore, this author considers Dudley's book to be a reliable source for preliminary research into Colombian policing, especially with regards to the FARC and political impacts on Colombian policing. The edition this author owns is the 2004 print, which will serve as the backbone for his research into the FARC and their attempt in the 1980s to enter the Colombian political arena, which will be relevant in regards to the peace process environment. The book itself covers the UP (Patriotic Union party) from its formation, to its use by the FARC to be represented politically at the state level, and its eventual dismantling by right-wing paramilitary groups. The book also offers more background of the political landscape of Colombia from the 1940s onwards. Another main focus of the material is a look at the first peace process with the FARC in the 1980s, the predominant issues of the time and the eventual outcome of that process which offers this author key points for comparison to the 2012-2016 peace talks held with the FARC in Havana, Cuba. Whilst Leech's book also covers these same points, they are only a chapter each, whereas Dudley covers the issue in considerably more detail.

The second book mentioned – Bowden’s, *Killing Pablo*, focuses mainly on the rise and fall of Pablo Escobar and the key actors involved, from the CNP, military, Colombia’s Civilian state, civilians, the FARC, other Colombian cartels that were in opposition to Escobar’s Medellin Cartel and foreign actors such as the United States government. This author’s edition is the 2007 Kindle Ebook version of the 2001 original. The book’s author Mark Bowden is a career journalist and writer, having written for multiple publications. He is also the author of *Black Hawk Down*. This book is written to show an overarching narrative of the events and occurrences throughout Escobar's criminal career. Whilst it is presented in a more informal format with some artistic license employed, with the Guardian’s Robert McCrum stating ‘Bowden's account is somewhat flawed by imagined dialogue...’ (McCrum, 2001) there is a great deal of research contained - also acknowledged by McCrum in the same review and additionally confirmed by several of this author’s primary sources when discussing research material. Be that as it may, due to the artistic nature of Bowden’s writing style employed within the book, caution will be used in relation to this material and this author will only quote or reference areas that are relevant, known to have factual grounding, or have been quantified by either his own research, the details given by primary sources during interviews, or covered by academia. Whilst it could be considered questionable using what some may claim is a fusion of fact and fiction, this author has discussed the book at length with those working within the field, and coupled with his own research and experience, this author believes that the general themes and discussions of the book can be used.

The last source is Garry Leech’s *The FARC: The Longest Insurgency*, which specifically covers the FARC from their inception, through the creation of the UP, into their reclassification as ‘Narcoguerrillas and Narcoterrorists’. This author’s edition is the 2012 Kindle Ebook of the 2011 original and therefore it was published just before the current peace process was announced. Garry Leech is a journalist, lecturer at Cape Breton University and public speaker. He has covered multiple issues in Colombia for over twelve years and his book was spoken highly of by those this author interviewed, although some sympathies with the FARC were noted. Smith notes that ‘Leech is sympathetic, but he's no apologist’. He also says that ‘*The FARC* is a most excellent corrective for what passes for coverage of the FARC in most North American media sources, and a serious study of the group's origins, politics, problems, and prospects’ (Smith, 2011). The book also covers

political and criminal aspects within Colombia during this time frame, which are pertinent to this author's narrative.

This author believes these books have offered an excellent foundation and have been instrumental in assisting the construction of the interview template for his primary source collection. This author has used these three books as reference points to compare with other works and to a lesser extent, academic articles which have covered similar ground. Of the three books, this author believes that Dudley's work was the most relevant to his studies and was the only book to be recommended by several of his primary sources as essential for research. Also, Dudley's work has been constantly referenced both online and by this author's sources as being the most factually accurate, relying less on artistic license to enthrall a more casual than academic reader.

Non-Colombian Policing Books

Whilst the three aforementioned books form the core of the Colombian research, three policing books also gave this author considerable foundation research and comparisons to work from; *The Handbook of Intelligent Policing - Consilience, Crime Control and Community Safety* by John Grieve. Professor Grieve has been instrumental in this author's studies from multiple perspectives, from the author's attendance of Grieve's workshops during the lecture phase of this doctorate, through reading of Grieve's research and finally as one of this author's supervisors. Grieve has had 36 years of policing experience in England and Northern Ireland, has been the chairman of the John Grieve Centre since 2003 and is currently an Emeritus Professor at the London Metropolitan University. Grieve's work provided this author with a stable foundation of intelligent policing across multiple areas from the national model by Bowers to *Europol and the Understanding of Intelligence* by Kleiven and Hartfield. Whilst this book provided an excellent foundation to work from, it became clear during the course of this author's research that most of subjects covered within this book would have limited crossover and also that appropriate citations would be limited, due to the fact that the present work does not focus on the Colombian Intelligence Policing model. The *Handbook of Intelligent Policing* provides an exhaustive overview of police intelligence, its history, functions and where its future lays. This book aided this author in exploring well established and tested methodology, providing a comparison to Colombian

policing and whether the intelligence-led policing model would be something that Colombian policing should focus on cultivating or not.

Policing Critical Incidents – Leadership and Critical Incident Management by Alison and Crego 2008. Professor Laurence Alison has over 15 years of academic experience covering a multitude of subjects from use of force in the 1990s to police leadership. Alison is currently the Director of the Centre for Critical and Major Incident Psychology within the Applied Psychology Group at the University of Liverpool. Professor Jonathan Crego has over 25 years of experience in incident management and is the Director of the HYDRA foundation that provides learning and research methodologies for law enforcement and criminal justice amongst others he is also the visiting Professor at Institute of Criminal Justice Studies Faculty of Humanities and Social Sciences, and at University of Portsmouth International Centre for Policing and Security, University of South Wales. This book has provided this author with excellent insight into police leadership especially with regards to the importance of leading critical incidents, which were covered in Chapter Four. Those issues are key to this author's critique of Colombian police leadership. Alison and Crego are cited quite often in the Police Leadership chapter as their experience within this area is significant.

Police Corruption - Deviance, accountability and reform in policing by Punch, 2009. Professor Maurice Punch has over 20 years of academic experience in the U.K., U.S. and the Netherlands. Punch's published works focus on corruption, institutional deviance, use of force, issues of state collusion in regards to counter insurgency and zero tolerance policing. Punch is a visiting Professor at the Mannheim Centre at LSE, and King's College London in the Dickson Poon School of Law. Punch's book very clearly presented the acute problems with corruption and accordingly, the issues with aiming to remove it from policing culture - an idea that is essential, but exceedingly hard to accomplish due to all the causal factors usually at hand. Police corruption is a reoccurring theme within this paper and therefore Punch's considerable experience and work in this field was key to this author's research and is cited multiple times throughout this thesis.

When this author encountered issues with Colombia's crime statistics, which will be further explored in the methodology chapter, books focusing on the problems with statistics were also researched. Dr. Daniel Levitin's 2016 book *A Field Guide to Lies and Statistics*,

researched late into this authors thesis, was the preferred source due to the writing style and examples within. Levitin is Professor Emeritus of Psychology and Behavioural Neuroscience at McGill University in Montreal, Canada amongst other positions. Levitin's research over the last five years has covered quantitative methods for analysing acoustic (and time-series) information. Levitins book covers the problems of statistical analysis from multiple angles, including recording, reporting and evaluation with cases studies. Whilst Levitin is not cited frequently throughout this thesis, the research was instrumental to this author in his preference to staying with a qualitative rather than quantitative research method.

Online Resources

Online this author found a lot more information from online sources such as InSight Crime, The Economist, Colombia Reports and The City Paper.

This author utilised primarily Insight Crime and The Economist for his online research owing to their greater experience and professionalism in the field, both from this author's own experience, but also that from his colleagues and protected sources. InSight Crime.org is non-profit news source specifically covering organised crime in Latin America, it has offices in Washington D.C. in the U.S. and Medellin in Colombia. InSight Crime was founded by Jeremy McDermott and Steven Dudley. Dudley who also wrote one of this authors key research books, *Walking Ghosts*. The online news site contains background information on both legitimate state actors such as presidential administrations, non-state actors such as NGOs and criminal groups such as the BACRIM (Bandas Criminales – Criminal Bands).

The Economist was also used as a research tool when there were turning points within Colombia, be they political, criminal or economic. For example, the Economist's article on October 29th 2015 titled 'Lessons from Colombia' detailing the potential for peace with the FARC and what that could mean not just for Colombia, but also the wider region.

Both Colombia Reports and The City paper were both recommended by this author's protected sources. The City Paper is also delivered to the British Embassy and considered a local trusted news source. Colombia Reports is an online English news site and has been active since 2008 when it was founded by Adriaan Alsema who is a journalist and also consultant to companies and embassies. The City Paper was also founded in 2008 and is the

only printed English Language newspaper (as of September 2017). The current Editorial Director Richard Emblin has over 25 years of experience in journalism and photojournalism. The paper's emphasis is political, economic and environmental factors within Colombia and was a weekly reading source for this author along with the previously mentioned publications.

Several other journals, books, papers and websites, will be quoted throughout this author's work, however, these additional works will be utilised more to highlight a particular issue rather than regularly cited throughout this thesis.

Methodology

... [M]ethods should follow from Questions. How we do something in research depends on what we are trying to find out. (Punch, 2013, p. 7)

Justification for study

The aim of this study is to present the history of the most pressing challenges that Colombian policing has faced and some of the outcomes of those challenges. The aim of this paper is not to present a complete structural analysis of the police and how they have evolved during this time nor to fully critique Colombia's jurisprudence. Rather it will present an overview of Colombian policing challenges, then present the key outcomes that in this author's experience have had the biggest impacts on Colombian policing. Chapters will conclude on how policing adapted and how these issues might continue to affect Colombian policing with the challenges that lay ahead. Whilst some of the areas to be presented have been covered in previous research, particularly that of Dr. Juan Carlos Ruiz-Vasquez, not all have been covered together and not during this pivotal point in Colombian policing in which the potential for peace exists between the state and the insurgent groups of the FARC and the ELN, as well as the largest organised criminal group, Clan de Golfo.

The overall goal of this author's thesis will be to focus primarily on the different actors from different perspectives who have challenged Colombian policing and peripherally the Colombian military, focusing particularly on the war on drugs, the AUC (arguably the most prominent paramilitary group), the FARC (as the principle insurgent group), police leadership, and judicial reform in the move from an inquisitorial system to accusatorial model. The rationale for this choice of thesis is that Colombia is at a significant turning point, and this author has had the privilege and benefit of working in Colombia during what is arguably one of the time of the country's biggest transitions. This will enable the author to provide a fresh perspective on Colombian policing before, during and after some of the most significant changes in Colombia's policing history; the potential end of armed conflict within Colombia, the end of Plan Colombia (financial assistance provided primarily by the United States - which although might be extended, will not be confirmed within the time of this author's research), and Colombia's society at large with the changes in policing as a whole.

Although other papers and books on Colombian policing exist, very few unique papers have been written exclusively on Colombian policing challenges over a long time frame; the most pertinent work found by this author was the paper ‘Colombian police policy: police and urban policing, 1991-2006’, written by J.C. Ruiz-Vasquez at the University of Oxford in 2009. Whilst Ruiz-Vasquez’s paper does cover a very similar topic, it provides a different perspective, having preceded the assessment of judicial reform and the current FARC peace talks. This topic needs revisiting in order to elaborate on areas covered within that work, and provide an up-to-date perspective on the subject. Ruiz-Vasquez’s paper has also not been openly published to the public and therefore, as previously stated, this author will refrain from directly citing this specific paper in order to not betray its content. However, his other published papers will be referenced. With this in mind, this author believes this work will potentially be a continuation of that done by Dr Vasquez, but with added emphasis on the areas that have changed after his study. This may be particularly true in the areas of judicial reform, Colombia quite frequently trading the unfortunate title as the number one cocaine producer in the region with Peru, and finally the peace process with the FARC.

Another key issue relating to previous research is the question of the originality of the thesis. This is a goal that is hard to achieve, as there are numerous researchers who have already delved into many aspects of policing studies, covering a multitude of different perspectives. Nevertheless, this author believes that this work will be original primarily due to both the overall compendium of knowledge on Colombian policing and the moment in time in which it is being written. As previously indicated, Colombia is at a turning point due to the change in judicial style, the end of the current Plan Colombia and the prospect of disarming both the FARC, the ELN and Clan de Golfo (two of Colombian’s largest remaining guerrilla groups and the largest organised criminal group according to Protected Source Thirty-One). These factors will time lock this thesis, as it will be written as the subjects evolve from the perspective of someone who was both living in the country and working with Colombian policing agencies. Even though the results of many of the themes present in this thesis could be perceived and analysed by academics in the future, there is a possibility that much of the reasoning of how they came about could be lost. Therefore, this author argues that the most complete narrative of events requires someone constantly present in Colombia and professionally involved in the events as they evolve, in order to extract the largest and most pertinent information whilst being cautious to avoid personal bias.

Creswell (2009, p. 73) asserts that in relation to research design one also needs to pose the question of ‘What do preliminary results show about the practicability and value of the proposed study?’. The preliminary results this author has found have been significant in three key areas: policing, judicial reform and peace processes. With regards to the first area, this author has been in discussion with serving senior police officers, who noted numerous examples of a considerable push towards a greater focus on changes in policing practices in Colombia. Bogota and other large cities like Cartagena and Medellin already have physical police presences across most of the cities in the form of police boxes (known as CAIs). However, there is a considerable legacy issue of a lack of trust between Colombian citizens and the Colombian National Police (CNP). According to Bowden (2007, p. 28/494), at one stage it seemed that a sizeable amount of the citizens in Medellin had more trust in Pablo Escobar and his cartel than the legitimate government, as he provided large scale investment to the local populace, ‘...doing far more than the government ever had for the poor crammed into the city’s expanding slums’. This has further been aggravated in the years since, by corruption and lack of training on the side of the police. In 2011 the *Economist* noted that ‘Numerous officials from Mr Uribe’s government had already been charged with crimes including collaborating with paramilitary warlords, bribing legislators, spying on opponents and corruption’. It is this issue of trust and training that the present CNP wish to address in the form of a more comprehensive community policing plan in order to both win back public trust and lower street level crime.

The central themes at the core of this paper are the policing challenges faced by a number of different actors and their impact, by first describing their history then how each affected policing over a period of thirty-plus years. This will be assessed with regards to both the Colombian National Police (the CNP) and the CTI (Judicial Police), but also with a view of Colombia’s military. In order to answer this question, this thesis will break down five key areas that this author believes are central to Colombian policing over a time frame covering principally the 1970s to contemporary Colombia, with brief mentions prior to the 1970s when relevant. This author believes these areas will have shaped and in many cases continue to shape the mandate of the Colombian National Police. The five areas will be broken down chapter by chapter throughout this work and culminate in a conclusion as to where Colombian policing currently sits. The thesis commences by focusing on the commonly known persona of Pablo Escobar, which has been re-inserted into the public domain via the success of the Netflix show *Narcos*. The first chapter will act as the foundation for this thesis

as Escobar and how he affected Colombia will be a recurring theme. The subsequent chapter will continue with the theme of the war on drugs, but shift from Pablo Escobar to the paramilitary group The United Self-Defense Forces of Colombia (Autodefensas Unidas de Colombia - AUC). It will examine the AUC viewpoint to ascertain how the war on drugs has affected Colombia internally, from a previously supported defence force, their peace process, and eventual evolution into organised crime groups. The third chapter will chronologically re-trace the same eras covered by the previous chapters, but with the perspective focused significantly more on Colombia's civil war with the guerrilla groups, particularly the FARC with mention of the ELN and their history with the AUC. This will also focus on the Unión Patriótica, the UP, the FARC's political party, and may hold some valuable insights into what the future of the FARC could entail in a post-conflict Colombia. The next chapter will focus on police leadership and rivalry not only between policing agencies, but also with Colombia's military, which is of particular interest in a country with several active insurgencies. Several previous themes will be reintroduced, including postcolonial issues, corruption issues, foreign government involvement, and examining if the structures of the two main policing agencies in Colombia can adequately adapt to emerging situations. The penultimate chapter will discuss Colombia's criminal justice system, namely whether the system offers fair and reasonable justice to its citizens, how does the greater CJS affect policing, and what is the perception on judicial reform, specifically the change from a accusatorial to inquisitorial process as described in the previous chapter. This chapter will also explore the theme of corruption and its effects - is this a historic problem that has been resolved or a continuing challenge? Lastly, the conclusion will seek to bring all of these themes together, along with inequality issues, and finalise the narrative of this thesis by covering the challenges they have faced, the outcomes of those challenges and what challenges remain. The narrative of this thesis will not flow chronologically between chapters as the topics span similar if not the same time frames.

The Methods Researched

Now that the question has been posed for the empirical study that this author will undertake, the next logical consideration is that of which research method he will use in order to accurately seek an answer. In order to ascertain the most appropriate method, this author researched three key research designs: quantitative, qualitative and mixed methods. This author will now present a brief synopsis of each and conclude with his choice. Quantitative

research as defined by Teddlie and Tashakkori (2009, p. 5/82) is ‘...primarily working within the post positivist/positivist paradigm and principally interested in numerical data and analyses’. Creswell (2009, p. xxiii) agrees that Quantitative research is more focused on ‘...collecting and analyzing data...’. Therefore, quantitative research is firmly fixed in the collection of numerical data from studies, comparing and contrasting these results to come to a logical and arguably fixed conclusion. This research method has the benefit of working in absolutes, in order to ascertain ‘significance’ through a mathematical solution; a clear binary answer where the test results will be either positive or negative. However, this author believes this research method would not be suitable for this study, as it would negate all the social nuances that would be prevalent in a study of Colombian policing. Whilst this research method would offer a clear conclusion of progress versus regression, it wouldn’t help to explain why, nor arguably would it allow the factoring in of complex societal changes during the time of the study, for example, the experience and opinions of longstanding diplomats or serving Colombian police officers whose knowledge could be argued as essential. However, if the statistics that that this author is basing his research on are fundamentally flawed, then this research will be unsound from the outset.

Qualitative research as defined by Teddlie and Tashakkori (2009, p. 5/82) is ‘...primarily working within the constructivist paradigm and principally interested in narrative data and analyses’. Again Creswell (2009, p. xxiv) agrees with this description that qualitative research is based around ‘...collection of open-ended data... and personal interpretation of the findings...’. Consequently, qualitative research lies in the arena of communicating with the area of society whom the study is based around via either questionnaires or interviews. This form of research method has the benefit of being an analogue study of the case at hand, fixed neither in the absolute positive or absolute negative, but instead allowing for a more organic representation of the data taking into account social politics, societal issues and a more complete (although debatably not as clear) narrative of the events. This author believes that this research method would cover all the pertinent areas. It was also felt that it would be necessary to use an interview technique whereby the author's knowledge of that person would not only be relevant, but valued. The Verstehen approach was used as it requires knowledge and understanding of the person to a high degree, which this author already had via his professional or personal relationships. The Verstehen approach, according to Martin (2000, p. 12), takes into consideration that ‘in order to understand human beings it is necessary to reconstruct the inner life of these human beings from its manifestation in their actions’

and that '[t]his reconstructing involves knowing what the inner lives of these human beings are'. In this case, interviewing those well known to the author professionally or personally allows one to identify the most appropriate interviewees and then to understand and reconcile their various perspectives. This approach should provide a deep understanding of the subject at hand. The information gathered could be further strengthened with the addition of statistical data, again where relevant and accurate data is available to this author.

With these two designs in mind this author had initially focused on the mixed methods approach. Mixed methods research as defined by Teddlie and Tashakkori (2009, p.5/82) is '... working primarily within the pragmatist paradigm and interested in both narrative and numeric data and their analyses'. Again Creswell (2009, p. xxiv) concurs, 'Mixed methods procedures employ aspects of both quantitative methods and qualitative procedures'. Ergo, a mixed method research design will allow for a combination of statistical analysis to encompass the more mathematically fixed data, along with methodical analysis of the interpretative information gleaned from interviews with those who are most involved in the subject area. This author believes that this research method offers the ideal mixture of both designs for providing the most complete answer to the chosen questions of this study, absorbing the positive aspects of both designs while negating the shortcomings of each. However, that does not mean that this research method is without flaws. The most significant issue that the mixed methods design has, is that in allowing for both quantitative and qualitative sources this author will have to incorporate two very distinct data types and merge them into his study in a cohesive narrative, whilst simultaneously working to maintain the two very different styles. This complication is confirmed by Creswell (2009, p. xxiv): 'Designing a [mixed method] study is a difficult and time consuming process'. Creswell (2009, p. xxiv) also continues to state that there are '[s]ix types of mixed methods designs...'. Therefore this author will continue to not only describe why he chose the mixed methods research method, but also which type he chose. A further problem with this methodology is that it will be affected by the aforementioned issues with statistics, whereby any lack of accurate and applicable statistics could compromise this research at the commencement of the study.

In order to best assess these subject areas, this author initially chose to use the mixed methods approach to research, combining the aspects of both qualitative and quantitative research.

Whilst the mixed method approach is a less tried and tested model in comparison to the better known quantitative or qualitative approaches, this author agrees that there is much to be gained from combining these two very different methodologies. As to the six main types of mixed method designs, this author will continue by describing the reasons for his preferred design, without covering the other designs which are beyond the scope of this paper. This author chose the concurrent triangulation strategy, noted by Creswell (2009, p. 213) as ‘the most familiar of the six major mixed methods models’. Creswell (2009, p. 213) states that ‘[i]n a concurrent triangulation approach, the researcher collects both quantitative and qualitative data concurrently and then compares the two databases to determine if there is convergence, differences, or some combination’. This would offer an ideal combination of the two differing methodologies in order to ascertain a more comprehensive answer, and is a method used specifically to ‘offset the weaknesses inherent within one method with the strengths of the other’ (Creswell 2009, p. 213). However, academically statistics worldwide have been called into question over the years. Levitin explains that statistics are not certainties: ‘it’s important to remember that *people* gather statistics...[s]tatistics are not facts. They are interpretations’ (Levitin 2006, p. 3). In a 2001 paper Robert Morris evaluated inaccuracies in criminal statistics for England and Wales where Morris comments that historical crime figures ‘...were consciously manipulated by the executive and its agencies to misrepresent the true incidence of crime’ (Morris 2001, p. 112).

Throughout his studies this author had been constantly advised of the potential problems with statistics, from collecting data from erroneous sources, to inaccuracy and bias in how statistics are presented. Levin points out that sometimes the problems with statistics are not immediately obvious:

Sometimes the numbers are ridiculous, but it takes some reflection to see it.
Sometimes claims seem reasonable, but come from a source that lacks credibility, like a person who reports having witnessed a crime but wasn’t actually there. (2016, p, X)

Upon further reading into the problematic nature of statistics, authors such as R. Morris from his 2001 paper ‘Lies, damned lies and criminal statistics: Reinterpreting the criminal statistics in England and Wales’ and Levitin's 2016 book *A Field Guide to Lies and Statistics* detailed the very common issue with of statistical collection and presentation, with either problems concerning the accuracy around the collected data or how that data is

presented. Despite this, statistics are in common usage to present data on a range complex issues, in the same manner as the topics of this work. It was only when this work commenced with the mixed methods design, that this author was quickly made aware of the considerable questions about the accuracy and legitimacy of statistics in regards to Colombia - publicly, professionally and as also stated by nearly all of this author's protected sources: 'No, I don't think crime statistics are accurate...' (Protected Source 26), '...I think street crime is so visible here that the facts they presented of no homicides or no car thefts in Chapinero or Usaquén, that's ridiculous!' (Protected Source Seven). Nearly all sources indicated the same. This difficulty was not just encountered during the interviews, but seemingly occurs across Colombian statistical analysis.

Furthermore, this author's research indicated that Colombian government statistics tend to inflate the number of seizures or downplay the amount of production of narcotics depending on one's perspective. A key example of this involves the figures around the amount of cocaine produced by Colombia. *InSight Crime* published an article about Colombia's estimated cocaine production and the Colombian government's seizures (Insight Crime 2016a). Here *InSight Crime* casts doubt on the statistics cited by the Colombian government: 'While credit for high seizures can be given to security force capacity and intelligence sharing across borders, it is unlikely that authorities are seizing such a large share of Colombian drugs. And if this is the case, it raises the possibility that official cocaine estimates are not fully on the mark.' Doubts around statistical accuracy occur not only with the Colombian government's figures, but also the U.N.O.D.C figures, which Insight Crime called into doubt from 2012-2016. Ruiz-Vásquez (2015, p. 49) also has discussed the problem with data collection in Colombia, as figures of violence have been 'inconsistent, contradictory and unreliable.' and that '...some beat officers suggest that the data have been inflated in order to satisfy their superiors...'. This author had also witnessed inaccurate crime statistics whereby official statistics published by the Colombian government had shown zero homicides in a particular neighbourhood in Bogota, however, the British Embassy was aware of several within the timeframe originally quoted. Due to this author's professional position, access to confidential statistics was available at the time of research, which were at consistently at a variance with the published statistics.

In short, while on a general level statistics worldwide have been called into question, more specifically in the case of Colombia crime statistics were at the time of writing speculative at

best. For this reason, the author re-evaluated this thesis to shift to a qualitative approach with primary source collection via interviews, with the focus on experienced professionals with pertinent experience in the areas this author will cover. Quantitative data will be deployed where there is value to the thesis, but the majority of research methods will be qualitative, utilising and fully exploring the array of valuable confidential sources available to this author.

This author will utilise the Verstehen approach to study these sources in-depth, analysing their professional experience to ensure their experience is relevant and appropriate, examine their character to assess if they would have a vested interest in distorting this study away from the facts at hand and to ensure this research has enough professional and cultural variety to provide a balanced perspective of the questions posed. This author also considered the use of surveys, however he was advised against it by his contacts. The reasoning being that most Colombian and foreign agencies with whom this author had contact for interview would not favour this type of mass data collection with their staff and would most likely this would block future interviews. Similarly this author was advised that even if such a collection were possible most respondents would either ignore the survey due to workload, or the data collected would be inaccurate due to fear of who would see the results, even if the survey were to be conducted anonymously. Therefore, this author would expect a very low rate of reply, and is conscious of Punch's (2013, p. 101) warning that 'Very low response rates are both disappointing and troublesome, since they carry the possibility of biased results'. It should be noted that this author will seek to use statistics where possible if they can be verified by multiple sources, however, the chosen methodology will not be grounded in statistical analysis as the work required to verify all statistics along with the qualitative research would be too immense for this author working alone to achieve.

The Chosen Method

The chosen method will be a qualitative methodology whereby sources will take the form of interviews with British and American diplomats, previously serving Colombian military personnel, currently serving Colombian military personnel, previously serving Colombian police officers, currently serving Colombian police officers, public servants from other aspects of the Colombian criminal justice system and Colombian civilians. The aim was to interview the more senior officers at the beginning of the study and the more junior officers

nearer the end, with the rationale that the more experienced officers will be able to impart important historical knowledge, whereas the junior officers will have greater access to relevant issues at ground level. This cross-section of sources who live and work in Colombian society gave this author a well-rounded view of the pertinent issues within Colombian policing, issues within society that need to be addressed by policing, as well as both a professional and the public perspective of Colombian policing. It should be noted that of the forty sources interviewed, five later requested that their contributions be removed and they were re-organised as protected sources 36-40. Furthermore, four protected sources had their interviews rendered as inadmissible for various reasons; one source was removed after this author reviewed their statements and found them highly inaccurate and emotive, and the final three were removed due to lack of relevance and this author's changes to the themes within this work. Those interviews were Protected Sources 17, 23, 34 and 35. This has left the author with 31 interviews from which to cite. Even though this author will not refer to these sources by name it is believed relevant to identify their backgrounds so the reader will know their relevance to the subject matter.

| Protected Source Profession | Protected Sources |
|---|---|
| Foreign government officials working in Colombia - with a policing or military background. | 1, 5, 7, 9, 10, 11, 12, 13, 20, 21, 22, 24, 25, 28, 30, 31. |
| Foreign government officials working in Colombia - without a policing or military background. | 2,3,4,15,18. |
| Colombian government – with policing or military background. | 6, 8, 16, 32. |
| Colombian government – without a policing or military background. | 26, 27, 29. |
| Colombian citizens – professional lawyers/doctors. | 14, 19, 33. |

The focus will now switch to the sequence of research. Documentaries such as *The House I Live In* (2012), and written accounts by authors living and documenting Colombia, for example Leech's *The FARC: The Longest Insurgency (Rebels)* and Bowden's *Killing Pablo* will also be used. These sources will be referenced to augment perspectives on either the problem in comparison to other countries, for example drugs and incarceration in the US in comparison to Colombia in *The House I live In*, or the in-depth view of a particular subject as with Bowden's narrative of Pablo Escobar. Also relevant will be the constant collection throughout the study of articles published by media sources both internal to Colombia, the aforementioned *InsightCrime*, *The City Paper* and *Colombia Reports*, but also to a lesser extent, *El Tiempo* (Colombian Newspaper) and *Revista Semana* (Colombian weekly news magazine), and from sources around the world such as the *Economist*, the *Guardian*, the BBC and CNN. These will also be used to reference the state Colombian police, albeit the sources will be treated with the more care due to the perception of bias. As Creswell (2009, p. 5) notes, 'Researchers need to think through the philosophical worldview assumptions that they bring to the study', a statement which arguably includes the considerable influence of the media, a media that is still largely fixated on Colombia's violent past. Lastly, the primary sources will be utilised in order to glean new information to compare and contrast with the previously collected quantitative and qualitative research. This primary data will take the form of information garnered from interviews with protected sources, from various backgrounds of Colombian and foreign citizens to ensure this work presents the results from different perspectives as opposed to those that simply agree with this author's own perspectives. However, although the mixed methods model will no longer be utilised, it is worth noting that in line with the concurrent triangulation approach, this author has collected quantitative data throughout the course of the study in order to capture the results of the changing political climate, especially with regards to the FARC peace process.

Ethical Considerations & Personal Risk

There are also numerous other considerations to take into account. These considerations do not relate to academic journals, other academic papers or information gleaned from government or non-governmental organisations, nor to Dr Ruiz-Vásquez's previous research, but are in recognition of the significant ethical considerations when interviewing sources. This author has three categories of sources: sources within Colombian agencies, those within foreign government agencies working in partnership with the Colombian government, and

lastly Colombian civilians. This author believes the category with the highest inherent risk to interview is the first source, i.e. Colombian agencies such as the national police. The most problematic scenario would be if a source admitted to a human rights violation or involvement with organised crime groups such as narcoterrorists. In this scenario this author understands that in his role as an academic researcher he would be required to disclose any criminal offences to the relevant authorities, but also acknowledges that a degree of common sense must be deployed in this scenario. For example, it is debatable how useful it would be for this author to report on a potential crime, without evidence, that occurred a decade or more ago. From an alternate perspective, there is also a duty of care towards those being interviewed - for example, this author cannot disclose either the full contents or excerpts of these interviews to colleagues, friends or family of those being interviewed in case of adverse consequences. Personal risk on this subject will be variable depending on the research being undertaken at the time. Primarily living and working in certain parts of Colombia contain an inherent risk that will provide the baseline and this author's own professional security measures will mitigate those risks. Interviewing diplomats within secure environments will not involve a physical risk, but could potentially involve reputational risks if the diplomat reveals information that holds a security classification or is of a sensitive nature. Conversely, there will be different considerations when interviewing Colombian agencies, especially the CNP, about issues that could be considered a criticism of their ability as a police force, a point that has been raised by Goldsmith (2003, p. 104):

Two commonly encountered features of developing world settings that ensure theoretical interest but also practical difficulties in the field are *lack of police legitimacy* and the *limited effectiveness of police* on the ground. These factors can induce sensitivity among police subjects to being studied, and arouse suspicion among other groups towards researchers interested in policing and security issues.

Therefore, a great deal of tact and diplomacy must be employed when interviewing certain groups in order to not cause offence or to be seen as critical. However, unlike Goldsmith (2003, p. 105) who '... visited Colombia another six times, and have spent a total of approximately four months there', this author lived and worked in Colombia for a number of years and has partnerships with the CNP and other agencies that offer the privilege of greater access, but also opens up this author to greater personal risk should the partnership sour. There is the added concern that if diplomacy is not deployed appropriately, the interviewees could react in an overly sensitive way when questioned on certain subjects, and therefore

restrict access to future sources for interview. One last consideration is that of the impact of post-thesis publication: if this author is successful in his work and it is later published, this author understands that he will need to take all appropriate measures to ensure that his sources are not revealed either purposefully or by accidentally including a level of detail that could lead to a positive identification of that source.

Interview Methodology

This author's interview methodology consisted of a semi-structured conversation whereby the nature of the interview was explained up front, then followed with a series of pre-set questions across nine categories. These categories were the war on drugs, the peace process, the FARC, organised crime groups, paramilitary groups, the role of the police in Colombia, political impact on policing, the impact that foreign investment has had on Colombia and policing strategies. The questions were open ended and used as guides for each interviewee to communicate the story of their experiences rather than forcing them to answer a specific line of questioning, though clarification was sought when appropriate. All interviews were held within a secure environment to prevent third parties from overhearing. Each interviewee was carefully selected from this author's professional and personal contacts in Colombia. Their selection for this author's research was based on a variety of factors: amount of time spent in Colombia if they were not native to the country, their experience, their area of expertise and this author's own experience with that person. Employing this author's own understanding of a person, therefore using a Verstehen approach, means this author carefully selected those who were believed to be able to discuss and impart knowledge on issues without showing notable bias. This author chose people from three different cultural backgrounds, Colombian, British and American (originating from U.S.) as a means of validation control to each other's cultural perspectives.

It was important to give equal consideration to differing accounts. Maxwell explains that 'it is always possible for there to be different, equally valid accounts from different perspectives' (Maxwell 1992, p. 283). This was certainly true of opinions of the conflict in Colombia and around the peace process, with different 'sides' of the argument could be considered as making equally valid points. The particular Verstehen approach used for interviews was interpretive understanding whereby 'Researchers within the interpretive tradition reflect the view that 'society' is constituted and maintained and seek to comprehend it by understanding

the sense-making of the people involved' (Rex and Baumann 2008). In the case of this thesis, the author will use the perspectives of those with the pertinent experience to quantify the subjects to be covered within this work.

Each interview always commenced with this author stating: 'The aim of this thesis is to better understand Colombia's policing and military, through qualitative research – interviews. My thesis title is 'Pablo to Present, the Evolution of Colombian Policing' (the original title of this work). For this interview you will be a protected source. Anything you want to share will be in confidence and you will not be referred to by name or agency. I will bring up subjects that you know I have knowledge or an opinion on, but I must be neutral in this process.' This was to ensure all interviewees were as relaxed and open to discussing the questions posed without fear of reprisals as was possible. Reprisals either professionally or otherwise are a considerable concern in Colombia and therefore the principal reason as to why all sources were protected.

All interviews were reordered and fully transcribed verbatim, with the most relevant quotes both in agreement and disagreement with the themes of this paper highlighted and separately collated for easier referencing. All information was collected and ordered by subject (e.g. 'corruption'). An application called 'Scrivener' was used to allow for ease of recording, organising and searching the data. All quotes were then compared and contrasted with each other and with this author's academic research (especially in regards to any statistics or figures discussed) and when possible this author's own experience working with the Colombian National Police, Fiscalía, CTI and other agencies. For example, one Colombian official made several strong assertions that contradicted this author's findings throughout their interview. In one instance the interviewee strongly argued that there was absolutely no issue or evidence of rivalry in Colombian policing, yet all other sources stated this was a significant problem. The interviewee was a leader of a policing department and therefore bias was a consideration, also the interviewee appeared quite emotive about the subject in comparison with others interviewed. Post interview this author compared these statements with findings gleaned from all available sources: other interviews, academia and personal experience and found multiple inconsistencies. Therefore when validating the collected data there were clear reasons for this interviewee to show a bias that would present the police in a more favourable light, as 'negative' statements could impact negatively on perceived police leadership. Also taking into consideration that quite a few such contrary assertions were

made during the course of that interview, this author decided to entirely remove that source from the study, in case other erroneous opinions that were not as easy to quantify were included in the study and affected its accuracy.

Conclusion

In conclusion, this author had planned to use the mixed method research design with the concurrent triangulation strategy in order to provide the most complete narrative of events. However, this was changed to a qualitative research method in order to avoid complications by using statistics that were consistently questioned whilst conducting the primary source research. This author also recognises the ethical considerations when collecting qualitative data from all sources, knowing that this research could open up risk to careers or even lead to threats to life for some sources should this author not appropriately manage the material. It is worth noting that this author has interviewed a number of specialists across many fields - economists, veteran investigators, lawyers etc. - therefore not all the themes that this author will explore will have input from all of the interview subjects, rather this author will quote those with the most relevant career and experience in said field.

The narrative of this thesis will not be chronological across all the chapters, but will instead flow from the origins or key dates of each chapter subject. For example, Chapter One will commence in the 1970s and move forward from there, whereas Chapter Two will begin in the 1940s & 1950s and continue from there onwards. Whilst this format runs the risk of confusing those who would prefer a chronological narrative across the entire thesis, this author believes that a certain amount of flexibility about moving back and forth with dates will allow for proper background to be given and for the reader to be guided logically into the relative unknown arenas of Colombian policing. By the time the reader reaches the new frontier of the inner workings of Colombian law enforcement, hopefully both the historic and contemporary perspectives will appear considerably clearer.

Chapter 1 - The History of Escobar and the Outcomes for Colombian Policing

First of all, President Nixon was the first to quote 'The war on Drugs' and I think that did a disservice to the expectations of many people because, in a war normally you have a beginning and an end and it is regarded as normal that you have acceptable losses. From a law enforcement viewpoint, no loss of life is acceptable, so right at the beginning 'The War on Drugs' is really a misnomer. (Protected Source Eleven)

The purpose of this chapter is to present one of the major challenges to Colombian policing, the drug cartels, with a focus on Pablo Escobar's rise and fall and what the outcomes were on policing in Colombia.

The War on Drugs in the United States

In 1972 the President of the United States, Richard Nixon declared a war on drugs (Frechette 2007, p. 1). This war would extend far beyond the borders of the United States and would have far reaching consequences for Colombia from then until the present day. This author will outline the reasoning behind the war on drugs from a US perspective, Pablo Escobar's impact on Colombia, how the war on drugs has changed and a look at contemporary Colombia drawing on interviews with those who currently or have worked with Colombia's police from the 1990s until the present day. This paper will continually touch on aspects of the war on drugs and ways in which Colombian policing was challenged by the classic cartels, as well as discuss the lasting impact of such confrontations.

A brief understanding of the origin of the 'war on drugs' is useful to give context to the rise of the cartels and the challenges that they, as well as international involvement, presented to Colombian policing. Colombia's greatest ally in this has been and continues to be the United States. The reasoning behind President Nixon's war on drugs has been a significant source for academic debate. The documentary *The House I Live In* concludes that the war on drugs was a method for racial control. The documentary firstly noted that many now illegal drugs were at one time perfectly legal and well marketed, and that opium along with cocaine were mostly used among the middle classes. Despite this, when an influx of Chinese workers started to threaten the white American workforce, opium was made illegal in order to marginalise the Chinese workforce. Likewise, it was thought that members of the largely

black workforce on the railroads in the US were using cocaine to work longer hours, so cocaine was outlawed to provide cause to reduce the black workforce and reduce their social mobility even though the largest market for cocaine at the time was the white middle class. Although these legislative amendments were performed in the early 20th century, one could argue that these earlier methods of societal control were re-used by Nixon when he coined the phrase 'the war on drugs'. As the documentary argues, Nixon used this 'war' to crack down on a section of society he considered to be unsuitable for the United States. That said, it is important to note that Nixon's initiative originally spent a significant amount of its budget on drug rehabilitation rather than on incarceration of drug offenders. Despite this, Nixon created a war that has spread internationally and is now viewed as a considerable industry. This stone of an idea thrown by President Nixon into the psyche of the American public has rippled through presidencies into the present day, where the idea of a presidential candidate not pushing the war on drugs is perceived as, politically toxic.

Colombia has had a polarised role to play in the international war on drugs; from a position of co-operation in 1979 when Colombia signed a treaty with the United States recognising drug trafficking to the US to be a crime, to arguably a position of compliance with the drug cartels in the mid 1980's. According to Mark Bowden's (2007, p. 29/499) *Killing Pablo*, Pablo Escobar became 'the people's don' - the poor communities in Medellin considered him a Robin Hood figure as he built free housing developments for them to live in. Also the cartels initially used their power to fight the FARC, ELN and other groups, replacing guerrilla control with their own groups as they took over territory. The cartels' power and influence grew from the countryside into the heart of Colombia itself, the capital Bogota. The banks had flirted with the idea of accepting this new revenue from the cartels behind closed doors as a way to boost the Colombian GDP. Businessmen were starting to consider the cartels as a new type of entrepreneur and the Colombian government for a brief period had Pablo Escobar as one of their congressman, standing in for New Liberal Party member Jairo Ortega. Escobar's new position went as far as allowing himself to obtain a diplomatic visa which he used to visit the United States. Finally Escobar used his position of power to end the extradition of Colombian nationals to the United States where they would face prosecution and incarceration, by stating that extradition was an attack against 'national sovereignty' (Bowden 2007, p. 32/561). This point in time could arguably be considered the height of Colombian disparity with the US on the war on drugs, as significant parts of

Colombian society had almost embraced the cocaine trade, and those that ran it as having a positive impact on Colombia (Bowden 2007).

Policing Challenges with Escobar

Escobar was in congress from 1982 - December 1984, but Pablo was still not fully accepted by Colombia's 'polite society'. His applications for private clubs amongst Colombia's elites were rejected. This culminated in a political eruption which concluded in his removal from congress when Pablo tried to take his seat in congress in 1983 thus '... dash[ing] Pablo's dream of social status and political power.' (Bowden 2007, p. 35/610). This expulsion from congress by the ruling elite in Bogota inflicted significant damage on Escobar, and according to Bowden debatably more than any of his cartel rivals ever could have according to Bowden. This public rejection led to one of the most violent stages in Colombia's history. Escobar's violence extended to assassinations of his judicial and political opponents, the bombing of aircraft, and culminated in his deadly bombing campaigns in the late 1980s until the early 1990s. From the perspective of the international war on drugs, Escobar's profile changed quickly - he transformed from being considered solely as a cartel kingpin into a narcoterrorist. Although former Peruvian President Fernando Belaúnde Terry coined the term 'narcoterrorism' in 1983, the term has often been used in regards to Pablo Escobar's terrorist tactics deployed against the Colombian government in the late 1980s and early 1990s.

The partnership between the US and Colombia started to change with the manhunt for Escobar and one of the acts that would significantly affect Colombian policing was the reinstating of extradition. The cartels being seen as narcoterrorists meant that the US could use terrorist legislation to target the cartels in a more aggressive manner; funding for the Colombian military was increased and postings of US military personnel were increased, (Bowden 2007). US president George H.W. Bush pushed for a stronger partnership with Colombian president Cesar Gaviria to combat this evolved threat. The Colombian president embraced this new partnership, seeing the new funding and support as a way to finally fight the cartels. Bowden (2007, p.39/685) describes the fights against the cartels as 'Nothing less but a fight for the soul of Colombia'. This presents the Colombian police with a unique new apparatus in order to peruse criminality, one that both criminal groups and insurgents both fear, but at the cost of evolving the Colombian judiciary. However, this author has first-hand knowledge of international partnerships; they are rarely constructed overnight and also, rarely

operate seamlessly. Sovereign nations have a variety of government apparatuses that need to be interfaced with, and as a foreign government working on Colombian soil, not all agencies are willing to offer full co-operation. The influence of a third party could be construed as a failure on their part and an outsider's advice could be seen as an attack on Colombian sovereignty; meddling in affairs that are not their concern, or worse, looking to weaken another state for their own benefit. It is for these reasons that the international war on drugs in Colombia, despite having an arguably strong catalyst, did not make immediate headway in dismantling the cartels.

In the mid to late 1980s Colombia became a close ally to the US, especially in regards to the war on drugs. Substantial resources were poured into Colombia including DEA agents, military personnel and most significantly, phone interception and directional finding equipment in the hunt for Pablo Escobar and other high-ranking cartel members. As Kenney (2003, p. 198) describes, 'Critical to this success was the generous provision of US training, technological and material resources to Colombian police, prosecutors, and military officials, some of which was used to create and maintain highly effective drug enforcement units'. Despite this influx of resources, initial progress was slow. Many academic papers, documentaries, Bowden, and one of my primary sources, have cited the main problem in the early hunts for Escobar, his associates and rivals, as being with the police and military tactics. Examples include, "not performing night operations" – (Protected Source Three), and slow response times with regards to their chain of command: they waited too long before acting on intelligence gleaned from the phone intercept team Centra Spike before action was taken according to protected source three. Between 1983 and 1990, Escobar had been removed from office and was considered one of Colombia's most wanted. The United States was putting pressure on the Colombian government to extradite Escobar for the crime of running a drug smuggling operation to the US. In return Escobar had started a bombing campaign against the government, which had resulted in the loss of lives of many police and government officials. By 1990 'His bombing campaign had terrified the public, and polls showed growing support for striking a deal to end the violence' (Bowden 2007, p. 94/1627). The police in this time had created a new unit called Bloque de Búsqueda (Search Bloc) who had been working with the American military and other agencies with sophisticated new surveillance equipment in order to try to locate and capture or kill Escobar. However, the search for Escobar ended after he and his lawyers reached a deal with President Cesar Gaviria to ensconce Escobar, and a significant amount of his cartel, in a prison designed by Escobar

himself called La Catedral. Amongst the terms of the surrender was a proviso that Colombian police and military were not allowed within twenty kilometres to La Catedral, Bowden (2007). This demonstrates how the role of police was prevented by the government from serving even as crime fighters, let alone a legitimate police force.

The management of Colombia's deal with Escobar had not only severely reduced the Colombian police's ability to fight the drugs war domestically, but had also had the effect of increasing the proliferation of illegal substances internationally. By 1993 Escobar had escaped La Catedral and was once more a fugitive. He resumed his bombing campaign and war against the state and police. In early 1993 a new group called Los Pepes was encountered in the war. Bowden theorises that members of Search Bloc moonlit as vigilantes with the Los Pepes group and may even have been instrumental in its creation. In 1993 the hunt for Pablo Escobar ended with his death after years of running from the joint efforts of the US and Colombian authorities.

During the time of the manhunt for Escobar, his empire had been considerably reduced, but what effect did that have on the cocaine production in Colombia? According to the UNODC figures (UNODC, 2010, p. 66), production was roughly stagnant. The global cocaine market showed that Colombia produced roughly the same amount of cocaine from 1990-1993, hovering around 100 metric tons. However, another important factor to consider is that at that time - referencing the 1990-1993 timeline - Colombia was not the biggest cocaine producer in the Andean region, with Bolivia producing 189 metric tons and Peru producing 492 in comparison to Colombia's flat rate of around 100 metric tons, if the figures were accurate. Colombia was a minor player when compared to Peru and Bolivia, so why did Colombia receive more attention than its Andean neighbours? From this author's perspective there are two answers; firstly the politics of the targeted country, and secondly, who was controlling the Peruvian drug trade. McClintock (1988, p. 136) notes that:

[t]he Peruvian government's economic and foreign policies have been leftist, and this has angered US government officials. Yet, the Garcia government has not been severely sanctioned by the US... McClintock continues '[t]he Garcia government apparently realized that its commitment to the war on drugs would be a factor in US aid. For example, President Garcia accepted the US aerial herbicide-spraying program just a week or two before US aid bills were up for discussion in the US Congress.

Therefore this author theorises that due to the political disparity between US and Peru, diplomatic relations were likely harder. There was no comparable Escobar-esque narcoterrorist that Peru was seeking assistance with, and therefore it would have been more difficult to deploy stronger anti-drug tactics, with diplomatic compromises weakening the abilities of both sides. However, the second answer is arguably more pertinent to this paper and relates to who controlled the Peruvian drug market. McClintock (1988, p. 128) states ‘Cocaine agribusiness is Latin America’s largest multination industry. Since the establishment of the industry in Peru, Peruvians have supplied the raw material for the industry –the coca leaves and coca paste – to Colombians who then process and distribute the cocaine.’. This is also echoed by Kenney (2003, p. 188):

The Colombian cocaine ‘cartels’ can be traced back to the 1970’s, when numerous entrepreneurs sought to exploit the demand for cocaine in the US illegal drug markets by transporting small quantities of the drug from Ecuador, Bolivia and Peru to Colombia, where it underwent further refinement in makeshift laboratories before final shipment northwards.

Therefore if Colombian groups have always had a controlling interest in the Peruvian market, and politically the US and Peru don’t ‘see eye to eye’, then logically it would explain why the US war on drugs in south America has and is much more focused on Colombia than Peru or other neighbouring nations.

In the early to late 1990s after this expanded campaign by the Colombian government, with sizeable investment of resources by the US, what happened to Colombia’s cocaine production after Pablo Escobar’s death? The unfortunate answer is that, according to figures from the UNODC, that it grew considerably. From 1993-1994 it roughly doubled from around 100 metric tons produced per year to 200 and then reaching over 400 by 1997, finally reaching its peak of over 695 tons by the year 2000. At the same time, Peru had significantly reduced year after year from around 500 tons in 1992 to 141 tons in 2000, and Bolivia’s cocaine production was relatively stable between 200 tons and 150 until 1999 where it reduced dramatically and stabilised at around 45 tons in 2000, again all figures from the UNODC. With the death of Pablo Escobar, all the help from the US, assistance from the larger international community (this author is aware that UK investment rose in the mid to late

1990s) and Colombia's own crackdown on the cartels, why did Colombia continue to produce more and more cocaine in the 1990s and maintain that level well into the next decade? The answer is threefold; the evolution of the cartels, the rise of the FARC and the ELN as narcotraffickers, and finally the key issue of this paper that affects all other aspects, Colombian policing – its size, its tactics and most importantly of all, its geographical presence across Colombia. The years following the death of Pablo Escobar marked the point at which the international community as a whole would start to focus more on Colombian policing rather than exclusively on the cartels. This was the realisation that in order to fight the war on drugs efficiently Colombia would need long-term investments, rather than foreign governments assisting solely on a target per target basis.

Firstly there is the issue of the evolution of the cartels' operations. Originally the drug cartels had a more family-based structure and indeed involved multiple family members, usually from the head of the cartel. However, after Pablo Escobar had raised the profile of the cartels in Colombia, there was a sustained campaign by the Colombian government, with assistance from international partners, to win the war on drugs by targeting the families associated with illegal drug cultivation and trafficking. This crackdown did not achieve the expected results of reducing production. Instead as Kenney (2003, p. 188) states, 'in the six years following the incarceration of the last original kingpin, the estimated potential production of cocaine in Colombia increased by 143% from an estimated 300 tonnes in 1996 to 730 tonnes in 2001'. The cartels themselves had also changed their mode of operation. Centralised family run cartels were being replaced by siloed groups. In essence the old cartel structure had changed from a well-structured hierarchy which contained all the aspects of the business - drug cultivation, refinement, transportation routes and co-ordination - into several smaller fractured groups - micro-traffickers who are operating more akin to terrorist cells: 'Drug enforcers have removed the largest, most notorious organisations from the Colombian drug trade only to confront hundreds of small, obscure, yet reasonably sophisticated groups about which they know next to nothing' (Kenney 2003, p. 193-194). This is further discussed in a future publication by Kenney (2007) that this an ongoing issue whereby micro-traffickers are unquantified and too numerous while the police faces a diminution of resources that they can expend against these groups. This leaves Colombian policing with the more nebulous challenge of taking on traditional narcotrafficking, fractured across multiple unknown cells in multiple parts of Colombia.

This structure would spread the risk both geographically and across multiple groups, presenting law enforcement and the military with multiple smaller targets. The result would require significantly more work by government agencies. Previously, once they had identified a cartel there would be a considerable effort to identify all members and the modus operandi. Despite the investment required, the payoff was removing a significant player from the drug trafficking game. Now, however, the investigating agencies would be faced with a similar amount of work with a considerably reduced payoff. The new contemporary cartels are smaller and more adaptable and attract less risk. Even though singularly they produce less than the traditional cartels, collectively they are producing and shipping more cocaine from Colombia, overall a point reinforced by Kenny (2003, p. 194): ‘While individual enterprises may transact less frequently and in smaller quantities than before, on the whole the Colombian drug trade produces more cocaine and heroine today that it did during the boom years of the 1980’s and early 1990’s’. This is a point reinforced by nearly all of this author’s protected sources, which is highlighted by Protected Source Twenty-Six’s description of the problem in 2016: ‘Cocaine production from what we have seen on the ground has increased 100% from the same point in 2015, in fact the figures that I have seen shown an almost exact doubling’.

Policing Post Escobar

While covering the drug war as a journalist for more than a decade, I came to understand that what drugs haven’t destroyed the war against them has. (Simon, 2012)

By 1994 the Colombian government was facing decertification by the United States in accordance with the ‘Anti-Drug Abuse Act, established by congress’ (Frechette, 2007, p. 4-5). This classification process was used to judge if a country was fully cooperating against the illegal drug trade with the United States, with decertification meaning the potential for losing all assistance from the United States. Bagley (2013, p. 24) explains ‘Washington has demanded that the countries of the region follow its lead in the war on drugs and, as in previous years, upheld a formal “certification” process that often sanctioned those nations who did not “fully” cooperate’. In 1994 it was believed that Colombian President Ernesto Samper had received funding for his presidential run from narcotraffickers (Frechette, 2007). Friction between Colombia and the US developed further when it was believed that President Samper appointed two men as heads of the Armed Forces and National Police, who were also

believed to have been corrupted by narcotraffickers. The final straw from the US perspective was when Samper's ruling party moved to continually dilute legislation that was created to toughen sanctions against the drug traffickers. These factors eventually lead to the decertification of Colombia by the Clinton administration. In 1996 intense friction between the two governments reached its highest point, where the US revoked Samper's VISA, effectively banning him from entrance into the United States. Only when Samper's successor President Pastrana took office did diplomatic relations begin to significantly improve:

As a direct result, levels of drug-fueled violence in Colombia spiralled out of control in the late 1990s and early 2000s. Indeed, during much of the first decade of the 2000's Colombia became one of the most dangerous and violent countries in the world. In July 2000, President Clinton and the U.S. government responded by backing the Andrés Pastrana administration in its war against run away drug production and trafficking in Colombia via the adoption of Plan Colombia. (Bagley 2013, p. 7)

The partnership between the two countries had constantly 'u-turned' since the 1970s. Samper's administration, however, now the diplomatic rift was starting to heal with Pastrana's administration. The relationship was further strengthened when Pastrana's successor Alvaro Uribe took office in 2002:

Supported by almost \$8 billion in U.S. aid under Plan Colombia over the course of a decade, by 2010 Colombian President Uribe and his program of "democratic security" had managed to beat back the FARC guerrillas, demobilise many – if not all – of the country's paramilitary bands, and substantially reduce the country's astronomically high levels of drug-related violence. (Bagley 2013, p. 7-8)

Uribe was the first President to win in the first round of elections since the process had been changed in 1991 and used his popularity to make considerable changes to how Colombia fought the war on drugs. Uribe was quick to utilise Plan Colombia to its fullest potential and with that, significantly improve diplomatic relations with the United States. Uribe was often cited by this author's protected sources as the president who changed the tide of the fight against the drugs trade, particularly with regards to corporation with the United States, a belief that was also echoed by (Frechette 2007). This partnership had a profound affect on Colombian policing during this time with Ruiz-Vásquez (2013, p. 4) noting that 'The war on drugs not only provided more funds and donations from the US government but it renewed the image of a more efficient police force as three cartels were dismantled and spectacular

raids apprehending drug barons were widely publicized by the press.’. This is not to say that Uribe was considered by all protected sources as positive influence for Colombia, with some sources discussing his links to paramilitary organisations (Bloque Metro), falsos positivos and his friendship with the Ochoa crime family. Whilst acknowledged, this strays from this chapters narrative on Uribe’s policing policy amendments.

One of the single most important changes made under the Uribe administration was the restructuring of the national police and military. Arguably one of Colombia’s greatest weaknesses has been the level of lawlessness across its territory. Without a strong police and military presence across Colombia, large parts of the country had been self-governed, which in a lot of areas had meant that the FARC, other guerrilla groups or organised crime groups had control, as there were no legitimate government bodies to oppose them. ‘Uribe has begun to restore the authority of the state by placing police in all the 1098 counties (municipios) in Colombia. He also has added 111,000 men to the Army and police’ (Frechette, 2007, p. 15). This helped bring a legitimate government presence to more areas in Colombia than there had been before. Arguably one fundamental rule that criminologists and economists agree on, is that more police and therefore a greater police presence across a country means less crime: ‘..an increase in the number of police, regardless of new strategies, has been proven to reduce crime’ (Levitt & Dubner, 2006, p. 117). However, this author found that although this situation has improved, there are still large parts of Colombia with either minimal or non-existent police presence, which was recounted by all of the protected sources: ‘...there are great swathes of the country where if there is a state presence at all, it’s highly ineffective and viewed as such by people who live in those areas’ (Protected Source Four); ‘...in terms of general policing they will always have difficulties in those areas because it’s just too remote and there’s no access’ (Protected Source Five); ‘...what happens is that it gives a safe haven for these groups to carry out their crimes with impunity’ (Protected Source Eleven); ‘Colombia doesn’t put its officers where it matters most...’ (Protected Source Twenty). When there are problems in specific areas, the Colombian state will send a task force to work on the issue at hand. However, most of this author’s protected sources saw this as an inefficient use of resources as it doesn’t resolve the crime issues within that community, but instead is considered a political problem that requires a rapid political solution, as opposed to a legitimate policing problem that should be met with a policing solution.

Yes of course you can send re-enforcements, but 10,000 people is a serious amount to be sending to one area to try and fight the upsurge in homicides. It was a case of go in stop it and then withdraw, as soon as that happens it will happen again as soon as the police and military presence leaves. (Protected Source Twenty-Two)

It's kind of evident that it's going to be very difficult to stop people doing quite a simple thing, which is growing simple plants and then producing from them, something that has a very powerful effect on people and is therefore naturally lucrative and so the actual ability of anything to disrupt that dynamic is a bit doomed, because the activity too easy and too rational and too profitable. (Protected Source Two)

Policing Challenges & Outcomes

The increase of police and military by the Uribe administration had had a considerable effect on lawlessness in Colombia. This author has presented how the illegal drugs trade in Colombia has altered significantly over the past thirty years, with the traditional cartels having been dismantled and the remnants evolving into contemporary, terrorist cell-like structures. Also the FARC have been described as changing from a political insurgency into something more akin to an organised crime group. This author will now lastly and most relevantly, cover the issue of Colombian policing itself: how did the war on drugs change Colombian policing? Protected Source Two stated that 'One of the great weaknesses of the Colombian state has been that it hasn't had a presence in a lot of the country, or a very weak presence, therefore local political bosses or more recently the FARC and the ELN or other guerrilla groups have taken on the role of the state provisioning services or security.' This solidifies the argument that if one can't effectively police one's own country, it creates an environment that would be ideal for the construction and cultivation of organised crime groups who could operate with almost total impunity. This is an issue that was only recently focused on by the Uribe administration by increasing the central government presence across the country. The geographical issues in relation to policing in Colombia is a core issue of this thesis and one that Colombia has only recently tried to amend, as Protected Source Three explains: '15 years ago you couldn't travel from Bogota overland almost anywhere because of being an official from another country. Obviously Colombians had to, but you always flew to Cali to Medellin, flew to Cartagena you just wouldn't think to go by road.'

The Challenge of Corruption

When this author discussed the issue of Colombian policing with his first protected source, many issues surfaced that were also highlighted in academia such as police presence, corruption, FARC involvement in drug trafficking and tactics against the contemporary cartels. Firstly the discussion centred on corruption in Colombia. Referring to their arrival in the late 1990s, Protected Source One comments that ‘even corrupt officers have to perform at some level’ and ‘At that time [in the late 1990s], if we said we would not deal with any agency that’s got a corruption problem you would have no-one to work with’. Police corruption was highlighted by over half of this author’s sources as being a sizeable problem that the sources had either witnessed first-hand or knew of via trusted partners:

I remember in the 90s the Cali cartel used to bribe or pay a (salary) to all police in Culca, the director of the police at that time dismissed all of the police officers operating in that district. (Protected Source Eight)

Yes I do think there is a corruption problem and this is often revealed when individual police offices are being prosecuted by the state. I think it has severely hampered the efforts of the CNP against OCG’s & terrorist groups. (Protected Source Thirteen)

There’s not enough infrastructure, there’s not enough business there’s not enough of anything in certain parts of the country and when you have someone like Pablo Escobar who comes in like in Medellin years ago and starts handing out money, I think it’s hard to turn down. (Protected Source Twenty-One)

High level corruption was not discussed in isolation, rather several sources also recounted a constant existence of low level corruption with street level police officers:

I will tell you how it works. The traffic police will stop you (for a road traffic offence) and say they will take your car if you don’t give money directly to them.... (Protected Source Fourteen)

There is undoubtedly a certain amount of low-level corruption on a daily basis, by the police to the general population, whether it’s a bribe of \$10,000 COP or \$50,000 COP.... (Protected Source Twenty-Two)

Internal corruption of the police prevented the efforts that honest people working in the police and have reduced the impact they should have had. (Protected Source Twenty-Six)

One particularly damning perspective on police corruption during the time of the classic cartels comes from Ruiz-Vásquez (2013, p.407) where he states that ‘In Colombia, many drug barons have previously been policemen.’. This highlights a considerable challenge to Colombian policing during this period, with law enforcement officials working as both protector and also in opposition of the legitimate state.

The one key area of disagreement between sources was if this problem was historical or contemporary with Protected Source eleven proposing that the issue was not as prevalent in modern Colombia: ‘No these smaller cartels do not have the access to Colombian government like they used to. It is a lot harder now, for a variety of reasons, to corrupt the institution’. However Protected Source thirty-two disagreed: ‘No, quite the contrary, I think corruption has increased significantly in our country, now it is not only in the judicial system, but also mayors, governors, representatives of the chamber and the entire political class’. Also there was considerable concern about corruption with the upper hierarchy of Government, ‘For example in plan Colombia you don’t know if the government use all of this money to combat drugs, maybe 50/50, 50 for the politicians’ pockets and 50 to combat drugs’ (Protected Source Six). Throughout the course of this research this author gleaned that those sources who were Colombian believed that corruption within the police and wider CJS had worsened, whereas those who were foreign diplomats or foreign workers were more inclined to believe that corruption was considerably less in contemporary Colombia in comparison to the time of Escobar and the late 1990s. The reasoning for this is that corruption is seen as more covert activity than it once was, from the times of Samper receiving large amounts of money from cartels packaged as presents and received by his presidential campaign, to today where land transfers and offshore accounts are more commonly used. However, despite the issue and challenges with corruption, a key point raised by Protected Source One is that work must carry on:

So it’s quite easy for us to be, as I say a bit sanctimonious and say, well corruption is dreadful, it’s awful and we don’t do that, but I damn well sure that I know what I would do if someone said we are going to kill your wife and children, unless you look the other way for 20 minutes. (Protected Source One)

As Protected Source One points out there are stark differences between the theory and the reality of the situation. If corruption is as deeply ingrained, as this author’s research suggests

then it will not be eradicated from Colombian society quickly. Indeed, Protected Source One argues that the situation needs to be put into perspective, ‘So it needs to be contextualised, even now, certainly in the 90s this was a brutal country where there were some posts in the anti-narcotics police where you had to have some level of corruption in order to just survive’. Trying to eradicate corruption as a police officer on the ground could get one killed; reduction of corruption to reasonable levels (this author personally believes its elimination would be unrealistic in any country), would be a slow process and require considerable political will from the highest levels of the Colombian state with assistance from international actors. . This author has witnessed first hand corruption with regards to government contracts. Favoured tenders were rushed through a procurement process with limited oversight, allowing for contracts worth tens of millions of dollars to be initiated and paid, before commissioning a study on the requirement. This also lead in one instance to the work never being completed, but the project still being paid in full.

Analysing the current state of corruption has become a difficult and nebulous task. Overt corruption is perceived as reduced, however, the entire issue of corruption appears to have moved slightly away from the public eye and into the shadows.

New Policing Practises

When discussing whether Colombia’s police had taken on new policing tactics such as problem-orientated, intelligence-lead or community policing due to foreign investment in the war on drugs, Protected Source One commented that:

Certainly the Colombians have taken on over the last 15 years, the idea of dealing with intelligence being more of a key role, rather than being exclusively operationally focused, but the Colombian police, to a greater extent than the UK police forces are very very short termist and results driven. However, they have now developed in certain areas an appetite for long-term investigations and some patience, so that if you want to take down Pablo Escobar or Loco Barrera or whoever it is, you’re not going to wrap them up in two weeks or even a year whereas before it was a short-term attitude to operations partly because the Colombian police is very hierarchical and careers are made of the results that you got, particularly the more senior you get.

This is a perspective that was widely echoed among the protected sources; the training or resources exist, but they were not being deployed to enhance or utilise more advanced policing tactics:

I think they have great capabilities in some areas of the police and then I think they have a very low level capability in others. (Protected Source Two)

...community policing is a new concept to Colombia, so I think that people don't quite know how to handle it yet... (Protected Source Ten)

They have the kit, they have the training and they have all the theory, they can explain it all to you, but when you observe them on the ground it doesn't seem to translate. (Protected Source Eighteen)

Protected Source Twelve believed this was more of a policing mindset, with the police focus being solely towards serious international crime and militarist policing to provide security rather than community level policing:

Have you ever heard of Sir Robert Peel's principles? One of his main principles is: the police are merely citizens who happen to undertake the role of keeping the people safe, they are part of the community at large, they don't control the community and I think here, that is very much not the case, they are not part of the community they serve, they are part of the Colombian defence forces, they are not merely citizens who happened to have undertaken the role to keep the rest of the citizens safe, they are something apart and different and I think that is the way they are perceived. (Protected Source Twelve)

This author's twentieth Protected Source highlighted from personal experience that, 'I helped them [the police] go to the UK to visit the CPS and they were looking at the juvenile cautioning program, you know so there are some good initiatives, but again you're talking about your second category policing strategies, you know it's too disparate, it's far too disparate'. Whilst the two sources agreed there is some progress being made, Protected Source Twenty debated that not enough is being done at higher levels. It is worth noting that the sources who believed progress with new policing platforms was being made were more involved with senior Colombian police, usually at General level, whilst those who did not were more likely to work for, or in partnership with Major or below ranks. Fundamentally this author believes it's a matter of perspective; some sources can see the overarching policies and how they have changed over 15 years, whilst other sources were frustrated with

the slow nature of judicial reform in Colombia. Either way, assessing the performance and strategies of Colombia's national police will not be straightforward.

Another key point to consider is that the police are operating within a country that is still at civil war and therefore, have a role along with Colombian military to provide state security. 'It's going to require an extraordinary change of character to move from policing areas in a time of war to policing areas in a time of peace' (Protected Source Four). The outcome of different policing policies is that although multiple types of policing have been researched and implemented, they lack long term funding and prioritisation. There has been a focus on training in different techniques, but which appear to become more disparate during implementation. Of the policing models examined by this author, intelligence-based policing is cited as the most successfully deployed according to protected sources, whereas community-based policing have suffered the most setbacks. Ruiz-Vásquez (2012, p.46), when discussing community level policing, states that it 'went directly against the Colombian Police Force profile, which was highly hierarchical and compartmentalised with enormous differences between the officials and the other ranks of subordinate officials, administrators and officers'.

In relation to the concepts previously discussed by Kenney that put forward on the cartels evolving into terrorist cell structures, Protected Source One believes that the police are changing their tactics to follow suit: 'The other change over time is that the Colombians are now more interested in networks and taking down networks as opposed to just chopping the heads off the networks, they still do an element of that for iconic reasons and sometimes, getting back to the career making final blow...'. Therefore while there does appear to be a constant narrative in how the police investigate, this only appears to pertain to high-value targets, which could be considerably problematic considering the fractured nature of modern micro trafficking cartels:

In terms of the practicalities of the war on drugs what seems interesting is that there's been a sea change from big cartels headed up by prominent capos to more granular and low scale flexible I suppose drug trafficking networks. Which seems to have created difficulties for criminal justice agencies simply because you don't get the same visibility as they would have done 20-30 years ago. (Protected Source Four)

Therefore, although multiple policing concepts have been introduced by foreign influence and training, they need to be adapted to focus at every tier of policing, from cartel and insurgent heads, to street level crime. However, on the other hand, the structure of the national police is as previously stated, still results-driven which will affect what is targeted, and the duration as long-term investigation could be cut short to arrest a figurehead, rather than long-term policing strategies being deployed in partnership with communities. The problem with utilising short-term operations against high value targets is highlighted by Kenny (2003, p. 187): ‘Yet despite impressive short-term results, the head hunting approach had little sustained impact on the Colombian drug trade’. So the national police and other policing agencies in Colombia need to apply a wider range of policing concepts across the entire criminal spectrum, rather than focusing solely in one arena.

Conclusion

Finally there is the dual question of how the war on drugs has affected Colombia and how Colombia has affected the war on drugs. ‘Some Colombians say that the United States saved the country’ (Marcella, 2009, p. 27) whilst others comment that the overall drug war has caused a considerable amount of suffering for the Colombian people: ‘The price that Colombia has paid for its role in the “war on drugs” has been high in both blood and treasure’ (Bagley 2013, p. 13). This was reinforced by a number of this author’s sources:

What I think the war on drugs has also done is probably take Colombia’s attention away from its own domestic issues: social and economic, growth issues, inequality, poverty and a lot of the resentment that is felt by different parts of society towards the elite in Colombia. (Protected Source Eighteen)

It’s prevented Colombia’s development, both on an economic front, because of the amount of money that has to be invested in law enforcement to combat drugs is disproportionate. Also it has affected Colombia economically in the rural areas where the drug traffickers have taken control and therefore prevented development of rural areas. (Protected Source Twenty-Four)

The drug war is a needed battle, I have seen what drugs do to an inner city, the economy, housing market and business community. It has been a battle that politicians easily lose interest in, until there is a void of other newsworthy items or they receive pressure to take action. (Protected Source Twenty-Eight)

One of the most important wars we fight. The drugs trade underpins economies, national and international trade and serious and organised crime. (Protected Source Thirty-One)

The war on drugs has had a toxic impact on Colombia, from homicide rates, general criminality, social destabilisation and significant economic effects. However, the common narrative from this author's academic research, the majority who have been interviewed and those that this author has worked with, is that it's a fight that is necessary as there are currently no realistic alternatives. The result is a nearly unanimous perspective that the war on drugs has had a toxic effect on multiple aspects of Colombian society and has put a heavy burden on the GDP in terms of policing and military costs.

In regards to how Colombia has affected the international war on drugs, the answer is more nebulous. Colombia has shown significant results in the war against drugs; her partnership with the United States has strengthened year after year, the guerrilla groups are weakening and more cartels are being dismantled, but what result has this had on the production of illegal drugs in Colombia? 'While individual enterprises may transact less frequently and in smaller quantities than before, on the whole the Colombian drug trade produces more cocaine and heroine today that it did during the boom years of the 1980's and early 1990's' (Kenney, 2003, p. 194). This is also echoed by the UNODC report of October 2008: 'In 2007, the coca cultivation area in all three producer countries increased, though production remains largely stable.' Despite those reports, in 2012, Colombia was the second largest cocaine producer after Peru, although currently figures from the UN and the US appear to show different conclusions (WOLA 2012). Considering the historical issue outlined by McClintock that the drugs trade is an international business, and the heads of those business interests may not reside in the country with a drugs production problem, could the Colombian organised crime groups be controlling Peruvian drug production, ergo the problem of illegal drugs still remains with Colombia? This author would argue that this is potentially the case, with most sources discussing overlap between cartels in different countries, although there isn't enough hard evidence to prove it as a certainty. Regardless, by 2014 and into 2015 Colombia was once again the leading cocaine producer in the world: 'Regarding the potential cocaine production for 2015, the estimate was of 646 metric tons, an increase of 46 per cent compared to 2014.' (UNODC 2016) again this was echoed by Protected Source Twenty-Two: 'Certainly internationally from what I know, I know that Colombia is back as number one

source of cocaine, obviously with Colombia bordering Ecuador and Peru, I think it's always going to be a bit of a gamble who is number one, as things shift between exit routes out of countries or exit out of the continent'. How has this been possible? One issue underlined by most sources is that the illegal drug production and trafficking industry has changed considerably since the time of Pablo Escobar and therefore is far harder to fight.

When the war on drugs started it was clearly defined, narco-trafficking groups versus law enforcement groups, but now because of the 90s when the major trafficking groups/cartels were destroyed, the war on drugs has diversified the drug traffickers have diversified into separate gangs. So you have the criminal gangs, the BACRIMs, small cartels, transport cartels. It's not like one big cartel you can just go and attack anymore you have to attack them on different fronts. Also as well as that, more recently it's been driven underground, so it's more underground now than it was in the days of Pablo Escobar where it was in everyone's face. (Protected Source Twenty-Four)

These underground groups are a sizeable problem. Previously Escobar and those like him flaunted their wealth and therefore were an easier target for law enforcement, but now with narco-traffickers operating more akin to terrorist cells as highlighted by Kenney (2003), identifying and locating them is increasingly problematic:

They use a lot of different methods to launder money and move drugs, for example, six months ago the police captured a significant narco-trafficker and it was reported that this guy had more money than Pablo Escobar, but he wasn't known. There are a lot of narco-traffickers now, but they are not as well known, the police don't know or the intelligence agencies. (Protected Source Six)

This fits in with the previously discussed model of traditional family run cartels being replaced by smaller cell organisations, replacing known groups with multiple unknown cells. The impact of dismantling these smaller cells is minimal in terms of overall cocaine production in comparison with previous efforts against the cartel families with their centralised command structure.

The war on drugs has significantly challenged Colombian policing. The classic cartels' evolution into micro traffickers means that no longer are these groups an easily quantifiable threat to the Colombian state that can be targeted by Colombia's traditional policing methodologies such as targeting the heads of organisations. Currently cocaine production figures are showing substantially increased output (as previously quoted from Protected

Source Twenty-Six). Whether Colombian policing can adapt to tackle this new threat will be for future academics and policy makers to assess. Protected sources stated that corruption becoming less identifiable is also cause for concern, even if the perception of the problem has reduced. One positive outcome that should be noted is that the Protected Sources and Ruiz-Vásquez believe that the public image of the Colombian police has markedly improved.

The image of the Colombian police has significantly improved since the 1990s. Surprisingly although the corruption of the Colombian police is presumably high, the police is still one of the most appreciated institutions among Colombians. (Ruiz-Vásquez 2015, p.04)

Chapter 2 - The History of the AUC & BACRIM and the Impact on Policing

In 1997, the regional paramilitary groups had formed a coalition called the United Self-Defence Forces of Colombia (Autodefensas Unidas de Colombia, AUC) and three years later its leader, Carlos Castaño, publicly acknowledged that 70 per cent of the AUC's funding came from drug revenues. (Leech 2011, p. 80)

The purpose of this chapter is to introduce the largest paramilitary group that Colombia has had: the AUCC/AUC. It will further examine the issue of state collaboration, the AUC peace process, and the group's evolution into the largest organised crime group in Colombia along with the policing challenges and outcomes associated with them.

History of the AUCC/AUC

Colombia is considered by most academics and this author's sources as being a stable democracy Ruiz-Vásquez (2015), something that is arguably relatively unique in the Latin American region. An exception occurred between 1953 and 1958, where a non-violent military coup led to General Gustavo Rojas Pinilla taking the position of President without an election. The reason this was successful, however, lies with a problem that Colombia has faced in contemporary times: violence. One of the most significant periods of violence, and one which has shaped many of the aspects within this thesis is La Violencia, an event so significant that of the time Bailey commented that

...[I]t has defied not only the contemporary jargon of sociologists and political scientists but even the time-honoured terminology of insurrection, rebellion, riot and revolution. Perhaps because the only element of this phenomenon that all observers can agree upon is, the fact that it is and has been eminently violent, it has come to be called simply 'la violencia,' or 'The Violence'. (Bailey, 1967, p. 561)

There are academic debates on the start and end of La Violencia - for the sake of argument this author will use the dates put forward by Bailey, where La Violencia started in 1946 and affected over 20 percent of Colombian citizens until 1966. This extended level of violence had two significant outcomes; first was the build-up of private defence groups by rich land owners to protect their property, and the second was the formation of several working class

guerrilla groups to fight the oligarchy and those that supported them, the AUC (Auto Defensas) was borne out of the people's attempt to combat the FARC and other insurgent groups, according to Arnson. C et al, (2005), 'particularly in areas where there was no state presence, where there was no police force, so they set up this kind of armed militia groups to combat the FARC, who stole their land, stole their crops...' (Protected Source One).

In this chapter the author will examine the buildup of private defence groups, while the formation of guerrilla groups will be the focus of the next chapter. It should be noted that, to provide a more cohesive narrative, when discussing paramilitary/private defence groups this author will mostly refer to the AUC and its precursor group the AUCC Autodefensas Campesinas de Córdoba y Urabá (Peasant Self-Defenders of Córdoba and Urabá), as they were the most prominent paramilitary groups within Colombia over the last forty years. The AUCC in its initial formation was centred mostly in Northern Colombia (Córdoba and Urabá regions as the name suggests) as a means to fight the FARC. The AUC was formed from the AUCC after its founder Fidel Castaño disappeared. His brother Carlos Castaño Gil took over the leadership of the group and rebranded the AUCC to the AUC. In parallel to this the group Los PEPES (Perseguidos por Pablo Escobar—People Persecuted by Pablo Escobar) was founded (Torre.L, 2008, p. 50) of which Fidel Castaño was also a founder. Los PEPES were a vigilante group which targeted Escobar and his cartel. Later after Escobar's death this group would be incorporated into the AUCC and help push its propaganda as a force for good in Colombia. As referenced previously, during the time of Escobar, Colombian legislation enabled the use of private defence groups to protect landowners' assets. However this was exploited by the classical cartels to build small paramilitary groups with sophisticated equipment, for example communications equipment and military grade weapon systems: 'Yes, the AUCC made a deal with Pablo Escobar and Carlos Castaño, but with other Cartels as well, however, Pablo Escobar created a big empire working with the AUCC' (Protected Source Six). According to Dudley, 'By 1988, the paramilitaries had evolved into a sophisticated national network.' (2004, p. 121). Throughout the research of this thesis, this author found that most sources either suggested or stated outright as an absolute that the paramilitaries were in collusion/joint working with the legitimate Colombian state. Most academia suggests the paramilitaries in general had similar objectives to the government and therefore collaborated operationally:

While General Lemus denied any links between his troops and paramilitaries, Amnesty International claimed to have ‘received information indicating strong collusion between units of the 18th Brigade of the Colombian army and paramilitaries, including reports of joint military-paramilitary operations or army units wearing paramilitary armbands and identifying themselves as paramilitaries. (Leech, 2011, p. 97)

Nearly all of this author’s sources asserted an absolute collusion between the two actors. For example, when Protected Source Sixteen was asked about this issue, the source replied ‘Rumour no. It is a fact!’ Protected Source Six was just as insistent, stating that the previous Colombian President Álvaro Uribe Vélez was directly involved: ‘What happened with the Army and AUC, the AUC was created [by] the rich people (cattle ranchers) in Colombia to protect their farms and lands, they and the government paid the AUC for protection, the originator of this was Uribe’. From another more unorthodox perspective the collusion between paramilitary forces and legitimate state actors could be argued as a logical pairing. As an example, during the time of Escobar, the families of Castaño and Escobar held a delicate truce, however, their ideologies were not aligned as Castaño apparently did not approve of financing through drug trafficking at the time. In 1991 the truce between the two groups ended when Pablo Escobar dispatched *sicarios* to kill Castaño. It was at this point according to that Castaño and his brother Fidel had helped to found Los Pepes and supposedly fought against Escobar's cartel alongside the Colombian state (Dudley 2004).

This could be considered a pivotal moment for two reasons. Firstly, the legitimate state seemingly could not provide safety and security to its citizens for a multitude of reasons, including geographical policing issues and accepted collaboration between state and non-state actors. The AUCC accepted the opportunity of state collaboration, and began to transform from a paramilitary force into a militia by co-operating and working operationally with official state actors.

State Collaboration

After the death of Escobar and the Colombian state’s war with classical cartels, the traditional paramilitary/militia groups began to merge, until in April 1997 when Carlos Castaño Gil found the Autodefensas Unidas de Colombia - AUC (United Self-Defence Forces of Colombia in English). Again, there is a certain logic as to why state actors would have

accepted this independent section of civilian society taking on state actor roles; and that was to provide a pseudo policing force where the Colombian state had no or limited presence. It was also the paramilitary war with the FARC that helped the AUC justify their existence:

In the initial part of the AUC there were certainly was some compliance from the military and from the police, because they basically lost control of the rural areas and they didn't have the strength or equipment to take the fight into these rural areas, so with the formation of the AUC, that gave them a way to combat the FARC in those rural areas. (Protected Source Twenty-Four)

However, the exception can become the political rule, a pattern that was present in most of this author's interviews, especially when discussing the AUC engaging the FARC militarily:

From there the AUC started to work with the army against the guerrillas, they would move in ahead of the army and engage the guerrillas or they would move in a pincer movement in co-operation with the army to surround guerrilla forces, this happened at the beginning. However, later the army has to fight the FARC, the AUC and EPL. (Protected Source Six)

Some sources were uncertain about the degree of collaboration, with one source who fought on behalf of the government stating that paramilitaries did not receive government resources, but didn't know if there had been collusion: 'No, I don't know for sure. I can say that the government has not provided any resources to the paramilitary' (Protected Source Fourteen). There is also the question of legality, as these were not legitimate arms of the state, their actions including the government's collaboration with them would have been illegal under Colombian legislation of that time, which one source stated was the case: 'You had the same accusations here and there, there was no doubt that significant interaction between the organs of the state and the AUC in some areas as well they were clearly collaborating and that was illegal' (Protected Source One). This was the genesis of the AUCC and then the AUC - similar to the FARC, they were formed by the civilian population in order to protect a certain class of society where the legitimate actors of the state could not. However, in contrast, the working class formed the FARC, while the AUC was formed by the upper middle or upper classes with the wealth to fund and expand their organisation quickly to more than 30,000 soldiers (InSight Crime 2015).

The difficulty is that once such a force is created, regardless of the initial intentions or collaboration with the legitimate state, there are no guarantees that such a group would solely work according to legal objectives. With most non-state actors taking on security or policing roles, there is a great chance and opportunity of expanding on their societal deviance into areas/other areas of criminality.

Yes it was the people themselves that formed the AUC, but it's one of those things where although the government should have been very strict about the formation of essentially armed groups within the civilian population because the objectives of these armed groups fitted in quite nicely with the objects of the government, they turned a blind eye. (Protected Source One)

Whilst this author recognises that in the 1990s and early 2000s Colombia was in an unenviable situation - its limited policing and military resources were not able to protect its citizens from cartels, and the Colombian state was in a civil war with multiple insurgent groups - this was still a pairing of legitimate state actors with deviant civilian actors without official oversight or control. From one perspective it could be argued that the legitimate government required support due to its lack of resources, which therefore potentially justifies such co-operation under these extreme circumstances. Whilst this author is not trying to justify the actions of this time, it is worth considering the defensibility of collaboration with such a non-state actor versus one's own country potentially becoming a failed state. Also it is worth noting that this partnership was not unique to the Colombian state, many private sector actors were also collaborating with the paramilitaries and funding them: 'In 2007, the relationship between multinational and the death squads was made evident when Cincinnati-based Chiquita pleaded guilty in US federal court to funding AUC paramilitaries to protect the company's business interests in the banana-growing region in northern Colombia from guerrilla attacks' (Leech, 2011, p. 142). So the AUC were operating as a militia for the government and as private security for corporations operating in Colombia.

Despite the precarious position the Colombian government was in at this time, this author would also argue that there was always considerable risk in this decision of collaboration with these rogue civilian groups, especially one with considerable resources. Academic sources highlight the AUC's resources: '...the AUC has become one of the best-equipped armed groups in the world during its rise between the late 1990s and the early 2000s' (Nussio, 2011, p. 88). The next pertinent issue is what happens when deviant actors with

considerable military-esque resources take actions that are not favoured by the legitimate state. Many examples of this can be seen since the AUCC and AUC's inception. Even when collaborating with the Colombian state, there were many reports of violence by the AUC against opposing groups, be they political, social or geographical: 'According to the Colombian government's Ombudsman's Office, the paramilitaries were responsible for more than double the number of massacres attributed to both the FARC and the ELN' (Leech, 2011 p.06). Amongst almost all of the Colombian sources this author interviewed, there seemed to be conflicting attitudes towards the AUC, ranging from a mild form of reverence, to pity and even to contempt. This author believes that the reason there was a lack of strong denunciation of these forces, was and is still due to the lack of state resources across considerable parts of the country. In the absence of a strong government presence and protection in certain territories, the right to defend 'what's yours' would be considered appropriate, even if this meant forming protection groups, which became paramilitaries and then evolved into militias. In contemporary Colombia AUC actions were initially justified to some degree by many of this author's protected sources, which one could theorise was due to government collaboration at the time. Whilst those might have been the initial thoughts of this author's protected sources, they quickly changed as the timeline of the AUC advanced:

...I have read many testimonies from victims of the massacres that they did, not even the Nazis were as cruel as the paramilitaries. I have heard this also from the Prosecutor of the Supreme Court that many people were tortured. Some of the things they did were: they inserted wire into a man's penis, they played football with human heads, they would cover a person in sugar and then tie that person to a tree and that person would be eaten by ants within five or six days. One of the worst things I heard was from a woman they were torturing, they placed her son in front of her and were removing his skin until the woman passed out with shock. In the hills outside the city the government wants the families to know the truth of what happened, as some families are still looking for members of their family from the 1990s. In the mountains the government and the prosecutors are having huge bulldozers digging as there may be more than 120 or 150 corpses buried all in one place, they have been digging and digging, but they still have not found the bodies. (Protected Source Fourteen)

Such accounts of violence were corroborated by academia: 'Meanwhile, Human Rights Watch, utilising statistics compiled by the Bogotá-based Colombian Commission of Jurists (CCK), attributed 78 percent of the human rights abuses and violations of international law in

1999 to the paramilitary, with the guerrillas responsible for the 20 percent and state security forces for the remaining 2 percent' (Leech, 2011, p.06).

Dudley (2004, p. 105-107) details an account of the paramilitary attack on the town of Segovia, during which approximately 43 people were killed and over 50 injured. The attack lasted just over one hour, despite local police and military presence, the streets were empty of state presence until after the attack had taken place. Dudley implies that such atrocities by the AUC didn't just take place where there was no state presence, but such incidences were arguably *allowed* to take place (2004, p.163). However, this tolerance by the Colombian state and collaboration with policing actors would not go on forever; quickly the AUC were evolving more into a trafficking group and the collaboration with the state began to abate: '... three years later its leader, Carlos Castaño, publicly acknowledged that 70 percent of the AUC's funding came from drug revenues' (Leech, 2011, p. 79); 'The Government had stopped talking about deals for paramilitaries; it was talking about jail' (Dudley, 2004, p. 197-198). A pertinent question at this stage is what had allowed the AUC such freedom to commit these atrocities and for so long? Before and even during the government opposition to the AUC, the historical close working relationship of the legitimate state with rogue actors had another effect, the corruption of state by the AUC. The AUC had considerable interest in politics in order to further solidify their position in Colombian society, they manipulated their police and military connections to extend their reach to Mayors. Protected Source One highlighted a little-known fact, that regional Mayors have a lot of power and resources at their disposal, something that the AUC wished to exploit. (Dudley 2004, p. 121) also notes that 'Like the UP, the paramilitaries sought to use the new laws concerning direct elections of mayors and more control over municipal budgets to their advantage'. This issue was discussed further by Protected Source Three who stated 'That's why so many of these people are in jail, ex congressmen due to paramilitary associations because I would say half of the political class in the country have paramilitary associations at one time, either they knew about these operations or they gave them some support, encouragement, may have even have funded them'. This highlights a considerable problem; a rogue actor working in tandem with legitimate state actors also having profound political support in the political class, which explains why the AUC could be allowed such lenience with human rights abuses as its political ideals were shared by the oligarchy. Another pertinent issue is the AUC turning to drug trafficking. As previously mentioned, a considerable problem with uniting a civilian group without oversight or control by a legitimate state actor is that said group won't

necessarily follow official state policy, instead they will be relatively free to follow their own agendas: 'In 1997 most of those cells joined together into the so-called United Self-Defence Groups of Colombia AUC and same as FARC they became a powerful organization once they joined the lucrative illegal drug trade' (Castillo, 2009, p. 25). Also, this author's sources described at length that the AUC evolved into a trafficking and terrorist organisation:

Then of course it morphed into its own terrorist organisation in its own right, it is recognised as a terrorist organisation by the United States. Then as it turned into a criminal organisation which has funded itself through drug trafficking, so in the late 90s and early 2000s much of the work we did on the north coast which was with the Navy, the people we were working mostly against were the AUC as they are a trafficking organisation, which caused us yet another, different distinct security issue. (Protected Source One)

They supported and became traffickers, originally the idea was protect the cattle ranchers, but then they changed their minds because it was a lot more lucrative for them, the rich people did not pay a lot to the AUC, so for that reason they preferred to work with the cartels. (Protected Source Six)

They have a trusted network at the top, but it is probably one of the last nationally structured drug trafficking organisations that is left in the country, after the Cali cartel etc., all went away, we started getting a lot of smaller ones, but this is the one that sort of banded together and became pretty enormous and has a national influence. (Protected Source Nine)

AUC as an Organised Crime Group

It was at this point the AUC had changed from collaborating with the state to opposing it, and in September 2001 the AUC was reclassified by the US State department as a terrorist organisation alongside the FARC (Dudley 2004, p. 174), ironically their natural enemies. Therefore, September 2001 is a key date in the AUC's evolution from state collaborator to the opposition of the official state. Whereas previously the legality of the AUC was a nebulous concept, now the reclassification by the United States meant that Colombia also had to focus on the AUC as legitimate threat to state security, and therefore the police and military started to shift their objectives in relation to the group. However, in the early 2000s whereas the police were now fighting smaller cartels with extra funding from the US's Plan Colombia, the military also benefited from the extra resourcing from Plan Colombia, in order to fight the FARC, but also to police remote areas. This meant that AUC collusion with the

military continued for longer than it had with the police, which in turn meant further human rights abuses as highlighted by Protected Source Three: ‘The army has become much more efficient since the Americans set up Plan Colombia, it’s made a huge difference to them, but things still happen, which show that the army is not immune from corruption and human rights abuses’.

Those who don’t disarm, will create other groups, which is the same thing that happened with the AUC, half of the AUC remained with their weapons, working as or with criminals. BACRIMs came from the AUC groups after they demobilised, then there were many BACRIM groups spread everywhere. (Protected Source Six)

AUC Peace Process

Between 2002 and 2006 the Colombian state negotiated a peace process with the AUC and its 30,000 soldiers, and to date this has been the largest peace process in Colombia (Thorsell, 2012), and arguably the most successful. Within four years the Colombian state had successfully carried out peace negotiations, and also brought about considerable changes in Colombian legislation. However a possible negative repercussion of any peace process is what happens to those who do not demobilise: ‘Throughout 2006, persistent doubts were raised about the re-armament of demobilised paramilitaries, their involvement in organised crime, and the penetration by paramilitary groups of government institutions and the legal economy’ (Arnson et al, 2006, p.2). With any peace process there is a margin of compromise and due to the numerous causal factors for the beginning of conflict, it is highly unlikely that any peace process would be able to adequately offer all parties involved a completely satisfactory conclusion. With this in mind, this author argues that a peace process should not be judged by whether it has demobilised an entire rogue group, but comparatively how many demobilised and what happened to those who didn’t. For example if 60 per cent of an armed group demobilised, and those who didn’t reduced their criminality, then arguably the peace process would have been successful. With regards to the AUC peace process, however, this author would argue that it was both a success with some long-term problems relating to the methodology utilised for demobilisation, and that this long-term problem has culminated into a considerable policing problem inside Colombia. Firstly, as previously mentioned the collusion of state actors with non-state actors had appreciable problems when it came to policing:

These disclosures were preceded by equally damning accusations that members of Colombia's domestic intelligence service known as the Department of Administrative Security (DAS) had collaborated with paramilitary and organized crime groups, tipping them off about ongoing police or military investigations, providing them with information about targets for intimidation or assassination, and interfering in congressional and presidential elections. (Arnson et al 2006, p.3)

With that in mind, could official state actors be trusted to now reverse this partnership and provide the right to fair and reasonable justice to its citizens? These themes are constantly highlighted by academic sources as problematic areas of the AUC peace process:

The Colombian government cannot afford to commit the same errors again, errors such as: engaging in a fragmented peace process with highly illegitimate negotiations; establishing selection criteria that are too lax; providing communication that generates confusion among both demobilised people and civil society; improvising DDR planning in spite of valuable earlier experiences; and not preparing the security forces sufficiently for the aftermath of demobilization. (Nussio, 2011, p. 91)

This criticism wasn't just aimed at the policing actors, but the criminal justice system as a whole, with Felipe Gomez Isa (2008, p.1) labelling the possibility of the right to justice as 'precarious' in the time not long after the AUC peace process had been signed. This was despite Law 827 (later evolved to Decree 128 and the Justice and Peace Law of 2005) being drafted and utilised specifically for this peace process. To outline these legal frameworks, Law 827 was created first in 2002 which then evolved into Decree 128 in January 2003. This legal framework according to Isa was 'Only establishes an administrative verification procedure of the demobilised paramilitaries judicial situation' (Isa, 2008, p3), rather than offering the right to justice for the victims of the ex-paramilitaries actions. This Law and the subsequent Decree were ineffective to the degree that for over 20,000 ex-paramilitaries, less than 50 prosecution cases were created, which it could be argued effectively served as a state pardon of the paramilitaries' actions. Indeed it would fall into the paramilitaries' constant narrative that they were performing a required service to the country, fighting guerrilla groups and providing policing and other state services where the state wasn't present, however, the unintended consequence was to pardon other criminality where it could be stated there was little or no state benefit such as narco-trafficking. Isa also notes that it has been described as the 'impunity by decree' (Isa, 2008, p. 03). The challenge of the Justice and Peace Law of 2005 was to find an equilibrium between 'peace and justice', whereby the

consequences of the previous actions by the AUC were not so severe as to prevent the paramilitary group to demobilise, but not too lenient as to prevent the right to justice to their victims, however the balance has seemingly not been struck. Isa (2008) concluded that most of the sentencing has been viewed as excessively moderate to the point of appeasement. However, he does point out that the victims were being provided more resources than previously and also highlighted the media as a contributor to assisting in the victims right to justice: ‘In the case of Colombia, we are dealing with chronic impunity with regard to crimes committed in the context of the military conflict, a burden which is not going to be easy to offload’ (Isa, 2008, p. 03). The inability of the Colombian criminal justice system to reduce impunity rates, provide fair and reasonable sentences to ex-AUC members, and have a comprehensive plan to re-integrate these individuals back into Colombian society left a considerable problem. This weakness in the CJS lead to a highly problematic long-term policing issue in Colombia in the formation of the BACRIM (Bandas Criminales) groups, around the time of the AUC peace process in 2002-2006 (Arnson et al 2006, p01).

...[T]he BACRIM’s evolved around the demobilisation of the AUC ... they are akin to the true mafia... (Protected Source Five)

AUC’s Evolution to BACRIM

The BACRIM groups were formed by those who ‘fell between the cracks’ in the post AUC peace process environment. Those who had not fully demobilised, or had not been effectively rehabilitated by the state but had considerable military and tactical training, turned to criminality without the AUC’s previous modus operandi and focus on fighting the insurgent groups and Communism. BACRIM itself is a title for large criminal groups that are not necessarily connected themselves, but are instead associated by the Colombian governments shared classification. The rise of these groups became seen as a problem during the later stages of the AUC peace talks: ‘Throughout 2006, persistent doubts were raised about the re-armament of demobilized paramilitaries, their involvement in organized crime, and the penetration by paramilitary groups of government institutions and the legal economy’ (Arnson, 2006, p. 02). One of this author’s sources considered the rise of the BACRIM as a key failure of the AUC peace process:

That's why the demobilisation of the AUC has essentially turned into various different criminal organisations and it's now morphing back into the Rastrojos and Urabeños the larger organised crime groups. What they have managed to do is to use their ex-terrorist credentials as a way of recruiting and as a way of legitimising some of the things they do, in reality they are what it says on the tin, they are BACRIM and therefore a criminal organisation. (Protected Source One)

As a result of the more hardened criminal aspects of the AUC evolution into BACRIM, they have also shed their previous political positions. These groups are now not so opposed to working with insurgent groups, as the main driving force behind their actions is financial rather than policy motivated as underlined by a number of sources this author interviewed.

BACRIM has an economic interest, yes, and they are criminals, yes, but they are not as organised and they are not against everyone who look like guerrillas. They kill people for business reasons and not because they don't like guerrillas. (Protected Source Sixteen)

The BACRIMs, well that is a symbiotic relationship, the BACRIMs provide money to the FARC, FARC provide the logistics around, well you have to pay them, you have no choice, it's not like there's a casual relationship, if you're going to grow or produce cocaine in this area, you will pay X amount per kilogram you're producing. So therefore, there is an active relationship that they are not going to rock the boat over that because it's not worth their while. (Protected Source Five)

Therefore the BACRIM are far more similar to classical cartels, there is little to no political affiliation unless referring to their previous terrorist labelling to ensure greater credibility to their employers or to induce fear in their opposition, with their fundamental objective being financially based. One key lesson learned from the BACRIM in comparison to the classic cartels is that their criminality is considerably less visible in society, but without being as fractured as the micro traffickers' terrorist cell-like structure.

They [BACRIM] have a trusted network at the top, but it is probably one of the last nationally structured drug trafficking organisations that is left in the country, after the Cali cartel etc., all went away, we started getting a lot of smaller ones, but this is the one that sort of banded together and became pretty enormous and has a national influence. They have access all over the country to whatever they need and again they have some very good corrupt sources within the judicial system and some of these small departments, so they don't have to worry about going to jail. (Protected Source Nine)

This low visibility has allowed the BACRIM groups to expand considerably in terms of their members and their corruptive influence. They are also able to operate in urban environments, but share insurgent groups' rural leadership structure. While this might make it appear easier for the policing agencies to target day to day operations of the BACRIM, their more fractured structure makes it harder to completely dismantle the groups:

...for example in Boyaca, most of the BACRIM are run out of Tunja, which is the capital of Boyaca, so they are not run from sparsely populated areas, they are run from the cities. That's not to say the leaders aren't hiding out in the rural areas, because that's probably where they are, but like most enterprises, you need to have a central location to run your business and on the scale of their business are being run. (Protected Source Twenty-Four)

Also their fractured structure and low visibility makes it far easier for BACRIM to operate covertly across Colombia in major cities, including the nation's capital, to the point where until June 2016 a considerable BACRIM operation was located in central Bogota three blocks away from the Presidential Palace:

An example of that is where the police just taken back the Bronx, there they discovered the full depth of criminality that was going on from human trafficking, prostitution, drug running, everything, all being centred in the Bronx. The Bronx is in Bogota, about three blocks behind the presidential palace! It's only now that they are understanding the scale of it! (Protected Source Twenty-Four)

This evolution from AUC to BACRIM is arguably a key issue with the AUC peace process; there are reports of arms not being handed in, caches of weapons left by the AUC after the peace process or some members not demobilising at all: 'A former member of the Bloque Córdoba, who demobilised in 2005, claimed in an interview that 45 of his companions "remained" in the group' (Nussio, 2011, p. 89). Also there was a considerable problem in policing the demobilisation of the AUC despite NGO and other international support to the Colombian state. The incompleteness of that peace process without a comprehensive, post-peace environment policing strategy, and the lack of providing a more visible state presence across all of Colombia - especially when according to Arnson (2006) there were considerable warning signs of fresh criminal groups originating from the AUC and the problems with the peace process - has enabled, to a point, the evolution of AUC to BACRIM, creating a purely

criminal entity from a once quasi-militia. As of now, the BACRIM are a considerable criminal influence on Colombian society across their different organised crime groups. As one protected source noted:

BACRIMs are probably operating on the scale of the large Russian mafia and their involvement extends beyond drugs trafficking, into human trafficking, into the sale of weapons, into prostitution, across the whole spectrum, illegal mining is one big area, extortion, they are probably on the scale of European mafias. (Protected Source Twenty-Four). Whereas the FARC are heading to what could potentially be a successful peace process, with their criminality slowly reducing, most sources agreed that BACRIM criminality is rising: 'With the FARC the crime has decreased, but with BACRIM (and we need to know that is more associated with drug dealing) has been steady' (Protected Source Eight). All sources agreed that this situation is far from ending, and although most sources differed in their view on whether the war of drugs is winnable, a common thread was that in the current climate there is too much financial incentive for it to not inspire criminality: 'It's a no-win situation, my take on it is that it's their main product here for the locals, for the FARC, for the BACRIM, for the criminal underworld, it's a good source of income and no matter how many leaders you take away, another one steps in and takes up the mantle' (Protected Source Seven). This isn't necessarily a case of these groups fighting the state as in Pablo's time, rather the contemporary issue is these quasi paramilitary groups with considerable resources fighting each other for dominance not only in narco-trafficking, but in order to secure large parts of Colombian geography:

From these groups it is definitely a growing problem, there is an expansion of crime. They are fighting each other for control over certain important areas (important routes where weapons come in and out) so that they can get the drugs straight into Panama. They have been growing due to the amount of money they make, they have great information (corruption) coming out of Bogota, so they know where not to go and where to hide out, the groups are growing in power due to growing in numbers, they have expanded up in the North Coast in Colombia specifically in that area. In some of these very poor areas they can get people to do things for them for very small amounts of money, due to the poverty, but they also use violence and intimidation in towns to make people cooperate. (Protected Source Nine)

Policing Challenges & Outcomes

BACRIM groups operate mainly in rural areas, but usually have a moderate urban presence as well, which poses a considerable geographical policing challenge to law enforcement agencies. However, of late 2015 BACRIM have been re-classified to GAOs (Grupos Armados Organizados), and as of November 2015 the military began targeting these groups operationally as though they were an insurgency by using airstrikes (InSight Crime 2016b). The argument in support of this goes, that these quasi-paramilitary criminal groups are armed with military grade weaponry and equipment, operate in both urban and rural Colombia, with a robust and experienced command structure, therefore there is a logic to considering them as military targets instead of a policing objective. However, whilst this reclassification could be defended as a necessity, it does highlight two key issues; one, a reluctance for the Colombian state to solely trust its policing agencies to tackle criminality, and two, weakness in Colombia's traditional policing agencies to not be able to adequately police the problem, leading it to evolve into a military objective. Those issues are intrinsically linked. With the perceived problems of policing the GAOs, the Colombian state will favour a military option, and the more the military is used, the less the policing and policing strategies will be deployed. Therefore, the less experience, and possible funding they have, means the less they will be able to combat the problem. This potentially leads to a downward trend, which will be especially problematic when dealing with the FARC peace process, demobilisation, and increasing policing in previously inaccessible areas of Colombia. Therefore if policing is going to be successful with future peace processes and other challenges, the Colombian state will need to put more faith and considerable investment across all policing agencies, to set policing as the prevailing solution to a problem of criminality.

Foreign Assistance

There is also the issue of joint operations that the national police run with other foreign agencies. This author would state that in general this is likely to be a USG or HMG-based agency, as in his experience those are the two governments who have the biggest footprints in Colombia. Whilst these operations are also conducted against micro traffickers and insurgent groups their primary more focus is against larger criminal groups, such as those mentioned within this chapter. Protected Source One commented:

What hasn't changed really for the Police, is that they are still very inward-looking, they are still very much focused on what happens in Colombia and what they can do in Colombia, what they can claim in Colombia and one of the difficulties for us is that we need to be able to demonstrate, that if the Colombian police have provided intelligence which allows another country or continent to operate and make a seizure and make arrests then they should be able to take some credit for that, but you know, they are very keen on who gets to do the press conference....

This points to a potential area of contention between foreign agencies within the Andean region and their Colombian hosts, specifically in this case with regards to the national police. Considering this along with the issue of the national police still being heavily results led (as previously cited from Protected Source One), it is logical that this could lead them into conflict with their international partners during joint operations, and undermine the international war on drugs. Despite this, most sources believed that rivalry was not a major problem within international partnerships outside of the Andean region, instead citing general good co-operation operationally and especially with regards to training: 'Yes definitely the American and British influence is massive, at the same time the Colombians recognise that their skills have improved through international co-operation and training' (Protected Source Seven). Whilst improvements were cited, many sources believed there was rivalry between neighbouring nations: 'Yes I would say it has changed, I would say the police have improved, the international liaisons/relationships at the international level have improved. The police are becoming a lot more professional, but still there is a long way to go...' (Protected Source Eight). Therefore, even a minor rivalry especially at international level in terms of the war on drugs, could potentially be quite damaging. As previously cited from McClintock (1988), the drugs trade and specifically the Colombian involvement in it is a transnational business, therefore if one is to be successful in fighting such an organisation, one needs to be internationally focused as well. The UNODC (2008, p. 3) report 'The Threat of Narco Trafficking In The Americas', echoes this: 'Countries like Colombia show how progress against drug trafficking can pay dividends in reducing violence. But the problem is truly hemispheric, and can only be addressed through international cooperation and information sharing'. However, Protected Source One does believe that progress is being made in regards to the national police and the military assimilating some of the tactics offered to them by international partners: 'To some extent the Colombian police have realised with a bit of help from HMG and USG agencies that international intelligence gathering is the way forward, so you can't just start your effort at the Colombian border and work inwards, you need help'.

Protected Source Twenty had another perspective, but instead it was from an overall embassy level, rather a perspective from law enforcement ‘[The Embassy] gives them [Colombian groups] money to tell them stuff that they already know, we know what happens when you attack organised crime groups ... we know the ideologies, we know methodologies, don’t worry about doing all this analysis, act!’ Their feelings are that foreign embassies in general focus too much on generating reports that have been constantly repeated, not in terms of a yearly update, for example UNODC reports, but instead repeating previous findings, rather than acting on already known information.

Therefore, as described previously, there are multiple rivalries across multiple layers in regards to the war on drugs, internally to the police, with other Colombian agencies and finally also with international partners in the Latin American Region. So far in this author’s research, this rivalry has been quoted as unhelpful. This was not the sole perspective, however; a few sources deemed rivalry as positive stimulant to investigating groups: ‘Each agency has its own professional pride so each agency will think that they achieve better results, I think this is a natural competition between the two investigative units. I don’t think this can be seen in a negative light, I would say this can be regarded as positive’ (Protected Source Eleven). Protected Source Thirty-One believed the truth lay in middle: ‘Absolutely there is (rivalry). Success is measured by statistics, kilos seized, cases brought. This is both healthy and unhealthy.’ Despite this, the overall general consensus of opinion was that rivalry, especially with regards to the sharing of information which could have assisted with the capture of high value targets like Pablo Escobar, was unhelpful at best, and corrosive to policing at worst, despite an argument by a few that rivalry could be driving positive results.

Comparatively one of the most significant changes since the height of the AUC’s time, despite the minor rivalries, has been international assistance from the United States with Plan Colombia and the considerable amount of training provided by the United States, United Kingdom, Canada, Holland, Spain and other countries. Nearly all sources stated that international funding and training had greatly assisted Colombia’s policing and has made a big difference since the days of Pablo Escobar. This investment in funds and training has been highlighted by several of this author’s sources.

*The police has increased in size, there's belief in the capability that they have got, obviously there has been external investment as well to the tune of, over the period of time of plan Colombia with the Americans investing 1.2 billion dollars into the police to cover everything from small bits of equipment, training, Blackhawk helicopters.
(Protected Source Five)*

Chapter 3 - The History of the FARC & UP and the Police Challenges that Followed

Although Colombia has had a long tradition of democracy with regular elections, the struggle between both parties ignited two civil wars that left about 300,000 people dead between 1899 and 1902 in the “One Thousand Day War” and between 1946 and 1958 in “The Violence (*La Violencia*).” The bipartisan struggle generated a phenomenon of peasant self-defense and bandit groups of liberal members opposed to authoritarian conservative governments. In the 1960s, some of these bandits embraced communist precepts creating the first guerrilla groups: FARC, *Fuerzas Armadas Revolucionarias de Colombia*; and ELN, *Ejercito de Liberación Nacional*. (Ruiz-Vásquez, 2015, p.01)

The aim of this chapter is to provide the history of the FARC and its political party the UP (Unión Patriótica), in order to explain why achieving a contemporary peace process is a protracted and convoluted affair. The conclusion will seek to determine the problems with policing during a civil war and also how policing might develop post peace process.

The Origins of the FARC

Throughout the 1980s and into the 1990s, despite the emerging paramilitary threat, the FARC consolidated its control over many of Colombia's coca-growing regions. (Leech, 2011, p .60)

Rather than seeking to detail the full history of the FARC, this author will instead begin with a brief introduction before focusing on two key areas; firstly, the group's involvement with narcotics, and in the following chapter, the FARC's ventures in politics, from the formation of their political party the UP (Union Patriótica), posing the question of whether the FARC will seek to enter politics if there is a successful peace agreement. It should be noted that the purpose of this paper is not to ascertain if the FARC's armed struggle and ideals of the UP were justified or not, but rather to what degree they became involved with the drug trafficking trade, and what insight one might glean from the objectives of the FARC-designed political group the UP in relation to the future of the FARC in politics. Adopting their name in 1966, The FARC is one of the oldest insurgencies in the world (InSight Crime 2016c) As of 2016 the insurgency has lasted for fifty years, but at the time of writing, there is a possibility that this may be the twilight year for the guerrilla group. The FARC's origins lay in the peasant community: ‘The FARC's approach is intrinsically linked to its roots in the

peasant self-defence organisations during La Violencia. Those roots pre-date the Cuban Revolution and, in contrast to most of the guerrilla groups that formed throughout Latin America....' (Leech, 2011, p. 21). The formation of self-defence groups by the civilian population where the legitimate government lacked state presence is a common theme in Colombia. The FARC started off as a relatively small rebel group, consisting mostly of peasants who sought to oppose government policy and a rising threat by large landowners. At the time, the group numbered in the low hundreds, however, by 1999 this number had greatly increased to around 18,000 guerrillas (Stanford 2015) with an un-quantifiable number of civilian and political supporters. Initially the FARC's principles were based in communist ideals, that the working class could oppose the ruling elite, overthrow the government of the time via armed and political revolution and commence a communist state. Colombia has always had a considerable issue with economic inequality; according to a USAID (Global Protection Cluster 2010) report: 'Land distribution in Colombia is highly inequitable, and upward of 68% of the rural population lives below the poverty level. An estimated 0.4% of the population owns 62% of the country's best land'. The same small minority also owns the majority of positions within Colombian politics and this inequality was the catalyst for the communist presence, support, and the FARC's justification to not only exist but to thrive. In the 1960s to early 1980s, the FARC's main modus operandi was in kidnapping and taxation of large landowners who were their political and ideological rivals. Whilst this tradecraft continued, it was in the late 1970s when illegal drug production started to take off, and the FARC started taxing narcotraffickers that the FARC's income and structure began to change, and in 1982 at the seventh FARC conference its then leader, Jacob Arenas (*nom de guerre* of Luis Alberto Morantes Jaimes), started reorganising and tactically refocusing the FARC into becoming an army with one clear objective:

The new income from kidnapping and illegal drugs allowed Arenas and the FARC leaders at the VII Conference to think long-term. And over the next few days, amid the cold mountain backdrop, they developed an eight year plan to win the war. It wasn't complex, in fact, the main facet of the plan was simple: Build an army, then slowly surround the major cities. (Leech 2011, p. 25)

It was at this point with increased finances and the command of Arenas that the FARC started to change substantially, from a small insurgent group in the low hundreds to over 20,000 combatants at its peak in the early 2000s: 'The FARC's Seven Conference, held in May 1982, was significant in that it led to a change in the group's name and shift in its military

character' (Leech 2011, p. 25). The FARC was now rebranded as the FARC-EP (ejército del pueblo - army of the people). This revised version of the FARC wouldn't solely reside in remote areas and wait for the enemy to come to them, but instead would focus on taking the offensive, with the mantra of using 'a combination of all forms of struggle' (Leech 2011, p. 25), both armed and political, including the formation of the FARC's own political party that was separate from its former supporters and architect - this party would be the Union Patriótica (UP).

I think they will always have an agenda, there are remote areas that are FARC controlled and if it is going to be a real democratic country, the Colombian government has to allow these areas to be represented, so there will be FARC representatives in the government, you can't prevent that. You cannot have a democratic government that is not totally inclusive. (Protected Source Eleven)

First Peace Negotiations

In 1984 the Colombian Government under the Betancur administration (President Belisario Betancur Curates) started the first peace negotiations with the FARC. The agreement also known as the 'Uribe Accords' (Leech 2011, p. 25) was signed by both the Colombian Government and the FARC, guaranteeing a cease fire. However, during this time the FARC's political party the UP had suffered considerable violence in the assassination of many key politicians, undermining any legitimate political presence that the FARC may have had. There is a lot of debate about the motives of the FARC when they created the UP, such as were they not truly interested in forming a legitimate political party? Some believe not, with one of this author's sources saying that '...it gave them a weapon and that is what it was formed for, I don't think it was formed for political purposes it was formed to be used by them to be used as a propaganda weapon' (Protected Source Twenty-Four), or as Dudley (2004, p. 56) stated: 'The Party (UP) would be the FARC's lackey, an errand boy in the larger struggle for power that was just getting started'. During the peace talks from 1984 until 1987 the FARC agreed to limit (although not stop) kidnappings, however, according to Dudley (2004, p. 54) the FARC increased 'the pace of tax collection in the countryside'. Another key point and little known fact is that the FARC negotiated with government envoys and representatives, rather than with the President and his staff in person. Arenas supposedly had a 'Red Phone' with which he could talk directly to the president, but very little direct contact was made as discussed by Dudley (2004). Limiting communications, limited the

possibilities of this peace process. A defining comment by all accounts came from Arenas: ‘The peace talks with the Government, Arenas explained to them, were nothing more than a means to an end. It was an opportunity, he explained, to expand on the master plan of building an army’ (Dudley, 2004, p. 56). In other words, the FARC arguably used the first peace process merely as a means to consolidate and reorganise their positions in the armed struggle.

The peace talks broke down in 1987 and from this author’s research, this agreement has not been looked upon kindly: ‘the real winner of the Uribe Agreement was the FARC’ (Dudley, 2004, p. 47); ‘First of all, I don’t think the previous ones have failed, because I don’t consider them serious peace processes at all’ (Protected Source Fourteen). ‘Perhaps the only man more pleased than President Betancur with the Uribe Agreement was the FARC’s longtime, enigmatic political commander, Jacobo Arenas’ (Dudley, 2004, p. 47). Another interesting result was the breakdown in relations between the FARC and the Communist party. After the launch of the UP, the Communist party was relegated to the sidelines. Having reduced influence on the FARC both militarily and politically, was one of the first indications that the FARC would start to turn away from their political ideals and towards profiting from illegal drugs as their primary modus operandi: ‘Despite the (Communist) Party’s opposition, the FARC continued to collect taxes from drug traffickers and drug producers’ (Dudley, 2004, p. 53). To make matters seemingly more unpalatable for the Colombian government after the peace talks with the FARC had fallen apart, the FARC joined the ‘Simón Bolívar Guerrilla Coordinating Committee (coordinadora Guerrillera Simón Bolívar, CGSB)’ (Leech, 2011, p. 32). Three years later only the FARC, ELN and a small portion of the EPL were left. What could have been a potentially contentious issue for the Colombian Government instead showed that ‘The role played by demobilized Guerrillas in drawing up the new constitution led many Colombians, even on the left, to question the validity of armed struggle.... Many people began viewing the FARC as a Cold War Relic, an archaic Marxist-Leninist organisation’ (Leech, 2011, p. 32).

One wonders if this could be considered a turning point in the FARC’s recruitment and retention plans, or potentially changing the objectives in the minds of the FARC secretariat. In November 1985 the Movimiento 19 de Abril guerrilla movement or M-19 which had been active since 1970, initiated the siege on the Palace of Justice in which 50 hostages were taken. The Colombian security forces stormed the building and killed all of the M-19

Guerrillas, but also sustained a considerable amount of collateral damage with over 100 Supreme Court Judges killed in the attack. At this point M-19 was seen as the second most dangerous guerrilla group in Colombia. However, in November 1989 M-19 successfully completed peace talks with the Colombian government, and in December 1990 their newly formed political party the Democratic Alliance M-19: obtained most of the seats in the Constituent Assembly. This turn of events would have two consequences for the FARC; firstly, there would be considerable pressure imposed on them for more peace talks, and secondly, the legitimate idea of armed struggle due to the inability to enter the political arena would be considerably weakened in both the eyes of the politicians and the people.

Second Peace Negotiations

Another round of peace talks commenced in 1991 between President Gaviria and his administration, and the CGSB which the FARC had joined a few years prior. However, the Colombian military's bombing of the headquarters utilised by the CGSB to discuss peace talks in December 1990 created a considerable amount of mistrust between the groups. As a result the peace talks with Gavira's administration would take place mainly outside of Colombia, in Caracas, Venezuela and Tlaxcala in Mexico. A little known fact according to Dudley (2004) and Leech (2011) is that this was the only official peace process with the FARC where there was no cease-fire in place for the vast duration of the talks. The talks suffered numerous setbacks for which Accord issue 14 cites multiple reasons: 'Parties unable to reach an agreement on the conditions for a ceasefire'; 'the entrenchment of the Government's position' (Conciliation Resources 2004); and a number of assassination attempts, kidnappings, disappearances and military action which in 1992, 'culminated in a joint declaration formally suspending the talks' (Posso, 2004, p. 48). In 1998-2002 President Pastrana held peace talks with the FARC as a result of increasing political pressure due to the escalation in violence: '... Andrés Pastrana won Colombia's presidential election by campaigning on a platform of peace. His message resonated with millions of Colombians tired of the escalating violence' (Leech, 2011, p. 75). It is worth noting that the perpetrators of much of this violence were reportedly not the FARC, but paramilitaries: '[The] Colombian Commission of Jurists (CCJ), attributed 78 percent of the human rights abuses and violations of international law in 1999 to paramilitaries, with the guerrillas responsible for 20 percent...' (Leech, 2011, p. 105). It is also worth noting that the 20 per cent mentioned covers all insurgent groups active at the time and not just the FARC. Before and during these

official peace talks with Pastrana's administration, a DMZ was created for the FARC of around 16,000 square miles named 'Zona de Despeje': '...when President Pastrana was in power and then the peace process he had with the FARC which essentially resulted in Colombia handing over a large swathe of this territory the size of Switzerland to the FARC as a demilitarised zone, it was a piecemeal, if you want to put it in Neville Chamberlain terms' (Protected Source One). Gomez-Suarez and Newman discuss that: 'However, other analysts narrowed the lessons learnt to the failure of the Pastrana-FARC peace talks (1999-2002), which according to them, was caused by FARC's use of the 42,000 km² demilitarised zone (DMZ): 'as a command and control centre for operations elsewhere in Colombia and for stationing thousands of troops, as well as for industrial-scale coca production and as a holding point for kidnapping victims' (DeShazo, Forman and McLean, 2013, p. 820). After more than three years of talks, the process eventually broke down. Whilst there were a number of factors that contributed to the collapse, Leech highlights the primary issue as being: '...the issue of the economy' and '...the FARC's refusal to agree to a ceasefire...' (Leech, 2011, p. 84), but also notes that whilst those were the official reasons projected by the Colombian government and widely accepted by Colombia's ally the United States; 'the FARC was reportedly condemned for continuing to wage war outside the zona de despeje, few questioned the fact the Colombian military and paramilitaries were doing exactly the same thing' (Leech, 2002). Leech also comments that whilst the FARC were accused of a military buildup inside the DMZ, the Colombian government were doing the same with the assistance from the US through Plan Colombia, and that lastly, there was also the issue of the AUC which the FARC insisted had to be disbanded before there could be an active ceasefire. In February 2002 the Colombian government ended the peace talks and utilised military force to retake the DMZ from the FARC. From the early 1980s until the early 2000s the FARC had been involved in different peace talks, however, none of them had managed to reach a conclusive accord for demobilisation of the FARC and the reintegration of the citizens back into legitimate Colombian society.

No one said that maybe the UP was the way to get the Guerrillas out of the war... that there was once a hope, a time in which people dreamt of a peaceful Colombia.
(Dudley, 2004, p. 230)

The Union Patriótica

A key evolution of the FARC narrative is the creation of its political party. This author will provide a brief outline of the FARC's first and most significant entry into Colombian politics, as this could give an indication of the FARC's future in the political arena if a peace agreement is successfully signed. Running parallel to the armed struggle by the FARC in the countryside and the jungles, was the UP (Unión Patriótica). Formed in May 1985, the UP was created and envisioned to be a political apparatus with which the FARC could politicise their struggle against the Colombian government within Colombia's existing legal framework, whilst continuing to utilise their standard armed tactics in order to fight the existing legitimate Colombian *politik* and enable a Communist state. This tactic was known as 'la combinación de toda las formas de lucha' (The combination of all forms of struggle). This strategy has its roots in Marxism where the principles were against the bourgeois tendencies of the governing classes of the mid to late 19th and early 20th century, but rather than seeking reform on current governance, instead sought to alter the social and political class via revolution. This strategy of 'la combinación de toda las formas de lucha' was soon adapted by the FARC, particularly in terms of utilising disruption techniques against the Colombian government. One of the disruption techniques employed was of striking and protest; something that could only be instigated by political parties within Colombia, and as the FARC were classified as an insurgency, they had no legal basis for which to launch such social disruption. However as the FARC's political party, the UP could achieve these goals within Colombia's legislation. This was described by one of this author's interviewees: 'The FARC set up a political front in the 1980s and because the FARC continued fighting and they were following an ideology of struggle on every front, a combination of all forms of struggle, so what this meant was, that they kept fighting while they had this political organisation...'
(Protected Source Three). Whilst one could argue the ethics of such an action, the FARC's move into politics, regardless of the motives, was the formation of a legitimate political party that was established within the existing Colombian legal framework. Arguably this could have been harnessed by the Colombian government of the time in a positive manner, and potentially could have created fresh diplomatic channels to the FARC secretariat that may have provided more options for successful peace talks, however, this was not the case. Not long after the UP was formed on May 25th 1986, they achieved a considerable election achievement: 328,752 votes. In comparison to the winning candidate it was by no means a significant political threat, however as Dudley (2004, p. 91) explains: 'It was a tiny

percentage compared with the winner, Liberal candidate Virgilio Barco, who received 4,212,510 votes. But it was the most any leftist candidate had ever gotten in Colombia'. This result was widely reported and not only did it not escape the attention of UP's political opponents, but it also did not go unnoticed to the FARC's military and policing opponents and the AUC. The FARC have traditionally used 'hit and run' covert tactics, using open warfare on their enemy only when the odds were significantly in their favour, or if not, by ambush, attacking from afar with small groups, or planting land mines. However the UP was a public facing, overt political organisation and therefore didn't have the luxury of retreating to remote areas when faced with threats - a fact which had not escaped their many opposing actors. An important point to note is that the UP was not formed or staffed by the FARC in general, with a only a handful of FARC officers incorporated into the party. During the time of the 1986 election, Jamie Pardo Leal was the head of the UP as a lawyer for the Communist Party, although it is worth mentioning that he had been singled out for this position by Jacobo Arenas the FARC leader at the time. As Gomez-Suarez and Newman (2013, p. 824) state: 'The political reforms resulted in the introduction of the democratic election of mayors in 1988. Although the UP was launched by FARC in May 1985, many of the people who joined it were not FARC members or communists.'. Therefore, although it was founded by the FARC, the UP is considered by academia to have been a political party with no known military capability. Despite this, the far right and the AUC as created by Carlos Castaño (Dudley, 2004, Leech, 2011 et al), fought a prolonged conflict with UP which was mostly kinetic in nature. This is the aspect that this author will focus on. After the UP's political gains in the 1986 election, the UP was thought to be a considerable success for left and far left politics in Colombia with new members flocking to join the party's ranks. Meanwhile, the AUC and even some of the country's legitimate conservative government deemed this purely as the FARC's success, and took measures to ensure the party would not continue to grow. As this author has so far highlighted, the measures taken were mostly violent in their nature: 'The deaths were starting to pile up just as the fledgling project was surging' (Dudley, 2004, p. 93). The success of the UP in 1986 was matched by the violence against it that followed. Several assassinations against party members were successful in that year, most of which were attributable to the AUC, however, there is considerable anecdotal evidence of official state actors, namely the police and the army, being involved: '...In a few cases there is ample evidence of the participation of agents of the state, mostly army or police officers. For the most part, however, that evidence is either not available or it appears inconclusive' (Americas Watch Committee (U.S.), 1989, p. 42). This narrative is consistent across

academia including research by Dudley, Leech, Bowden et al. There are many mentions of state actors' involvement with assassinations on the UP, but very little evidence leading to any form of judicial trail. Where there is evidence leading towards government actors participating in actions against the UP, those actors have resigned from their positions and legal action is dropped. One such incident, was the previously mentioned attack on the town of Segovia, a UP political stronghold, on the 11th of November 1988. A group of AUC militia entered the town of Segovia killing 43 people and wounding more than 50; an attack which took place with no police or military interruptions. Dudley (2004, p. 126) notes that: 'In all, the paramilitaries spent nearly an hour in Segovia. Witnesses said the police did nothing during that entire time, even though the station is about 150 yards from the Johnny Kay, where the massacre began. The Army was noticeably absent as well'. Dudley (2004, p. 126) also mentions anecdotal evidence at the time: "When the army arrived, one army officer was overheard saying, 'It's all done.'. Whilst not conclusive, this author believes considering the quantity and regularity of the attacks on the UP without Judicial consequences at that time, it was highly likely that state actors were involved, a view that was shared by some of this author's interviewees: '...and the paramilitaries and some of the drugs traffickers and so on just massacred these people. So in all about three or four thousand people were murdered and police may or may not have been involved, some of [the] army certainly was' (Protected Source Three). Also Americas Watch Committee (U.S.) state that: 'Although Colombia has a high murder rate, the number of UP party members assassinated is so greatly disproportionate as to rule out the possibility of non-political motives in all but a handful of cases' (Americas Watch Committee (U.S.), 1989, p. 44) which again highlights the probability of state involvement. Whilst it could be considered the elimination of the UP would hinder the FARC's political aims, the then head of the FARC, Arenas, believed that the UP's success or demise would greatly assist in his aims: 'A dead UP would prove that the only way to change Colombia was through military insurrection, a position Arenas had been subtly advocating for years' (Dudley, 2004, p. 95). Therefore the FARC need not provide protection nor assistance to the party, allowing the FARC to benefit without expenditure of resources, which especially in terms of personnel, were comparatively low at the time. The party leaders were not immune to assassination either; on October 11th 1987 the UP president Jamie Pardo Leal was surrounded whilst leaving a country home just outside of Bogota and assassinated. The next president of the UP, Bernardo Jaramillo Ossa, was also assassinated on March 22nd 1990 at El Dorado airport, Bogota's international airport, despite having a full protection detail provided by the Departamento Administrativo de Seguridad (DAS), a now

decommissioned government agency. At the time of Jamie Pardo Leal's death, Americas Watch Committee (U.S.) states that: 'The leadership of Unión Patriótica claimed that Pardo Leal was the 471st party member to be killed since the movement was founded in 1985' continuing that: 'As of early 1989, the number of murdered UP members is estimated by that political party at more than 900. Though other sources dispute that figure, everyone agrees that the UP suffered the most from this form of repression' (Americas Watch Committee (U.S.), 1989, p. 43-44). However, with the death of Bernardo, the second President of the UP, the party began to fracture: 'Following Bernardo's assassination, there was a massive exodus from the UP' (Dudley, 2004, p. 166). Within academic sources this is generally considered as the point at which the Unión Patriótica began to decline towards its eventual cessation as a political party, and with that, the end of left-politics at the time: 'The end of the UP was really the end of centre-left politics in Colombia. The FARC, meanwhile, had the perfect excuse to hang on to its guns forever, and the Communist Party had another martyr' (Dudley, 2004, p. 166). This perspective might be etched into the FARC psyche, therefore, this author would hypothesise that those within the FARC who do not want peace and to form a legitimate political party, could use the argument that the last time the FARC attempted to stand for its political beliefs without weapons with the UP, it ended in the violent obliteration of the party.

If you look at it from an organised crime perspective, essentially the two biggest organised crime groups in the world are the Taliban and the FARC in a sense that they have these terrorist credentials, but the reality is they have morphed into a massive organised crime group that sustains themselves with illegal activity.
(Protected Source One)

Policing Challenges & Outcomes

The Death of the UP and Transition to Criminality

During the downfall and beyond the end of the UP, the FARC slowly but surely evolved more into an organised crime group. This transformation began slowly with the taxation of drug cartels; the cartels wanting to, and eventually operating in the same remote areas controlled by the FARC, where a symbiosis was formed out of necessity. This partnership had largely ended in the mid/late 1980s when the Colombian state once again began to refocus policing and military resources on the cartels, they were then re-classified as Narcoterrorists. With the cartels weakened, the illegal drug trade in Colombia was

fragmented: ‘Following the destruction of the Medellin Cartel and the subsequent dissolution of the Cali Cartel, the market became segmented, giving rise to about 500 small micro-trafficking groups’ (InSight Crime, 2015). Kenney proposes that these smaller micro-trafficking groups are more akin to terrorist cells (2007). This metamorphosis also coincided with the Colombian government’s crack-down on private protection forces, as criticism of the AUC and their actions had continued to grow. These factors together meant that large illegal drug production would again be required to move to more remote areas, however this time, without the private armies on which Escobar, Carlos Castaño and others had relied to protect their production sites and transit routes, calling for another collaborative effort with the FARC. Protected Source Five previously mentioned about the BACRIM groups and their symbiotic relationship with the FARC in the narco-trafficking business. Protected Source One also discussed how the ethos of the FARC has changed due to their shift in objectives: ‘The reality of it is that the FARC has long since given up the idea that they can somehow take over the country and run it as a communist collective...’ Nearly all the interviewees with whom this author discussed the FARC agreed that the contemporary primary objectives of the FARC had moved away from establishing a communist state, and focused more on revenue accumulation via involvement in the narcotics trade or other criminality: ‘...the FARC as subversive organisation, a terrorist organisation, but also a drug trafficking organisation...’ (Protected Source Three). In regards to the war on drugs, ‘The FARC, it’s part of their operational way of bringing funds in, same with ELN and the police can try as much as they want, they are in a losing battle’ (Protected Source Seven).

Police and Military Rivalry

The FARC are criminals, but they are also subversive and guerrillas and different bodies than just criminals and the police have tended to focus on the FARC as simply criminals, without political affiliation, but everyone has a political affiliation here. (Protected Source Three)

This author has provided the initial narrative of the FARC in terms of their origins, political motivations and their Modus Operandi developing from communist ideals, then veering more towards narco-trafficking, but how have the FARC affected policing? Has fighting the FARC helped the police forces within Colombia to develop?

As the FARC began to increase their financial resources through drug trafficking, they became a legitimate target for Colombia's National Policing agencies (CNP & CTI). The impact of this was that the army and police ended up with the same target list, however, as the police and army have a history of not sharing intelligence, this led to a lot of wasted resources in terms of repeated operations, but also to 'green on green' incidents (the police and the army targeting each other). This was particularly clear when interviewing my protected sources about the police and military competing against each other: 'So it's not tidy, [if] the Army was just dealing with FARC that would be fine, but then the FARC are also drugs traffickers so they trade with other drugs traffickers, so not the FARC and that's the responsibility of the police to do something, so joint operations can be very difficult' (Protected Source Three). As this author's interviews progressed, a pattern emerged that showed not simply a CNP issue or an army issue, but a problem that cascaded down through all Colombian policing and military agencies:

There's no joint intelligence committee they set up the DNI, the DNI is formed of the police, the military and UEF (the financial regulators) for some bizarre reason. They all feed into the DNI who are basically the administrators of this new intelligence organisation run by an ex-chief of Naval intelligence, a guy I used to work with, but that doesn't cater for all of the intelligence that each of the organisations has, so they very much withhold their own intelligence because they are in competition with one another. (Protected Source Five)

Underpinning the joint operational issues, is the fundamental issue of rivalry prohibiting efficient information sharing, thus causing multiple actors to expend resources on the same objective without those groups involved being aware that their work was being replicated. This would also have the knock-on effect that operational deconfliction would not be possible pre-operation, and therefore would be handled when the state actors encountered each other in the field. Whilst this wouldn't be a problem in an office environment, it could potentially result in loss of life to either group if they were to encounter each other while armed and at the point of arrest of a shared subject. Although the initial discussion with all interviewees raised the existence of a considerable problem with multiple state actors working operationally against the FARC, as the interviews progressed, it appeared that the processes of joint working have considerably improved in time. Quite a few protected sources stated that although there have been problems historically, information sharing has improved as well as joint working in general.

Before yes, but now no, now they are working together and sharing information.
(Protected Source Six)

Yes, they have had successes together and they realise, even though they are still going to have issues, that they will be saving a lot more of their counterparts' lives by working together. (Protected Source Nine)

Well in the past it was worse, ten years ago the President Uribe, he made a big effort (and it did work in a way) to get Military and Police to work together in a better way, but there are still differences. (Protected Source Eight)

The protected sources commented on a marked improvement in the co-operation between the police and military, but also note that there could possibly be added improvement further down the line. An extra point to note is that rivalry against high value narcotics targets isn't solely a problem between different agencies, but also within those agencies themselves. Protected Source One stated that: 'Within the police you should say I want DIPOL to concentrate around the FARC, I want the Anti Narcotics Police to do what it says on the tin and just deal with Anti Narcotics, I want the Judicial Police to manage murders and homicides, but there isn't that clarity.' This source mentioned multiple times throughout his interview that rivalry isn't solely cross agency, but inter-agency as well. However, that is also considered to be improving: 'At the beginning every force try to combat the illegal drug trade independently, now it's better, because the forces are working together' (Protected Source Six). Another pertinent point is that policing within Colombia, means policing at a time of war. And given Colombia's geographical complexities, there is a requirement by the Colombian state to utilise the military as police and vice versa. This issue was raised with one of this author's protected sources; when asked the question of whether the army is used as police where policing resources are marginal or non-existent, Protected Source Sixteen said: 'Yes. The army is used to secure some areas and it works actually, you will see the army, if you travel around Colombia, standing in the road and we are happy because they are there and they are watching.' In Colombia, due to the country being in a state of civil war, the police and the military both sit under the Ministry of Defence. Whilst this does raise questions about the objectives of Colombian policing, even beyond the traditional police service versus police force debate, this author believes that a degree of leniency be applied to the comparison with policing in the UK or US as neither country is in a state of civil war. The policing challenges in these countries will be different, even if the objectives may be the

same. In Colombia there is considerable crossover between the CNP and other agencies performing a policing role, with the military also providing a policing function when and where required. This author found that most of his protected sources believed that until the end of civil war in Colombia the best way for joint working between policing actors and military actors is with shared political leadership:

So that has its advantages in the sense that the military police relationship although it's not great they have the same boss, so you've got this kind of one arbiter of discussions, so if the army and the police have a big row about whose job it is then the Ministry of Defence can make the decision about who's got what responsibilities. So in some senses that's good, it's not good in terms of ... it's not well received internationally because it makes it look like the police is just another section of the armed forces and that comes with its own connotations of what you're dealing with.
(Protected Source One)

To reiterate the comments of Protected Source One, there are negatives to this in the way Colombian policing is viewed internationally, with many sources agreeing that once peace is signed unilaterally, that policing should migrate away from a military leadership structure: 'I think there is a concern of capacity of the police to undertake this sophisticated and very challenging policing as it will appear to have heavy military involvement and there will need to be an adjustment in public psyche, to dissociate a martial response to crime to a civilian policing response to crime' (Protected Source Four). This was a sentiment echoed by Protected Source Two: 'I believe the police over time will need more civilian and less paramilitary strategies and that will be harder within the Ministry of Defence, it's very hard to deconstruct a military culture if you report to the Ministry of Defence, it's very easy, if you report to a civilian ministry. When we had Sir Hugh Orde over here, one of the things he pointed out is that it took us eight years in Northern Ireland to move to police primacy, it didn't happen quickly and it happened in a very variegated way'. A little-known fact discussed by Protected Source Eight was that police used to perform military duties, when required; it can happen although there is no legislation to support this activity: 'Funnily enough in the constitution the article that dictates the role of the police it doesn't provide any meaning for the police to do military duties, but the condition of the country dictates the necessity'. This was corroborated by Protected Source Twelve: 'For example, the military do an awful lot of the policing work in the very rural areas, the direct security of Colombia within Colombia's own borders, which is not something we think would ever happen in

Europe, we don't put the military on the streets'. Therefore this presents a problematic policing structure with which to counter the FARC; on one hand they are an insurgency, therefore the army take the lead, but they are also an organised criminal group, therefore the police can also separately target them. The rivalry between these two actors exacerbates the ability to fight the FARC as resources can be doubled in order to achieve the same goal, with the additional potential for green on green incidents. Lastly, the use of the military as a police force could create considerable and continual problems in rural areas where access to justice can be sporadic at best.

Geographical Policing Issues

Another area of concern is the geography of Colombia. As previously discussed the FARC operate in remote areas with the specific aim of avoiding Colombian state actors. Colombia as a country has great geo-diversity, however, as a result it has large regions with little to no state infrastructure due to the taxing terrain. This makes a permanent policing presence across all of Colombia's regions currently untenable: 'I don't think so, I don't think the infrastructure is in place to do that, you have areas in Colombia where the FARC controls everything and there is no sense of law or government in those areas and those duties are carried out by the FARC. Ideas have been drawn up to address this, but rehabilitation is not in place at the moment' (Protected Source Ten). When discussing this issue with other sources, there was a general consensus of opinion as to how the police and military manage the geographical policing issues:

Yes, basically they will conduct operations in those areas either through river incursion or by helicopter, but if it's a near enough strike there is not much of a presence there or indeed an undercover presence there. (Protected Source Five)

There are many places here in Colombia where it is very hard to travel to, you have to use a helicopter and only a helicopter, it's not even possible to use a plane, because there are no runways. (Protected Source Six)

You have to put the resources where the population is higher, because there are so many remote locations in Colombia you cannot get 100% coverage. (Protected Source Eleven)

Geographically, Colombia is a very difficult place to govern and police and yes there are numerous locations that the state has relatively little or no control over. (Protected Source Thirteen)

Colombia is roughly eight times the size of the UK, with a similar population, in those rural areas it is very difficult to police... (Protected Source Twenty-Four)

(Can Colombia police all of its territory?) Absolutely not without significant increase in numbers and equipment. Much of Colombia is jungle and unappeasable. (Protected Source Thirty-One)

The outcome from this author's research is that the inability to have a legitimate state presence across all regions of Colombia, significantly reduces the ability of the state to police its citizens. As a result it has given large regions of the country (at one point the size of Switzerland) over to the FARC and other illegitimate actors, with those actors taking the place of the legitimate state and offering their own forms of policing to citizens: '...in the areas that they control there is a level of sympathy towards them, some may think that they are providing some sort of service which is more than the government is doing' (Protected Source Eighteen). This geographical issue was discussed as not a unique occurrence:

The Chilterns...were a centre of heresy because it was quite hilly and therefore the state couldn't get to the Chilterns, the Chilterns are now full of stock brokers and bankers, so it's very difficult to imagine a lawless Chilterns, but it was like that and even though they are very little hills. Topography makes a big difference, you can't just build roads everywhere if the topography isn't right, though Japan apparently has, but that's the exception, nobody else has managed to do that. (Protected Source Two)

Following this theme, another area of importance is Colombia's borders with its neighbours - what challenges do they offer Colombian policing? As with all diplomatic relations, during the research process this author ascertained that the borders Colombia has with its neighbours are complicated, especially in regards to policing covering multiple factors. The first is the problem of bordering a country that is arguably close to being classified as a failed state: Venezuela: 'You have loads of the FARC in Venezuela and Venezuela is more complex for Colombia due to numerous political reasons, you have loads of the FARC in Ecuador and on the borders doing their production, but most of the FARC in Venezuela and clearly Timochenko and the rest of them, I think Santos has brought on the relationship with Venezuela even with Chavez leaps and bounds from where Uribe was' (Protected Source

Three). This message was echoed by Protected Source Four: ‘When you have areas like la Grahera, where you have the poorest border with the presence of a supposedly demobilising FARC, but then there are fronts that are still operating and criminal gangs moving across both Venezuela and Colombia it seems impossible that logistically you could monitor and what resources are held there and what resources will be sent over’. Since late 2015 the Colombian/Venezuelan border has been routinely closed in places and only opened sporadically. This has been used to try and control migration and crime (mostly smuggling), however, given the size of the border there are no statistics to show that this method is having considerable effect in reducing serious and organised crime such as narcotrafficking. Also if Colombian policing of the border is considered problematic, then this author would suggest that Venezuelan border control is considerably worse, given the current chaotic state of Venezuelan policing overall: ‘Yes, there is poverty there and the borders are very poorly controlled, especially in the areas where there is a very low population and that goes for both sides of the border’ (Protected Source Nine). Colombia is looking more and more to improve diplomatic relations, especially with its neighbours, whether in regards to training or sharing intelligence, which many sources highlighted during their interviews: ‘By having an international presence in Colombia by other partner countries, they have learned how to work and team up with other international resources, they communicate more effectively and it really shows’ (Protected Source Ten).

The Impacts of Inequality

To sustain the necessary political will, we must remember that it falls to our generation to make the biggest transformations in human history. ... Greater equality is the material foundation on which better social relations are built. (Wilkinson and Pickett, 2010, p. 272)

The damage done by both inequality and corruption is often overlooked, either due to the normalisation of both, or because it’s not seen as a large enough nor very interesting problem. However, many academics, including Wainwright (2016) and Chayes (2015) consider corruption issues to be critical with regards to a state’s security for its ability to fuel violence, especially in tandem with the difficulties of geographical policing and lack of state presence issues. In a discussion regarding the problems of corruption and the use of suicide bombers in Afghanistan in 2009 (also cited in the previous chapter), Chayes (2015, p. 07) writes that ‘Corruption, it made plain, was not solely a humanitarian affair, an issue touching on

principles or values alone. It was a matter of national security...'. Corruption helps to fuel violence because citizens can become disenfranchised and turn on the legitimate state, a situation that has been replicated in Colombia *ad nauseam*. Equally, the dangers arising from inequality have been highlighted by Wilkinson and Pickett (2010), as well as E. Wayne Nafziger and Juhan Auvinen (2003, p. 01), who assert that 'economic stagnation, political decay, and deadly political violence interact mutually: economic and political factors contribute to war, while war has an adverse effect on economic growth and political development'. Therefore, as highlighted by these authors, the issues of inequality and corruption directly and adversely affect state security. This relates to Colombia in two key ways; firstly, inequality is linked to the birth of insurgencies in Colombia and increased recruitment in criminal gangs and organisations. Numerous sources discuss the problem of inequality in Colombia: According to Oxfam, '47% of people in Colombia live in poverty – 15% in extreme poverty' (2012); Colombia Reports (2015) states that 'according to most sources, including the World Bank and CIA rankings, Colombia is on the top ten most unequal countries in the world in terms of family income. And most of its citizens are aware' and the fact that '...much of the land in Colombia has been acquired through violent means is essential to understanding the role of inequality in the conflict' (Colombia Reports, 2015). The FARC, ELN and other groups were founded, recruiting most of their first and second generation troops, under the banner of social and economic inequality. This was and still is a problem in rural Colombia. This enabled these insurgent groups to not only recruit a significant number of citizens that considered themselves marginalised - which would have been historically accurate. This allowed these guerrilla groups to legitimise their insurgent actions by claiming to oppose an oligarchy and kleptocracy that oppresses the working underprivileged and poor, therefore reducing their social mobility to a stage whereby they cannot contribute to help shape the legitimate Colombian state. The problem of inequality has also facilitated the recruitment into cartels and gangs, whereby the argument is roughly the same; 'join us and we will pay you well for little work', with their modus operandi nearly always focusing recruitment strategies on poorer and more rural communities with limited state presence. This has fostered a culture where *sicarios* (hired killers) can be bought easily due to the alternative of being low paid or non-existent jobs, and the risk being low due to state presence being marginal or non-existent.

Policing During a Civil War

Lastly, what peripheral impacts are there of policing in a war zone? A common factor cited across academic sources when researching into nearly all war zones is the country's criminal and civilian population's ability to acquire a wide variety of armaments: '...the ease of getting weapons here, crime can turn violent here as you well know, crime can turn violent here very quickly....' (Protected Source Seven). Because of this, the Colombian policing agencies have had to adapt their style of policing and presentation of their officers in those areas to provide such force that is reasonable and necessary to avert the danger, not only in order to protect the citizens that they are there to protect, but also to ensure they can protect their own officers:

Yes, I think in one sense, because they are operating in quite a lot of parts where the violence has receded, I think the military is much better prepared (including the police) than any other bit of the Colombian state and I think they, I mean if you look at the Colombian police, they have a whole different ways of operating, they look and feel very different in Buenaventura to how they look and feel in Bogota despite the fact that it's a national force they have different more paramilitary type uniforms, heavier weapons (Protected Source Two).

As previously discussed, the considerable amount of funding through Plan Colombia from the United States and other states has enabled the Colombian National Police to significantly improve their training by partaking in international training courses. Also the equipment they utilise has improved considerably, which has enabled more operational successes:

'Operationally they have now got the weapons and the technology available to defeat the enemy, whereas in the early days they were outgunned. The narcotraffickers had all the money to buy whatever they wanted heavy weapons, assault rifles and the police just didn't have that type of weaponry, so now they have got the weaponry and they have the technological advantage' (Protected Source Twenty-Four). These resources have enabled the Colombian state to be able to now take on the FARC in open or covert combat and win, which just twenty years ago was not possible. This author argues, however, that the ramifications of the police mirroring the profile of the military and vice versa - whilst currently justified - could lead to long-term policing problems such as the displacement of regular policing duties, in favour of paramilitary activity against insurgents. This author would argue his research has highlighted that for Colombian policing to refocus its efforts on

being an effective and efficient police force or police service, it should be separated from the military leadership infrastructure as soon as it is reasonable and appropriate to do so.

A Successful Peace Process?

All the indications are pointing to success, all egos appear to have been put aside, so hopefully this will lead to a basis for compromise, the FARC doesn't really have anything to lose as it would seem that they have achieved everything they wanted in the peace process. (Protected Source Ten)

For over fifty years Colombia has been in a state of civil war involving three main insurgent groups; M-19 (19th of April Movement), the ELN (Ejército de Liberación Nacional, - National Liberation Army), and the FARC. Since 2012 the oldest and largest group, the FARC, have been in peace talks with the Colombian government in Havana, Cuba. In August 2016 all five of the key points of the peace process were agreed upon by both parties. These were in the areas of; land reform (the Colombian state committing to more investment in rural economies); political reforms (to make it easier for political movements to participate openly in the political process that have in the past been marginalised); the elimination of illicit cultivation of coca for drug production; the foundation of a truth commission with transitional justice legislation to provide suitable punishments for those who demobilise and take responsibility for their complicity in war crimes; and a six month plus process in which all demobilised personal will report to one of 23 staging areas across Colombia to hand in their weapons and register for an aid package to assist with their reintegration into legitimate society. On October 2nd 2016 there was a referendum for Colombian citizens to decide whether they agreed with the peace proposal drawn up by the Santos administration and agreed by the FARC. Leading up to the decision the result was by no means certain, and this author witnessed a considerable amount of propaganda vehicles projecting 'vote no' reasoning in Bogota, with many civilian vehicles sporting 'vote no' stickers, but little to no representation for a yes vote. Arguably in the days leading up to the vote, the Santos Administration declined in popularity (The Economist, 2016a), as the administration had previously declared that there was no Plan B for peace, but rather a return to full war, it could have been considered a prudent move to utilise some funding to oppose the 'no' vote supporters with 'yes' propaganda. On Sunday the 2nd October 2016 the referendum on the peace agreement was held. 13 million votes were cast, representing 37 per cent of the country. The voters narrowly rejected the peace deal proposed by the Santos administration.

The final polls showed 49.78 per cent voting in agreement of the current peace process terms and 50.22 per cent voting against (Brodzinsky, 2016). It should be noted that the Colombian citizens with whom this author discussed this issue stated that they were voting ‘no’ due to the current terms of the peace agreement, and the perceptions of leniency and political legitimacy towards the FARC and its leader Timoleón Jiménez – Timochenko (Hilton, 2016) & (BBC 2016) rather than a no to the prospect of peace overall, a narrative that was also prevalent during interviews with the Colombian citizens around the time of the vote. This author believes that the legitimate state was ill prepared for a ‘no’ vote and also failed to campaign effectively. It campaigned publically only during the last few days where there was publicity featuring state actors and the FARC representatives. One such promotion featured Rodrigo Londoño Echeverri - more commonly known as Timochenko - the current leader of the FARC, publicly apologising for acts of violence against civilians. It appeared, according to the media, that both parties were determined to resume talks to create an agreement that will be acceptable for both sides and the Colombian people (The Economist, 2016b). Despite the ‘no’ vote result, there was no return to open warfare, and instead a new draft of the original peace deal with around 50 changes was signed by both the Santos administration and the FARC on the 22nd November 2016. This time there was no referendum for the Colombian public to decide, and after the signing, the amended peace deal was passed through congress where it passed 130 - 0, with those who opposed the deal walking out before the vote (De Còrdoba, 2016). While peace is by no means certain, there are those who believe that even with peace there is the possibility that a considerable amount of the FARC will fracture into other guerrilla groups, or transfer straight into criminal groups (Reuters 2017). When conducting the qualitative research this author posed the question of whether peace would be attained. All of this author’s sources believed that peace was inevitable, indeed it was the only question that all sources unequivocally agreed on, even if some sources believe the success of the peace agreement will be limited:

That the older statesmen of that organization have realised that they really haven’t got anywhere to turn and I think if you combine that with the second issue which is that there is a genuine willingness I think on part of the Santos administration to be as flexible as possible in securing a peace agreement, I think you have a suitable atmosphere in which peace might be secured. (Protected Source Four)

I'm sure there's a whole tranche that will demobilise, because let's face it, most of them have been recruited as kids as teenagers and they will look at an opportunity to have a new life... (Protected Source Five)

Yes, that is going to happen, because currently the government is offering them a few positions in parliament, I think around 11 positions. (Protected Source Six)

I think it will succeed, to an element, however, I think Santos has the drive and the push to make this one succeed... (Protected Source Seven)

So when you ask me will the peace process be successful, I would say there will be limited success... (Protected Source Eleven)

Yes I think that it will work as it has been done in a very rational and organised way. Colombia will continue to have conflict, but we are negotiating the end of the armed conflict with the FARC. I think these negotiations will work. (Protected Source Sixteen)

Policing in a post peace environment

In this author's experience there is some degree of specious reasoning taking place with regards to hopes for policing in a post peace environment. Amongst personal and professional discussions and from two of the protected sources, there appeared to be a thought that once there is a peace agreement, the troubles of conflict are wiped clean. However, protected sources who had experience working within conflict zones confirmed that although some problems can be significantly reduced following such an accord, there remain a wealth of issues that present policing problems post conflict. Protected Source Nine asserted that 'FARC members are not going to bow to agreements that costs them billions of dollars of business, just because you have 32 guys up in Cuba negotiating regarding the Colombian peace process'. Protected Source Nine believed there would be displacement of previous FARC fighters into other groups:

FARC members have got to go somewhere, where will they go? To some of the other groups or to the ELN. The FARC are not business people, some of them were recruited at the age of 13, they don't know anything other than fighting in the jungle areas. How are you going to bring these people out of what they have known for so long and expect them to take on regular jobs, it is not going to work.

Therefore one of the key questions was how successful a peace process would be. Would it be similar to the AUC peace process with problems of re-offending and weapons not being handed back to the state? Protected Source Three, who has a wealth of experience in post peace environments, predicted that ‘Weaponry in some form will be handed over to authorities for the peace process, but I believe that will be a token effort.’ As discussed in the previous chapter, in a post peace environment if lessons from the previous AUC peace process are not fully understood and taken into account for the FARC’s agreement, then there will be a high probability that history will repeat itself with regards to the issues of re-offending and weapon caches remaining outside of state control. This could lead to a more nebulous policing problem than that of simply combating the FARC, as personnel and equipment from the FARC could join any narcoterrorist group/criminal gang or there might be a rise in individuals/groups offering their illicit wares for hire. Again Protected Source Three believed this will be problematic. ‘It (peace) will succeed – the FARC secretariat will sign off peace with the Colombian government, but I find it hard to believe that it will translate to (all) FARC fighters putting down their weapons and giving up their participation in the drugs trade’.

A possible solution to potential issue of appeasement or migration into another criminal arena will be due to the disarmament process and how FARC fighters are reintegrated into society. For this to be successful it will need to be conducted from a mental health perspective for both the wider community and for the ex-guerrilla as discussed by Hassan et al. (2013, p.15). If the mental health aspect is not covered it is unlikely that the ex-guerrilla will re-integrate with society fully and will be at risk to deviate into criminal groups, following a path that is known to them.

Another solution is to reduce inequality and improve infrastructure across Colombia. As discussed previously in this chapter, Colombia has a high degree of inequality, reducing that and increasing infrastructure to ensure rural communities have the means to earn a decent living wage could deter some from a criminal lifestyle.

Additionally, the issue of geographical policing remains, and potentially will be exacerbated as a result of large FARC-controlled areas being returned to a civilian population that does not have the resources available with which to police it, which could allow for exploitation

by enterprising criminal groups or other insurgent groups like the ELN. Such a negative outcome is not a certainty, as the CNP could choose to deploy resources into these areas to counter this problem. It would be an interesting subject for future study.

A possible solution to the geographical policing issue would potentially be better communication with communities to augment the policing footprint that currently exists. An example of successfully working to create better communications between communities and police can be found in Kelling's (2013) experience with the Safer Cities initiative in the United States, and how the community works with police – including how such work was promoted to the public. Kelling (2013, p. 136) explains that when a gun buy-back programme was reinstated in Newark in response to high levels of gun crime; 'A coalition of community groups called a press conference and explained the three aspects of the program... They then called upon Safer Cities Officials to provide details. Again, we are seeking to send the message that the community was being supported by criminal justice and other agencies'. Moving towards this more community orientated policing model could work, but as Ruiz-Vásquez highlighted in Chapter One, previous community level policing efforts have been left frustrated by lack of support. This author believes this could be due to the more militaristic objectives of Colombian policing, in particular the seeking out of high value targets rather than providing policing service strategies.

Furthermore as previously mentioned, the Colombian National Police sit under the Ministry of Defence. This model as well as possibly suffocating more community-based policing strategies, has also created some confusion when deploying in remote rural areas whereby the police are sometimes performing military duties.

Yes, I would say during my interactions with the Ministry of Defence and the heads of police, they would say that we have police presence across the whole country. The reality in some of the areas that I have travelled to in the country is that, that presence may be there, but they are normally contained in a hut and they stay there for a few months and then they get helicoptered out again by the military, they are not actually out on patrol and they are not actually doing normal policing work, or they go in behind the military and take a military role. (Protected Source Eighteen)

This author believes there is the potential to improve the Colombian National Police by transferring them to a civilian ministry, especially post conflict to remove military duties

from the police and further cement their civilian policing remit. Although this author also recognises the fact that this institutional change this might not revolutionise the CNP as some might hope, a point which will be continued later in this thesis.

I think the problem the police have at the moment is that they are part of the Ministry of Defence and therefore they are not policing by consent, which is something in Europe we are very proud of...

... Sir Robert Peel's principles, one of his main principles is: the police are merely citizens who happen to undertake the role of keeping the people safe, they are part of the community at large, they don't control the community and I think here, that is very much not the case, they are not part of the community they serve, they are part of the Colombian defence forces, they are not merely citizens who happened to have undertaken the role to keep the rest of the citizens safe, they are something apart and different and I think that is the way they are perceived. (Protected Source Twelve)

Chapter 4 - Colombian Policing Leadership

Providing a service to the people of Colombia is not putting a patrolling paratrooper on the streets, the service to these people is chatting to them, walking into the local shops asking questions of the local community... (Protected Source Eighteen)

This chapter will focus first on outlining the challenges that face contemporary Colombian police leadership with the conclusion discussing the impact on the future direction of Colombian policing.

Leadership is key in deploying an organisation's ethos in order for it to spread and thrive. This is especially true for policing, indeed Alison and Crego (2008, p. 55) state that: 'most researchers agree that effective leaders are integral in improving employees' productivity, enhancing their commitment to an organisation's goals and values, increasing their motivation and instilling in them a sense of group identity'. So leadership is considered a powerful commodity, one that can be used to shape and structure organisations for the better, but how does this transfer directly to policing? 'In addition the police literature suggests that effective police supervisors are instrumental in communicating organisational changes to employees preventing ethical misconduct and enhancing public perceptions of the police' (Alison and Crego, 2008, p. 55). This quote, in this author's opinion, is key to this subject of discussion and one that will be referenced throughout this paper. Leadership is essential in order for policing to be ethically just and can be measured by the perceptions of the public about their police force. Leadership has several principles, depending on the ethos of the organisation in question, however this author will focus on; transparency, integrity, cooperation (internally and externally) and being open to criticism.

The second issue this chapter will focus on is what impact can rivalry have on policing, Anderson (2013, p. 133) asserts that 'an organisation will only prosper with individuals who are ambitious, and ambition will lead to energetic rivalry'. Therefore internal rivalry could arguably serve as the catalyst required in order for an organisation to both grow and be effective. However, what can be said of rivalry between groups who are external to one another but with the same objective? This is one of the key questions for this paper to consider in relation to Colombian policing, and an idea which this author will explore in two different ways. Firstly, this will be considered with regards to the rivalry within the

Colombian government and its agencies - most prominently the Colombian National Police (CNP), the Colombian military with reference to other policing agencies including the Fiscalía (the attorney general's office), and the CTI (judicial police) - although when this author discusses overall Colombian policing issues, the CTI will be included along with the CNP. Secondly, and arguably less orthodox, will be an examination of leadership within Colombia's organised crime groups and Colombia's guerrilla groups, and how policing has affected criminal leadership since the 1980s. This will allow the same issue which is at the core of Colombian policing to be considered from two perspectives; firstly, how rivalry affects Colombia's policing leadership, and secondly, how Colombia's policing affects the leadership of the cartels and insurgency. Colombia has a long and complicated history with regards to policing. Therefore, in order to better structure this chapter the author will focus on the following three areas: a brief note about the impact of post colonialism, policing during Pablo Escobar's time and in the 90s from an academic perspective, and policing in the late 1990s through to 2014 with interviews from protected sources.

Post Colonial Challenges

It is important to consider the historical context in Colombia:

As the peoples of Mexico, Central and South America struggled against Spanish and Portuguese imperial rulers to obtain their independence during the first decades of the 19th century, the primary difficulty in establishing legitimacy for new national institutions was due to basic problems of governance and public order. The protracted independence struggle of Latin America degenerated into anarchic violence against the population as regional warlords fought over power. Simon Bolivar attempted to unite the peoples of the Andean region of South America into "Gran Colombia" with a strong centralized government. However, soon after the final victories over the Spanish, "Gran Colombia" fractured into what is now Colombia, Panama, Venezuela and Ecuador. (Cassman, 2003, p. 5)

Cassman presents the genesis of Colombia from a battle of independence with the Spanish, to the fracturing of a new country into several sovereign states. Cassman (2003, p. 6) continues, noting:

Bolivar's famous lament 'to govern the Americas is like plowing the sea' remains a vivid reminder of the frustrations felt by the newly independent nations of Latin America to establish and consolidate their political and social institutions and achieve national unification. Public order became a military mission from the beginning of these societies, with overlapping roles of military services and police.

This statement presents the origins of the issues that are at the core of this paper - leadership and rivalry in regards to Colombian policing. Cassman (2003) has underlined that postcolonial issues in Latin America that were left when independence was gained from the Spanish and Portuguese rulers became an integral part of the new nations that followed. That is how Colombia was formed, but how does contemporary Colombia compare to its origins? Is leadership in Colombia and Colombian policing similar to Bolivar's frustrations, and do the overlapping roles of the police and military continue to cause rivalry that battles with the goal of strong leadership? How is the leadership of the cartels and insurgents affected by this? This paper aims to examine and extrapolate the answers to those questions.

Pablo Escobar's Policing Challenges

During the time of Pablo Escobar, policing was under increasing pressure from Escobar's *sicarios* (assassins) and his bombing campaigns which were focused mainly in Bogota: 'From 1983 to 1993, the annual rate of homicide in Colombia increased 366%, from 24 to 88 per 100 000. In contrast, the crude homicide rate in the United States in 1993 was 9.5 per 100 000' (Villaveces et al., 2000, p. 1205). To counter this rise in violence in the early 1990s a new group was formed in the war against Escobar, Los Pepes. Bowden (2007, p. 188/3177) describes the methodology of this new group, 'It was a controlled bloodbath, because all of the victims had one thing in common-Pablo Escobar. Among them was a former director of the Policia Nacional de Colombia who had been publicly linked to the Medellín cartel'. Bowden theorises that those working within Search Bloc unit (the Colombian police's top counter-narcotics force) also moonlit as vigilantes with the Los Pepes group, to the point where they could have been instrumental in the formation of the group. If Los Pepes were indeed the vigilante doppelgänger of Search Bloc, what does that imply of CNP leadership, especially in regards to Alison and Cregos' definitions of police leadership? Arguably there are two distinct ways of analysing this situation. One would be to declare the CNP unable to

even control their own officers, which would demonstrate a complete breakdown of leadership across all levels of the police to the point of officers' defection to a vigilante gang. Another perspective, however, would be that the CNP came to the realisation that Escobar couldn't be captured or killed using current policing methods, and that to wait until the appropriate tools became available would mean further loss of life to civilians and also within their own ranks. The CNP might have decided that 'the ends justify the means' and allowed a small group of officers to operate outside the rule of law in order to bring Escobar to justice. How does this compare to Alison and Crego's earlier definitions of leadership? This author theorises that it does conform to their description of 'enhancing their commitment to an organisation's goals and values, increasing their motivation and instilling in them a sense of group identity' (Alison and Crego, 2008, p. 56), by taking any measures to prevent further loss of life in commitment to the goals and values of the police, and instilling a sense of group identity in Los Pepes. However, it does not conform to their assertion that effective leadership is 'instrumental in communicating organisational changes to employees preventing ethical misconduct and enhancing public perceptions of the police' (Alison and Crego, 2008, p. 56), i.e. by going outside the rule of law and killing associates of Escobar, the officers would have broken ethical conduct. Protected Source One raises the issue of judging previous policing by contemporary standards: 'We look back at what we did in the 70s and 80s and we go well that was outrageous, but yet legal at the time there's a danger that we look at the way that we operate and the way that we did our business in the 90s and in the context of 2013's M.O.s of doing business and legislation...'. Whilst this would not cover an officer or a policing agency straying beyond the legal guidelines, it does underline the necessity for one to use appropriate comparisons and understand context when critiquing Colombian policing.

Post-Escobar Statistical Challenges

Another way to judge police leadership would be a statistical comparison. However, taking into account this author's earlier concerns about statistics this comparison should be considered a rough estimate rather than an absolute comparison of events. Above, the figures showed the homicide rate during the height of Escobar's violence, but how does this compare in post-Escobar Colombia? Martínez et al. (2007, p. 5) state that 'although the number of murders abated in the later half of that same decade, the rate was still over 55 homicides for every 100,000 inhabitants', so although the murder rate was falling from its height of 88 homicides per 100 000 inhabitants to 55, the opinion of Martínez et al. was that it was still

unacceptably high. On the other hand, a 37 per cent drop in homicides could be argued as a substantial reduction and evidence of increased effectiveness in policing, but also as theoretical evidence of improved police leadership. Another statistic to consider would be cocaine production, as cocaine was the principle income of the Medellín cartel which was mostly dismantled after Escobar's death (Bagley, 2013). In a post-Escobar Colombia, statistically there should be evidence to show a significant reduction in cocaine production. However, Bagley (2013, p. 6) describes how 'Coca cultivation in the Andes rapidly shifted to Colombia in the mid- and late 1990s. By 2000, Colombia cultivated an estimated 90 per cent of the world's coca leaf...'. How had this happened? One explanation offered is that the large and known cartels were now being replaced by '...some 300 plus smaller drug trafficking organizations (known as cartelitos) surfaced to fill the vacuum left by dismantling the two major cartels...' (Bagley, 2013, p. 7). He goes on to state that these new cartels operate similarly to terrorist cell networks where personnel are interchangeable without adversely affecting their business, resulting in significantly more targets for the police with no connections (Bagley, 2013). Historically the police could target a cartel and its removal would have a considerable impact on drug production and trafficking, now the police were faced with numerous smaller groups whose demise wouldn't offer a noteworthy impact on production or trafficking. This author would have preferred to utilise Colombian policing statistics in order to present how effectively Colombian policing was fighting the drugs war against the new micro traffickers, however, it should be reiterated that throughout this authors research there have been multiple concerns as to the validity of Colombian statistics, especially from the protected sources:

....the police are getting it sorted by releasing these statistics, but I don't think they are actual facts... (Protected Source Seven)

I was in a meeting with Bogota's police chief and he was talking about statistics and he was making a joke about statistics in a way that pointed towards the statistics not being real. (Protected Source Eight)

No, there are many crimes that are never known by the police. (Protected Source Twenty-Nine)

One source disagreed, 'Yes, I really think so, because, they don't really have a reason for lying. As I have mentioned before, favours are granted, but this is not really perceived as corruption' (Protected Source Fourteen). This source's overall perspective during the

interview seemed to be that there are no problems with the statistics or indeed corruption in Colombia. Whilst this author disagrees with this point of view (and the research gathered contradicts such a position), opposing points of view should be considered. Is there a difference between corruption and favours at state level? Does a noble objective - to protect the people of Colombia as best as is possible – justify a certain level of corruption? These are arguably interesting questions for a paper covering state governance from a more philosophical point of view, but outside the scope of this paper.

Cartel and FARC Challenges

A primary tactic utilised by the Colombian police and military with assistance from USG against the cartels, was leadership interdiction; the idea of removing the head of an organisation to disrupt and dismantle it. However, Kenney (2007, p. 206/2479) believes this tactic has helped change the leadership structure in cartels from a traditional family arrangement to the organisations seen with the new micro cartels, ‘Instead Leadership interdiction tends to produce more diffuse trafficking and terrorist systems, as extremists and criminals adapt military and law enforcement pressures by replacing incapacitated leaders and decentralizing their operations’. Felbab-Brown (2013, p. 8) agrees, ‘A DTO’s [Drug Trafficking Organisation’s] capacity to regenerate leadership is great’. This also has a knock-on effect in terms of processing tasks; a smaller group with less centralised leadership creates an organisation that can react faster than their law enforcement opponents; ‘What allows them to do so are the rapid decision cycles, flat management structures, and lack of bureaucratic and legal constraints that give terrorists and drug traffickers a leg up in competitive adaption’ (Kenney, 2007, p. 206/2480). In this quote, Kenney has in effect proposed an interesting question for this paper; has Colombia’s co-operation with the war on drugs unwittingly helped to create a highly streamlined and adaptable leadership model within the Colombian criminal groups, and if so what has been the impact on the US war on drugs? According to Kenney (2003, p. 194) it has had the opposite of the intended effect; While individual enterprises may transact less frequently and in smaller quantities than before, on the whole the Colombian drug trade produces more cocaine and heroin today than it did during the boom years of the 1980’s and early 1990’s’. Consequently, instead of being faced with the quantifiable traditional cartels with known families, currently drug production and trafficking has disseminated into the contemporary micro cartels who although singularly are less powerful, together produce and provide more illegal drugs to foreign markets than

traditional cartels had. This has dealt a major blow to policing in Colombia, as now ‘when DEA and CNP official penetrate new groups, the damage is often limited to minor enterprises that specialise in single production or transportation activities’ (Kenney, 2003, p. 194). Debatably this scenario evidences both a positive and negative in Colombian policing leadership. From a positive perspective, Colombian policing had dismantled almost the entire traditional cartel structure by imprisoning, killing or extraditing to the US the traditional cartel bosses. However, in doing so they are a victim of their own success; instead of removing illicit drug production and transportation, it has transformed into many terrorist cell structured entities with far greater production and transportation capability without the weakness of centralised leadership, which is something Colombian policing is now having to adapt to. ‘It also illustrates the growth of individual, local and specialized responses to national policy. Policing drug-trafficking also needs to consider the complex interaction of volume/project crimes, the growth of highly organized crime, money laundering and corruption’ (Grieve, 2008, p. 18).

That’s one of the key problems if the talks work with the FARC, a number of them will turn to crime, just as has happened with the paramilitaries. Therefore you’re always going to have to put pressure on these groups, because the groups will always be there to a greater or lesser extent. (Protected Source Three)

How does the dismantling of the traditional cartels impact on the FARC? By the end of the 1990s ‘the FARC had consolidated its position as the strongest guerrilla movement in contemporary Latin America, doubling the size of its army to between 15,000 and 20,000 soldiers while simultaneously expanding its political and economic power to near half of Colombia’s territory’ (Peceny and Durnan, 2006, p. 95). Considering the significant influx of training and equipment to hunt Escobar, how was it possible for the FARC to gain so much ground and new personnel? The strong offensive by the Colombian government in the late 80s and early 90s, arguably originating from strong political and policing leadership against the traditional family-run cartels, culminated in their being dismantled. A byproduct of this is that the traditional cartels – despite an early uneasy alliance in the 1970s - largely opposed the FARC and other guerilla groups. The FARC traditionally had targeted wealthy landowners as a source of income, but Escobar and his associates at their height had become the new wealthiest landowners in the Country, ones who also had access to military grade equipment and a well-trained force: ‘...these narco-funded paramilitary groups formed close ties with the army, and together they had the FARC, the ELN and M-19 on the run’ (Bowden,

2007, p. 33/581). However, when the traditional cartels were largely dismantled, so were their paramilitary forces. Furthermore, the Colombian government amended legislation that weakened the protection the wealthy landowners had customarily used, ‘...President Barco issued Decree 1194, which made it illegal for civilians or members of the military to create, aid or participate in ‘self-defence’ groups’ (Leech, 2011, p. 58), thus leaving rural areas that at the time, were poorly policed, open to exploitation from the guerilla groups.

Political Corruption Challenges

The CNP would be faced with another major issue when President Ernesto Samper took office; his administration already mired in corruption allegations for accepting drug money to help win the second round of votes (Frechette, 2007, p. 10). This culminated in the US de-listing Colombia as an ally in the war on drugs, and more importantly rescinding all US aid. Up until this point the United States government had been keeping the Colombian military and the CNP stocked with the latest equipment and provided training packages so they could use them. Without this support the CNP was left in a precarious position. This evidences CNP leadership being directly and adversely affected by the decisions of the Colombian central government. Furthermore, without the US aid Colombian police would suffer in their ability to fight the new threat of the new ‘micro cartels’. As a result, police presence was focused mostly in large cities such as Bogota, Cartagena, and Medellin instead of spreading into the more rural areas where the cartels and guerrilla groups were operating (Nagel, 2002). Interviews with protected sources revealed a divide on how much of a problem corruption of the police in contemporary Colombia was. Several of the sources believed that police corruption by narco-traffickers and criminal groups had lessened: ‘I think a lot of success has been made since the mid to late 1980s when the cartels were really infiltrating the government, the most important thing was to protect the democratic former government and not let outside agents, and in this case, drug traffickers corrupt the system’ (Protected Source Eleven). In contrast, other sources believed corruption had worsened, but was more difficult to quantify: ‘I think corruption is still in the Colombian system, though it’s hard to see, be it in the military, there’s been theft of weapons, there’s been in my time here there’s been assisting of planes across the border to Venezuela, the level of corruption is there because the basic wage in the military and police makes it’ (Protected Source Twenty-Two). Given the comments from those this author interviewed and the general trend of narco-traffickers operating in a more covert nature, this author believes that there is a larger

problem with equally more covert corruption, but one that is difficult to quantify. However, whilst the issue of covert corruption might be debatable, a point that nearly all protected sources agreed upon was that those in the political arena and the greater CJS as a whole, had a considerable corruptive influence on the police.

I know that corruption still exists within the police, but nothing compared with the corruption in the congress. (Protected Source Fourteen)

Politicians when they do something bad, drunk driving etc., as soon as they are approached by the police they always say do you know who I am, do you know who you are dealing with, do you know who my contacts are, there's a real lack of morals. The fact that there is no respect, it always happen at the low levels of police and with corruption. (Protected Source Nineteen)

This is a cancer on our country, our judicial system is manipulated indiscriminately not only by wealthy individuals but also by politicians with great power, with threats and offers to control and distort evidence and how evidence is used. (Protected Source Thirty-Two)

This evidence of undesirable impact by the Colombian central government on the CNP and other agencies to efficiently police Colombia, echoes a comment made by Adrian James a senior lecturer in Criminal Investigation at University of Portsmouth on the 10th June 2014 Leadership workshop at the London Metropolitan University: '...That's because the police can't resolve the problem of crime on their own' (James, 2014). James continued to elaborate that in order for policing to be effective and in turn for leadership in policing to exist, there is a requirement that central government must also provide appropriate leadership and policy (James, 2014). Without effective leadership from the top it is unlikely that effective police leadership can exist:

The lack of leadership has also resulted in the irretrievable loss of police officers and troopers whose lives might have been spared had the officer corps and civilian officials exerted greater care and stewardship over law enforcement personnel. The indictment against a failed leadership command structure is in the numbers: In the last 10 years, more than 2,000 police officers have been killed fighting guerrillas. Many of those losses were unnecessary and due directly to corruption and/or incompetence. More than a few police commanders and army officers have the blood of their own troopers and soldiers on their hands. (Nagel, 2002, p. 23)

The damning statement from Nagel is nevertheless accurate; police leadership is integral to both the safety and success of its officers. The absence of competent leadership can lead to appalling outcomes.

President Uribe's Tenure

When President Uribe's administration gained power in 2002 one of his pledges was to provide a more efficient national police force and more critically, to set policing across Colombia as a primary concern for his administration. In reference to working with senior government officials and senior policy managers deploying police officials Adrian James stated, 'A message that comes through very loud and very clear, is that few of them are looking for policies that will ... guarantee their fame, their celebrity. What they are all looking for is a policy that actually won't drop them in it that will just pass nicely and then they move on to their next post' (James, 2014). Debatably this statement was true of President Samper's administration, but perhaps not of President Uribe, as might be seen by examining his election promises compared to his delivery:

In August 2002, the newly inaugurated government of Álvaro Uribe received additional drug war assistance from Washington and the George W. Bush administration in the wake of the 9/11 terrorist attacks on the United States. Supported by almost \$8 billion in U.S. aid under Plan Colombia over the course of a decade, by 2010 Colombian President Uribe and his program of "democratic security" had managed to beat back the FARC guerrillas, demobilize many – if not all – of the country's paramilitary bands, and substantially reduce the country's astronomically high levels of drug-related violence. (Bagley, 2013, pp. 7-8).

Uribe had provided Colombia with a strong legitimate government who in turn had strengthened the CNP and the military, enabling the extension of the legitimate governments influence beyond Bogota and other large cities into the rural areas where the problems laid, which made a difference. Protected Source One, who had experience during this time, commented that due to Uribe's leadership Colombia had gone: '...from almost being a failed state to a developing nation with a healthy economy....' This demonstrates strong and efficient leadership from central government filtering through to policing, leading a force capable of turning the tide on crime across the entire country. This is echoed by Frechette (2007, p. 16): 'President Uribe's election ushered in the greatest level of counterdrug

cooperation ever achieved between the United States and Colombia'. Although it should be highlighted by this author that Uribe's presidency was not without its own controversy – falsos positivos (false positives), occurred in high frequencies during Uribe's administration. False positives were when the military or other agencies killed civilians and presented them as insurgents killed in order to increase the enemy body counts with over 3,000 cases known, (Semana 2014).

Rivalry Challenges

This chapter has thus far looked at Colombian police leadership on the ground, as well as how central government politics can affect police leadership. The next key issue is one of rivalry in regards to policing in contemporary Colombia. As mentioned at the beginning of this paper Anderson (2013, p. 133) has stated that internal rivalry can be a necessity in order for an organisation to prosper. However, does that ring true in terms of the CNP? One of this author's interviewees did not agree when discussing two sections inside the CNP:

...there is a real rivalry between the Anti Narcotics and DIPOL for instance, so they kind of accept that they are working against the same targets and I have some very senior officers say to me it's just a case of who gets them first, which is worrying really, because you think that if they carry the same badge then they would be working together, but that's still a big problem for Colombia's police. (Protected Source One)

Debatably this does not counter Anderson's statement, instead it highlights an unhealthy level of rivalry within the CNP to the point where policing resources are not combined on operations, but are instead split depending on the commanding officer. In the grander scheme of things, what is the cause of this rivalry in terms of police leadership? Is it an issue of strong leaders conflicting over operations, or is there a cultural issue at play? Protected Source One continued: 'As I said, it's all about who gets the credit, who gets to do the press conference, whose careers are made out of the high-profile results'. Therefore this points to a wider leadership problem within the CNP, where competition is favoured over co-operation and senior officers fight for recognition through their operational results. Most protected sources believed that rivalry was an issue and was related to mildly dysfunctional command structure or a lack of agency maturity. There is much to improve with regards to maturity between the organisations: 'less rivalry, more collaborative working, work to be done on

stripping out the duplication between the agencies so that they cannot be played off against each other' (Protected Source Eighteen). There were a few sources that believed rivalry was natural and could be utilised to achieve better results: 'Each agency has its own professional pride so each agency will think that they achieve better results, I think this is a natural competition between the two investigative units. I don't think this can be seen in a negative light, I would say this can be regarded as positive' (Protected Source Eleven). However, despite this, even those sources believed that excessive rivalry, especially in regards to operations where there was a risk of threats to life, was corrosive and counterproductive.

'If relationships between different parts of the police are bad, relationships between the CTI [Judicial police] and police are worse' (Protected Source One). The source continued to comment that agency rivalry between the police and CTI constantly leads to operational conflicts, and a race between both groups to see who can capture the individual and claim credit for the operational success first. Conversely, problems that surface are not always a matter of operational conflicts - there can also be a conflict over government projects. This author can recount an example of rivalry with regards to a project between four Colombian agencies; the CNP, the Fiscalía, the CTI, and the Colombian military. While working with these with the four Colombian agencies in relation to a technical project linked to Intelligence Led Policing (ILP), over the course of over five years (as of October 2017) this author has borne witness to an environment of constant rivalry. During this process all four agencies have ignored several key principles of leadership, namely transparency, integrity, agency cooperation and being open to criticism. Firstly there is the issue of transparency. Primarily the owner of the project in question is the Fiscalía, as they have an overarching responsibility to all other Colombian agencies with regards to this ILP project. However, several months after their project was presented another competing project was revealed by the CNP, which had secured a significant amount of funding (USD 60 million+) from the central Colombian government without consulting with partner agencies - this could be argued to show a lack of integrity. Furthermore, a year later the CTI presented a third competing project.

Fundamentally, all three projects offered near identical specifications, with the two key differences being which agency had control of the project and which external company was to build the project, showing a lack of inter-agency cooperation. In the years that followed all three agencies were involved in discussions about which agency should have the overarching responsibility for the project and who would build it. Ultimately this led to three different contracts being signed without agreement from their partner agencies or the Fiscalía, and

ended with the three agencies having three different projects trying to offer the same solution paid for several times over by the Colombian government, showing that each agency didn't want to discuss their project and be left open to criticism.

Rivalry Challenges Between the Police and Military

Whilst an example of rivalry between the policing agencies has been given above, what of the rivalry between the police and the military? Rivalry could be considered a common occurrence in the UK between policing and security agencies according to (Sheptycki, 2004), but is less common between the police and the military. How is the problem seen in Colombia? Cassman (2003, p. 2) points out that '[in] Latin America, police and military roles frequently overlap, particularly in the areas of counternarcotics and counterinsurgency. These overlaps have historically created frictions and interagency rivalries that often frustrate national goals of maintaining public order'. So the issue of agency rivalry is not just an issue with Colombia, but with Latin America as a whole, and again this stems from postcolonial issues: 'Latin American constitutions and the inquisitorial legal system inherited from the Spanish colonial rulers have contributed to the problem of defining what is police and what is military.' (Cassman, 2003, p. 6). Whilst there is a move to change certain constitutions and the adversarial legal system in contemporary Colombia, the current climate has been shaped by these legacies. Does this mean there continues to be substantial rivalry between the policing agencies and the military? Cassman (2003, p. 11) believes so, in relation to Colombia he comments: 'Military counternarcotics operations cause major turf battles with police agencies and raise some serious jurisdictional and legal questions. Are drug labs and coca fields legitimate military targets to be destroyed, or crime scenes with valuable evidence for prosecution?'. This is an issue with the policing agencies the CNP and CTI targeting illegal drug production and illegal drug trafficking, whilst the military target the insurgencies, however both the FARC and the ELN are heavily involved in both areas. This situation is amplified when considering that careers are made within Colombian policing by large scale operations, whereas everyday policing is not given the same interest, as highlighted by Protected Source Twelve: 'I think this is something that is endemic in policing, people love getting involved in anti-terrorist work, the organised crime drug cartels, walking around the streets in uniform is not considered to be sexy, no one really wants to be in charge of that, you are not going to make your name in the highest levels by being in charge of that'. This situation elevates the rivalry between the police and the military to governmental policy

level, where the central government in Colombia needs to define what are military targets and what are crime scenes. A solution to this might be chronological demarcation whereby the military engage first to ensure the environment is safe for police to investigate a site as a crime scene, enabling improved joint working at the operational level. This would improve trust and understanding, in tandem with their leadership utilising working groups and committees. Such an initiative would have to be clearly defined in policy within both groups in order for it to be effective. Beyond the environment itself, is also the more involved question of how the illegal activity should be classified, ‘Should drug cultivators, processors and traffickers be treated as “enemy forces” to be killed or as suspects in criminal investigations and provided legal protections under due process of law?’ (Cassman, 2003, p. 11). Once again this is an issue that needs to be covered at a policy level above the police and the military. Without an overarching policy dictating the precise ‘rules of engagement’ for the military in regards to drug operations, or policing guidelines for investigations around drug cultivation and transportation cases in order to create a clear division between the responsibilities of the two groups, conflict will continue between them.

Promotion Challenges

Problems also exist with entry to the police, and internal promotion within the policing structure. Protected Source One noted that four years of training is required before one can enter the police at the rank of senior officer, which has to be paid for by the applicant: ‘So in other words no matter how bright you are, if you haven’t got the money, you can’t do it’. In Colombia there is a big disparity between the rich and the poor (UN News Centre, 2008), so essentially this process excludes a sizeable section of the population from entering into the CNP as a senior officer, which reduces the candidates from those who are able, to those who are able and have considerable financial support. Several sources discuss the need for personal backing from a friend or family member already within the CNP structure:

You do need to have the support probably of somebody in the police, if your father’s in the police better still, if you’ve got several generations of police officers in your family then you’re probably in even if you are stupid. (Protected Source One)

...[O]bviously the incentive is that you don't blot the copy-book. You perform at a standard whereby you will get recognised because that promotion is not just done on a paper sift basis, it's people around a table who say do we want him or her or do we not want them and therefore it is down to how well are you known. Not just what you have done or what you have achieved, but what are you like as a person and are you liked as a person, is this someone we want as a future leader in the organisation. (Protected Source Five)

There is selective recruitment, a lot of social prestige that gets in the way of working, also it's too hierarchic and nepotistic. (Protected Source Twenty)

Nepotism to the point that it disregards ability could be considered as a factor that has a serious negative impact on police leadership. Although it has been stated 'Leadership is a complex, abstract idea that is defined in many different ways by many different people' (Alison and Crego, 2008, p. 54), one thing that is agreed upon is the need for competence. Without sufficient ability, the presence of competence and therefore appropriate leadership is questionable. Moreover, this nepotism extends far up the chain of command. Protected Source One asserts that:

...up to Lieutenant Colonel, Colonel and Brigadier onwards it is a selection process, the selection process is a pretty nepotistic one. So to give you an example if you want to progress from Colonel to one star there are something like 38 Generals in the police, but it's a bit like a Papal Conclave so they sit down with all the aspiring Colonels who are three years in as a full Colonel with files and bits and pieces and they decide, but from what I understand they are like Papal conclaves in the sense that nobody else is allowed in...

Protected Source Five then gave an example of a case using another officer's name, that if Officer X, a Colonel, had previously been considered an obstruction for one of the Generals in the past, whether that had been professionally or personally, this would be brought into account (although the specifics would be left out) and would act against the Colonel's promotion to a General. This was also discussed by Protected Source Twenty-One: 'The way crime is tackled here appears to be for appearance, to make the Generals happy, nothing moves until it has been signed off by the Colonel or someone in command, they don't delegate down'. These example from the sources highlight three key points. Firstly, they demonstrate the presence of internal rivalry, to the point where superiors can hold one accountable for an incident years earlier if they believe that that officer had or has an agenda

that competes with (rivals) their own, which can culminate in withholding promotion from that officer. This could be considered as counter to effective police leadership as it demonstrates discrimination, with one having to align to a superior's agenda in order to achieve promotion rather than promotion achieved through ability. This also counters the ideas of leadership presented on the 11th June 2014 Leadership workshop at the London Metropolitan University by a Metropolitan Police Officer Robert Bhairam (2014) who stated a need to '[c]reate a talent pool and use it'. He further explained that diversity adds significant substance to a team, but also recommended: 'Don't have obvious favourites... favouritism can really rot a team' (Bhairam, 2014). The aspects described by Bhairam are inverted within the CNP, diversity is opposed if it can reduce one's future career prospects, and favouritism is entrenched in both the officer recruitment program and within the promotional program. Another aspect of leadership that is called into question is that of transparency. Can transparency exist in a culture of partiality that extends from the beginning of one's career until its apex as a General? If transparency cannot exist then can one learn from one's mistakes? During the Leadership workshop it was highlighted that 'criticism is the best way you learn' (Bhairam, 2014); learning from one's mistakes is key in an effective leader. The third key point highlighted by this authors sources was the reluctance to act on given information due to an officer being concerned about his or her future promotional possibilities, and therefore, how passing the decision-making process up the chain of command reduces the efficiency of policing by adding needless temporal hurdles.

Street Level Policing Challenges

Local, street level policing ability and leadership came into question frequently amongst this author's sources. Whilst many praised those officers working in specialised groups targeting narco-traffickers and organised crime groups at a national or international level, almost all those interviewed discussed the urgent requirement for improvements to street level policing.

...interaction at the local level, there are quite low levels of education, quite low levels of training, there's an enormous difference within the police between the elite groups such as the groups that protect diplomats, where they are very highly trained... (Protected Source Two)

General police that I have met, are of a pretty low standard. (Protected Source Seven)

There is no direct supervision, where is their leadership, who is telling them what they are expected to do. I'm sure if you asked them 'what did your senior management tell you that they need you to do today' they would probably answer 'just go and stand on the street'. (Protected Source Twelve)

They are true heroes, although many are corrupt, I believe that those who act according to the law are true servants, because they protect Colombian citizens in any condition. (Protected Source Twenty-Seven)

There is a lot of improvisation because they do not have the training. There is no permanence because they transfer staff constantly. (Protected Source Twenty-Nine)

Senior leadership is strong. Local leadership appears weak. (Protected Source Thirty-One)

The general consensus was that street level policing appears problematic due to the lack of leadership and training, with little to no senior officer oversight or direction on a day-to-day basis and training courses are either non-existent or irrelevant to the officer's daily duties. Also, it is interesting to note the slightly polarising perspective of Source Twenty-Sevens description of the police as both having significant corruption problems, but also being heroic. This view was not unique and despite the acknowledgement of corruption, most were keen to also point out the heroism within the police and the harsh environments that they work in both geographically, but also in terms of working within insurgents' strongholds. When discussing the reasons for problems with street level policing during interviews, multiple reasons were cited. Firstly was the issue of training: 'So an elite structure is created that is probably very capable and we have left at the bottom probably capable people, but who have not been trained and are not getting the investment put into their roles' (Protected Source Eighteen); '...most of the Colombian police officers come from poor backgrounds, therefore, sometimes I would say that the selection process should be more careful, but that needs to be supported with better salaries, to attract those with a better education' (Protected Source Eight). Seemingly, training for those entering the police at street level is not being provided because there is limited overall funding, with investment within the police force

appearing to be directed more towards officer grades: ‘I think the officers are well looked after, but the core officers on the ground aren’t, so they look after themselves, but not the core. The senior guys do have respect for their police officers, but if you go to the officers club and you look at the way they look after themselves. I think the general grunt on the ground is put there with minimal support...’ (Protected Source Seven). Having a police force on the ground that is under-skilled, not supported by senior officers and undereducated is problematic for multiple reasons, morale being one, but also the inability of the officer on the beat to feel empowered enough to tackle crime: ‘There are a lot of things happening, one is cultural, the police are seen as uneducated, that is changing, but slowly, the other thing is police on the street who try to do good are scared by those who are really dangerous or with contacts/well connected so they will get fired or moved to a really bad position. The pay also really needs to be addressed’ (Protected Source Nineteen). Lastly, a key point is that Colombia’s National Police force at street level is a hybrid of those who have chosen policing as a career and conscripts, which again problematises street level organisation: ‘CAIs have a mixture of professional and conscript professional police. You can tell visually who is a conscript or professional police by the insignia on their uniforms, and conscripts will never be armed with a firearm, they will have a baton’ (Protected Source Twenty-Four). Anecdotally, this author has seen a considerable difference between professional police and conscripts; professional police officers are more likely to be courteous, efficient and focused; comparatively, conscripts are more likely to be distracted - on their phone, in groups talking amongst themselves, and apathetic. This hybrid of police officers can cause considerable problems, with apathy and unprofessional conduct migrating from conscripts to the professional officers they are working with and ultimately undermining leadership at that level. Corruption at the street level also needs to be fully quantified and curtailed appropriately and transparently to further gain public trust.

‘Reform’ typically conveys that heads will roll, with chiefs and senior personnel replaced or moved, new styles of control will be implemented, opportunity structures and enforcement patterns will be altered and that new values will be propagated as reassurance that the organisation has genuinely put its house in order. (Punch, 2009, p. 194)

Police Structural Challenges

A key area that underpins all issues within the Colombian National Police, and which was raised by all sources, was the position of the police within the state's structure. As previously discussed, unlike most other countries around the world, Colombia's police sit under the Ministry of Defence rather than existing as a civilian policing agency.

Institutionally it sits unusually perhaps uncomfortably with some who are familiar with UK policing that the national police are within the Ministry of Defence and have close links with the military. I think that relationship, immediately muddies the perception that people may have of the police, given that the country has been at war for 50 years and it makes it harder I think to extricate the police as a concept from that relationship. (Protected Source Four)

I think the problem the police have at the moment is that they are part of the Ministry of Defence and therefore they are not policing by consent, which is something in Europe we are very proud of. (Protected Source Twelve)

At the moment the police look like the military, they operate like the military and they take their instructions from the military. (Protected Source Eighteen)

To contrast these viewpoints, there are benefits to Colombian policing coming under the MOD, as argued by Protected Source Thirteen: 'In a war fighting capacity the police need to be under the MOD, if it wasn't under one chain of command at present, there will be an even more disjointed approach to fighting OCG & terrorist groups. If the transition to peace the threats become more isolated and less heavily armed, yes the police would probably operate better running under their own (away from the MOD)'. The fact of policing during an active civil war could be considered a valid one, and as of December 2016, despite the current peace agreement with the FARC, other guerrilla groups like the ELN are still active. This makes policing in tandem with military operations, despite the aforementioned rivalry, considerably easier. Additionally, due to the topography of Colombia and its poor infrastructure, military transport is often required in order to reach remote areas. The general consensus of opinion, including that of Protected Source Thirteen, was that Colombian policing in the future needs to be moved into a civilian ministry in order to provide an appropriate policing service rather than a quasi-military police force. This author does believe there is a trend of policing moving away from an almost paramilitary force towards more of a UK or US model, with a focus on community level policing. This was again heavily discussed during the interviews: 'They may have taken a couple of aspects and made their own, but that are really similar to what is being done in the UK and the US, you can see the way that they have modelled their

investigative programmes etc., they have completely overhauled their judicial system and made it into an accusatory system...' (Protected Source Nine); 'I think that the police are much more engaged with the public nowadays and they have tried to improve their image with the public by getting involved with community policing. Through recruitment the numbers of the police now are a lot higher, so this allows them to have a higher profile' (Protected Source Eleven). This author believes this change is happening somewhat organically as Colombia is slowly transitioning from a country at civil war, to a post peace environment, and the leaders of Colombia's police are recognising this and adapting.

Inequality Challenges

Another issue, although not a direct policing issue per se, which will have a sizeable impact on policing is the issue of inequality within Colombia. 'While a good "rule of law" is supposed to protect the weak against the powerful... these legal frameworks have sometimes done just the opposite...' (Stiglitz, 2013, p. 235). Stiglitz continues to surmise that in the United States, large corporations are able to avoid certain rules and regulations by virtue of the amount of resources they have at their command. From this author's perspective (and reinforced by Bowden's (2007) commentary on Escobar) the same is true in Colombia, those who have the resources carry a weightier voice and can also avoid certain rules and regulations. This effects police leadership with respect to the recruitment process of the police. The current recruitment process of officers requires a noteworthy amount of money in Colombian terms and considering the sharp rich/poor divide in Colombia, will exclude a sizeable part of the Colombian population. This permits only the higher social strata in Colombia to enter the CNP at a level where they can affect policy, which in turn dictates that policing policy will most likely favour members of Colombia's higher social class, thus '...the laws and regulations, and how they are implemented and enforced, reflect the interests the top layer of society more than those of the people in the middle and at the bottom' (Stiglitz, 2013, p. 258). Although Stiglitz's quote references the U.S., this author believes the same holds true for Colombia.

Colombian policing, and specifically leadership within Colombian policing, has evolved considerably over the last three decades: 'My personal view is that I have respect for the police that I have worked with, I have seen first-hand how hard they have worked together, side by side, the many hours they put in and effort in trying to do the right thing, their level of

integrity and their work ethic is exceptional' (Protected Source Ten). However, this author argues that there is a real threat of some believing the war on drugs has been completed, or that issues of corruption are in the past and that the focus should turn to other areas like the peace process, a perspective with which this author disagrees. Although (Nagel 2002), Bowden (2007), and some of this author's protected sources believe the situation is improving, others like Bagley (2013), Frechette (2007), Peceny and Durnan (2006) and some of the other protected sources this author has interviewed believed there is a lot more to be done, and that some contemporary policies are failing. Domestically whilst Colombia's policing leadership has improved dramatically and the CNP have considerably more resources than they have historically, their recruitment and promotional policies need to be evolved if the CNP is to have effective leadership rather than a nepotistic structure. In regards to both foreign and domestic issues; rivalry - within the CNP, with the military, and with partner agencies (both domestic and foreign); and critically, better co-operation with their Andean neighbours, need to be addressed. Whilst Colombia is engaging more with their Andean neighbours, further leadership is required - both from the police and the Colombian government as a whole - in regards to co-operation across the continent in order for unilateral operations to end the bubble effect. The bubble effect allows drug traffickers and guerrillas that are targeted in one country, to migrate to another country that is ill-prepared to deal with the threats that they pose. If this is not addressed, those two key problems will traverse the continent and continue to evolve into more complicated and more dangerous beasts. Therefore, a new form of leadership is required across the whole Latin American arena; one that needs to have a unique perspective on the problem and, with a will to act rather than relying on past techniques with established figureheads. Whilst it is beyond the scope of this paper to deliberate on what this new leadership would be, arguably referencing previous techniques alone might not be the answer, but instead viewing the problem from the perspective of physics to see the problem in a new light.

Acquiring a solution to police leadership throughout Latin America is a considerable problem and in order to ascertain a solution to that problem, a seemingly counter intuitive perspective may open up new possibilities that were previously overlooked. This author believes that it is in this way that a solution will be found.

Outcomes and Future Direction of Colombian Policing

In summation of the issues investigated in this chapter, this author believes that police leadership has significantly improved since the times of Escobar, and there are those who agree:

Despite past scandals in the upper ranks of command, many dedicated officials remain who have tried to reform the military and the National Police, such as General Rosso Jose Serrano, former head of the National Police, who during his tenure discharged more than 12,000 personnel for corruption, human rights violations, and drug trafficking. Serrano is proof that honest and tough leaders capable of meeting national objectives can be cultivated and empowered in the officer corps. Serrano's leadership may have inspired a new movement among the officer corps of the National Police to fight corruption from within. (Nagel, 2002, pp. 28-29).

Nagel presents a perspective that evidences a true evolution in Colombian policing in Serrano, a General and former head of the CNP who sought to eliminate officers who were either involved in criminal activity or demonstrated inappropriate behaviour not befitting a police officer. As previously referenced, this complies with Alison and Crego's (2008, p. 55) definition of leadership, '...enhancing their commitment to an organisation's goals and values, increasing their motivation and instilling in them a sense of group identity'. Nevertheless, the question remains as to whether this applies to the current police leadership. The evidence points to Colombian policing still having a number of areas that require attention in regards to leadership, as previously mentioned, and rivalry, another key focus of this paper. This author believes that rivalry in regards to policing exists far in excess of Anderson's (2013, p. 133) assertion that internal rivalry can be industrious, leading to a more productive organization; 'An organisation will only prosper with individuals who are ambitious, and ambition will lead to energetic rivalry'. The academic sources reviewed, the primary sources interviewed, and this author's own experiences point to rivalry being a very corrosive influence in Colombian policing. Within the CNP itself, rather than Alison and Crego's (2008, p. 55) example of the individual augmenting the 'organisation's goals' and providing the officers with a 'group identity', it appears instead that the goals are more centred on the individual and his or her career than the greater picture. Protected Source One highlighted this point when he mentioned that groups internal to the CNP would constantly be racing to capture a figurehead so the officer in charge could gain credit and further their career. Arguably, the internal issues with rivalry can be resolved by strong leadership in the CNP's Generals, most notably the head of the CNP overall as stated by Nagel (2002) in

regards to General Serrano. This author believes that such a change to the culture in the police would take more than one individual and over a longer period of time, but that it is possible. However, when examining the relationships between the policing agencies and the military there is a different problem; the issue of postcolonial legacy, as brought to light by Cassman (2003). Cassman (2003) underlined the different approach not just in Colombia, but the whole Latin American region when it comes to how counter-narcotic and counter-insurgency work is accomplished. Latin American countries traditionally have a sizeable difficulty with drugs and guerrilla groups that oppose legitimate government rule. However, operations against these two groups have always been targeted with enthusiasm by both the military and the police, creating great rivalry between the two groups. This is exacerbated further when one looks at the Latin American arena overall; not only is there rivalry between the policing agencies and the military, but externally between the nations. This is both from a post-colonial perspective after Gran Colombia fractured into several other countries, but also from a political perspective in regards to the different politics in play across the region. For example, would a country with debatably communist sympathies like Venezuela want to assist Colombia in tackling an insurgency, like the FARC with its communist ideals, when the issue crosses into their territory? This author argues that it would be highly unlikely. Another area that this author believes requires considerable improvement is that of transparency in appropriately fighting corruption within the CNP. While Nagel (2002) points to real progress being made within the CNP to fight corruption from Generals like Rosso Jose Serrano, as Protected Source One pointed out, there is a considerable problem with nepotism and favouritism in both the recruitment of senior police officers and the process for their promotion. If police leadership within the CNP is to evolve, the processes for recruitment and promotion need to be both transparent and unbiased. This will ensure that the most capable officers are utilised, instead of the officer with a family legacy in policing.

I could say that now it is a lot better, because Naranjo was a leader of the police, he wasn't weak he was a good General, he left a good structure and good ideas behind, even when Cartels tried to pay Naranjo, he didn't accept the bribes instead he went after them, to capture or kill. He left a very good example to the police he left a legend. (Protected Source Six)

This author's perspective worked with the Colombian National Police daily for five and a half years. Even within that relatively short time frame this author witnessed a considerable change for the better, namely in that there was a greater focus on transparent processes and

accountability at higher ranks. As can be evidenced by the new police code of 2017, there is more of a focus on policing objectives aimed not just at the HVTs (high value targets) of old, but greater emphasis on street level policing. For example section three from the new code states ‘LGBT community to be protected from abuse. Colombia’s LGBT community will be protected from being targets of abuse from other citizens. Attacks for verbal abuse against a member of these communities will result in a fine of \$225’ (CNP 2017).

Putting such legislation into effect in traditionally conservative Colombia shows the innovative approach being taken.

I admire anyone who takes an oath of service. Policing is the hardest profession, however, I would remind the questioner, policing is so much more than dealing with the bad guys, it’s about protecting the rights of everyone, maintaining law and order and assisting the vulnerable, get those right and it’s a good day for everyone. I am a career police officer. My son is a police officer. (Protected Source Thirty-One)

Chapter 5 - Colombia's Criminal Justice System - Challenges & Outcomes

I think Colombia has got ample laws, I think Colombia has a quite sophisticated legal system, to the point where, it might be argued that it contradicts or overlaps. I think the problem comes in its application, there is a massive bottleneck in the legal system and things don't always go through. (Protected Source Eighteen)

Colombia's legal system has undergone numerous changes over the last 100 years including to its structure, as well as policies and amendments created due to national security threats. This chapter will cover the most pertinent changes to the Colombian criminal justice system in relation to this thesis.

Given the previous chapters covering the classic cartels, paramilitary groups turned militias turned organised crime organisations, guerrillas, the FARC's political party the UP and the police themselves, the last chapter of this work before the conclusion presents a high-level view of Colombia's criminal justice system (CJS). How it has managed to adapt to the numerous challenges that it has faced and continues to face in the future? Has it helped or hindered Colombian policing? To answer these questions, this author will again visit previous topics including Escobar, the AUC, and policing and how they relate to the CJS as a whole to assess the problem faced versus the outcome and also discuss the implications of Colombia's change of legal framework from an Inquisitorial system to an Accusatorial system.

The CJS vs Pablo Escobar

Multiple academics, documentaries and other forms of media including this author's own research highlight the fact that corruption was rife at the time of Escobar. Protected Source Eight noted that 'In the past when the big cartels were in place corruption was worse, it was bigger. Pablo was a person who bought anything'. Escobar famously stated that when competitors or the Colombian state opposed him, he used a method called 'Plata o Plomo', which translates literally silver or lead; meaning 'choose between a bribe or a bullet'. Given Escobar's incredible wealth, this strategy resulted in according to Leech (2011, p. 57) 'In 1982, Escobar's popularity with Medellín's lower classes led to his election as a Liberal Party alternate (deputy) to the national Congress'. This afforded him a diplomatic visa and in theory the capacity to influence Colombian legislation and judicial policy, including the

ability to oppose extradition to the United States, something that Escobar fought against constantly. This author's protective sources considered the fact that the head of a known cartel assumed a role in Congress and had influence over judicial policy as one of the heights of corruptive influence in the Colombian criminal justice system. The fact that this came about brings into question the robust nature of the Colombian CJS and the wider Colombian state. Indeed Restrepo highlights that the criminal justice system in this period in Colombia's judicial history was practically impotent:

The level of intimidation and corruption of the system by drug traffickers proved very successful during this phase: judges were unable to sentence drug leaders in any meaningful way. This situation reinforced both a growing distrust among Colombians of the system of justices's inability to prosecute and punish criminals and a decreasing confidence in the government and the state. This second phase was characterised by the semi-paralysis of the system of justice caused mainly by the assassinations of and death threats to judges by the drug traffickers. (2001, p. 141)

The next noteworthy infiltration of Colombia's legitimate state structure was the appointment of President Ernesto Samper Pizano. As previously stated, after running out of funds and in order to see a close presidential campaign through to completion, Samper's campaign team turned to the Cali cartel for funding and received six million US dollars. This allowed Samper to continue and subsequently win the presidential race to become Colombia's 29th president in 1994. Despite a lengthy investigation and the arrest of several of the members of his party, the investigation against the president himself ended without a conclusion of guilty or innocent. As a result the United States declassified Colombia as an ally in the war on drugs, and with that any aid that was due. President Samper had his diplomatic visa revoked, essentially barring him from visiting the U.S. Despite this, President Samper served the full four-year term in office. This author is of the opinion that it would be unlikely that a criminal donor such as the Cali cartel would provide six million US dollars without requiring something in return, a view shared by Restrepo (2001). However, to date there has been no solid evidence of such demands made by the Cali cartel or agreed to by the Samper administration.

[On corruption] Politicians when they do something bad, drunk driving etc, as soon as they are approached by the police they always say do you know who I am, do you know who you are dealing with, do you know who many contacts are, there's a real lack of morals. (Protected Source Nineteen)

The 1991 Constitution

How did the CJS adapt to face these evolving challenges? One of the most notable ways was the 1991 Constitution, the largest legislative and policy change since the 1886 constitution which until 1991 had been one of the oldest constitutions in the region. One goal of the new constitution was to re-balance Colombia to become a more equitable society, one in which access to fair and reasonable justice was available to the populace. 'The strengthening of state institutions this time was to be achieved by promoting other values, such as efficiency, accountability, representativeness and responsiveness.' (Posada-Carbó et al 1998, p.85). One of the most powerful parts of the 1991 constitution according to Posada-Carbó et al was the 'acción de tutela' from decree 2591 which along with the previous 'acción popular' allowed citizens to challenge any law and therefore holding the legitimate state to account if legislation were deemed to oppose the rights of the citizen via the constitutional court. 'The new procedures to protect constitutional rights, foremost tutela, enhanced the power of every judge in the country'. (Posada-Carbó et al 1998, p.85). The other pertinent issue was reinforcing the CJS in order to tackle the new threats to the state, namely the cartels, narcoterrorists and guerrilla groups. 'Above all the judicial system was significantly reorganised and strengthened. Colombia moved towards an accusatory system which gives the state greater capacity to investigate and prosecute criminals, especially organised-crime bosses.' (Posada-Carbó et al 1998, p.85). An example of one of the ways sought to accomplish this goal was the creation of the attorney generals office (the Fiscalía), to provide a secure central agency from which judges that could not be easily corrupted by criminal or insurgent groups.

Torres (2007, p.4) highlights that with the pre 1991 constitution and the inquisitorial model, judges were often vulnerable when opposing large well financed criminal networks such as the Medellin cartel:

[B]ecause judges held such extraordinarily concentrated power in accusing suspects, prosecuting defendants, and determining guilt or innocence, they were especially susceptible to bribery, intimidation and violence. The danger posed to judges was especially apparent in Colombia in the decade preceding the criminal code reform. From 1979-1991, for example, 550 Colombian judges were assassinated, presumably for deciding against the interests of one of the parties.

The 1991 constitution was significant in strengthening the criminal justice system, both by the addition of the new constitutional court, the Fiscalía and the beginnings of the transition from the inquisitorial to accusatorial judicial system.

Finally, the (Constitutional) Court did not hesitate to strengthen the state when it came to review measures taken by the executive to fight violence resulting from guerrilla groups and drug traffickers. To guarantee public order, the 1991 constitution provides for a state exception, conferring on the executive three kinds of emergency powers. These have been used to strengthen the judicial system by enhancing the power of the public prosecutor. (Posada-Carbó et al, 1998 p.89)

A key change in the Colombian CJS is the change from a inquisitorial to accusatorial court system. Traditionally in Colombia, the judiciary has had an inquisitorial system whereby judges were actively involved in judicial investigations. In contrast, the accusatorial system that Colombia has recently adopted requires that the judge be neutral and receive the facts of the case from the prosecution and defence, with the ruling dictated by the judge and potentially a jury based on the evidence presented. This migration from inquisitorial to accusatorial justice system is a highly pertinent subject in terms of an outcome to previous CJS challenges, however, it is also a complex issue, one that this author's research reveals to be still very much in a transitional state. Restrepo (2001, p. 63) analyses and discusses the early implementations of a pseudo accusatorial system with the implementation of the 1991 constitution:

The search for efficiency has been a constant factor in the reforms of the Colombian system of justice since at least the 1970s. Consequently, most judicial policy in the last three decades has favoured efficiency above all else, with the aim of clearing the judicial backlog of the courts. With this objective in mind, the 1991 Constitution introduced a 'semi accusatorial' system of justice into Colombia for the first time in the history of the country.

How does the contemporary criminal justice system fare post 1991 constitution? This author's protected sources who work with Colombian legislators on a regular basis covered many areas of interest. Many sources stated there was a profound problem with rivalries between the different CJS partners, especially in terms of sharing information. When asked how the CJS works as a whole, Protected Source Four said:

I think there's a big disjoint and a lack of understanding and co-operation between Fiscalía, the Colombian prosecutors and especially the national police. You hear constantly of difficulties institutional sharing of information and it certainly problematizes the work of the judicial police within the Fiscalía who seem to be expected by prosecutors within the Fiscalía to have principled role in investigating crimes when they can often be after the national police sometimes the army and then the prosecutor themselves third or fourth in line in terms of information received and authority they are able to wield.

Protected Source Four went on to elaborate further about the issues of rivals between multiple state actors:

Yes it certainly is a problem, I think again it's not just those agencies, but it's a Colombian phenomenon that agencies tend to jealously guard their remit or their own powers, there's a real reluctance to work inter institutionally and you often see strange situations where it appears one agency is entirely duplicating the work that another agency is doing potentially without either of them being aware that that's the situation going on. I think it's a fair criticism of the Fiscalía that they still consider themselves to be the bastions of probity and integrity in an otherwise murky and corrupt system and that there can be a degree of haughtiness when prosecutors have to deal with, in my experience principally the judicial police.

Nearly all sources said the same, with Protected Source Ten especially highlighting this point by saying, 'Yes, I think there is, there is lack of trust, where the agencies do not want to share the information that they have for the greater good, they will compartmentalise what they have'. Therefore, rivalry is again perceived as a barrier to progress, this time within the CJS as a whole and the way in which investigations are processed. As previously discussed, whilst rivalry can be a catalyst to change and improvement of one's skill set in order to provide better results versus a competitor, this author would argue that the form and degree of rivalry between agencies in the Colombian CJS effectively slows avenues of investigation, and therefore has a more negative impact on the overall justice system - an issue that has been constantly referenced throughout this paper. This author argues that this is especially

damaging when groups or agencies not only conflict in this nature, but actively block potential overarching solutions: They don't, there is a lot of inter institutional rivalry, since I have been here there have been several attempts to create a joint intelligence committee and joint operational commands and they meet, they have meetings, but there is still a reluctance to share intelligence'. Protected Source Twenty-Four has highlighted a more troubling side of rivalry, one that is not operation specific, but instead process specific, where attempts to create a committee to specifically bridge intelligence gaps is being obstructed by rivalries. However, it should be noted that a one source did report that old dissensions between state actors were slightly subsiding: 'The rivalry between the army and the police has not really been resolved in my view operationally, but it's much better than it was...' (Protected Source Three). Whilst an earlier perspective from Protected Source Eleven stated that agency rivalry can energise groups into providing better results, and that perspective should not be dismissed, this author contends that the evidence gleaned from research showed the overall view of rivalry between agencies is that of a negative influence on the overall Colombian criminal justice system. One that not only affects the day-to-day investigations, but that is supposedly so ingrained into the mindsets of the different institutions that at present, it is sabotaging movements towards resolving overarching plans to share information. Whilst this may change in the future, it is likely to require a change to the next generation to do so.

I do believe justice is elusive in a lot of cases, but with the primary mission for peace now, this may change as the police can dedicate more resources to street crime and working with [the] Fiscalía. (Protected Source Thirty)

The Unión Patriótica

The next significant issue to be covered in the previous chapters was that of the Unión Patriótica (UP), who as discussed, were systematically wiped out by paramilitary with information pointing towards support from state actors. Whilst some police and military actors were dismissed, this was not in recognition of the crimes against the UP, and arguably, this was one of the largest failings of the Colombian CJS. In theory, the reason that prosecutions were not sought was the UP's position as the unofficial political face of the FARC, and therefore, an enemy of the state. The new legal frameworks that preceded the AUC's peace process, began with Law 418 which was passed into legislation in 1997. This law provides amnesty from the criminal justice system for those who demobilize, excluding

them from investigation through to incarceration. Following Law 418 was 2002's Law 782, which considers all persons who are engaged in armed conflict but under the age of 18 years as victims, therefore not eligible for prosecution, though must be demobilised under any peace agreement. This was in turn followed by presidential Decree 128 which states terms by which those who demobilise can claim benefits; these were a mix of legal aid as outlined in Law 418, but also aimed at re-assimilation into society, including provisions for financial support. These legal frameworks also complied with international law, which states that serious human rights abuses can be prosecuted and any individual found guilty of such acts would have their amnesty annulled. On the 22nd of July 2005, the Justice and Peace Law (Law 975, Ley de Justicia y Paz) came into effect and was intended to work in tandem with the previous legislation. This law allowed those who demobilised but were not covered by previous legislation to be included. It was also created to provide better access to the right to justice from the victims of the conflict, either allowing them to seek criminal charges against their perpetrator or other reparations such as financial compensation. The rights of the victims is a fundamental change to previous peace processes, which were more concerned with demobilisation of enemy combatants and re-integrating them into society and had little to no legal framework to give victims access to the right of justice. However, as much progress as these changes in legislation promised, many questioned their application as Isa (2008, p. 03) evidences: 'This situation has received harsh criticism from various quarters, the argument being that it amounts to a surreptitious way of guaranteeing impunity for the majority of those involved in the process'. Isa (2008, p. 03) states that there has been considerable progress, but the approach is still 'fragmented' and the long-term outcomes are still unknown. García-Godos and Andreas (2010, p. 516) reviewed transitional justice in regards to the Justice and Peace Law and found that 'The strength and potential of victims' rights lie in their capacity to convey legitimate claims on a solid normative base; this is an opportunity that victims, victims' organisations and civil society at large are increasingly taking advantage of in the Colombian process'. García-Godos and Andreas (2010, p. 516) conclude by stating that although there can be equality, the fundamental issue is that of peace; if that can't be guaranteed then neither can that of appropriate justice to the victims. However, when one considers the historical areas of concern as outlined in previous chapters, that is, cartels, paramilitaries, large organised crime groups and insurgencies, these relatively recent legislative changes are a positive sign the Colombian CJS is moving in the right direction to provide a judicial framework that is appropriate to the needs of its citizens.

(The) strongest part of CJS? That they have recognised that there is a problem and that they need assistance. (Protected Source Twenty-Five)

Case Backlogs & Issues With Impunity

Another pertinent issue highlighted was that of considerable case backlogs at the Fiscalía affecting Colombian citizens' right to justice. Many of this author's sources stated that the case backlogs are so severe that the Fiscalía is considerably delaying cases and dissuading prosecutors from taking on new cases: '...knowing the backlogs that the Fiscalía have, in their systems and the slow movement of the court processes in Colombia...' (Protected Source Four). 'For instances there are hundreds of thousands of cases that are backlogged in the Fiscalía and there isn't sufficient people to deal with them' (Protected Source Twenty-Four). This point is echoed by Torres (2007, p. 3) around the inquisitorial system that was the only judicial process for Colombia pre 1991, 'The emphasis on written and secretive adjudication, combined with the multiple responsibilities required of one judge, made it difficult to process even the simplest cases quickly.' Therefore, this is seemingly not solely a historical, but an ongoing issue; Restrepo (2001, p. 76) also states that when looking at independent research into the Colombian justice system between 1972 and 1982, 'The rhetoric around justice in that period is always based on the judicial backlog (congestión judicial) or gnarl inefficiency of the system of justice, occasionally focusing on the high level of impunity'. However this trend stretches even further back with Restrepo (2001, p. 78) noting that 'The evidence shows that since 1937, when judicial statistics became viable in Colombia, there has been a serious pattern of judicial accumulation in the criminal jurisdiction'. This is of considerable importance since it not only highlights a contemporary issue, but poses the question of is this an inherent weakness in the Colombian judicial processes and if so why, with continual changes in legislation; the creation of a new judicial body in the form of the Fiscalía; and judicial reform by changing from an inquisitorial to accusatorial system, is case backlog such an enduring problem? Another critical aspect of any judicial system is its impunity rate. As previously mentioned, the impunity rate during the paramilitary demobilisation could be debated as poor, but what is the overall impunity rate in Colombia? Restrepo (2001, p. 93) discusses that impunity rates are often discussed in the 90-95 per cent range, which is remarkably high, however the last documented figures discussed '... by the Departamento de Planeación Nacional in 1998 claimed that there was a 97.5 per cent degree of impunity in Colombia'. Torres (2007, pp.4) states that, 'Not surprisingly, this

procedural inefficiency led Colombia and Guatemala – two nations historically marked by high levels of violence and criminality – to suffer from astronomical impunity rates.’ In contemporary Colombia this author’s sources still saw the impunity rate as a considerable problem, with Protected Source Twenty-Five noting that: ‘It seems like the mechanism is broken between someone committing a crime and then their likelihood to go to prison for that crime’. This also has a considerable direct knock on effect to policing, where Restrepo commented on police officers being ‘demoralised’ by the inability for the CJS to prosecute suspects that they arrest (2001). Coupled with this is the fact that reporting rates are supposedly equally low - around 20 per cent according to Restrepo in the late 1990s (2001), a fact backed up by numerous sources: ‘If a crime were to happen I think the general thinking is not to report it to the police’ (Protected Source Twenty-Five). This thought was echoed by Protected Source Twenty-Nine, ‘...there are many crimes that are never known by the police’. There is one final aspect for consideration on this issue and that is the very low rate of incarceration of those who have been convicted, with Restrepo (2001, p. 97) again highlighting that ‘For example in 1990, the state only managed to imprison 49 per cent of convicted criminals who were given jail sentences’. To summarise, the first issue; the lack of public trust in the criminal justice system, to the point that a very low amount of criminality is reported, is quite possibly linked to the continued public acknowledgement that the Colombian CJS is permanently backlogged with cases, therefore, theoretically dissuading both the public and the prosecutors from creating new cases. Secondly, is the high rate of impunity; not just in the case of large scale demobilisations of insurgent or paramilitary groups, but also in traditional criminal cases, diminishing not only the public’s perception of the CJS, but also policing agencies. Lastly, even if a prosecution is successful, there is a high probability that a suspect with a combination of power, wealth and influence will abscond avoiding incarceration entirely. This combination of issues could mean that if one were to take 1,000 crimes perpetrated, and consider this with a 20 per cent reporting rate, a subsequent 90 per cent impunity, coupled with the knowledge that 49 per cent of those prosecuted avoided incarceration altogether, this would result in a likelihood of around ten convictions per 1,000 crimes perpetrated, something which this author would argue illustrates a dramatic weakness with Colombia’s criminal justice system. However, evidence from Restrepo and this author’s sources shows that the Colombian system of justice not only fails to be efficient (as the high level of impunity shows) but also fails on the grounds of impartiality and equality, creating distrust in the system; ‘The legitimacy deficit is

accentuated by, among other things, a limited access to the system of justice by citizens, and a tradition of class justice - that is, two degrees of inequality' (Restrepo, 2001, p. 75)

Although Colombia has broken up gangs, increased drug seizures and cut its murder rate, its courts and jails remain inefficient and corruptible by global standards. Because it now extradites even mob foot-soldiers, no one knows if it could jail a proper capo safely. Just 9% of murders there lead to a conviction. (The Economist 2015a)

It is in fact very difficult to prove the existence of corruption since its immediate effects are often invisible and in most cases the victims of corruption are rarely aware of it. (Restrepo, 2001, p. 117)

From this author's protected sources, there were a number of perspectives of the criminal justice system overall and the problems with a re-occurring theme, corruption:

I often think that if they applied the laws that exist efficiently, things would be a whole lot better in that area. (Protected Source Eighteen)

People feel there is no justice, because there is such corruption in the justice system. Too many groups only have interest in their own groups and not doing their jobs. (Protected Source Nineteen)

(Do you think the Criminal Justice system works?) No, because of the lack of resources. (Protected Source Twenty-Nine)

(In regards to the CJS) If it works, but I believe that justice in Colombia is delayed, it should be more expeditious, but I believe that I am one of the few people who love the Penal System in Colombia, even if its result is delayed and if I believe justice exists in Colombia. (Protected Source Twenty-Seven)

...I think this is difficult to do and the problem lies in our judicial system, which is very flexible, ineffective and lenient to the crimes that should have some higher penalties. For this reason I think it's not a matter of physical coverage in the territory but more appropriate penalties. (Protected Source Thirty-Two)

(How well do you think the police work in the Criminal Justice System?) Not really well, due to weak legal system and poor support from the institution to the officers. (Protected Source Thirty-Three)

Therefore, the general opinion from this author's sources is that a form of justice exists in Colombia, but it is not without its problems both in reputation and in practise. A key issue

gleaned from this authors research is that corruption has the potential to either delay or blocking justice.

Corruption

Corruption is a running theme within this paper and potentially one of the most significant factors to affect Colombian policing, influencing many sections of the Colombian state whose actions cascade into policing, to congress and the president. The indifference of the state regarding the deaths of the members of the Union Patriotica and the state collaboration with paramilitaries are examples of this. Corruption can be excused by some as a cultural issue, or an economic issue when the legitimate state and its actors need to access extra funds, where the state itself is impoverished. However corruption isn't just a method of accruing funds, but a very serious security issue, as Chayes (2015, pp. 6-7) discusses in regards to contemporary Afghanistan: 'Corruption, it made plain, was not solely a humanitarian affair, an issue touching on principles or values alone. It was a matter of national security - Afghan national security and, by extension, that of the United States'. Chayes is alluding to state corruption which quickly spread internationally by way of creating insurgent groups, and therefore transformed a state level security concern into a security concern for the international community as a whole. This author argues that the Afghan case closely mirrors the issues of corruption in Colombia which in part enabled the rise of the international security issue of narcoterrorism. However, Restrepo argues corruption can be considered a somewhat nebulous concept (2001), with very few statistics to allow accurate quantification of the problem. This is an instance where anecdotal evidence from experienced professionals can yield highly pertinent and valuable information on the subject at hand. When discussing corruption within the CJS with this author's sources, there was clear anecdotal evidence across a multitude of considerable problem areas. When asked if he believed that there are corruption issues within the Colombian CJS, Protected Source Four answered: 'Yes and sadly, you hear anecdotal evidence of police corruption at the lowest level taking bribes to make difficult situations go away or to facilitate processes, what sometimes seems more extraordinary here, is that it visibly reaches the higher echelons of state institutions seemingly with little being done'. As discussed, this is problematic for two reasons; firstly, that it reaches senior figures in the CJS, but also, that little is being done to prevent it. It makes the situation far harder to address if it is not even seen as a problem to begin with. Protected Source Four followed up with an illustration:

A good example is the director of organised crime in the Fiscalía was caught taking backhanders from a BACRIM group operating in one of the Colombian regions, but rather than investigate and prosecute the guy, he was simply shifted to another post within the Fiscalía. I suppose it's not criminal justice, but another example is the president of Constitutional court who has allegedly received money to change the judgment of the court and yet remains in post, whilst the investigation [against him] goes on. The practice seems to be just to move people out of harms way for a bit.

This author has witnessed this behaviour firsthand. Whilst working with a particular policing agency, a member of a specialist group was identified as taking bribes when submitting to their annual polygraph. Whilst this individual was removed from what was considered a sensitive and specialised policing unit, this person was not removed from the agency, but instead moved into an administrative position. What this author found most troubling was that this individual was allowed to work on projects associated with his former group and socialise with his former colleagues inside the work environment, arguably reducing the severity of the punishment and minimising perception of the deviancy of corruption. The situation also allowed for access to information from his previous position via a third party. Nearly all protected sources could recount a scenario based around corruption. Protected Sources Fourteen & Fifteen discussed traffic cops requesting financial incentives to ignore either genuine traffic violations or ones considered tenuous at best. Protected Source Nine believes that in regards to BACRIM/GAOs: 'They have access all over the country to whatever they need and again they have some very good corrupt sources within the judicial system and some of these small departments, so they don't have to worry about going to jail.' This further evidences the high impunity rate; why would one be concerned with arrest if a corrupt official can nullify one's crimes? 'Trafficking rings, whether they deal in illicit drugs or substandard medicine, restricted resources such as protected wildlife, or weapons, or conflict minerals, can obtain their product of choice or move it without leaving tracks through highly corrupt environments' (Chayes, 2015, p. 185). Despite this, it is worth noting that not all of the protected sources believed that corruption was as big an issue in contemporary Colombia, with Source Eleven answering in regard to the question of whether the Colombian police offer fair and reasonable justice to their citizens: 'Yes. I think that the quality of policing has improved tremendously, there will always be small pockets of corruption, but not anything like it used to be'. There could be a basis for this, as this source had worked in

Colombia on and off for over fifteen years supporting the CNP and other agencies, therefore from this person's perspective, the problem could be considered considerably reduced to where it used to be and that complete elimination of corruption is unrealistic. Lastly, Protected Source Thirty-Two underlined again that if the crimes are not reported in the first instance, there will be no statistics on these crimes: 'I think not, here you can only reflect what is reported, which arrives at police stations, investigations assigned to prosecutors etc., this is what can be quantified and are the figures that they deliver to the public, but there are many crimes that are ignored that do not pass through the control of the police'.

Another perspective is how corruption relates to insurgencies, as Chayes (2015, p. 185) describes corruption and inequality can assist in the breeding of insurgent groups: 'Worsening environmental conditions, in turn, increase the suffering of the populations, making them more likely to rise in revolt'. Therefore as corruption increases so does inequality, and according to Wilkinson and Pickett (2010, p. 144) inequality is a catalyst for violence: 'In summary, we can see that the association between inequality and violence is strong and consistent; it's been demonstrated in many different time periods and settings'. As previously discussed with Colombia not having an official state presence across all of its territory, inter-community violence can quickly spread regionally and evolve into insurgent groups, leading to long term security problems for the state that traditional policing models alone are unlikely to overcome. Therefore as discussed in this chapter, corruption of the Judiciary is very much a causal factor to the erosion of policing ability and overall diminishing state security.

Acutely corrupt governance doesn't just aid terrorist organisations by driving indignant citizens into their arms; it provides haven and logistical support for those very same groups, as officials avert their eyes in exchange for a bribe. (Chayes, 2015, p. 184)

...The success of the drug trafficker's influence on the formal system of justice and its capacity to corrupt the state or paralyse the system of justice. However, the survival of the system of justice - in spite of drug traffickings' severe subversion ... gives signs of hope. (Restrepo, 2001, p. 149)

Potential Post Peace Problems & The Media

Source Ten pointed to a new criminal justice problem, one of the legitimate state arriving into a region where previously there had been no presence: ‘...one of the big problems that people will have regarding the peace process, if you have never had a police force or a government force in the community for years and years, then suddenly you have a foreign entity in your neighbourhood trying to control the rule of law, it is going to be difficult’. It is a common occurrence that previously large regions of Colombian territory has been unofficially governed by numerous illegal actors: ‘... there are a lot of areas in Colombia, as previously stated, that are controlled by the ELN, the FARC and other ex AUC where all the rule of government is manned by those groups’ (Protected Source Ten). Migrating from that structure to one of the official state will be problematic, as the two structures will not be identically parallel. There is also a high probability of the local communities opposing official government representation as they seek to impose previously ignored laws or are simply unknown and therefore untrusted. This perception of a trusted or untrusted actor has been prevalent in relation to the CJS for decades according to Restrepo (2001, p. 128) where several national survey findings in ‘1967 [show that] 68 per cent thought judges could be bribed’ and that in ‘1986 it was 88 per cent’. Also there appeared to be a historical class divide in relation to impunity, whereby certain sections of society have been exempt from the CJS; ‘White-collar criminals - such as those convicted for corruption, sophisticated criminality such as computer theft and paramilitary, guerrilla and drug-trafficking associated criminals only began to appear in the prison statistics from 1992 which suggests that jail has generally been used for marginal criminals from the less well-to-do sectors of society’ (Restrepo, 2001, p. 98). This author received anecdotal evidence from his sources about certain criminal activities that have either been ignored due to the perpetrator’s social standing or instances in which the perpetrator had paid to have the charges dropped, however, the sources requested that this author not divulge the names.

... I have visited 3 prisons in Colombia and the prison police and workers are more afraid than the inmates. Criminals are able to communicate freely with the outside world and operate criminal enterprises from within. I believe it needs a complete overhaul. (Protected Source Thirty)

Another area for concern is where the media can also be utilised by corrupting forces to leverage the CJS. Restrepo (2001, p. 127) comments that

[a] third issue, which could be related to the dishonesty of judges, is the influence of the media in the administration of justice. Some experts claimed that the importance given by judges to cases involving prominent political or economic figures was more the result of media attention, hence public opinion 'interest' in the particular case.

This was reinforced by Protected Source Fourteen who stated that:

For a case to progress swiftly, the media have to be involved. If it appears in the media it will be fast, if not, it will be a much slower process. It is amazing, when something appears on the news, quite often the next day they will have arrested the guilty person. The intelligence within the police here is extremely good.

Therefore this is very much a contemporary issue as well as a historic one, which offers those with media connections - or the money to make them - the ability to undermine the CJS in their favour. When discussing this further the question was posed whether those people that have more money can get faster results - to which Protected Source Fourteen replied:

Yes. Lawyers cost money and if you are rich this will usually mean that you will have good contacts and obviously good contacts can do you favours. There was a case where a woman murdered her boyfriend and her father was very wealthy (he worked in the oil business). In the area where the murder occurred, there were many security cameras, and it is widely speculated that the father may have paid people to erase the footage. If you are rich you will have many advantages.

What was striking about this was not just what this source said, but how it was said, this author found their perspective to be very matter of fact and accepting that this takes place - almost wondering why one would be questioning this practise. Whilst this author will protect the identities of all the sources, it is worth noting that this source works inside the CJS and therefore their comments should carry added concern.

A further issue is how the Colombian CJS deals with statistics. As mentioned in this author's methodology, statistical analysis was dropped during the research and interview phases due to the number of inaccuracies and commentary on statistics, to the point that this author

believed they would harm this paper more than support it, or that this author would have to expend far too much time within this thesis to explain and make use of erroneous statistical data. In regards to judicial corruption, ‘... in the case of Colombia such statistical data is poor and incomplete ...’ (Restrepo, 2001, p. 117). Indeed, this was verified by the protected sources: ‘No, I think crime statistics in Colombia are speculative at best’ (Protected Source Twenty-Five); ‘No, I don’t think crime statistics are accurate. I think that part should be more honest for crime prevention in Colombia. Colombia is changing and we need to integrate with police agencies and prosecutors in order to be actors in the fight against criminal gangs’ (Protected Source Twenty-Six). Protected Source Four provided the most comprehensive of accounts about whether the CJS can produce accurate crime statistics:

I find that the Colombians are fairly good at collating statistics, they certainly do a lot of it, whether the accuracy of all of it can be acted on unchallenged is another question... This is an assessment of the accusatorial justice system from its inception in 2004 through to 2014 and the statistical evidence they have collected and rely on is extraordinary, but there was criticism that the Fiscalía’s SPOA sources of statistics about the organisation are strategically chosen to give the best possible reflection of the institution. (Protected Source Twenty-Six)

Also Protected Source Seven gave examples where they knew for a fact the statistical figures were not accurate, despite it being reported that they were ‘...no homicides in Chapinero in January 2016, sorry, but we know of two homicides here in Chapinero, car thefts one, really?!’ When asked if he thought crime statistics weren’t particularly accurate then, the source merely replied with a forceful ‘No!’

Challenges & Outcomes

In the 70s and 80s the Colombian criminal justice was challenged constantly with the rise of insurgent groups and the classic cartels. The Colombian government responded to this by overhauling the criminal justice system. The 1991 Constitution and the creation of the Fiscalía was a noticeable effort to bring about judicial changes, not just for having a central body with a markedly different judicial ethos for the time, but also in its far reaching judicial powers. Restrepo (2001, p. 63) continues, ‘The creation of the Fiscalía as part of the introduction of a ‘semi accusatorial’ system of justice represented a great change in the administration of

criminal justice. Apart from the investigation and prosecution of all crimes, the Fiscal General can prosecute any minister in the cabinet...’.

These changes, however, were not without their limitations: ‘Regardless to the claims of some commentators, the creation of the Fiscalía in the 1991 Constitution did not represent the beginning of the accusatorial system of justice. Indeed, the evidence suggests that some of the most positive structural characteristics of the accusatorial system of justice were excluded in the Colombian system’ (Restrepo, 2001, p. 63). Despite Restrepo’s conclusion that the 1991 changes did not lead to Colombia fully utilising the accusatorial system, in 2005 Colombia did formally adopt this system (Marcella, 2009). How effective has this change been? Academic sources see Colombia ‘...as a work in progress. For example, the number of backlogged cases is still staggering despite the fact that the trials are held more quickly under the accusatorial system’ (Marcella, 2009, p. 33). From this author’s protected sources the narrative is mixed, with some claiming the system is working well: ‘Overall I think it has assisted Colombian policing. With inquisitorial the criminal knows that he is being investigated and he will probably hire a lawyer and then it’s unlikely that the criminal will go to jail, with accusatorial an investigation takes place, evidence is collected and presented to the prosecutor and then an arrest warrant would be issued’ (Protected Source Eleven). Others highlighted that: ‘I think there’s questions as to whether the adoption of an entirely new and foreign criminal justice system is the right way to go, in a country which has historically been struggling with criminal justice issues anyway and particularly to seek to do so in such a short period of time’ (Protected Source Four). A large number of this author’s sources did not want to comment stating that they didn’t know enough about the process, with many sources not even sure of the year that the Colombian CJS adopted the accusatorial system. In short, there appears to be considerable confusion over the process and how it’s currently being incorporated. These perspectives from both academia and the protected sources lead this author to believe that, although it is worth referencing the process and the direction that the Colombian CJS is heading, at present there appears to be limited evidence as to how it is performing both as a whole and in terms of the transfer to the accusatorial system. When enquiring as to how long the accusatorial system could take to be solidified in the CJS, Protected Source Four stated that:

This is a generation, not least because changing the processes and institutions responsible for the criminal justice system is one thing you could feasibly do that within the ambitious ten year time frame that the Colombians chose, but the problem is cultural, you still have a series of judges who are used to their previous roles and prosecutors who are used to their previous roles and changing their mind-set may just require their replacement with a new generation of lawyers and judges. (Protected Source Four)

Therefore, it is highly likely that it will take considerable time until one could accurately quantify the success or failure of the implementation of the accusatorial system, with Protected Source Four even debating if the: ‘...accusatorial system [should be] further entrenched or [should be] abandoned...’ If the system were to be abandoned, it would arguably be a blow to over 20 years of legislative changes and from one point of view, the evolution to the CJS. Arguably the accusatorial system provides the police and the judiciary as a whole with a more balanced platform by which justice can be achieved.

Furthermore, on the 30th of January 2017, the new police code came into effect, the full code as well as 16 highlighted points can be seen under Appendix four. There have been a number of amendments that will allow the police more powers to pursue actions listed within this thesis, such as dangerous driving, that they had not been able to do so before. However, it should be equally highlighted that some consider these new powers could be abused and used to increase corruption (The Bogota Post 2017). At this stage, this author can’t quantify the full affects of the new police code, nevertheless it does show willingness of the state to tackle the policing problems of the past, it’s success will be judged by its implementation and will be a good point of study for future academics.

The other thing I think is perhaps overlooked is that [the] accusatorial justice system prizes the role of society and society needs to be taught that new role and more than that needs to have faith in the system it’s being told that it has a vital stake in. I’m not sure the Colombian institutions have done enough to educate the population nor whether the system as it is, will ever inspire that sort of faith. (Protected Source Four)

Chapter 6 - Conclusion

Over the preceding five chapters, this author has provided an outline of the challenges and outcomes of the war on drugs, leadership in the Colombian police and the criminal justice system and how they have changed over the decades. The conclusion to this thesis will pull the main themes together, outline the most pertinent problems and suggest possible solutions. The conclusion is broken down into three separate sections: 'The Road to Peace' addresses the FARC peace process, 'The Problems of Inequality & Corruption' looks at how these have affected Colombia and 'Potential Solutions' suggests some solutions to the challenges highlighted by this this research.

The Road to Peace?

For over fifty years Colombia has been in a state of civil war. In August 2016 the key points of a peace process with the FARC were agreed upon by all negotiating actors and a referendum was presented to the Colombian people in October 2016. The result of the referendum was the rejection of the initial peace plan, but after some amendments a modified plan was presented within the Colombian government. Congress approved second plan 130-0, but this time without a vote from the citizens of Colombia. All of the sources interviewed by this author accepted that a peace process, one that will end the FARC as we know it, was now inevitable.

Yes, I think there is a direct parallel to the peace process with the IRA, there is a massive swing in public opinion for peace, so the people in the country want peace... The attempts before had almost failed before they had started, however now the momentum with this peace process, it will be very difficult to go backwards from that. (Protected Source Twenty-Four)

As Protected Source Twenty-Four highlights, the swing towards peace was considerable, despite the rejection by Colombian citizens. A few protected sources involved in the peace process stated during informal conversations (as the interviews had been concluded) that they felt public opinion was now far more in favour of peace than it had been previously.

The next logical step to quantify is how successful that peace process will be. One way to assess this will be in terms of how many of the FARC guerrilla fighters will demobilise. It is also important to see how many would migrate to either a purely criminal lifestyle without a focused political agenda, a FARC splinter group similar to the real IRA, or migrate to an alternative existing guerrilla group. As discussed previously, nearly all of the sources interviewed by this author felt that peace would not lead to all of the FARC demobilising:

I don't think that they will all disband, many will keep doing what they have always done, drug running etc., the huge income that has been made in recent years will not be given up by some, the money and the power will be too much for them to forfeit. (Protected Source Ten)

It is widely known that the FARC fund themselves through all sorts of criminal activities, mostly drugs, there will be an awful lot of people who will want to continue, the networks and contacts will be there. (Protected Source Twelve)

...the same way that has always happened in Colombian history, this means the main (FARC) heads have gone but small heads start to appear and have control. (Protected Source Fourteen)

If they want one seat in parliament because of who they are, that's fine, but it is not going to stop narco terrorism, which is what it is. (Protected Source Twenty-One)

No, not all of them will disband, there will be some hardened criminal elements who will either join existing BACRIMs or form their own mini BACRIM groups. (Protected Source Twenty-Four)

In response to FARC funds/weapons, will they be handed over post peace] No, sold, hidden and used to fund further criminality. Of course there will have to be a show of solidarity with the peace process however the FARC are a well-established organisation and will have already thought about this a long time prior to any process. (Protected Source Thirty-One)

The general consensus of opinion is that when the peace process concludes, the process of disbanding the FARC will run the risk of the formation of sizeable breakaway groups that will find drug trafficking, illegal mining or other illicit activity too financially beneficial to leave. Vast inequality issues in Colombia exacerbate the problem. Several sources articulated the fact that rural communities won't look to deviate from established criminal enterprise if there are limited legitimate alternatives, or if those alternatives were to pay so poorly as to

not be a viable alternative. Coupled with the state's lack of investment in rural areas, even if a viable substitute were present, if those communities do not receive proper investment they run the risk of exploitation from criminal groups or foreign companies. As Bulla and Guarín (2015, p. 01) state;

The citizen security service provided by the Colombian State is unequal. It focuses mainly on large cities and municipal capitals, and is absent in vast expanses of the national geography. In these regions, state incapacity to enforce the law, resolve citizen conflicts, and protect and promote social order based on peaceful coexistence is painfully evident.

This underlines the fact that even in contemporary Colombia, many rural communities have little to no official state or policing presence and therefore could be vulnerable to exploitation from numerous illegal or legal external actors. There is also the requirement to ensure that if the FARC aims to transition into politics in a post conflict environment, that the historical lessons from the UP are learned and the same mistakes are not repeated. This author proposes that this could happen in two stages; firstly, an open and public dialogue from the Santos administration stating that those who had operated within the FARC are free and able to pursue a new civilian life and subsequently, the state needs to provide an environment whereby previous guerrillas can practise their legitimate politics without hindrance. State presence, especially in rural areas, will be key to achieving that.

Worsening environmental conditions, in turn, increase the suffering of the populations, making them more likely to rise in revolt. (Chayes, 2015, p. 185)

With a lack of state presence comes a lack of policing resources. The FARC, as well as other insurgent and paramilitary groups, all share the same origins in groups from rural communities banding together and arming themselves for protection. As mentioned, in this author's experience, if contemporary Colombia doesn't look to dramatically invest in these rural areas, then history will potentially repeat itself. Even if new groups do not emerge, there is a great chance of migration of members from demobilised groups into existing organised crime groups, augmenting their ranks with highly trained and experienced guerrillas. This author reiterates his belief that reducing inequality and improving state and policing presence in these areas is fundamental in diminishing the influence of illegitimate actors, but in this, political will will be key. Therefore if more investment is focused into rural areas to increase

infrastructure, it will reach a point where inequality is not a causal factor for insurgent groups to be formed or for those external actors to be able to exploit those communities.

Furthermore, protecting these new areas of state investment with a permanent policing presence, not proxy policing or use of the military as a policing force, and applying community policing practises will be key to working towards a safe and secure environment for the local citizens to exist without the need to form self-protection groups or deviate from legitimate state law and practises.

During peace it brings with it stability for all, stability and opportunity for the whole of the country and [its inhabitants] to tackle the entrenched inequality that has been the cause of some many problems, Colombia has huge potential, if current stratification of the country remains I think there will be a perception that peace will only be enjoyed by a select few, it won't be seen as the sort of egalitarian peace that ultimately the country needs. (Protected Source Four)

This author therefore believes a sustainable peace with the FARC, and in the future the ELN via a separate peace process, is possible. Colombia's infrastructure is improving, there is more international oversight and remote rural areas are more visible than they have been previously than, for example, in the AUC's peace process. Most importantly there is more support from citizens to solidify peace. Despite this, as with many other areas within this thesis, the Colombian state and their international partnerships run the risk of becoming complacent and believing that the job is done, and mistakenly withdraw funding from rural communities, reducing these fundamental societal issues into a political issue tied to a particular presidential administration or a particular time period. The risk of such complacency could lead to either a regression into bad practice, or moving onto another problem before solving the underlying issue of inequality in rural areas. That, in this author's opinion, would sow the seeds of discontent for future generations to come.

All of this is about political will...when President Pastrana was in power and then the peace process he had with the FARC which was essentially resulted in Colombia handing over a large swathe of this territory the size of Switzerland to the FARC as a demilitarised zone, it was a piecemeal, if you want to put it in Neville Chamberlain terms... It allowed the FARC to re-group it was an area where coca productivity and production took place it was in every sense of the word a piecemeal of course eventually even he realised that and it was retaken... (Protected Source One)

The problems of Inequality and Corruption

Corruption is Colombia. The climate helps the drugs grow here and due to poverty etc. the people here, it seems, are easy to corrupt. Money taken from taxes does not go to where it should go, some people get rich with kickbacks etc and schools and hospitals don't receive what they should. Millions are taken from this and society as a whole suffers here because of it, if people can get away with it and prosper then that will continue. (Protected Source Fifteen)

Whilst Protected Source Fifteen's claim that 'corruption is Colombia' could be seen as excessive, there is legitimacy in his statement with regards to corruption's impact. Prior to the paramilitary peace process that ended in 2006, corruption had allowed cartels and paramilitaries to gain a significant hold of legitimate state actors. This included infiltration of policing agencies as well as and also the Senate and Congress where such corruption could influence legislation and policing policy - as previously discussed in the chapter about Pablo Escobar. Whilst the severity of the corruption might be seen as a problem of the past, its influence stretches into contemporary Colombian society where both corruption and inequality still persist, as highlighted in Chapter Three. Unfortunately, they are rarely perceived as contemporary problems and continue to erode the Colombian state. This author has witnessed first-hand contracts for tens of millions of dollars being signed and amended in pencil, where there has been little to no accountability for projects or companies who have not delivered all the requirements of a projects specifications, yet the projects have still been paid. Anecdotally, this author has heard that the reasons for such occurrences are twofold. Firstly, in the case of a dispute the Colombian state rarely wins legal battles with foreign companies. Secondly, the decision to pay foreign companies despite the contractually agreed project not being fully delivered is usually made by either one person alone or a very small group (three to five people) and where one or more of those involved would also benefit financially from the project. These lone government officers and small groups have written off millions of dollars of Colombian investment for projects that have not been completed, whilst receiving incentives and benefits themselves. That said, in this author's experience this is the exception rather than the norm. Colombia has worked hard over the years to considerably reduce the harm of corruption which in this author's opinion has worked exceptionally well. However, the battle has not been fully won just yet and more oversight is required across all institutions, especially when it comes to complex technical projects.

Potential Solutions

The above examples have now helped to quantify the pertinent issues, around the creation and expansion of insurgent groups, the cultivation of criminal groups, and some areas of the state that are susceptible to corruption. Some causal factors have also been identified, namely inequality, limited state presence and limited oversight on government contracts. The question remains as to what methodology could be deployed in order to control current issues and to prevent future occurrences.

Potential Solutions - Communication

Firstly, with regards to the issue of insurgencies and criminal groups, as previously stated, insurgencies in Colombia have been able to mobilise and recruit based on their ability to convince certain areas of society – usually the poorest - that they are being marginalised by the official Colombian state, and that therefore, there is a need for social revolution. Their purported goal is to prime society towards a political platform that would have their best interests in mind. Criminal groups have also recruited from poorer communities, as with fewer social mobility options they are more vulnerable to threats and corruption. There are two ways to combat this propaganda and deviant influence exerted by illegitimate actors; firstly, legitimate state actors need to improve communication with remote rural areas. This should not be considered a temporary fix, but rather a permanent scheduled dialogue with community leaders in order to allow them to voice their requirements and their frustrations. Whilst this does now happen to a point, with town hall meetings in some areas, it is far too sporadic and needs more leadership from central government to ensure these remote communities are considered in Colombian government policies. This will reduce the feeling of marginalisation and assist with incorporating these citizens into wider Colombian society rather than living in social isolation. Communication is fundamental to bringing previously marginalised groups back into legitimate society, whether the initial isolation was by choice or not. As mentioned previously, Kelling's work around communities and the criminal justice system working in tandem to provide a strong partnered message could provide a compelling model for Colombian communities. This can be especially potent if ex-criminals can assist with this process. In the Safer Cities example he noted that 'ex-gang members have been recruited and will be trained to reach out to the community in an attempt to end the cycle of violence; someone is shot, someone else seeks revenge, *ad infinitum*' (Kelling, 2013, p.

136). Communications strategies such as those undertaken by some British police forces might also prove useful. For example, in the UK the British Transport Police regularly have awareness days and community events to promote awareness of issues and improve public relations (The British Transport Police, 2017), and Thames Valley Police have similar meetings as well as community policing awards where the public can vote for officers who have excelled in their positions (Thames Valley Police 2017). Colombia will need to find similar techniques and strategies that best suit their communities in order to build trust between the local/marginalised communities and the police force that is meant to protect them.

Potential Solutions - Inequality

The second and far more difficult issue that of reducing inequality by investing in infrastructure, that is; electricity, water, gas, roads and communications (phone and internet). Historically it has been very hard to traverse parts of inner Colombia by car, due to both security concerns and lack of infrastructure - there are far too few routes connecting central cities, and with limited capacity. It was understandable that in Colombia's past, it was logical to keep just a few roads open between central cities, as this would make them easier to police. Considering that the security in contemporary Colombia is improving, so must the planning for transport infrastructure. An investment in all this infrastructure, but specifically transport in remote communities, will ensure that they are incorporated into the legitimate Colombian state. It will also allow remote farmers to transport their goods more easily and become a core part of Colombia's formal commercial sector rather than being forced to work for insurgent groups. Policing will also be easier, allowing for law enforcement to reach remote areas that might previously have only been accessible via helicopter. Better access to water, gas, and electricity will allow these communities to flourish and reduce the feeling of isolation. Lastly, communications will play a very important role by further reducing isolation and also improving social visibility, allowing those citizens access to more information about Colombian society as a whole and improving education. This will in turn improve social mobility and reduce the effect of insurgent groups' propaganda, although care must be taken that improving all of these areas is also accompanied by more legitimate state presence in the areas of schools, police, hospitals and local government. If not, improved infrastructure could easily be hijacked by guerrilla groups to more effectively control these remote communities.

Whilst all of these steps might seem quite gargantuan in scope, the reality is they could be developed slowly but surely, with communication being a key component. If citizens are constantly in communication with the central Colombian government and happy that their voices are being heard, they are considerably more likely to ignore invitations into social deviancy by illegitimate actors (be they insurgent groups or criminal gangs/organisations), and assist the criminal justice system. Additionally, if there is greater state presence in these regions, legitimate state actors will find it easier to enforce the legitimate rule of law and in turn, enable Colombian citizens access to the right of justice rather than depending on non-state actors who provide the only justice and policing options, which can vary from town to town. These sorts of changes cannot be implemented overnight. A comprehensive course of action with pre-defined goals and objectives that are achievable over a long period will have to be constructed, to support all of Colombian society, rather than be subject to the whims of the changing political climate poorly managed and eventually forgotten when the tide changes. As previously stated, it is absolutely imperative that these projects are widespread across all of Colombia to avoid displacing criminality and guerrilla groups into other areas of country. Similarly if the construction of this new infrastructure is not all-encompassing, or not continually done with both the collaboration and consonance of these remote communities, it could quite easily be re-purposed by the illegitimate state actors to significantly erode state security. If appropriately handled, infrastructure projects could help to considerably reduce crime and criminal influence and potentially eradicate the origins of insurgent groups before they have the ability to be formed. This outcome would extensively improve state security, especially in border regions, where the neighbouring nations themselves have considerable state security problems

A man can grow coffee, or he can make an awful lot more growing coca, if he is a poor farmer, what do you think he will do, especially if he is under pressure to grow coca, you have to deal with the problem at that end. (Protected Source Twelve)

I think it is very difficult at the moment, Colombia's infrastructure is almost non-existent in over 40% of the country. Things like roads, communication, better housing and security could lead to better enforcement. (Protected Source Thirty)

Potential Solutions - Corruption

In order to improve infrastructure, there must first be the political will to fight state level corruption. Previously corruption has caused problems with large infrastructure projects, such as the project to run Bogota's *TransMilenio* (its bus rapid transit system) to El Dorado airport. The *TransMilenio* line had to be cut short of the airport due to corruption and embezzlement that left the project short of funds. Later several council members had their property seized. Of the four councillors investigated and charged, all came from different political parties, which is indicative of the fact that corruption cuts across party lines. The former Mayor of Bogota Samuel Moreno Rojas was removed from office and incarcerated on similar charges of corruption and embezzlement of state funds. Corruption with regards to the state awarding public contracts has come under heightened national and international scrutiny over the past ten years. A freedom of information law was passed in 2014 allowing all citizens and industries to view how government funds are expended. Law No. 1712, the Law on Transparency and the Right to Access to the Public National Information [Ley No. 1712 Por medio de la cual se crea la ley de Transparencia y del Derecho de Acceso a la Informacion Pública Nacional y se dictan otras Disposiciones. (Wipo 2014). This law requires that government agencies provide information on contracts, finances and staff available for public examination. This will offer the possibility of better oversight by national and international NGOs, but it will also enhance the ability of the commercial sector and Colombian citizens to hold state actors to account on how public funds are utilised. However, given the relatively recent passing of this legislation, it is unknown how effective this will be.

There are two issues to consider when fighting corruption. Firstly, there is the need to improve the state's ability to offer instruments to monitor corruption:

I think there is definitely, there is a serious lack of economic interest in certain parts of the country by the Colombian government, some would say it's departmental, but I think the Colombian government have to have some kind of control over certain things. If money is given for certain projects, the projects have to go ahead. How many governors have we seen that have been on the take? Both from taking from the funds given to them and being on the take turning a blind eye to contraband, to movement of drugs. (Protected Source Twenty-Two)

The second is the punishment and perceived punishment for partaking in corruption regardless of the scale, which needs to be proportional and increase the risk to render corruption undesirable. Historically, corruption cases have been very difficult to prosecute, either due to evidence being little to non-existent or the judicial system itself suffering from corruption. Another complicated area has been the use of financial fines as a punishment. These fines are problematic for two reasons: one, if the accused used corruption to collect funds to pay the debt, then it is most likely they will continue to do so, equally a financial punishment could be insignificant compared to the gains during the corrupt practices. Two, most investigations have in the past attempted to prosecute based on one corrupt practise, but ignoring others. If the punishment is financially based, the likelihood is that punishment will be ineffective either for the reasons cited above (paying off the fine is easy to do), or because in cases where the individual will find him or herself financially impoverished it may seem preferable to continue the cycle of criminality. This author would recommend seizure of all assets that the accused cannot demonstrate were acquired legally, as there has been a narrative used in many corruption cases of existing family wealth. Such claims should be investigated thoroughly in order to ascertain the full extent of illicit resources, both domestically and overseas. Then, if corrupt practises have been evidenced and all illegally obtained resources have been catalogued, there should be a considerable incarceration period attached to the crime to prevent others from following the same path. If the individual involved is a government official, a lifetime ban from politics or working externally with the Colombian state should be enacted to ensure that the individual does not seek to refine their corrupt practises, or seeks to corrupt the government institution externally using previous contacts (as did ex-president Samper).

Another pertinent issue here is what happens if the criminal justice system itself is corrupt. This author has heard anecdotally that there are considerable problems with the Colombian prison system - to the degree that fair and reasonable justice cannot be offered to Colombian citizens because depending on the accused's financial assets, media connections and government connections, many sentences are considerably reduced without reason or mitigated due the payment of financial penalties. However, even if one should be arrested, convicted and incarcerated, the prison system has been heavily criticised by protected sources for not preventing criminality. Instead the reverse appears to be true; criminality is bred within the prison system, and those running these institutions are not willing to discuss - let alone oppose - the problem at hand. This issue typically relates to national criminality, as for

more severe and internationally linked crime, for example to the United States of America, extradition is usually sought, removing the individual both from the Colombian judicial system and Colombia entirely. This solution has been very effective for decades with even Pablo Escobar and his cartel group of 'The Extraditables' saying: 'We prefer a grave in Colombia to a prison in the United States' (The Economist, 2015b). However, there are again two key problems with extradition as a solution; firstly, it does not solve the issue of the flaws of the Colombian prison system, but merely displaces it to the United States, putting the punishment at the will of that nation's state, and if there is a change in political climate, that option might not continue to exist. Secondly, extradition in such cases relies on a criminal link to the US.

People feel there is no justice, because there is such corruption in the justice system. Too many groups only have interest in their own groups and not doing their jobs. (Protected Source Nineteen)

It is a big country, the citizens have to be more proactive in their communities to aid the police. Unfortunately the police are not respected by many people due to corruption, so there is a general reluctance sometimes to call the police. (Protected Source Fifteen)

Lastly as mentioned in the police leadership chapter, corruption should be investigated across all levels of Colombian policing, at the street level with its leadership as well as throughout the larger Colombian government. As Punch (2009, p. 194) described previously, reform will be necessary across multiple layers to be effective, not just the operational policing layer, but the leadership as well.

Potential Solutions - Conclusion

The key point of this thesis is not to demean the progress that Colombia has made within the last 30 years. In fact, this author through his doctoral research has interviewed many people across many different backgrounds in Colombian society and has seen, through his work, exactly how hard the Colombian state has fought and continues to fight to protect and offer their citizens the right to fair and reasonable justice. Punch (2009, p. 195) discusses Sherman's perspective that corruption is impossible to eliminate entirely and therefore, such a significant reduction in corruption could be considered a victory. This author has seen a

considerable drop in corruption and rise in accountability within just the last five plus years of living and working in Colombia. This has been corroborated by his own academic research. It should also be noted that Transparency International placed Colombia as 94/177 on their perceived corruption index of 2013 and 83/168 in 2015, showing the trend of perceived corruption is downward.

However, Colombia is facing a turning point in its history. There is a chance for peace against the world's longest lasting insurgency. But no matter how successful the peace process is, there will be a very high probability that some members within the FARC that will not demobilise. When that happens, those individuals could bolster other insurgent groups with similar objectives or migrate to other criminal groups. Although any successful peace process would be a profound victory, it will require the state to be mindful and not run the risk of thinking the battle is over. It will require constant state attention to ensure a lasting peace with the FARC, and that peace processes with other groups are sought out and are successful. Another fact to consider is that following any major peace process around the world, there is normally an upsurge in violence as splinter groups vie for control of resources, be they geographic, influence or contacts with other criminal organisations. This will be a key test of Colombian society; if the Colombian state can, in parallel to the peace process, address the issues in inequality, then it will provide strong foundations for a more inclusive Colombian society and provide far fewer avenues for exploitation by insurgent and criminal groups. At the same time, strengthening Colombian society further by adding permanent state presence in remote communities to ensure there are no safe havens for criminal or guerrilla groups to operate in, will significantly reduce both their recruitment potential and their support base, which could be transferred to the legitimate Colombian state instead.

If they can curb the corruption enough to put into place the infrastructure required, this country could really prosper. I know that there are many really intelligent Colombians living here who have a vision of how things could be and are willing to fight the corruption and ignorance that exists here. (Protected Source Fifteen)

The fight against corruption needs to continue at the same pace to ensure that the legitimate state is robust enough to face the coming challenges. For the Colombian state to effectively oppose criminal and insurgent groups, there will need to be a strong criminal justice infrastructure in place. Any corruption remaining in these institutions must be fought rigorously, and this author recommends with actors external to the state, such as NGOs and

international government partners who can provide advice, experience, frameworks and resources to help combat a problem that this author feels is being underestimated. Unhelpfully, corruption is sometimes considered a cultural issue within certain countries instead of an authentic criminal problem. Complacency would be dangerous as it would allow certain levels of corruption to be ignored, which could then grow into considerable security problems further down the line. If work is not done from the outset to eliminate corruption and ensure appropriate criminal justice is in place to offer fair and reasonable punishment, it could lead to citizen disillusionment with the state and also undermine progress made by the steps to reduce inequality. Corruption could spread via legitimate state actors across the country and present an unfavourable representation of the central government, which could in turn generate discontent that could be exploited by criminal and insurgent groups.

Another perspective was proposed to this author, that in a post peace environment converting the Colombian National Police into a civilian ministry would not make a difference in terms of its operation. A fellow academic highlighted to me that in France, the Gendarmerie were moved from a military to civilian ministry to almost no effect. This author argues that the Colombian case would be different because France was not transitioning from a state of civil war when those changes were made, whereas Colombia is. Some potential changes from such a move could be: the reduction of police deployed in military roles and vice versa, police tactics moving away from kinetic activity and a greater focus on police services to communities rather than a high value target work. For these transitions to be practical, it would require a considerable amount of political will to restructure and change the objectives and the current culture of Colombian policing away from a more militaristic model. This transition would not be quick and more than likely take several generations to change the mindset not only of the officers on the beat, but also the command structure that directs them. Numerous experienced people in policing that make up this author's protected sources, who have analysed this specific issue in detail, are convinced there are positive changes to be made by switching the CNP to a civilian ministry. Nevertheless, this author also accepts that not all successful policies or practises can be transplanted internationally. One such example was an attempted move to community policing in Colombia in 1999 which according to Dr Ruiz-Vazquez was unsuccessful because of senior officials 'who fear losing power to the discretion of their subordinates' and the perception that community policing is a 'soft' version of policing whereas beat officers favour a tougher model (2012, p.51). Additionally,

as mentioned in the police leadership chapter, police careers in Colombia are frequently advanced by producing quantifiable short-term results to gain notoriety, whereas community level policing ‘works with intangibles, and its results only become obvious in the long-term’ Ruiz-Vásquez (2012, p.51).

It should also be noted that, contrary to this author’s perspective, Dr Ruiz-Vásquez (who this author considers an expert in Colombian policing) believes that although the police are situated within the Ministry of Defence, their modus operandi is civilian in deployment:

Although some officials do have military ranks and the police force is subsumed under the Ministry of Defense, legally it is an armed civilian corps. In practical terms, the culture and mindset of the Colombian police differ greatly from those of a military police force, such as found in Brazil or the Carabineros of Chile. (Ruiz-Vásquez 2012, p.51)

Whilst this author accepts that in comparison to their Brazilian and Chilean neighbours the CNP are far more civilian than military, the overall perspective of this author’s sources spread over decades of experience of working with the CNP and his own experience is that their operations were still considerably militarised, with a focus on military style tactics to fight criminal groups.

This author accepts that the process for transitioning the Colombian police from a military to civilian ministry would not be straightforward. It would need to be fully researched in great detail and even then potential gains that have been mentioned would be far from definite. Nevertheless, from everything this author has heard from his sources and witnessed working day to day with multiple Colombian policing agencies, there is a lot to be potentially gained from migrating the current pseudo military model where groups are targeted with military-esque tactics to a model focused on providing policing services to Colombian communities. Ruiz-Vásquez highlights that small pockets of community policing does occur in Colombia, but it is not a unified process. However, he notes that if properly harnessed and directed, existing ‘talent, training and devotion of community police officers . . . could make a substantial difference in Colombian society, if they were adequately deployed’ (Ruiz-Vásquez 2012, p.53). This author argues that this would be unlikely at a national level with the current policing models in place, but could be if the policing culture was transitioned to a more community-focused model as opposed to a high value target military style model.

To highlight the solutions, this author has recommended the following:

- A continual fight against state level corruption, preferably with a neutral third party such as an NGO and other international assistance.
- Improvement of the state's Criminal Justice System to be able to offer Colombian citizens fair and reasonable justice by providing appropriate sentencing, reducing ability of those incarcerated to commit criminality, reducing corruption within the prison institution without resorting to other methods - such as extradition.
- Reduction of inequality across Colombia by improving infrastructure, starting with; better access to water, electricity and gas, and communications, that is, phone and internet (with heavily discounted pricing); more permanent state presence of police, schools, hospitals and overall local governance; and more investment in roads and small airports.
- A full research study to glean if there is a benefit of moving the Colombian policing from a military to a civilian ministry.

If these solutions are deployed appropriately, and, across the entire country, Colombian state security will improve its effectiveness dramatically. Colombia has a rich and varied ecosystem with large amounts of precious resources, and this author is confident that if total and appropriate investment is provided by the legitimate Colombian state, Colombian society overall will be more attractive to increased foreign business investments and an increase in tourism which will boost the country's economy and make it a true powerhouse in Latin America.

If Colombia doesn't get to a stage where it can actually improve infrastructure, they are getting quite good at getting into areas eradicating the coca, arresting the traffickers and leaving, but you need to maintain state presence, you need to get stuck into your alternative development stuff, there's no point in just ripping out all these coca plants and leaving the campesinos to do their own thing, otherwise they will go back to growing coca plants. You have to turn up and give them bananas to grow or give them a market to sell their bananas in, then you have to give them a sustainable

way of delivering and operating and you need to protect them while you do it, there's no point in giving them banana plants and a market and then saying we will be back in a months-time leaving the remnants of the FARC and the BACRIM to come in and say right you're not going to do that or we will shoot you. (Protected Source One)

Overall Conclusion

We remain haunted by old ghosts, prejudices and the monsters that our fears have created over the course of centuries. These fears have come in recent decades to dictate the way in which those with more have come to view those with less. These are the fears that support racism, which under the idea of social exclusion are acceptable; they are they fears behind elitism. (Dorling, 2015, p. 157)

This thesis has aimed to identify historically where Colombia's policing agencies have been, the challenges they have faced and how they have adapted to the challenges that have confronted them. Colombia has faced moments of extreme hostility throughout its territory over the last 70 years, from *La Violencia*, to the birth of insurgent groups and paramilitaries, to the rise of drug cartels. Overall, Colombia's policing agencies have expanded and enabled more modern policing strategies such as intelligence-led policing and community-based policing. Although arguably these changes are still in the early stages, some of the new strategies have also performed well in exceptionally difficult climates. However, this author believes that their toughest challenge has been the fight with inequality and corruption, both of which could be seen as a force multiplier, eroding policing capabilities and fortifying their enemies.

Inequality has enabled criminal groups to recruit and spread from poorer areas of society quickly and efficiently. But considering the effect of inequality within the police themselves, the issue of police pay was highlighted by nearly all of this author's sources, and so was the issue of inequality between different police officers' areas of responsibility. This was particularly well highlighted by Protected Source Twenty-One:

The other thing is that the officers get paid the same rate whether you are standing on the corner with a stick or going into very difficult situations in the jungle, so same rank same salary. They have professional units that are very good at what they do, but there does need to be recognition of that.

When the working conditions and objectives of a police officer have no impact on their pay there is inequality and there is apathy, as some are required to work in considerably more hazardous environments when there is no incentive to do so. Additionally, due to the military structure of the police, there are significant disadvantages for poorer Colombians who join as a Private working at street level, versus those who are able to afford the expensive training to enter at officer level, as opportunities for career progression are limited for those who do not come from wealthier backgrounds. Whilst historically there have been some grants and scholarship programs, according to the protected sources who work within the police, these have been rare exceptions to a regimented structure which promotes a class divide. This division finds its parallels in Colombian society as a whole, and is not solely a failing of the police, but it is an important factor. Similar examples abound in civilian life; for example, it should be noted that when renting or purchasing a house or apartment in Colombia, it is stated which social strata (class) the building is in, which affects the cost of utilities. In the case of the police, the inequality across job roles, the limited opportunities for advancement and the low rate of pay mean that it is far more tempting for officers to succumb to bribes, or more egregiously, to organise their own extortion.

The second pertinent issue is that of corruption, which can flow from the police onto civilians, such as extorting the community/criminal groups they are working with, but also affects the police force through corruption within other state actors, such as the rest of the criminal justice system that the police are coupled with. Here, the relationship is far more corrosive, as historical widespread corruption in the judicial system not only undermines the rule of law in regards to impunity rates, sentencing, and the ability to incarcerate those who have been sentenced, but also these factors severely dampen the morale of the police, to the point of institutional apathy. Often, an officer encountering a crime has little to no impetus to intervene as the chances of prosecution and appropriate punishment are so low, and the prospect of reprisals in some areas of Colombia are so high. As Protected Source Thirty-Two described previously there is a concern that corruption has had a considerable negative affect on Colombia's criminal justice system to the point where the source described it as being, 'manipulated indiscriminately' by those with the wealth, power and influence to do so, both inside and outside of the government. This source sadly described that this is still a pronounced problem in contemporary Colombia and one not seen by many unless they have worked within the criminal justice system. The problem is that as policing has evolved, so have the criminal and insurgent groups that work against them. Corruption at this moment is

more covert in nature and therefore, regularly goes unnoticed only to be momentarily highlighted when there is a public scandal such as the aforementioned *TransMilenio* embezzlement. Protected Source Fifteen surmised that the core problem in Colombia is corruption across all areas of society, and that everything else is just a symptom of the disease: 'Corruption here is on a completely different level, more than a drugs problem, Colombia has a corruption problem. In my opinion, corruption here is not just regarding drugs, but at every level, with businesses etc'. This is something that this author strongly agrees with; corruption and inequality have gone hand in hand to create an environment for both the old traditional cartels and now the micro cartels to prosper. With this new covert style of corruption also comes the problem of quantifying it. If it cannot be perceived, how can it be measured?

This author argues that despite these challenges, overall the police have improved. There are fewer reported human rights abuses, greater international oversight and work with NGOs, and fewer corruption scandals, relating to obstruction of security and improved access to justice for all Colombian citizens. With that, one should take into account, that despite the considerable progress still to be made in Colombian policing, there are more officers working to do the right thing. This sentiment is emphasised again by Protected Source Thirty-Two: 'But you cannot leave out the hard-working people in the police who perform their duties with dedication, reflecting strong blows to criminal structures, captures, seizures and other positive operations as reflected in the dismantling of some criminal gangs'. (Protected Source Thirty-Two).

With the potential of the most prominent insurgent groups coming to an end in Colombia - the continuation of the FARC peace process and the ELN looking for a separate peace process - Colombian policing is facing an impasse with regards to its justification for remaining within the Ministry of Defence. The BACRIM, now reclassified as GAOs in order to justify military targeting, may pose the biggest new threat, however in this author's opinion these groups are criminal in nature. Therefore arguably they should be a policing objective rather than a military target. GAOs, this author believes are the to be the next largest threat to security in Colombia in post peace environment, they are not ideologically based, have access to military grade equipment and hard to police against. Whilst the FARC peace process is certainly important and will have a potential impact on criminality and

policing, peace with the FARC is a small step towards the larger process for peace in Colombia.

Multiple protected sources, each with abundant experience in policing, underscored the requirement to have a separate civilian police force as a separate entity within the Colombian governmental structure, citing confusion among civilians over a police force with a military structure, policing priorities being dictated by a military command infrastructure and the perception that they were not 'policing by consent' (Protected Source Twelve). Protected Source Two stated the requirement for 'more civilian and less paramilitary strategies' or policing will not continue to evolve. This change would in turn cascade downwards, a series of policy and process changes. This author will reiterate a few previously highlighted changes that could make a lot of difference. Firstly, having a unified force where all officers have the same training and policing powers would assist in setting a policing standard both for the police themselves, but also for the citizens. Both sides would then be cognisant of what is required of a police officer and how they should respond. This would reduce confusion in reporting, but also with managing crime as it happens without having to defer to a different specialist group. This element was stressed by this author's sources with experience in policing:

Unless they get around to changing their policing, by incorporating it one force, one arrest, so they can do each other's jobs, I think if they keep their diversity of their roles, I don't think you will see much change, I think they have to have a cultural change to how police actually do their job on the street... (Protected Source Seven).

Secondly, linked with this is the idea that a police officer is empowered through appropriate policy to make judgements, and intervene with events as they happen. This should considerably increase policing ability by virtue of the fact that officers will be able to react faster to a situation, without having to transfer the decision-making process to a higher ranking officer. In some circumstances this requires an officer to defer their decision all the way to a General, which can seriously impact a police officer's ability to prevent or reduce harm in a timely basis.

Coupled with the changes in policing, there needs to be a considerable change in the Criminal Justice System as a whole, with three key issues being those of; criminal case backlog, impunity rates, and the ability to provide appropriate and just sentencing. Firstly, the case

backlog, as referenced previously, has been an issue since the 1930s (Restrepo, 2001, p. 78). Despite all the legislation changes and the addition of new CJS institutions like the Fiscalía, this remains a profound problem. This author argues that the backlog affects both the will of prosecutors to take on new cases and, as publicly acknowledged, the will of the Colombian citizen to report criminality in the first place ‘...there are numerous crimes and atrocities that go unreported’. (Protected Source Thirteen). Both factors contribute to Colombia's low crime reporting rate. This area needs more research to define the causal factors of this consistent backlog to redesign the prosecution case process system accordingly, however, it is a primary area of concern as it is significantly reducing Colombians citizens’ access and right to justice. Impunity rates are also incredibly high and were a core reason among voters for the rejection of the FARC peace proposal in the referendum on the 2nd October 2016. According to protected sources the general consensus of opinion was that if FARC members who have committed war crimes can’t face justice, then peace amounts to impunity as with the AUC peace process as previously cited from Isa, (2008, p. 03). However, impunity is a constant issue in the CJS, not just in the high profile cases such as the AUC’s peace process, but also in general with day-to-day criminality. Unless this is addressed then regardless of the situation, the majority of criminal activity will go unpunished, leading to a skewed risk vs reward paradigm, that deviant members of society will consider ‘in their favour’. Also there are two key issues with regards to the police that were highlighted constantly to this author throughout his research: education and pay. Both of these will need to be addressed in order to provide an enhanced pool of more efficient policing officers. Finally, there is a considerable problem with those who have been reported and convicted by the CJS to actually serve their full sentence, with the guilty either having their sentencing considerably reduced through good behaviour - sometimes by as much as 90 per cent (Protected Source One) - or avoiding sentencing altogether. This again works as a force multiplier in making citizens less likely to report crimes, when it is unlikely that the guilty party will face appropriate and just punishment. In parallel, through its inefficiency, the CJS is not dissuading the criminal. This author believes this to be the primary reason that extradition to the United States is utilised so frequently in Colombia for serious and dangerous offenders, and also the reason for accused parties constantly fighting extradition through the decades. Offenders acknowledge the fact that they can abscond from or evade Colombian justice, but not the justice system of the United States. This again highlights a weakness of the Colombian CJS to provide fair and reasonable justice to its citizens. If these three fundamental issues are addressed, Colombia will have an efficient and capable criminal

justice system, which in partnership with a civilian policing ministry would not only provide the Colombian people with greater security and access to justice, but also have the potential to be an exemplary example of criminal justice on the international stage.

As of October 2017, this author has had the pleasure of over five years of working with the Fiscalía, the Colombian National Police, CTI and the Colombian Military Forces. All these agencies were found to be professional and welcoming of foreign support and advice. It has been a profound honour and privilege to work with them.

The Colombian police and greater judiciary have responded to decades of their country being subjected to crime, disruption and violence by continually adapting and combating threats without hesitation. Colombian policing has indeed significantly made significant advances, but there is some way to go. This author hopes that policing will be given the priority and investment it requires by the Colombian central government in order to continue to evolve into the public service that Colombian citizens so badly need and deserve.

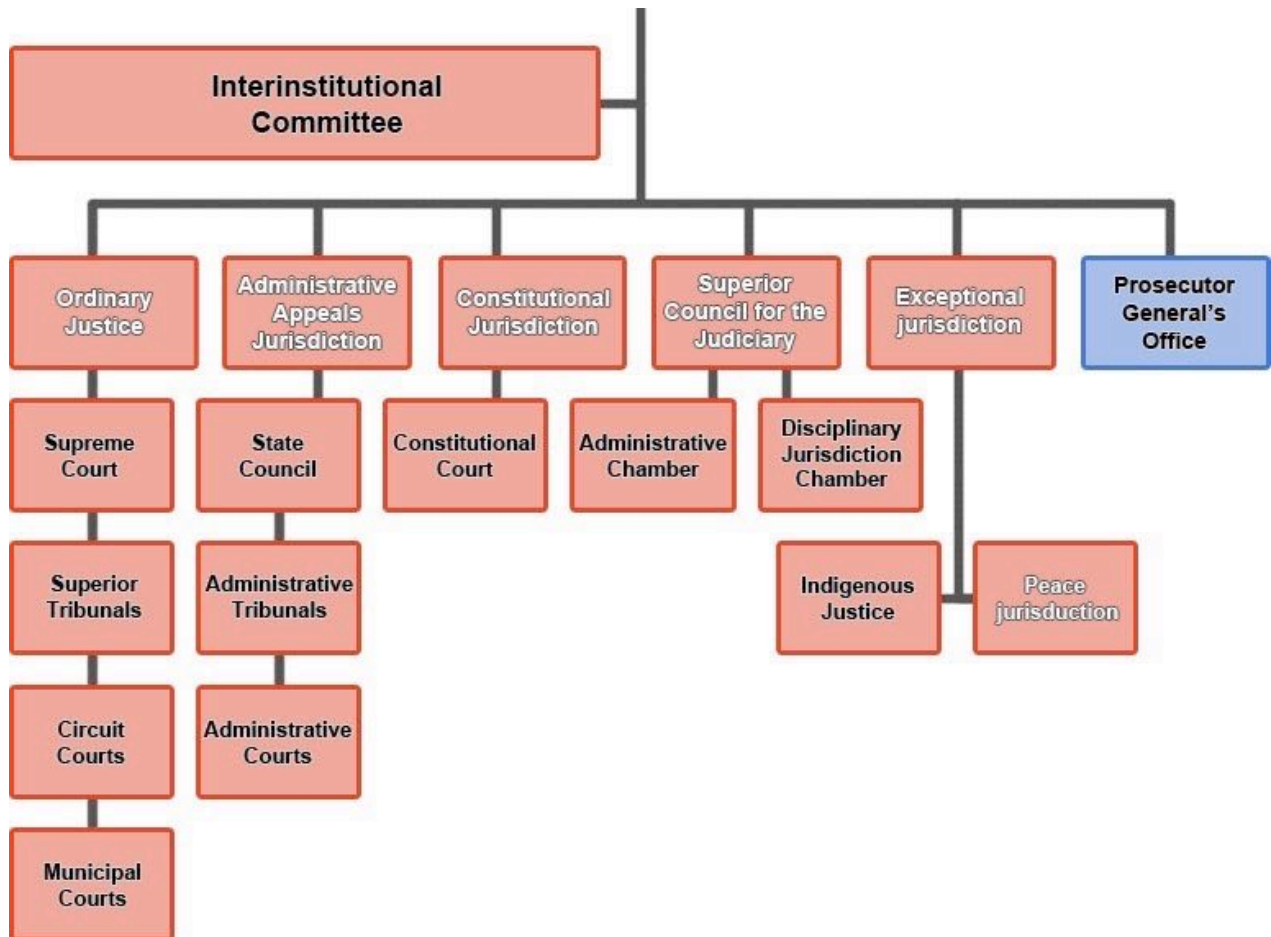
Everything it takes to defeat injustice lies in the mind. What matters most is how we think. And how we think is metamorphosing because - everywhere - there are signs of hope. (Dorling, 2015, p. 392-393)

Appendix

Appendix 1 Colombian Courts Organisational Charts

Original source: <http://todaycolombia.com/wp-content/uploads/2014/06/4.jpg>

[Last accessed July 4th 2018]



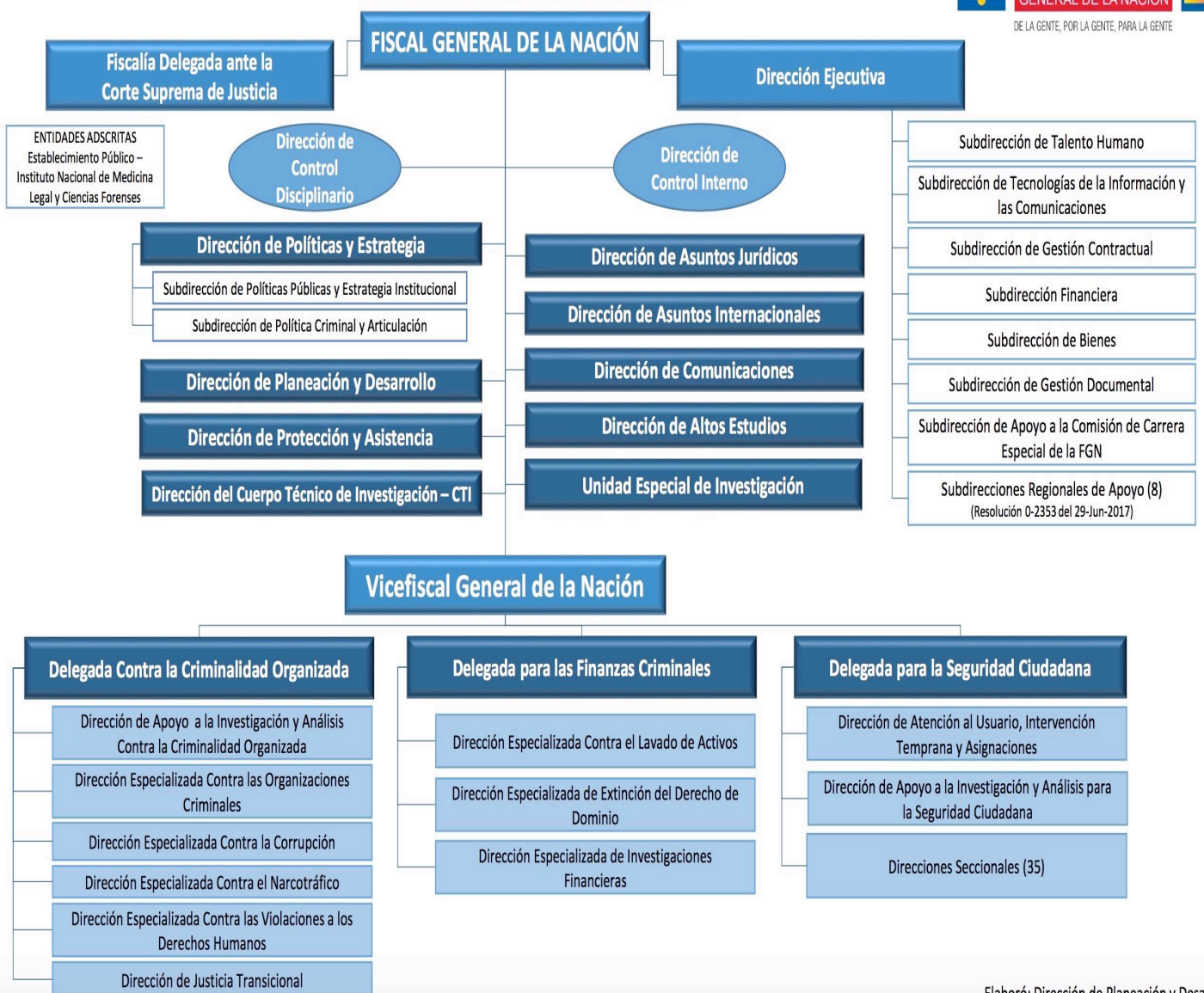
Appendix 2 Fiscalía Organisational Chart

Original source: <https://www.fiscalia.gov.co/colombia/wp-content/uploads/Organigrama-FGN-Decreto-Ley-898-de-2017-pdf.pdf>

[Last accessed July 4th 2018]

ESTRUCTURA ORGÁNICA DE LA FISCALÍA GENERAL DE LA NACIÓN

Decreto Ley 898 del 29 de mayo de 2017

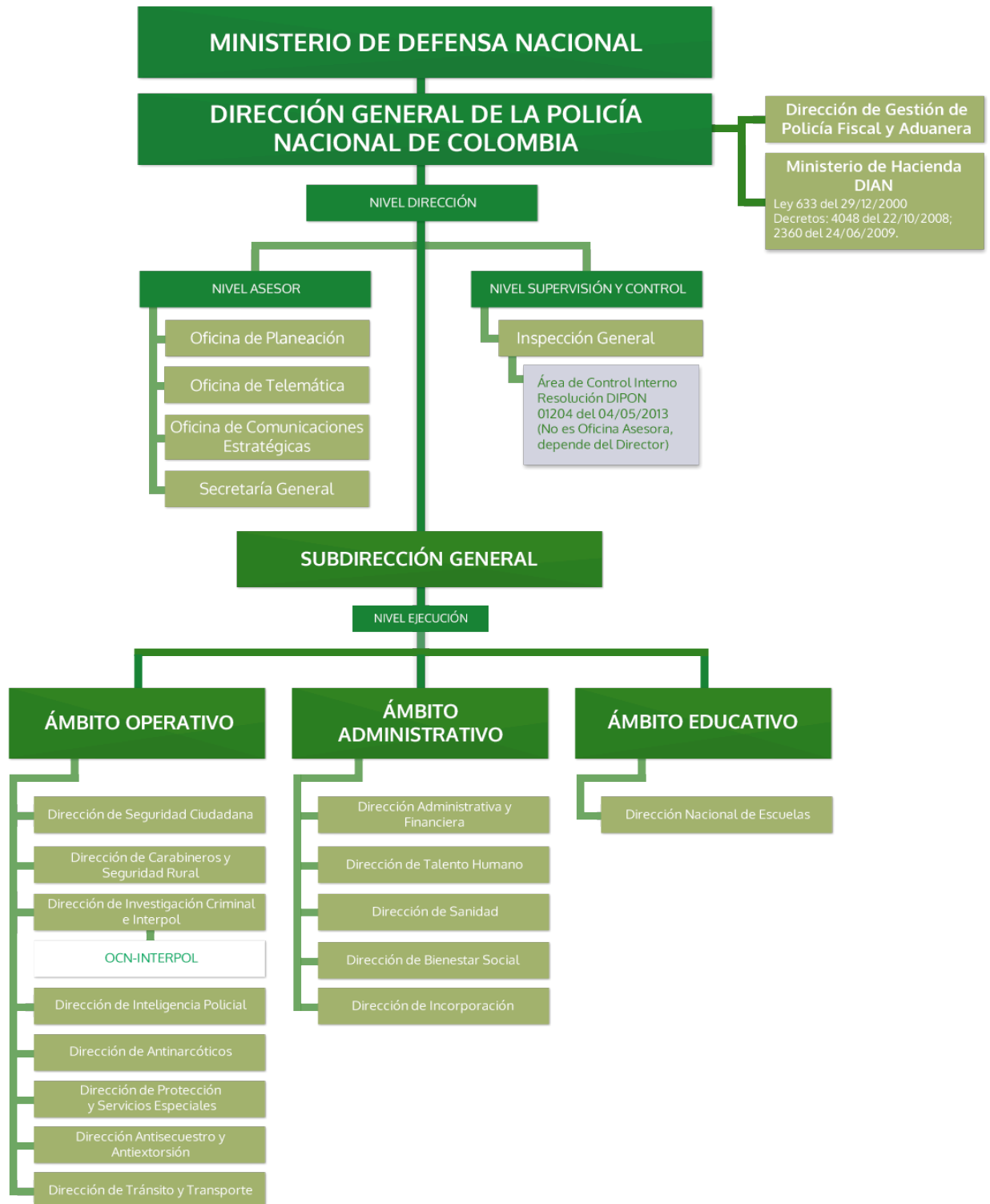


Elaboró: Dirección de Planeación y Desarrollo

Appendix 3 Colombian National Police Organisational Chart

Original source: <https://www.policia.gov.co/organigrama>

[Last accessed July 4th 2018]



Appendix 4 – Colombia’s 2017 Police Code

Here is a selection of 16 out of the 243 points within the new Colombian National Police code that came into affect on 30th January 2017:

1. Police officers must not be disrespected. The new code makes provision for the protection of the police in the street, in that they must not be subjected to abuse, verbal or otherwise. Any citizen who attacks, disrespects or challenges a police officer may be subject to a fine of \$225.

2. Police may enter your home without a warrant. The new laws stipulate that a police officer may enter your home without a warrant in the case of an emergency. The entrance to a house without judicial order is only allowed in cases of urgency or of imminent danger for the life of a person. Specifically, this includes cases of violence or physical abuse.

3. LGBT community to be protected from abuse. Colombia’s LGBT community will be protected from being targets of abuse from other citizens. Attacks for verbal abuse against a member of these communities will result in a fine of \$225.

4. Citizens who do not carry their ID will be heavily fined. The new code obligates citizens to carry their identity card with them at all times. Failure to do so will be considered to be interfering with a police order” and will obstruct the police procedure. Citizens not carrying their cedula will be subject to a fine of \$266, which is roughly \$11 more than a monthly minimum wage.

5. Keep the music down and your pets in order. The new code approves intervention in cases of noisy pets or loud music within urban areas. In cases of noisy parties, the code authorizes the deactivation of sound equipment or speakers that generate high noise levels and interrupt the tranquility of a neighborhood. The organizers of noisy block parties can be fined for \$112.

6. The Police may enter homes and educational centres. Authorisation is given to uniformed members of the National Police to register persons, property, and enter educational institutions when there is reason under the following six cases.

- 1) When there is no reliable identity of the person.
- 2) To establish whether the person carries weapons.
- 3) If there is a possibility that the person has stolen goods.
- 4) If the person has prohibited drugs or substances.
- 5) Whether to prevent any behaviour contrary to coexistence.
- 6) Whether to ensure the safety of attendees to an event.

7. Put a light on the bullies. The possibility of cutting the electricity were established for those who do not listen to the authorities in repeated occasions of large noise disturbance. The fine would be approximately \$ 184,000 and in case of persistent noise, the authority may temporarily deactivate the power source if the resident refuses to disable it.

8. Fines for those who burn gunpowder. Bans were approved such as the use of pepper spray, gunpowder; Fines for leading street fights; Circus acts in the streets.

9. To combat illegal mining. With this tool, the police and civilian authorities can, for example, more easily combat environmental pollution caused by illegal mining as is now being done against groups that illegally exploit resources, incinerating machinery and occupying these places. The Code contemplates fines of between \$ 92,000 and \$ 736,000 for those who throw pollutants into bodies of water or who capture rivers and streams without authorization.

10. Danger at the wheel. Drivers who do not respect traffic signals or perform dangerous or high risk maneuvers will also be fined with four minimum daily wages, that is, \$ 91,927 pesos.

11. Prevention of “flashers”: Exposing yourself in public carries a fine of Category Three: 393.440 pesos (US\$130).

12. Owning “wild pets” forbidden: The code for owning an animal from the wild as a pet, involves the maximum Category Four: 786.880 pesos (US\$270).

13. Keep Life Vests under the seat: Tampering or removing an aircraft life vest is considered a Category Four offense.

14. Leave alarms alone: Damaging the alarm or signaling systems of public transport is considered a type Four fine.

15. Cellphone caution: Buying, renting, or using a cell phone that has been reported as stolen is a Category Two fine.

16. Keep it clean: Dog owners must pick up after their pet or face the minimum Category One fine.

Original Source and the full police code:

<http://static.elspectador.com/archivos/2017/02/ddaded47db60946fd9e1e59cec13710d.pdf>

[Last accessed February 8th 2017]

References

Alison, L. & Crego, J., eds (2008), *Policing critical incidents: Leadership and critical incident management*, Routledge.

Americas Watch Committee (U.S.) (1989), *The Killings in Colombia*, Americas Watch report, Americas Watch Committee. URL:<https://books.google.co.uk/books?id=prumEHpO2koC>

Anderson, M. (2013), *The Leadershipbook*, 2 edn, Financial Times Publishing.

Arnson, C. J., Bermúdez, J., Echeverri, F. D., Henifin, D., Suárez, A. R. & Valencia, L. (2006), 'Colombia's Peace Processes: Multiple Negotiations, Multiple Actors', *Latin American Program Special Report* pp. 1–5.

Arnson, C. J., Pardo, S. R., Franco, C., Villegas, G., Hoyos, R. R. A., Wood, A. W. B., Beaulieu, M., García-Peña, D., Fruhling, M. & Vivanco, J. M. (2005), *The peace process in Colombia with the Autodefensas Unidas de Colombia-AUC*, Woodrow Wilson International Center for Scholars Washington.

Autesserre, S. (2010), 'Peacetime violence: post-conflict violence and peace-building strategies'.

Bagley, B. (2013), 'Drug trafficking and organized crime in Latin America and the Caribbean in the twenty first century: challenges to democracy', pp. 1–19. Prepared for ISSDP at Universidad de los Andes, Bogota.

Bailey, N. A. (1967), 'La violencia in Colombia', *Journal of Inter-American Studies* 9(4), 561–575.

BBC-News (2016), 'Colombia referendum: Voters reject FARC peace deal', <http://www.bbc.com/news/world-latin-america-37537252>. Last Accessed February 10th 2017.

Betancur, B. (1998), *Colombia: the politics of reforming the state*, Macmillan Press.

Bhairam, R. (2014), Leadership workshop at the London Metropolitan University.

Bogota Post (2016), 'New order: New police code', <http://thebogotapost.com/2016/07/23/new-order-new-police-code/>. Last Accessed February 10th 2017.

Bogota Post (2017), 'On trial: New police code', <http://thebogotapost.com/2017/06/01/trial-new-police-code/>. Last Accessed August 10th 2018.

Bowden, M. (2007), *Killing Pablo: The Hunt For The Worlds Greatest Outlaw*, Grove Atlantic, 2007.

British Transport Police (2017), 'The British Transport Police. Community Awareness Days', http://www.btp.police.uk/about_us/in_the_community/awareness_days_community.aspx. Last Accessed February 10th 2017.

Brodzinsky, S. (2016), 'Colombian Referendum: Voters Reject Peace Deal with FARC Guerrillas', *The Guardian*. <https://www.theguardian.com/world/2016/oct/02/colombia-referendum-rejects-peace-deal-with-farc>. Last Access June 4th 2017

Bulla, P. & Guarín, S. (2015), 'Rural security in colombia: An opportunity for state consolidation', *Stability: International Journal of Security and Development* 4 (1).

Cassman, J. F. (2003), *Building the Rule of Law: US Assistance Programs and Police/Military Relations in Latin America*, Technical report, Maxwell Air Force Base, Alabama. Air War College.

Castillo, A. G. (2009), 'The failure of US policies in Latin America: From the war on drugs to the war on terror (MA) war & conflict in the modern world', Department of Politics and History, Brunel University, London, UK .

Chayes, S. (2015), *Thieves of state: Why corruption threatens global security*, WW Norton & Company.

City Paper Bogota (2016), 'Colombia's Congress to vote into law new Police Code', <http://thecitypaperbogota.com/bogota/colombias-congress-to-vote-into-law-new-police-code/13232>. Last Accessed February 10th 2017.

CNP (2017), 'Police Code', <https://www.policia.gov.co/sites/default/files/ley-1801-codigo-nacional-policia-convivencia.pdf>. Last Accessed 2nd July 2018.

Colombia Reports (2015), 'Understanding the causes of Colombia's conflict: Inequality', <http://colombiareports.com/understanding-colombias-conflict-inequality/>. Last Accessed February 10th 2017.

Creswell, J. W. (2009), *Research design: Qualitative, quantitative, and mixed methods approaches*, Sage publications.

De Córdoba, J. (2016), 'Hurdles Remain for New Colombia Peace Deal With FARC Guerrillas', <https://www.wsj.com/articles/colombian-congress-approves-revamped-peace-deal-with-farc-guerrillas-1480615429>. Last Accessed 10th February 2017.

De la Torre, L. V. (2008), *Drug trafficking and police corruption a comparison of Colombia and Mexico*, PhD thesis, Monterey, California. Naval Postgraduate School.

Dorling, D. (2015), *Injustice: Why social inequality still persists (revised ed.)*.

Dudley, S. (2004), *Walking ghosts: murder and guerrilla politics in Colombia*, Routledge.

El Espectador (2017), 'Este es el Texto Completo del Nuevo Código de Policía (The Complete Text of the New Police Code)', <http://static.elespectador.com/archivos/2017/02/ddaded47db60946fd9e1e59cec13710d.pdf>. Last Accessed 10th of February 2017.

Felbab-Brown, V. (2013), *Despite Its Siren Song, High-Value Targeting Doesn't Fit All: Matching Interdiction Patterns to Specific Narcoterrorism and Organized-Crime Contexts*, in 'Counter Narco-Terrorism and Drug Interdiction Conference, Miami', The Brookings Institution Washington, DC, pp. 16–19.

Frechette, M. (2007), 'Colombia and the United States – The Partnership: But What is the Endgame?', <http://www.StrategicStudiesInstitute.army.mil/>. Last Accessed February 10th 2017.

García-Godos, J. & Lid, K. A. O. (2010), 'Transitional justice and victims' rights before the end of a conflict: the unusual case of Colombia', *Journal of Latin American Studies* 42(3), 487–516.

Gobinet, P. (2008), 'The gendarmerie alternative: Is there a case for the existence of police organisations with military status in the twenty-first century european security apparatus?', *International Journal of Police Science & Management* 10(4), 448–463. URL: <https://doi.org/10.1350/ijps.2008.10.4.098>

Goldsmith, A. (2003), 'Fear, fumbling and frustration: Reflections on doing Criminological fieldwork in Colombia', *Criminal Justice* 3(1), 103–125.

Goldsmith, A. J. & Lewis, C. (2000), *Civilian oversight of policing: Governance, democracy, and human rights*, Hart Publishing.

Goldsmith, A. & Sheptycki, J. (2007), *Crafting Transnational Policing: Police Capacity-Building and Global Policing Reform*, Oñati International Series in Law and Society, Bloomsbury Publishing. URL: <https://books.google.co.uk/books?id=te3bBAAAQBAJ>

Gomez-Suarez, A. & Newman, J. (2013), 'Safeguarding Political Guarantees in the Colombian Peace Process: have Santos and FARC learnt the lessons from the past? *Third World Quarterly* 34(5), 819–837.

Harfield, C., MacVean, A. & Grieve, J., eds (2008), *The Handbook of Intelligent Policing: Consilience, Crime Control, and Community Safety*, Oxford University Press.

URL:<https://books.google.co.uk/books?id=tayRNAACA AJ> Last Accessed 10th of February 2017.

Hassan, A., Veeran, V., O. El-Kikhia, M. & Kaplan, C. (2013), *POST- Conflict Reintegration, Stabilization, and Psychosocial Support of Freedom Fighters and Their Families in Libya: A Survey of the Affected Population and Nongovernmental Organizations*.

Hilton, I. (2016), 'Why Colombians voted against peace with the FARC', <https://www.theguardian.com/commentisfree/2016/oct/03/why-colombians-voted-against-peace-farc-president-santos-better-deal>. Last Accessed February 10th 2017.

Holmberg, J. (2009), 'Narcoterrorism. Terrorism, transnational crime and corruption center'. George Mason University. PUBP 710.

InSight Crime (2015), 'AUC Profile', <http://www.insightcrime.org/colombia-organized-crime-news/auc-profile>. Last Accessed February 10th 2017.

InSight Crime (2016a), 'Challenging the Cocaine Figures, Part II: Colombia', <https://www.insightcrime.org/news/analysis/challenging-the-cocaine-figures-part-3-colombia/>. Last Accessed August 10th 2018.

Insight Crime (2016b), 'FARC Profile', <http://www.insightcrime.org/colombia-organized-crime-news/farc-profile>. Last Accessed February 10th 2017.

Insight Crime (2016c), 'Government Reclassifies BACRIM', <http://www.insightcrime.org/news-briefs/colombia-government-reclassifies-bacrim-airstrikes>. Last Accessed February 10th 2017.

Isa, F. G. (2008), *Paramilitary demobilisation in Colombia: between peace and justice*, FRIDE.

James, A. (2014), 'Leadership workshop at the London Metropolitan University', John Grieve Centre for Crime Workshop.

Jarecki, E., Shopsin, M. et al. (2012), 'The house I live in', https://www.amazon.co.uk/dp/B019ECCKUW?ref_=imdbref_tt_wbr_aiv&tag=imdbtag_tt_wbr_aiv-21. U.S. Documentary.

Kelling, G. L. (2013), Handbook of Crime Prevention Community Safety, Taylor & Francis. URL: <https://books.google.co.uk/books?id=2SFZM1DyYeEC>

Kenney, M. (2003), 'From Pablo to Osama: Counter-terrorism lessons from the war on drugs', *Survival* 45(3), 187–206.

Kenney, M. (2007), *From Pablo to Osama: Trafficking and terrorist networks, government bureaucracies, and competitive adaptation*, Penn State Press.

Kirk, R. (2009), *More Terrible Than Death: Drugs, Violence, and America's War in Colombia*, Public Affairs.

Langseth, P. (1999), *Prevention: An effective tool to reduce corruption*, United Nations Office for Drug Control and Crime Prevention, Centre for International Crime Prevention.

Leech, G. (2002), 'The Hypocrisy of Colombia's Peace Process', <https://garryleech.com/2002/03/04/the-hypocrisy-of-colombias-peace-process/>. Last Accessed February 10th 2017.

Leech, G. (2011), *The FARC: The longest insurgency*, Zed Books Ltd. Levitin, D. (2016), *A Field Guide to Lies and Statistics: A Neuroscientist on how to Make Sense of a Complex World*, Penguin UK.

Levitt, S. & Dubner, S. (2006), *Freakonomics: A Rogue Economist Explores the Hidden Side of Everything*, Penguin Books Limited. URL: <https://books.google.co.uk/books?id=kxsQhM4D8uIC>

Marcella, G. (2009), *Democratic governance and the rule of law: Lessons from Colombia*, Vol. 17, Strategic Studies Institute.

- Martin, S. E. (1999), 'Police force or police service? Gender and emotional labor', *The annals of the American academy of political and social science* 561(1), 111–126.
- Martínez, M., Sánchez, F. & Kosiewicz, H. (2007), 'Is justice blind? An examination of disparities in homicide sentencing in Colombia, 1980-2000'.
- McClintock, C. (1988), 'The War on Drugs: The Peruvian Case', *Journal of Interamerican Studies and World Affairs*, Special Issue: Assessing the Americas' War on Drugs (Summer - Autumn, 1988) Vol. 30(No. 2/3), pp. 127–142. URL: <http://www.jstor.org/stable/165983> Last Accessed 10th of February 2017.
- McCrum, R. (2001), 'Drugs, Cash and a bullet-riddled Buick', <http://www.theguardian.com/books/2001/jun/17/biography.features>. Last Accessed February 10th 2017.
- Moncada, E. (2009), 'Toward democratic policing in Colombia? Institutional accountability through lateral reform', *Comparative Politics* 41(4), 431–449.
- Morris, R. M. (2001), 'Lies, damned lies and criminal statistics: Reinterpreting the criminal statistics in England and Wales', *Crime, histoire & societies/Crime, history & societies* 5(1), 111–127.
- Nafziger, E. & Auvinen, J. (2003), *Economic Development, Inequality and War: Humanitarian Emergencies in Developing Countries*, Springer.
- Nagle, L. E. (2002), *Plan Colombia: reality of the Colombian crisis and implications for hemispheric security*, Technical report, Army War College Strategic Studies Carlisle Barracks PA.
- Nussio, E. (2011), 'Learning from shortcomings: The demobilisation of paramilitaries in Colombia', *Journal of Peacebuilding & Development* 6(2), 88–92.
- Oxfam (2012), 'Oxfam Country Profile', <http://www.oxfam.org.uk/what-we-do/countries-we-work-in/colombia>. Last Accessed February 10th 2017.

Peceny, M. & Durnan, M. (2006), 'The FARC's best friend: US antidrug policies and the deepening of Colombia's civil war in the 1990s', *Latin American politics and society* 48(2), 95–116.

Posso, C. (2004), 'Alternatives to war: Colombias peace processes', <http://www.c-r.org/accord-article/negotiations-farc-1982-2002>. Last Accessed February 10th 2017.

Punch, K. F. (2013), *Introduction to social research: Quantitative and qualitative approaches*, sage.

Punch, M. (2009), *Police corruption: Deviance, accountability and reform in policing*, Routledge.

Ramirez, A. (2007), 'An Introduction to Colombian Governmental Institutions and Primary Legal Sources', <http://www.nyulawglobal.org/globalex/Colombia.html>. Last Accessed February 10th 2017.

Restrepo, E. (2001), *Colombian Criminal Justice in Crisis: Fear and Distrust*, St Antony's Series, Palgrave Macmillan UK. URL: <https://books.google.co.uk/books?id=8hqFDAAAQBAJ>

Restrepo, J. & Spagat, M. (2004), 'Civilian casualties in the Colombian conflict: a new approach to human security', preprint.

Reuters (2017), 'About 300 Rebels from Colombia's FARC have not demobilised, general says', <http://www.reuters.com/article/us-colombia-peace-idUSKBN15K0IV>. Last Accessed February 10th 2017.

Ruiz Vásquez, J. C. (2009), *Colombian police policy: police and urban policing, 1991-2006*, PhD thesis, University of Oxford.

Ruiz Vásquez, J. C. (2012), 'Community police in Colombia: an idle process', *Policing and Society* 22(1), 43–56.

Ruiz Vásquez, J. C. (2013), 'Colombian police under fire: image, corruption and controls', *Policing: An International Journal of Police Strategies & Management* 36(2), 399–420.

Ruiz Vásquez, J. C. (2015), 'Crime and Punishment in Colombia', *The Encyclopedia of Crime and Punishment* .

Savage, R. (1995), 'The war on drugs: prohibition isn't working-some legalisation will help', *British Medical Journal* 311(7021), 1655–1657.

Sawyer, M.-c. et al. (2005), *The Essential Art of War*, Basic Books (AZ).

Semana (2014), 'Falsos Positivos', <http://www.semana.com/nacion/articulo/falsos-positivos-aumentaron-154-en-gobierno-de-uribe/376423-3>. Last Accessed February 10th 2017.

Smith, P. (2012), 'FARC Book review', [http://stopthedrugwar.org/chronicle/2012/aug/22/book _ review _ farc](http://stopthedrugwar.org/chronicle/2012/aug/22/book_review_farc). Last Accessed February 10th 2017.

Stanford University (2015), 'Revolutionary Armed Forces of Colombia-People's Army', <http://web.stanford.edu/group/mappingmilitants/cgi-bin/groups/view/89>. Last Accessed February 10th 2017.

Stiglitz, J. E. (2013), *The Price of Inequality*, Penguin books.

Teddlie, C. & Tashakkori, A. (2009), *Foundations of Mixed Methods Research: Integrating Quantitative and Qualitative Approaches in the Social and Behavioral Sciences*, SAGE Publications. URL: <https://books.google.co.uk/books?id=c3uojOS7pK0C>

Telesurtv (2016), 'Proposed Rules for Colombian Police Critiqued as Repressive', <http://www.telesurtv.net/english/news/Proposed-Rules-for-Colombian-Police-Criticized-as-Repressive-20160507-0017.html>. Last Accessed February 10th 2017.

Thames Vally Police (2017), 'Community Awards', <http://thamesvalley.police.uk/newsevents/newsevents-events/newsevents-events-cpa.htm>. Last Accessed February 10th 2017.

The Economist (2011), 'Corruption in Colombia. From the digital edition', <http://www.economist.com/blogs/americasview/2011/07/corruption-colombia>. Last Accessed February 10th 2017.

The Economist (2015a), 'Breaking out is hard to do', <https://www.economist.com/the-americas/2015/07/16/breaking-out-is-hard-to-do>.

The Economist (2015b), 'How to handle a drug gang The pros and cons of outsourcing justice to the United States', <https://www.economist.com/the-americas/2015/11/21/how-to-handle-a-drug-gang>. BOGOTÁ AND MEXICO CITY.

The Economist (2016a), 'Peace, at last, in Colombia', <http://www.economist.com/news/americas/21701178-government-declares-end-its-war-against-farc-peace-last-colombia?zid=305&ah=417bd5664dc76da5d98af...> Last Accessed February 10th 2017.

The Economist (2016b), 'The No Vote on Peace', <http://www.economist.com/news/americas/21708156-no-one-wants-return-war-voters-have-blocked-path-peace-saving-colombias-peace>. Last Accessed February 10th 2017.

Thorsell, S. (2013), 'Towards People-Centered Economic Reintegration, An Analysis of the Economic Reintegration Strategy of Demobilized Combatants in Colombia', *Colombia Internacional* (77).

Torres, A. (2007), 'From Inquisitorial to Accusatory: Colombia and Guatemala's Legal Transition', *Law and Justice in the Americas Working Paper Series* p. 4.

UN New Centre (2008), 'Level playing field key to tackling inequality in Latin America, says World Bank', <http://www.un.org/apps/news/story.asp?NewsID=28410#.U9rivoBdV5k>. Last Accessed February 10th 2017.

UNODC (2010), 'WDR 1.3', https://www.unodc.org/documents/wdr/WDR_2010/1.3_The_global_cocaine_market.pdf. Last Accessed February 10th 2017.

UNODC (2013), 'Stressed the Health Dimension of Drug Use', <https://www.unodc.org/unodc/en/frontpage/2013/November/unodc-stresses-the-health-dimension-of-drug-use-as-uruguay-parliament-passes-legislation-to-legalize-cannabis.html>. Last Accessed February 10th 2017.

UNODC (2016), 'Coca Crops in Colombia', <https://www.unodc.org/unodc/en/frontpage/2016/July/coca-crop-in-colombia-increases-almost-40-per-cent-over-one-year-new-unodc-report.html>. Last Accessed February 10th 2017.

USAID (2010), 'Country Profile Property Rights and Resource Governance', http://www.globalprotectioncluster.org/_assets/files/aors/housing_land_property/Colombia%20HLP/Country_Profile_Land_Tenure_Colombia_2010_EN.pdf. Last Accessed February 10th 2017.

Villaveces, A., Cummings, P., Espitia, V. E., Koepsell, T. D., McKnight, B. & Kellermann, A. L. (2000), 'Effect of a ban on carrying firearms on homicide rates in 2 Colombian cities', *Jama* 283(9), 1205–1209.

Wainwright, T. (2016), *Narconomics: How to Run a Drug Cartel*, Ebury Publishing. URL: <https://books.google.co.uk/books?id=nfvbsegEACAAJ>

Wilkinson, R. & Pickett, K. (2010), *The spirit level: Why equality is better for everyone*, Penguin UK.

Wipo (2014), 'Colombia law no. 1712 by which the law on transparency and the right to access to the public national information is created and other provisions', <http://www.wipo.int/wipolex/en/details.jsp?id=14787>. Last Accessed 12 August 2018.

WOLA (2012), 'UN and U.S. Estimates for Cocaine Production Contradict Each Other', <https://www.wola.org/analysis/un-and-us-estimates-for-cocaine-production-contradict-each-other/>. Last Accessed February 10th 2017.