

Paramilitarism and Multinational Corporations in the Colombian Armed Conflict

The nexus between the AUC and Chiquita between 1997 and 2004
in the Urabá region



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Introduction

Headlines in the news of multinational corporations (MNCs) engaging in human rights violations are not new. However, this familiarity does not render the situation less problematic. All the more so if the MNCs operate in conflict-affected zones. In that case, businesses either have the potential to contribute to peacebuilding efforts or they risk exacerbating the conflict by becoming an actor of that same conflict. This may happen directly or indirectly, by financing a warring actor, or when the company's revenue payments to the government worsen pre-existing tensions (International Alert, 2005).

It is paramount that we analyze the role of the private sector in conflict areas, because of their ever growing power in global governance issues. Colombia is a prominent case where MNCs have been accused of aggravating the conflict through repression and human rights abuses. Furthermore, it is a country where the delicacy of doing business converges with the corporate support to a warring actor that is not so well-studied within academia: paramilitaries (Romero, 2002). These right-wing armed groups have influenced the protracted internal armed conflict profoundly, which defies the idea that the Colombian conflict is a binary struggle between state and guerrillas. Therefore, the goal of this thesis is to advance the understanding of MNC's complicity in funding privately armed groups, because it is a topic that remains under-researched.

The research question that this thesis aims to answer is 'How do multinational corporations contribute to the existence of private justice groups, such as paramilitaries?' The term 'para-economies' captures the idea of businesses affiliating themselves with these right-wing armed groups (Colombia Reports, 2016). The Colombian para-economy was most pervasive between 1997 and 2006, and coincides with the existence of the largest and most organized paramilitary network, the *Autodefensas Unidas de Colombia* (AUC, United Self-Defense Forces of Colombia). The most complex case of corporate support to the AUC is that of Chiquita Brands International, the US fruit giant that was the first US corporation convicted of violating US law.

The thesis is structured as follows: the first chapter provides a theoretical framework on paramilitarism and MNCs, as well as a review of the nexus between these two phenomena. The second chapter analyzes the trajectory of paramilitary groups in Colombia and zooms in on the rise of the AUC. To support the idea that Chiquita forms part of a broader pattern of multinational companies' complicity in violence, I added a table of all MNCs in Colombia that have either been accused or allegedly accused of exacerbating war. Chapter three concentrates on one of the most complex cases of corporate support to a belligerent actor in the Colombian armed conflict: that of Chiquita Brands International's ties with the AUC.

Chapter 1 - Theorizing the nexus between paramilitaries and multinational corporations (MNCs)

Paramilitary organizations are a common feature in the history of many countries worldwide (Kruijt & Koonings, 2004).¹ For that reason, the first section of this chapter constitutes a theoretical discussion on paramilitarism, a phenomenon that operates within a broader concept, namely the privatization of violence. For us to understand the ties that exist between paramilitaries and MNCs, the section thereafter analyses the role of these corporate actors in areas plagued by conflict. Section three then serves as the analytical background broadening our understanding of the private sector's connections with paramilitaries, a phenomenon that has been referred to as 'para-economics' (Corporación Nuevo Arco Iris, 2011; Colombia Reports, 2016).

1.1 Paramilitarism and the role of non-state actors in conflict

Within IR scholarship, the notion that the control, the sanctioning and the deployment of violence is only to be attributed to states, is outdated (Avant, 2004). This is not in the least due to a changing perception that nation states are no longer the only actors that matter in global affairs (Keohane & Nye 1971). In recent decades we have witnessed an expansion of non-public, private actors allocating violence in conflicts all over the world, challenging the idea that what characterizes a state, is its monopoly over the use of force and/or violence.²

One of the scholars most commonly associated with the broadening of actors and practices in conflicts is Mary Kaldor (2012). One aspect of her 'New War Theory' argues that modern day conflicts are new in the sense that they are not fought merely between state forces, but by a combination of state actors and a variety of violent non-state actors (VNSAs).³ Paramilitaries may constitute one such force (Kaldor, 2013).⁴

Concurrently with an extended range of actors in current day conflicts, we witness a process that is called the privatization of security. This essentially refers to the outsourcing of violence and security to private actors and is one typical feature of New Wars (Avant, 2004; Singer, 2005). The

¹ The Real IRA in Ireland, the militias in Bosnia, the *rondas campesinas* in Peru and the death squads in El Salvador are noteworthy examples.

² The US' invasion of Iraq in 2003 and Israel's national security strategy are cases in point, where private actors like military security companies (MSC) have proliferated (Cameron & Chetail, 2013; Perret, 2009; Tegenlicht, 2017).

³ Driving force behind these new wars is globalization and identity politics, and not just geopolitics or ideology. Especially in Latin America this new type of violence is driven by certain armed groups seeking to maximize economic revenue. See Defort (2013).

⁴ Kaldor (2006, p. 97-98) defines paramilitary groups as 'autonomous groups of armed men generally centered around an individual leader'.

privatization of violence and the role of VNSAs are hotly debated topics, since, by defying a state's ultimate control over the use of force, it challenges traditional conceptions of statehood and (Westphalian) sovereignty (Avant, 2004; Williams, 2005; Abrahamsen & Williams, 2010; Wulf, 2011). A variety of non-state actors are involved in this privatization of violence and security - perhaps even privatization of war- ranging from militias, private military security companies (PMSC) to other (illegal) VNSAs like mercenaries and paramilitaries (Singer, 2003; Avant, 2005, Bryden & Caparini, 2006; Schneckener, 2006). The latter will be the subject below.

How does the concept of paramilitaries fit within the framework of the privatization of security? For this purpose we need to conceptualize and define paramilitary forces, which due to its broad applications in differing contexts is a tricky concept. Starting point is that paramilitarism exists in multiple forms. Paramilitaries or better said, any force engaging in paramilitarism, are a form of irregular non-public non-state actors that allocate violence.⁵ They can either be legal or illegal. The prefix 'para', meaning 'at the margin of', 'together with' or 'similar to' hints that their characteristics are similar to those of an actual military. They operate outside of the state's official security apparatus, hence crossing the line from public to private sphere. Kalyvas and Arjona (2005, as cited in Rangel, p. 29) have come with a minimal working definition, namely "armed groups that are directly or indirectly with the state, formed by the state or tolerated by it, but who find themselves outside of their formal structure".⁶ Indeed, one of the recurring features of paramilitaries worldwide is their pro-state position (Hristov, 2013, p. 101). As non-state actors allocating violence and coercion, they find their place within the privatization of security and coercion (Cubides, 2001; Mandel 2002).⁷

Paramilitary armies, which are just one manifestation of paramilitarism, are the center point of this thesis. The AUC is a classic example of this subtype. Categorizations of forces engaging in paramilitarism vary depending on the following dimensions: size & territorial control (Rangel, 2005), funding, relationship to the state, autonomy with regards to police and armed forces, involvement in legal and illegal economic activities, and their economic and political goals (Tate, 2001; Koonings & Kruijt, 2004). This allows for a distinction between paramilitary armies on the one hand and vigilantes, death squads, warlords and militias on the other. However, other private non-state actors like mercenaries and private military security companies (PMSC) do not classify as paramilitary forces. To clarify this quagmire of VNSAs, Schneckener (2006) came up with an insightful typology, as illustrated in the table on the next page. Please bear in mind that reality is not as clear-cut as this categorization allows for.

⁵ See Romero (2002), Grajales (2011) and Lund (2011).

⁶ own translation

⁷ In Latin America in specific, the broadening of violent non-state actors and the erosion of the state's formal monopoly of violence has had, according to some scholars, partial state-failure as a consequence. For more information on the relationship between a state's monopoly of violence and state collapse, see Zartman (1995), Giddens (1985) and Kruijt & Koonings (2004).

Table 1
Typology of armed non-state actors

	Change vs. status quo	Territorial vs. non-territorial	Physical vs. psychological use of violence	Political vs. economic motivation
Rebels, Guerrillas	Change	Territorial	Physical	Political
Militias, Paramilitaries	Status quo	Territorial Non-territorial	Physical Psychological	Political
Clan chiefs, Big men	Status quo	Territorial	Physical	Political
Warlords	Status quo	Territorial	Physical Psychological	Economic
Terrorists	Change	Non-territorial	Psychological	Political
Criminals, Mafia, Gangs	Status quo	Non-territorial	Psychological	Economic
Mercenaries, PMCs/PSCs	Indifferent	Ter-ritorial	Physical	Economic
Marauders, 'sobels'	Indifferent	Non-territorial	Psychological	Economic

Note. Reprinted from “Fragile Statehood, Armed Non-State Actors and Security”, by Schneckener, U, 2006, in Bryden, A. & Caparini, M., *Private Actors and Security Governance* (pp. 23-41). Geneva, Democratic Control of Armed Forces.

In summary, paramilitary armies are big in size, supralocal in territorial control and their structure and strategy resembles those of the regular armed forces. In fact, in many cases, states have adopted paramilitary units as part of their own strategy, as an extra-legal instrument. This co-optation comes with several benefits for the state due to the para’s limited accountability and restricted transparency (Ron, 2000; Hristov, 2014).⁸

1.2 The role of MNCs in conflict zones

Based on a growing recognition that besides states, corporations also pursue power, the influence of the private sector on international affairs is unprecedented (Levy & Prakash, 2003; Brown & Ainley, 2009). This has instilled anxiety in states that fear a potential loss of sovereignty and/or authority. Not surprisingly, serious concerns have been raised regarding the part of the corporate sector in global governance issues in general (Levy & Prakash, 2003; Levy & Kaplan, 2008; Brown & Ainley, 2009). In a globalized and interconnected world economy, International Political Economy (IPE) has become a major sub-field of International Relations, in which the study of the influence of capital markets on global affairs, and the role of MNCs are key features.

⁸ With regards to the power of paramilitary groups in Colombia, Palacio (1991) argues that in fact we can speak of a ‘para-state’ since from a certain period onwards, the power of the paras over the state had outgrown the state’s control over them.

A MNC is a global enterprise whose operations, facilities and other assets are in at least one other country than its home country.⁹ Every now and then they reach the news for cases that range from violating fundamental human rights, jeopardizing the economy to harming the environment in the countries in which they operate. These concerns, combined with worries about loss of sovereignty and global governance issues, explains the determination of policy researchers to assess how MNCs can be held legally accountable for their actions (Martin Ortega, 2008; Brown & Ainley, 2009). This is all set within a context that recognizes that corporations have an extended responsibility to society and that qualifies Friedman's (1970) neoliberal credo of 'the business of business is business' as anachronistic.

Especially if a MNC decides to invest and expand their operations to countries that are torn by conflict, the role of the private sector becomes controversial. What is their influence on the intensification of a civil war or ethnic conflict? Earlier research on the impact of MNCs on conflict prevention is inconsistent. The ideological divide falls between those who see them as 'engines of growth' and 'agents of a peace strategy' on the one hand, and those who take a more pessimistic stance.¹⁰ Especially the intensification of globalization processes and the wave of economic liberalization that characterize the 1980s and 1990s, resulted in a sharp increase in the operation of MNCs in developing countries, and in conflict zones in particular. This rapid expansion of MNCs has transformed them into principal actors for the economic development of the countries in which they operate (Jamali & Ramez, 2009; Romero & Torres, 2011). This comes with a great societal responsibility. Many actors, ranging from human rights groups, consumers and even corporate executives have discussed the responsibility of MNCs in establishing peace and avoiding conflict (Bennett, 2002; Feil, 2002; Haufler, 2008).

Whether we conceive the power of non-state actors as problematic or not depends on which IR theory we apply. From a (neo)liberal perspective, it is not. The growing interconnectedness between the private and public sector is a sign of a healthy political economy in which a private power's freedom is supreme. This finds its origin in economic liberalism, that implies that free market solutions to economic matters improve a society's prosperity (Brown & Ainley, 2009). However, from a more critical line of reasoning, the gifting of authority to non-state actors and especially corporate actors is dangerous since the corporation's interests intersect directly with the local population's concerns (Bennett, 2002). In either paradigm, the role of corporate social responsibility or 'responsible business' is fiercely debated.

⁹ According to the Encyclopaedia Britannica: <https://www.britannica.com/topic/multinational-corporation>. Website consulted November 3rd 2016. To illustrate the magnitude of these 'stateless' MNCs, in 2007, the stock market value of each of the ten biggest corporations worldwide, was larger than the gross domestic product (GDP) of 156 of the 192 total UN member states (Brown & Ainley, 2009).

¹⁰ It is beyond the scope of this thesis to get into the details of the state of the art/research on the impact of MNCs on conflict. Please consult Haufler (2008), Wenger & Möckli (2003) and Banfield, Haufler & Lilly (2003).

Marxist- inspired theories of capitalism and globalization have criticized the power of the private sector in the global political economy (Ahiakpor, 2010). Their critique holds that capitalist globalization causes a certain type of class articulation that favors transnational elites at the expense of the poor (Glaser & Walker, 2007; Moran, 1978). Within a *dependista* 'structuralist' framework for example, it is thinkable that MNCs are seen as the apotheosis of a certain imperialism because they make the rich richer and the poor poorer, resulting in an exploitative dynamics of dependency (Gunder Frank, 1967; Cardoso, 1969).¹¹

Antonio Gramsci, an early scholar who has given rise to the subsequent '(Neo)Gramscian School of International Relations' analyzed extensively the hegemonic system of a capitalist transnational class. He holds that a certain global hegemonic order (a historic 'bloc') is established through a variety of social forces with one power leading that bloc. This happens not just by explicit coercion, but by implicit consent of the subordinates as well. Neogramscianism sees the emergence of MNCs and transnational elites as one of those 'blocs' whose powers have exceeded the powers of sovereign states (reference). Through the application of certain ideological and political tools, consent is formed (Cox, 1981). In other words, a certain world order is defined and maintained by an elite.

1.3 Theorizing the nexus between paramilitary groups and multinationals: the paramilitary - MNC relation

Not many scholars have focused on the nexus between paramilitaries and global capital. Those that do, predominantly adopt a Marxist political economy perspective to analyse the role of violence in the process of capital accumulation (Hristov, 2009, 2013; Richani, 2007; Forero, 2012). Building further on the idea that paramilitarism forms part of a para-institutional state, these same authors argue that paramilitarism must be understood in relation to the development of capitalism and neoliberalism. Paramilitary groups are to be conceived as not just a political and military phenomenon, but also as an economic one, that is structural and in a two-way relationship with the state. For Hristov paramilitarism represents 'a particular kind of violence that rests on the fusion of economic and political power, is organized by capitalist classes and further advanced through the support of state institutions' (2013).

¹¹ For a critique of structuralist dependency theory, see for example Marxist scholar Laclau (1971) whose main argument holds that capitalism is so broadly defined in Frank's text that it cannot defy any contradictions. Furthermore, *dependencia* assumes binary and static oppositions between core and periphery. In doing so, it denies the role of agency of the 'underdeveloped' countries. See Kapoor (2002).

Also as Richani (2007) has argued, paramilitary groups engage in a certain type of economic development that benefits the class interest of the bourgeoisie elites.¹² They have stimulated a process of rentier economic expansion based on expropriation of large land properties. Mining companies, looking for investment opportunities, have without doubt benefitted from this appropriation of large land estates (p. 224). Evidence of MNCs in the area of extractive industries, paying paramilitary groups to clear people from their lands, has led Richani (2013) to argue that this is a project of 'subjugating the entire region and make it succumb to the modernizing project of local and international capital in an effort to consolidate the developing rentier economy' (p. 11). Indeed, as we will witness in the coming chapters, with regards to the case study of Colombia, the AUC had aligning interests with the national government regarding issues of political economy, such as privatization and multinational investment (Rochlin, 2007). This is linked to what Marxist scholar and geographer Harvey has termed 'accumulation by dispossession' that describes the violent processes of capital accumulation by paramilitary groups (2004). Also Rojas (2009) argues this from a slightly different perspective: her concept of 'securitization by dispossession' refers to how, through paramilitary violence with the goal to 'restore social order', many inhabitants have been forcibly displaced from their lands (in Ruckert & MacDonald, p. 231).¹³

However, we have to keep in mind that some corporations are simply extorted. To make the case more complex, several corporations have been accused of funding other armed groups as well. In this sense, the above mentioned scholars assume primarily ideological motivations. Perhaps they underestimate the role of pragmatism in a corporation's decision to ensure a safe environment for their operations. Therefore, to speak of a deliberate conservative project is conceivably somewhat premature.

Moreover Neogramscianism is bound to overestimate the coherence of neoliberalism and overemphasize the role of capital in the global economy (Cox 1987, in Levy & Prakash, 2003; Levy & Newell, 2005). Whereas it is true that hegemony does involve consensus, there is critique on whether a state gives up its complete authority in order to make adjustments for the transnational business sector (Levy & Prakash, 2003). Another shortcoming is the concern whether paramilitaries are always to be seen as intrinsically linked to a political economy of neoliberalism. As has been remarked as a critique on Hristov's engaging work, other factors play a role, such as the internal situation of the country and the variety of other actors and processes involved. Nevertheless, these perspectives are valuable contributions to the understanding of an incredibly complex connection between paramilitaries and economy.

¹² Richani (2007, 2013) coins the term 'bastard rentier capitalism' to describe the process in which paramilitaries are used as a form of proxy warfare for class articulation.

¹³ Whereas some citizens benefit from this securitization by dispossession, others, like farmers, indigenous groups and Colombians from African descent have been disproportionately disadvantaged in terms of human rights and security. See also Martinez (2011).

As we see, this chapter analyzed paramilitarism as part of the paradigm that recognizes the expanding role of non-state actors in conflict, within the context of the privatization of violence and security. It has become clear that paramilitarism exists in multiple forms. Common denominator of all forces engaging in paramilitarism is their resemblance to the armed forces and their external position vis a vis the official security apparatus. However, due to their pro status quo stance, the state frequently tolerates their allocation of violence. Next, it analyzed the role of MNCs in international affairs, and specifically in conflict. Due to their transnational character, it is difficult to hold them legally accountable for their practices. Their impact in conflict zones is a matter of debate, and depends on the theory whether it is conceived as either positive or negative. If one follows the idea that MNCs in conflict zones are harming and prolongate conflict, they are another VNNSA. In the final section I discussed the theories that have explained the nexus between global capital and paramilitarism. A large amount of authors focuses on how the application of violence enhances an economic model that corresponds with the state's idea of development. Paramilitaries have aligning interests with the state and support privatisation and multinational investment, reason for which Richani (2013) holds that there is a 'conspiracy of right-wing paramilitarism and multinational capital investment'.

In conclusion, although the framework of neoliberalism and a Marxist critique on global capitalism are useful to enhance the understanding of the affiliation between paramilitary forces and MNCs, I would not be as radical to suggest that it is only economic motivations that have contributed to the paramilitary violence, and hence the nexus between paramilitaries and multinationals. To this end, the next chapter will provide us with a context of paramilitarism and neoliberalism in Colombia, functioning as a historical framework of the development since the 1960s until the end of the 1990s, when the first allegations of Chiquita funding the AUC came out.

Chapter 2 The trajectory of paramilitary groups in Colombia and the ties with MNCs

The influence of paramilitarism on the armed conflict in Colombia has been tremendous (Cubides, 2001; Romero, 2003). This chapter provides a historical context to understand this evolution and serves the ground for the next - the case study on the association between the AUC and US fruit company Chiquita Brands International.

To this end, the first two sections present a timeline of paramilitarism from the 1960s until 1996. Part three zooms in on the largest network of paramilitaries, the AUC. The concluding section focuses on the relationship between paramilitary groups and MNCs on a national level. It is accompanied by a table of all the hard and/or alleged cases of multinationals supporting these extreme right-wing armed groups. This to demonstrate that that the case study of the final chapter is part of a broader pattern of 'a para-economics' in which multinationals get involved in the conflict and political economy of Colombia.

2.1 Formation and evolution of paramilitary groups (1962 – 1984)

In 1962, when Colombia was entrenched in a turbulent period called *La Violencia*, paramilitary groups were used in the US-funded 'Plan LASO' counterinsurgency (COIN) strategy against communist subversion. The legal foundation for paramilitary forces however, came in 1968 with the enactment of Law 48. Realizing that the Colombian state did not have sufficient military resources to counter an increasingly strong guerrilla in the countryside, decree 3398 allowed the military to arm civilians to engage in army counterinsurgency operations.¹⁴

Colombian paramilitaries in essence, are right-wing self-defense groups that align themselves with the conservative elements of society.¹⁵ Since the 1970s and especially since the drug boom of the 1980s, they grew into an ever more powerful force and became a notorious feature of Colombian society (Pearce, 1990; Livingstone, 2005). The landowners and ranchers were tired of the guerrillas demanding 'protection taxes' (*vacunas*) and their cattle being stolen. In that same period, the newly rich narcotraffickers also became proprietors of large pieces of territory. The accumulation of land was

¹⁴ The goal was to 'return Colombia to normality'. Own translation. Article 25 consulted from <http://www.derechos.org/nizkor/colombia/doc/paras1.html> on November 15th 2016. Equipo Nizkor is a human rights NGO that aims to make public information on human rights violations in Latin American countries.

¹⁵ For theoretical consistency, this chapter juxtaposes Colombian paramilitary armies as self-defense groups. This is because the distinction between paramilitaries (offensive character) and self-defense groups (defensive character) has lost its significance since the 1990s (Cubides, 2001; Romero, 2003). Paramilitary groups in Colombia are large in size and supralocal in territorial control, the reason for which they are classified as 'paramilitary armies' (Kalyvas & Arjona, as cited in Rangel, 2005, p. 27). A large amount of analyses also mention that despite the paramilitaries' autonomy, they are connected to the Colombian status quo - the state. Please consult Romero (2002), Rangel (2005), Welna & Gallón (2007), Aviles (2006), Hristov (2009) and Leech (2010).

a strategy to launder their money and to acquire assets. However, they were also in need of protection. Therefore, the *hacendados*, cattle ranchers and narcos teamed up and progressively resorted to the deployment of private security militias (Livingstone, 2005; Rochlin, 2007).

Exemplary for this alliance is the infamous *Muerte a Secuestradores* (MAS, Death to Kidnappers). It was formed in 1981 in Puerto Boyacá in the Magdalena Medio region by drug cartel leaders, who wanted to take a tougher stance on the guerrillas (Medina Gallego, 1990). They engaged in a ruthless assassination campaign in which they targeted not only guerrillas but also political opponents and civilian activists. It is too straightforward however to attribute the existence of paramilitary groups to narcotrafficking however. Despite the narco-para links, the origin of the paramilitaries is better explained resulting from a lack of confidence in the armed forces and a general loss of tolerance for guerrilla intimidations (Cubides, 2001; Kline, 1999; Romero, 2003). Not just drug barons, but rather businessmen in general, together with political elites and parts of the armed forces, formed alliances with the paramilitaries' security services to protect themselves from increasing violence in the countryside as well as to counter the guerrilla and left-wing activists.

This relates to the idea that Colombia is a country led by de facto powers (Ramirez Tobón, 2005; Grajales, 2010; Krupa & Nugent, 2015). These non-state armed forces have taken up the role of local governments in areas that traditionally have been out of influence by the state, hence accounting partially for Colombia's violent history.¹⁶ Therefore, at the core of paramilitarism stands that it, from the 1980s onwards, illustrates a general security need on behalf of Colombia's conservative groups that felt threatened (Aviles, 2006). Blend this with a state that is absent in much of its territory, quarrels over property rights and land titles, and the complexity of the protracted internal conflict becomes more understandable (Richani, 2013).

Turning back to MAS, it was the basis for the creation of a subsequent powerful paramilitary movement that would turn into a nationwide force (Welna & Gallón, 2007, p.75).¹⁷ Indeed, two of MAS' prominent members, Carlos and Fidel Castaño, went on to lay the foundation for what was to become the most powerful paramilitary force in the subsequent years; the AUC.

¹⁶ Colombia's violent history has bedazzled a large amount of authors who wonder how there could have been so much bloodshed. Some attribute the Colombian conflict to a general culture of violence whereas others explain it by a certain kind of indifference on behalf of the people towards human rights violations, not much respect for the law, and the idea that 'everything is negotiable' (Alberto Restrepo, 2001; Palacios, 2001, p. 264). Pecaut however, does not consider Colombia to be a de facto violent nation, and recalls the many periods of tranquility in its history (in Palacios, 2001, p.261).

¹⁷ It has been argued that the emergence of similar groups like MAS should be seen as 'the beginning of a new strategy of a dominant sector within narcotrafficking activities, in virtue of which the emerging elite would face militarily those who tried to hurt any of their interests' (Orjuela & Barrera, in Kline, 1999, p. 27).

2.2 Expansion and danger to the state (1984 – 1996)

Paradoxically, the right wing paramilitary organizations that merged drug traffickers, ranchers and the military into powerful yet violent alliances, turned into terrorist organizations in the years to follow (Camacho Guizado, 2003). Widespread terror against civilians, including massacres, forced displacements, kidnapping and extortion were commonly used tactics. The 1980s are what has been referred to as the 'dirty war' of Colombia, with attorney-generals warning for an 'Argentinization' (p.61) of the country (Kline, 1999; Medina Gallego, 1990; Restrepo, 2001). They referred to the large scale human rights violations by these death squads with either direct or indirect involvement of military officials (El Espectador, as cited in Kline, 1999, p. 61). Paramilitary groups saw their greatest expansion after 1984, the year in which the Betancur government (1982-1986) attempted a peace settlement with the guerrillas. When the armed forces disagreed with the proposed ceasefire, paramilitaries were a covert strategy for continuing the war and cleanse the areas of guerrilla sympathizers (Livingstone, 2005; Palacios, 2006).¹⁸

What started then as an inclusive counterinsurgency strategy on behalf of the state to obtain territorial control, quickly transformed into what some have referred to as a 'paramilitary monster' that was out of control (Hristov, 2009, p. 58). Shockingly, the majority of the victims were civilians and government officials, not guerrillas (Human Rights Watch, 2001). The paramilitaries had ceased to be a useful ally for the state against the left (Grajales, 2010). Therefore, in 1989 paramilitarism (the right to arm self-defense groups) was outlawed under decree 1194. However, the extreme right soon retaliated with protests and demonstrations (Pearce, 2005).¹⁹

Despite the ban on paramilitaries the decree did not mean much in reality. The 1990s were characterized by an escalation of paramilitary violence (Romero, 2003; Palacios, 2006, p. 211). The new constitution of 1991 also contributed to this trend because it weakened the institutional role of the armed forces, leading to an even larger privatization of repression (Rojas & Meltzer, 2005; Aviles, 2006).²⁰ Under the Samper administration (1994-1998), paramilitarism was reinstated with the legalization of private security and vigilance cooperatives in 1994 (CONVIVIR, *Cooperativos de Vigilancia y Seguridad Privada*) (Romero, 2002, in Baud, 2003). This contributed to the consolidation of paramilitary armies. However, in 1998-1999 CONVIVIR was abolished once again due to their

¹⁸ Paramilitary groups have obstructed several peace processes. Baud (2003) and Romero (2003) have demonstrated that there is a correlation between peace processes and the proliferation of paramilitary and self-defense groups. For more information on the dynamics between negotiated peace settlements and paramilitary activity, also see Richani (2013) and Solheim & Storm (2013). In particular, the peace process of 1999 was accompanied by an expansion of the agrarian elite and paramilitaries.

¹⁹ The paramilitaries' argument was that since it was the state that had created them, it was impossible to oppose them (Pearce, 2005).

²⁰ To illustrate this tendency, paramilitary membership had in fact systematically grown from 93 people in 1986 to 27.000 in 2002 (Romero, 2002).

involvement in human rights violations and political violence.²¹ Nevertheless, right before the ban, many of its members had joined the illegal, yet consolidating AUC, which was to become Colombia's largest paramilitary network, until its demobilization in 2006 (Forero, 2012).²²

2.3 Zooming in – the rise of the AUC (1990s)

Vindicating the death of their father, who had been kidnapped and killed by FARC rebels in 1981, the Castaño brothers went on to mobilize new networks of paramilitary activity (Gonzalo Sanchez, 2001). In 1994, the same year that CONVIVIR was legalized, they founded the *Autodefensas Campesinas de Córdoba y Urabá* (ACCU, Peasant Self-Defense Forces of Córdoba and Urabá) in northwestern Colombia. Over the course of the following three years, a political and military centralization of various self-defense groups took place. Between 1997 and 1998 most of these independent fronts unified under one umbrella organization, the AUC (Romero, 2003; Aviles, 2006). This confederating initiative was led by the ACCU under the leadership of Carlos Castaño, who conceived the self-defense groups against the guerrillas as a 'corporation of victims of guerrilla' (Aránguren, 2001, p. 96, own translation).²³

The AUC's unified command structure led to an increased expansion on a national level and it became the country's largest and most lethal paramilitary network in the years to follow (Richani, 2013). Their support base was strongest in the regions of Bolívar, Cauca, Magdalena Medio, Urabá, Cesar, Norte del Santander and Llanos Orientales. Whereas the political leadership belonged to Carlos Castaño, Salvatore Mancuso - a former *latifundista* - took on the role of military mastermind. Between 1997 and 2003 the expansion of the different sections of the AUC was immense, especially along the Caribbean coast (Fundación Nuevo Arco Iris). This was accompanied by a rapid escalation of human rights violations. Reports of human rights organizations like Amnesty International have systematically shown that during the 1990s the majority of non-combat deaths could be traced back to paramilitaries and armed forces (Bagley, 2005; Palacios, 2006). Indeed, appalling massacres like the one in Mapiripán in 1997, where 49 civilians were tortured and murdered by more than 100 AUC

²¹ See Aviles (2006): reports of abuses, p. 119. For an opinionated essay on the nature of CONVIVIR, a worthwhile (critical) chapter is by Restrepo in Bergquist et al (2001).

²² Whether in fact the AUC has really demobilized under president Uribe is a matter of debate. There are scholars who have argued that this demobilization process was merely a myth, since many of the members went on to form *bandas criminales* (BACRIM) and because of president Uribe's presumed linkages with paramilitary organizations, that culminated in the *parapolitica* scandal in the year 2006. Colombian senator Robledo formulated it as an example of *parauribismo* to illustrate how deeply involved president Uribe was with the paramilitaries at the time (Robledo, Semana, 2007). See Aviles (2006) and Livingstone (2003) for the 'farce' of the demobilization process and president Uribe as the 'paramilitary candidate' during the 2002 elections.

²³ Whereas the AUC wished to define themselves as a movement with a unique command structure, in reality it was more an extension of the model used by the Córdoba and Urabá *autodefensas* ACCU. For more, please consult Romero (2003, p. 84) and Garzón (in Rangel, 2005).

members, remind us of the terror that occurred with the state's acquiescence in this coordinated campaign (Uribe Sanabria & Restrepo Ortiz, 2013).

The lucrative narcotics industry provided the AUC with a reliable source of income. The uncertainty regarding their involvement in drug trafficking came to an end when Carlos Castaño admitted that 50% of their income came from the narcotics industry (Semana, 2003). However, according to Castaño their involvement was purely limited to the collection of taxes on crops and coca production (Aránguren, 2001, p. 207). However, this evidence discredited the US incited theory of the 'narco-guerrilla' (Welna & Gallón, 2007). This theory had allowed large portions of military aid to be pumped into Colombia (a.o. Plan Colombia) under the auspices of the War on Drugs, whilst at the same time being a covert strategy to tackle the FARC and other guerrilla movements (Vargas Meza, 2003; Bagley, 2005; Camacho Guizado, 2004; Tokatlian, 2005). Surprisingly, the paramilitaries' involvement in drug trafficking did not cause the US-Colombian military approach of the time to be re-evaluated, which was mostly for political reasons (Livingstone, 2005; Welna & Gallón, 2007).

By 2000 paramilitaries and state forces committed 85% of all murders, whereas the other 15% could be attributed to guerrilla violence (Human Rights Watch, 2001; Colombian Commission on Jurists, in Palacios, 2006). Political violence had escalated as the 20th century drew to a close, with the government disregarding much of the horrendous attacks perpetrated by the AUC (Human Rights Watch, 2001).

2.4 The nexus between paramilitary groups and MNCs on a national level

The Colombian economy has always been open to foreign investments. From the 1980s onwards, neoliberalism has flourished, and went hand in hand with processes of democratization, commonly referred to as *la Doble Transición* (the Double Transition) (Orjuela, 2005). This phenomenon accelerated the amount of concessions that were granted to MNCs in the extractive sector (emeralds, gold, oil) and agribusinesses (export crops like bananas and oil) (Livingstone, 2004). A large number of companies with headquarters in the United States, Canada, United Kingdom and South Africa have been eager to expand their investments with promising prospects in mind.

However, most of the zones where these natural resources abound, are also the areas where guerrilla activity has been highest (Livingstone, 2005). As a result, companies operating in these areas suddenly find themselves in the middle of a conflict with differing warring actors, each with their own goals and strategies. As the guerrillas see agribusinesses, oil companies and other foreign corporations as their targets, they force them to pay protection taxes (*vacunas*). Hence, in a country where the state has historically been absent, paramilitary groups step in to fill this void and provide for security (Tickner, 2001). Therefore paramilitary activity happens to be most exorbitant in the geopolitically

and economically strategic regions of Urabá and Magdalena Medio (Bonilla, Fundación Nuevo Arco Iris; Bergquist, 2001). Precisely for this reason, chapter 3 will focus on the banana-growing region of Urabá, which was the background for the nexus between Chiquita Brands International and the ACCU front of the AUC. What this concept of 'security' implies, will follow next.

Paramilitary groups do not share the ideological opposition to foreign capital investment and neoliberal policies with the guerrillas.²⁴ In fact, they encourage economic liberalization, alongside the conservative elements of society and oppose any kind of agrarian reform (Cubides, 2001; Aviles, 2006; Rochlin, 2007; Hristov, 2013). Cubides (2001) has argued that paramilitaries thrive as a form of 'capitalist insurance policy' (p. 133). This remarkable alignment in ideology has resulted in pragmatic connections between MNCs and paramilitary groups, in which these businesses made financial transactions to several fronts of the AUC. This adds to the idea that the neoliberal economy perpetuates the violent dynamics of the Colombian armed conflict. Two of the most prominent and complex cases are coal company Drummond and fruit company Chiquita. However, many corporations have been accused of either violating human rights, contributing to the existence of armed actors, contributing to the assassination of trade union leaders, suppressing their workers, clearing people from their lands in order to make room for new operations, or a combination of these. These are just some of the accusations mentioned by witnesses.

What the nexus of the AUC with Chiquita exactly constituted of, will be the subject of the next chapter. For now, it is paramount that we acknowledge that MNCs have played a major role in the Colombian armed conflict. By providing a source of funding to armed groups, their *raison d'état* is legitimized while at the same time a large part of the population is harmed (Romero & Torres, 2011). To support this argumentation, the end of the chapter page presents a table of MNCs' hard and/or alleged engagement with paramilitary groups, to substantiate that the cases of Drummond and Chiquita or even Coca-Cola - cases that have reached the headlines - are in no way new or exceptions. Rather, it constitutes evidence that there is a broad pattern of multinationals paying extreme right wing groups to sponsor this process of the para-economy. Please bear in mind that this table is neither exhaustive nor final, but rather an initial attempt that requires constant follow-up.

In conclusion, this chapter has shown the origin and evolution of paramilitarism in Colombia, and in specific of the AUC. Especially since the 1980s paramilitarism has become institutionalized. Conceptualizations of paramilitaries have ranged from functional COIN strategy to a danger that must be contained (Grajales, 2010). The AUC was the most lethal paramilitary network in the 1990s and

²⁴ Guerrilla groups like the *Fuerzas Armadas Revolucionarias de Colombia* (FARC, Revolutionary Armed Forces of Colombia) base their struggle against social inequality and exclusion on Marxist-Leninist ideology that opposes any form of capitalist investment. They believe that their struggle for liberation and national revolution comes from the countryside, the reason for which land reform is one of their main pillars of insurgency. For more information see Palacios (2006). Regarding the AUC's ideology, see their document, as published in Bergquist, Peñaranda & Sanchez, G. (2001, p. 246).

beginning 2000s. Furthermore, this chapter analyzed the Colombian economy as a platform for MNCs and how they have become part of the war system by establishing links with warring actors in the conflict. In essence, a political economy of war has emerged in which differing warring actors compete for control. The table at the end of the chapter justified this by providing all the known cases of the links between MNCs and paramilitary groups. Let us now turn to one of the most complex case studies of the para-MNC-economics: that of Chiquita.

Table 2
MNCs presumed involvement in Colombian armed conflict

Company	Headquarters	Sector	Region	Timeframe	Presumed contribution to armed conflict
AngloGold Ashanti	South-Africa	Mining (gold)	Tolima, Antioquia, Bolívar, Cauca	1988-2006	Correlation between regions where company is active and paramilitaries attacking Afro-descendant population: torture, assassinations, forced displacements. Paramilitaries handing over land to company.
Anglo American	United States	Mining (coal)	La Guajira	2003	Links with paramilitary organizations to threaten people into leaving their lands, and benefitted from paramilitary killings.
B2Gold	Canada	Mining (gold)	Bolívar		Threatening, extortion, displacement and kidnapping of Colombian people.
BHP Billiton	Australia	Mining (coal)	La Guajira		Accused by People's Tribunal (2005) of having ties with paramilitary groups, forced displacements and/or killing of trade unionists.
Drummond	United States	Mining (coal)	Cesar	1996-2006	Support of paramilitaries with funding and strategic information. Death of thousands of farmers and displacement of populations.
Greystar Resources	Canada	Mining (gold)	Santander		Threatening, extortion, displacement and kidnapping of Colombian people.
British Petroleum	United Kingdom	Oil and gas	Casanare		Kidnapping of trade union leader, paying paramilitaries to protect pipeline.
Poligrow	Spain	Agribusiness (palm oil)	Meta	2015	Land accumulation/grabbing, forced displacements, opponents received death threats.
Prodeco	Switzerland	Mining (coal)	Cesar		Logistical and financial support to AUC.
The Coca-Cola Company	United States	Beverage /bottling	Antioquia	1989-2003	Colombian Coca-Cola bottling company assisted AUC in kidnap, torture and murder of at least 8 union leaders. Workers wanting to join trade union threatened by paramilitaries.
Silver Shadow	Israel	Private security company	Antioquia		Supporting Colombian military, which in turn supported paramilitaries.
Defense System Limited	United Kingdom	Private security company	Casanare	1996-'97	Helped to prevent BP from oil attacks on pipeline. BP's security forces complicit in murder, torture, and intimidation. Poor human rights records of security guards. Assisted in import of arms.
Occidental Petroleum (OXY)	United States	Oil and gas	Arauca, Santander		Lawsuit in 2003 for complicity in extrajudicial killings, torture, crimes against humanity and war crimes.
Total	France	Oil and gas	Casanare		Paying paramilitary groups either directly for security purposes or indirectly through Colombian army.
Texas Petroleum	United States	Oil and gas	Boyacá	1981-'82	Involved in formation of paramilitary organization MAS in Puerto Boyacá.
Monsanto	United States	Agricultural company	Choco		Accused by People's Tribunal (2005) of having ties with paramilitary groups, forced displacements and/or killing of trade unionists.
RepSol	Spain	Oil and gas	Magdalena, La Guajira		Ties with paramilitary groups, forced displacement, assassination of trade unionists. Tried in Permanent People's Tribunal (2005).
Gran Colombia Gold	Canada	Mining (gold and silver)	Antioquia, Caldas		Threatening of local population, paramilitaries acting on behalf of company. Miners paying criminal groups linked to paramilitary chiefs.
Dole Food Company	United States	Agribusiness (bananas)	Magdalena		Lawsuit filed for funding AUC for protection services, including the murder of 12 people.
Del Monte	United States	Agribusiness (bananas)	Urabá		Collusion with the AUC through funding.

Note. This table is neither exclusive nor exhaustive. Some data are left out because of inconsistencies and/or too few information available.

Please consult bibliography for references. Elaborated by the author.

Chapter 3 Chiquita in Colombia: from bananas to para-business

This chapter contains a case study of one of the most complex cases of corporate support to right wing armed groups, namely that of MNC Chiquita Brands International Inc. (as from now referred to as Chiquita) to the AUC between 1997 and 2004, as an attempt to answer the all-encompassing question 'How do MNCs contribute to the existence of private justice groups?'. Chiquita is one of the largest banana producers and distributors worldwide, and when the US fruit company left Colombia in 2004 a long trajectory had come to an end.²⁵

The first section of this chapter provides a historical background of Chiquita in Latin America and connects the course of Chiquita to US foreign policy towards the Western Hemisphere in general. Also, a brief introduction of Chiquita's operations in Colombia given, before continuing to what the nexus between Chiquita Colombia and the AUC precisely consisted of.

3.1 From United Fruit Company to Chiquita Brands International: US corporate influence in Latin America

This section outlines the extensive trajectory of Chiquita in Latin America. Chiquita's forerunner, the United Fruit Company (UFC) has had a profound impact on the development and politics of Latin American countries. It was formed in 1899 and operated on many plantations in Central America, Colombia and Ecuador. It was typical of the US foreign policy towards the Western Hemisphere of that time - a foreign policy that was dominated by trade and economic interests (Loveman, 2016). Ever since the Monroe Doctrine of 1823 put Latin America back into the US' sphere of influence, the 19th century Dollar Diplomacy held that the goal of diplomacy was to advance US interests through the use of capital.²⁶

US corporate interest has long dominated relations with Latin America. The rationale of the Dollar Diplomacy ('money dictates') was apparent in many decisions to intervene in countries south of the Rio Grande.²⁷ As the 20th century progressed, the UFC increased its operations in Latin America. Since 1990 the company goes under the name of Chiquita Brands International. The mere

²⁵ A visit to the company's website www.chiquita.com, consulted on May 15th 2017, did not yield any results when the author searched for terms such as 'auc', 'paramilitaries', or 'terrorist'. In the news section no recent developments on the long-standing litigation could be found either. According to Chiquita, they 'work under better than industry standard agricultural work practices for business, the environment, employees and the local communities. Chiquita was the pioneer promoting good farming practices in the 1990s to protect the environment and support farming communities.'

²⁶ <https://history.state.gov/milestones/1899-1913/dollar-diplo>. The Office of the Historian is responsible for the official documentary history of US foreign policy. Website consulted on May 3rd 2017.

²⁷ US commercial interest dominated foreign policy until 1930. The following period was typified by a 'good neighbor policy' that would last until the mid-1950s. The latter put the principles of non-interference and non-intervention at the center of US - Latin American relations. However, Latin American countries were wary of the good intentions of the Northern neighbor (Weeks, 2015).

fact that they have systematically been of the biggest employers for people in Central America and northern Colombia has granted them an influence that should not be underestimated. At times their power status surpassed the power of the states. It is here where the phrase 'Banana Republics' derives from, as an illustration of how corporatism and governance converged (Romero & Torres, 2011).

As for Colombia, the legacy of UFC/Chiquita is intricate without question. It started its operations in the South American country around the turn of the 19th century, mainly in the regions surrounding the city of Santa Marta, in the Magdalena department. From the 1960s onwards they expanded to the Urabá region adjacent to Panama, which covers parts of the Antioquia, Choco and Córdoba departments. In 1989 Banadex was formed (C.I. Bananos de Exportacion S.A.), its own subsidiary and export company that organized all the export operations. Banadex played a crucial role in the financing of the AUC, which will follow shortly. The company would turn out to have an enduring footprint, not in the least due to its controversial involvement of human rights violations. However, this was not exclusively limited to the case of Colombia.²⁸ Nevertheless, the Banana Massacre (*Masacre de las Bananeras*) of 1928 is a case in point. In December of that year, a peaceful strike for better working conditions by unarmed UFC workers was crushed by the Colombian armed forces. It resulted in dozens of deaths and injuries (Bucheli, 2005). Government officials, as well as the corporation's spokesmen justified the bloodshed at the Ciénaga plantation due to the 'subversive' tendency of the protest.²⁹ Army general Carlos Cortés Vargas called the strikers '*una cuadrilla de malhechores*' when he ordered the shooting (1979, p. 90).³⁰

The Banana Massacre is a classic example of how US corporate interest intersects directly with US foreign policy goals, seldom for the benefit of the local population. Despite the uncertainty regarding the number of casualties up until today, the impact of the bloodshed in the village of Ciénaga was deep and long lasting.³¹ It can be seen as one of the most tragic events in the history of 20th century Colombia (Bucheli, 2005). It would either directly or indirectly instigate the country to become more polarized and it allowed the radical left to surge.³² The event would even start to lead a

²⁸ Haiti, Dominican Republic, Nicaragua, Cuba and Panama are some examples.

²⁹ US telegram of 6th December 1928,

<https://web.archive.org/web/20120717004708/http://www.icdc.com/~paulwolf/colombia/santamarta.htm>, consulted on April 28th 2017. Internet Archive is a non-profit digital library of websites and other cultural artefacts.

³⁰ 'a bunch of criminals' (own translation).

³¹ Correspondence between the US Embassy in Bogota, the US consulate in Santa Marta and US Secretary of State of that time, reported that the number of casualties exceeded 1000 workers : <http://ufcincolumbia.weebly.com/uploads/4/5/8/4/4584313/16jan1929.jpg>. This website is intended to provide information on the role of UFC in Colombia's political, social and economic situation and was consulted on April 28th 2017.

³² In Central America and Colombia the massacre led to a upsurge in legislation that was in favor of labor rights and trade unionism, factors that made the business environment for the UFC to operate in, increasingly challenging. See Bucheli (2005).

life of its own: Colombian and Latin American novelists would painfully fictionalize the massacre as a way to denounce and resist, but above all to remember what had happened (Elias Caro, 2011).³³

Not surprisingly, the banana growing region of Urabá (comprising territories in the departments of Córdoba, Choco and Antioquia) has also been the setting of intensive paramilitary activity. It was seen as Castaño's laboratory for testing the paramilitary project and during the period of investigation (1997 - 2004) it was the battleground for a brutal paramilitary war.³⁴ Left-wing armed groups like the FARC, ELN and M-19 (*Movimiento 19 de Abril*, 19th April Movement) had a strong presence in these Northwestern regions. Precisely as was set out in the previous chapter, this led large landowners, farmers and cattle ranchers to organize private self-defense groups as a means to protect themselves from kidnappings, attacks, and forced *vacunas*. In the 1990s the *Bloque Bananero* front of the ACCU constituted a feared de facto power in the area under investigation. It was led by Ever Veloza Garcia, nicknamed 'HH' who would receive large sums of money from the banana company, to which I will turn to now.

3.2 Chiquita's para-economics: the nexus between the AUC and Chiquita Colombia

Chiquita's complicity in funding paramilitary groups, and their responsibility in human rights violations and crimes against humanity, started to be topic of investigation of various US courts in 2002. Since that year relatives of victims of paramilitary violence filed collective civil lawsuits against the corporation under the Alien Torts Claim Act (ACTA) and the Torture Victims Protection Act (TVPA) (Romero & Torres, 2011). They accused Chiquita of killing trade unionists, banana workers and activists (Business and Human Rights). Also the paramilitary's demobilization process of 2003, intensified the investigations regarding the nexus between the AUC and Chiquita. As part of the process, paramilitary leaders admitted in their testimonies (*versiones libres*) that their fronts had received financing from the banana company.³⁵

In the following years many civil lawsuits against Chiquita Brands would follow and the United States Department of Justice (US DoJ) initiated a large-scale investigation to find out whether Chiquita had committed a federal crime or not, namely that of funding a terrorist group. The official

³³ Colombian Nobel prize winning author Gabriel Garcia Marquez painfully describes the course of the Banana Massacre in his '100 Years of Solitude' as the epicenter of his novel. He transformed this historical event into fiction, which is illustrative of the power of the word: 'The violence of power is semantical always: to massacre the rebels does not serve anything if you do not kill the chronicle of the massacre at the same time' (introduction by Jaques Joset, Cien Años de Soledad, own translation)

³⁴ <http://www.verdadabierta.com/victimarios/832-bloque-bananero>. Verdad Abierta is an information platform that was created as part of the Justice and Peace reconciliation process between the FARC and the Colombian government as of 2012 by the NGO *Fundación Ideas para la Paz*. It holds important news, backgrounds and testimonies containing important insights of the Colombian armed conflict. Website consulted on April 29th 2017.

³⁵ See [verdadabierta.com](http://www.verdadabierta.com) for all the paramilitary leaders' testimonies.

allegation was 'Engaging in Transactions with a Specially-Designated Global Terrorist'.³⁶ Indeed in September 2001 the US Department of State (DoS) put the AUC on the list of Foreign Terrorist Organization (FTO). In 2007 the lengthy investigation came to an end. Detailed reports showed that between 1997 and 2004 they had made more than 100 payments to several paramilitary fronts of the AUC in Urabá and Santa Marta, totalling a worth of more than US\$1,7 million. This was done through the company's wholly owned Colombian subsidiary, Banadex. It was Raúl Hasbún, nicknamed 'Pedro Bonito' who mediated the relationship between the *Bloque Bananero* and Chiquita, and can be seen as the 'brains behind the para-economy' (Semana, 2012, own translation).³⁷ Since the 1990s he and the Castaño brothers had worked together in the counterinsurgency project (Romero & Torres, 2011).

In their defense, the company's lawyers argued that Chiquita had fallen victim to extortion and that it had complied with Colombian law at all times.³⁸ The transactions were simply the cost of doing business in Colombia and they had not received anything in exchange. There was no other option than to adapt to the rules of the game of the armed conflict.³⁹ However, according to paramilitary's testimonies Chiquita's directors were aware of these payments and were not coerced into them (Romero & Torres p. 169). Regardless of whether the transactions happened outside their knowledge or not, it forces us to reflect on the actual options Chiquita had at that moment. It is along these lines that Romero and Torres (2011) have attempted to destroy the myths surrounding the presumed auto-victimization of Chiquita.

In addition to paying protection money, the documentation revealed that in 2001 Banadex had facilitated the the smuggling of thousands of AK47 rifles and ammunition from Nicaragua to the AUC in Córdoba and Urabá through their private ports of El Zungo (Romero & Torres, 2011). It was one of the most important armaments for the paramilitary project along the Caribbean coast, and allowed the AUC to expand rapidly. The case was resolved when Chiquita admitted it had made payments to the AUC. In July 2007 Chiquita agreed to pay a US\$25 million fine to the North American court of justice as part of the plea agreement. Another element of the agreement was the implementation of an effective compliance and ethics program (US DoJ).⁴⁰ However, despite the caused harm to the survivors of the victims, and the illegality of the corporation's practices, family members did not

³⁶ http://nsarchive.gwu.edu/NSAEBB/NSAEBB340/20070313_sentencing_memo.pdf and https://www.justice.gov/archive/opa/pr/2007/March/07_nsd_161.html. NSA is US independent nonprofit research group intended to make all kinds of documents public. It has played a major role in the development of litigation against Chiquita. Websites consulted on April 30th 2017.

³⁷ <http://www.semana.com/nacion/articulo/el-hombre-cerebro-paraeconomia/255742-3>. Semana is a weekly newspaper. Website consulted April 30th 2017.

³⁸ <http://nsarchive.gwu.edu/colombia/>. See also <http://nsarchive.gwu.edu/news/20130408/docs/Docket%201%20-%20Complaint.pdf> for the case of Chiquita against US federal government. Websites consulted March 18th 2017.

³⁹ Declaration of Chiquita Brands' president Fernando Aguirre in Colombia to a United States team of journalists. <http://www.eltiempo.com/archivo/documento/MAM-2932095> Translation: There were only two options for the company: paying protection to AUC paramilitaries or running the risk of seeing employees killed or abducted. We were victims of the conflict and we had no other choice (own translation). Website consulted May 1st 2017.

⁴⁰ https://www.justice.gov/archive/opa/pr/2007/March/07_nsd_161.html. Website consulted April 28th 2017.

receive reparations. Neither were there criminal charges against the executives. For many years the Colombian state did not sanction Chiquita for the malpractices to the illegal AUC. Chiquita's managers surely were aware of the classification of the AUC as a FTO since 2003, yet continued with the payments. Chiquita was allowed to pay the fine over a period of 5 years. In reality the financial settlement allowed them to obtain a certain kind of immunity for future legal procedures (Romero & Torres, 2011). Equally daunting is the fact that for a very long time none of the executives who were involved in the deals were prosecuted.⁴¹

The indictment in 2007 opened up space for new lawsuits on behalf of the victims and surviving family members.⁴² However, it has been a difficult and protracted litigation to say the least (Michalowski, 2013). Notwithstanding the adversity of the situation mentioned above, since 2011 there have been some noteworthy developments in the lawsuits.

3.3 Recent developments in the case on the nexus between the AUC and Chiquita

Indeed 2011 would open up a whole new chapter on the complex case when new light was shed on the affiliation between the AUC and Chiquita. In that year the US independent nonprofit research group National Security Archive (NSA) published more than 5500 internal records of Chiquita.⁴³ The 'Chiquita Papers' revealed that the company had in fact benefitted from the security payments to the AUC, and therefore Chiquita could not play the victim card as it did in 2007. The documents were obtained from the US DoJ in the context of the US Freedom of Information Act (FoIA).

The internal records disclosed that instead of a one-way relationship of extortion, mutually beneficial relationships had been set up, that consisted of the AUC providing security services for the banana company.⁴⁴ The new evidence put the reputation of Chiquita in a different light - that of an accomplice in the armed conflict, and not merely a victim. To exemplify this dynamic of mutual benefit, one record shows that paramilitaries in Santa Marta were used to provide intelligence on guerrilla activity in the region. To this end, the paramilitaries had created a company under the name of '*Inversiones Manglar*', a producer and exporter of fruit and cattle, that was used to cover up 'the real purpose of providing security'.⁴⁵ There is also plenty of evidence available that suggests that Chiquita benefitted from the violent displacement by paramilitary groups of especially indigenous and

⁴¹ Since last year however, US courts ruled in favor of the civil lawsuits that were filed against the Chiquita executives on behalf of family members of the victims.

⁴² See <https://business-humanrights.org/en/chiquita-lawsuits-re-colombia> for an overview of lawsuits against Chiquita. Website consulted March 1st 2017.

⁴³ <http://nsarchive.gwu.edu>. Website consulted April 30th 2017.

⁴⁴ Referring to the efforts of the company to disguise indications that the payments were advantageous to them. Examples include concealing the word 'transactions' to the more neutral term 'payments'.

⁴⁵ <http://nsarchive.gwu.edu/NSAEBB/NSAEBB340/20000306.pdf>. Website consulted May 2nd 2017.

Afro-Colombian communities - groups that already are disproportionately affected by the armed conflict (Mooney, 2005). What also came to light in the Chiquita Papers, is the involvement of the Colombian military in pressing Chiquita to continue the payments to the *autodefensas*.⁴⁶ These payments were mostly done through the CONVIVIR network, which, as mentioned in the previous chapter, were legal and state-induced private security and vigilance cooperatives. However, due to their involvement in human rights violations they would be outlawed soon after. Nevertheless, it draws attention to the state's complicity of a multinational financing a terrorist organization.

The plaintiffs in the litigation did not accuse Chiquita's managers of directly instigating crimes. Rather, through their financial support they were indirect accomplices in crimes committed by the paramilitaries, such as murder, kidnappings and torture (Michalowski, 2013). How to hold the corporate sector accountable for their actions in foreign territory remains a complex topic. However, very recently some important progress hit the newspapers. In the context of the ongoing justice and peace reconciliation process between the FARC guerrillas and the Colombian government, the Colombian prosecutor has declared the financing of paramilitaries by multinationals as a crime against humanity.⁴⁷ This is a striking development for a country whose government does not have the best track record of taking responsibility for human rights violations against their own citizens. As national prosecutors prepare the prosecutions against the companies, a new series of Chiquita Papers (the 'New' Chiquita Papers) reveal the identities of the business executives responsible for the transactions.⁴⁸ At the moment of writing, compared to the first series of memos published, this new series is more coherent and promising to bring justice for all the victims of Chiquita's operations in Colombia. Also, the International Criminal Court (ICC) is now being called upon to carry out investigations over the alleged crimes against humanity.⁴⁹

On a concluding note, this chapter started out with a demonstration of US corporate influence in Latin America, and in specific the legacy of UFC in shaping social and political developments in the region. It then moved on to more recent times, and analyzed the corporate support of Chiquita to the AUC. It has become clear that this MNC has contributed to the existence of private justice groups, through providing them with a source of funding. This expanded and legitimized the AUC.

⁴⁶<http://investors.chiquita.com/phoenix.zhtml?c=119836&p=irol-SECText&TEXT=aHR0cDovL2FwaS50ZW5rd2I6YXJkLmNvbS9maWxpbmcueG1sP2lwYWdlPTQ3NTUwNzUmRmNFUT0yJlJlNFUT0zNSZTUURFU0M9U0VDVEIPTl9QUdFmV4cD0mc3Vic2lkPTU3>. Website consulted May 1st 2017.

⁴⁷<http://www.semana.com/nacion/articulo/financiacion-de-grupos-paramilitares-crimen-de-lesa-humanidad/514136>. Website consulted April 26th 2017.

⁴⁸<http://nsarchive.gwu.edu/NSAEBB/NSAEBB586-Testimony-Reveals-Chiquita-Executives-Behind-Terror-Payments/>. The New Chiquita Papers are the result of a 7-year legal struggle between the NSA and the US Security and Exchange Commission: <http://nsarchive.gwu.edu/NSAEBB/NSAEBB589-Chiquita-Papers-Show-Concern-About-Funding-Colombia-Guerrillas/>. Websites consulted May 2nd 2017.

⁴⁹ <https://business-humanrights.org/en/coalition-of-human-rights-groups-ask-intl-criminal-court-to-investigate-complicity-of-chiquita-executives-over-alleged-crimes-against-humanity>. Website consulted May 22nd 2017.

Conclusion

The research question that this thesis has attempted to answer is 'How do multinational corporations (MNCs) contribute to the existence of private justice groups, like paramilitaries?' To this end, first a theoretical framework on paramilitaries and MNCs was provided. Paramilitarism, within the context of New Wars and the privatization of security, is not to be conceived as merely a political phenomenon, but it rather intersects with issues of economy as well. Paramilitaries' objectives and strategies almost always align with the status quo. Indeed, the nexus between MNCs and paramilitaries has mostly been approached by a Marxist political economy perspective that focuses on the alignment of these non-state actors with the status quo regarding issues of capital and economy.

Subsequently, the history of the rise of the largest paramilitary network, the AUC, and the trajectory of Chiquita in Latin America served as the contextual background for the third chapter. Whereas the paramilitary project was first state-induced to counter a strengthening insurgency, it soon became out of control when it was involved in massive human rights violations. Furthermore, to substantiate the idea that Chiquita is in no way an exception to the complex dynamics of multinational's complicity in violence and human rights violations, a table was added of several MNCs that have been either indicted, accused or linked to the AUC or that have exacerbated the Colombian conflict in one way or another. The nexus between fruit giant Chiquita and the AUC was used as a case study because it is the most researched and most complex case, as well as because it is a symptom of a deeper pattern of corporate imperialism in Latin America. It has also steadily been one of the biggest employers for a large part of the population, and it was also the first the company convicted of violating US law.

Whereas Chiquita first played the victim card when it said the payments were the simple result of extortion, later documents reveal that the AUC provided Chiquita with security services, and showed Chiquita's complicity in human rights violations. How does this case study allude to chapter one? From a theoretic perspective chapter three illustrates two linked yet different dynamics of how MNCs contribute to the existence of paramilitaries. First of all, there is the strategy of extortion, or protection rent. The AUC charged this protection rent for any entity operating in their area of control: landowners, cattle ranchers, but also restaurants, stores and gas stations are taxed. MNCs that come to the area are also made subject of these payments, not infrequently after a series of threats. It constitutes large part of the paramilitaries' revenue. Hence, this is the first answer to how MNCs contribute to the prolonged existence of private justice groups like paramilitaries.

Second, a more political strategy - in the sense that it aligns more with the traditional interests of the Colombian elite - revolves around the precious and conflictive matter of land and land

acquisition. This dynamic has been extensively described in the first chapter by authors like Richani and Hristov who hold that the type of economic development that MNCs propagate benefit not the majority of the population, but an elite instead. Armed groups that share this ideology, such as the right-wing AUC, provided services to Chiquita to displace civilians from their lands. These lands were of strategic economic importance to the company, because they either contained fertile land or were areas with important transportation routes. Forcibly relocating the people from these lands opens up the possibility for expanding the business' operations. To support this line of argument, areas with a high concentration of forced displacements by paramilitaries coincide with exploitation sites (Hristov, 2009, p. 76). Colombia is the country with the highest amount of internally displaced people (IDPs), not in the least as a partial result of the concerted strategy of the corporate sector with extreme right-wing armed groups.

The counter-agrarian reform of land appropriation clearly reminds us of what Marxist scholar Harvey and Rojas respectively described as 'accumulation by dispossession' and 'securitization by dispossession', as treated in the first chapter. Capitalism and the quest for profit often go hand in hand with violent processes, as can be witnessed in Colombia where people are forcibly cleared from their land in processes of land grabbing. Indeed, as policy documents of the AUC stated, they take a pro-capitalist stance and support foreign capital investments, and vice versa. Paramilitaries' involvement in capital accumulation and land acquisition is essential for Colombia's neoliberal political economy, as also Richani, Rojas and Hristov argued. Colombia is a prime example of how the privatization of security has spilled over into privatization of war and how yet another non-state actor, a MNC, has become a warring actor in the internal conflict.

Indeed, whereas Chiquita was not the direct instigator of the violent displacements, killings, tortures, and massacres, it did become an actor in the Colombian armed conflict by indirectly fueling violence through the financing of paramilitaries. The MNC definitely exacerbated the conflict and their presence at least partially accounts for the protracted continuation of the violence. As we saw with Richani in chapter one, Colombia is characterized by a 'rentier capitalist economy' that prioritizes international capital. This rather bold statement requires caution however because it is bound to dismiss other important elements, such as when it was proven that corporations have also made structural payments to other warring actors in the conflict: namely the FARC and the ELN whose ideology is at the complete opposite of the spectrum. This fact invalidates the monist notion that MNCs solemnly align with the Colombian elites and the status quo, and that paramilitaries are a form of proxy warfare for class articulation.

It rather corroborates the idea that associations between paramilitaries and MNCs are to a certain extent also determined by pragmatism, and not merely ideology. Nevertheless, the Marxist

political economy perspective held by a large amount of authors described in chapter one is a valuable contribution to a subject that is under-studied. The goal of this thesis was to advance the understanding of the paramilitary-MNC nexus. Regardless of whether either ideology or pragmatism predominates, what this thesis above all highlights is the complexity of a MNC operating in a conflict-affected zone. Since corporations have become an ever growing power in issues of global governance, it is paramount that we learn to understand how they can be held legally accountable for operations in overseas territories and ultimately how companies can contribute to a more comprehensive and all-inclusive idea of development.

The Colombian case of Chiquita and the AUC demonstrates an important development in this regard when it was announced very recently that the Colombian government will consider the financing of paramilitaries by MNCs as a crime against humanity. Whereas it took more than 10 years for the government to take this stance, prosecution processes have been initiated and the ICC has been called upon to commence investigations. Foretelling the future is impossible, but we can only hope that the current peace and reconciliation process will do justice to all the victims of the Colombian armed conflict.

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