# Hybrid governance and Violent Non-State Actors: examining the case of Brazil and Colombia

## Governança híbrida e atores não estatais violentos: examinando o caso do Brasil e da Colômbia

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#### INTRODUCTION

Latin America is the most violent region in the world. That violence manifests itself in a range of ways, but what particularly draws attention are the high levels of violence linked to the illegal drug trade. However, the issue is not so simple to tackle, as specialized literature on violent dynamics state that illegal markets are not necessarily places of high rates of violence (Skarbek 2011; Arias 2014; Lessing 2014; 2015; Robles and Calderon 2015; Rodger, and Baird 2016). Yet the relationship between the drug trade and drug-related violence is incorrectly specified by the government, the police, media, social groups, etc. Analysts who focus on Latin America's drug trade, as well as non-governmental organizations, even postulate that legalizing the drug trade is the only answer to the violence.

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The levels of violence in many Latin American drug-producing, transit, and consuming countries escalated so fast and to levels so high that civil society and policymakers have grasped at 'common sense' straws — whether implementing a 'mano dura' strategy, blaming systemic corruption in the polity and the police, or hoping that only legalization of drugs would bring peace (Centeno 2009; Rivera 2011; Pion-Berlin and Trikunas 2011; Garzón-Vergara 2016; Roque 2017).

This elevated level of violence drives a simple causality relation that can be resumed as declarations of 'war against drugs', and analogies to civil war by politicians, media, and the police, and acceptance of such views by the public. By misunderstanding the phenomenon, public discourse, and policy makers had little progress in controlling the violence that has devastated communities and, indeed, entire countries.

We argue that it is necessary to go deep into the roots of violence and understand that some combined factors can influence the level of violence in different contexts. We propose the concept of Hybrid Governance, which can be described as the formal and informal governance interaction to control violence in different security, social, and political contexts. We do understand that hybrid governance takes place when protection rackets are run by the illicit relationship between state actors and non-state actors.

Authors such as Snyder and Martínez (2009), Cruz and Martinez (2016), Garzon-Vergara (2016), among others, discuss that the dynamics of violence are influenced by several variables such as illicit market competition, fragile law enforcement, and corruption, to name a few. Therefore, this article explores the central question of how hybrid governance systems in the cases of Brazil and Colombia and particularly in the Amazon region, translate into different levels of violence. To address this question, the links between three key factors will be examined: illegal group interactions (cooperation and competition), levels of violence, and the role of the state between law enforcement and schemes of protection rackets to organized crime.

The contextual and regional dimension of political choices indicate that crime is defined in the context of the action and perception of the actors who suffer violence, as proposed by Rodgers and Baird (2016). Violence and crime, from a relational perspective, are and must be understood depending on the actors involved and the political contexts. The concept of hybrid governance has emerged widely in the literature since the 2000s as a derivation of developments made from studies on Security Sector Reform (SSR). The analysis of how hybrid governance is structured presents different forms according to the security context in which it emerges:

 $\lceil \ldots \rceil$  hybrid governance arrangements can be defined as arrangements in which non-state actors take on functions classically attri-

buted to the state and, in the process, become entangled with formal state actors and agencies to the extent that it is difficult to make a clear distinction between state and non-state. (Colona 2016, 2).

Addressing the debate on hybrid governance and the different theoretical and empirical approaches related to the topic, we aim to indicate the density of this debate. Among the forms of hybrid governance, which can be understood as criminal governance, it involves bringing to light the superpositions of norms.

We started from the hypothesis that hybrid governance derives both from a "rarefied" presence of the state as well as from a presence that "divides" the management of territoriality, spaces, markets, and populations (Machado 2005), which creates its dynamics of violence and that is reflected in the rates of violence in the regions crossed and/or controlled by criminal groups. To do so, we must first define the characteristics present in this territoriality where we find two main possibilities for hybrid governance: on the one hand, it involves the state as administrator and/or encourager of the dynamics of violence; and on the other hand, criminal organizations that have territorial control and organizational cohesion that generate strategic reliability (Cruz and Durán-Martinez 2016)

According to Begayoko (2012), hybrid orders are characterized by a plurality of overlapping rule systems which have a profound effect on politics and policies in societies that are prone to create space for the existence of non-state actors (Institute for Development and Peace 2008). Following Bagayoko's argument, the analysis of Boege's refers to another question, that is, the Weberian distinction between three different kinds of legitimacy, based on:

- i. the legal authority which refers to rational grounds 'resting on a belief in the "legality" of patterns of normative rules and the right of those elevated to authority under such rules to issue commands;
- ii. traditional authority refers to traditional grounds resting on an established belief in the sanctity of immemorial traditions and the legitimacy of the status of those exercising authority under them;
- iii. charismatic authority refers to charismatic grounds resting on devotion to the specific and exceptional sanctity, heroism, or exemplary character of an individual person, and of the normative patterns or order revealed or ordained by him.

However, the Weberian analysis of legitimacy has limits when systems of norms produced both by the State and by non-State actors are overlapping. This condition is intrinsic. For instance, globalization has not only weakened sovereignty along classical lines (Sassen 1996; Strange 1996), but at the same time favored the emergence of subnational actors and with them the erosion of state normative structures in a complex of the juxtaposition of norms (Beraldo et al. 2022). Hence, we are not only in the universe of the classic state normative debate but beyond this, in the realm of the debate on the juxtaposition between state and non-state norms and this *intermezzo* space is where we stress the concept of hybrid governance.

To address these issues in the cases of Colombia and Brazil, this research was based on a qualitative methodology. Through the systematization and analysis of secondary sources such as press reports, official statistics and governmental authorities, international organizations and civil society reports or documents, the article attempts to characterize the armed presence of Colombian and Brazilian illegal groups in the Amazon, a revision of the most recent levels of violence in this border area, as well as the correspondence of these variables with the illicit markets.

## THE COLOMBIAN CASE: HYBRID GOVERNANCE IN A PERSISTENT CONFLICT

Although Colombia reached a peace agreement between the Santos government and the FARC-EP in 2016, coca production, which has been one of the guerrillas' key financing mechanisms, reached historic levels in 2022. Of the total 230,000 hectares of coca in the country, 65% was concentrated in 3 border areas: Nariño, Putumayo, and Norte de Santander. However, 77% of the increase in coca production from 2021 to 2022 was registered in Putumayo, which is part of the Amazon region (Undoc 2023).

Putumayo is currently an area of dispute between armed groups due to its dual functionality concerning drug trafficking. On the one hand, it is a production enclave, and the increase in crops is concentrated both, in the natural parks and in the territories of the indigenous communities that are present in this department, which show an increase in deforestation linked to illicit crops. Putumayo is home to eight of the ten Amazonian indigenous reserves with the most illicit crops, which account for 36% of all coca planted in Colombia's indigenous territories (La Silla Vacía 2023).

On the other hand, Putumayo, and specifically the municipality of Puerto Leguizamo, is a key drug trafficking corridor. because, in the southern part, the Putumayo River connects the coca production areas with the commercialization points in the Amazonas department. Similarly, the Caquetá River in the northern part of Putumayo allows the transport of marijuana from the department of Cauca to the departments of Amazonas and Vaupés. Along these corridors, multiple indigenous communities have been forced to cooperate with armed groups disputing drug trafficking transit points to the Brazilian border (Ombudsman 2022).

Among the competing armed structures in the Amazon region are the Estado Mayor Central (EMC) and the Comandos de Frontera (Border Commandos). The EMC had as its origin the First Front which split from the FARC in 2016 during peace negotiations. Moreover, the EMC through The Carolina Ramirez Front and the First Front has established economic pacts with the Brazilian armed groups Comando Vermelho (CV) and the First Capital Command (PCC) in drug trafficking and illegal gold mining activities on the Colombia-Brazil border (Ombudsman 2021).

The Border Commandos began in 2017 as a local group in the southwest of Colombia made up of former FARC members who belonged to the FARC's 48th, 32nd and 36th fronts, as well as members of the criminal group La Constru. Recently, these commandos joined the Second Marquetalia, which groups several former FARC combatants who took up arms again in 2019 (OCHA 2022). Among the current objectives of the Second Marquetalia is to achieve hegemonic control of the drug trafficking corridor between Putumayo and Brazil. For this reason, the Border Commandos have clashed mainly with the EMC's Carolina Ramírez front, which has had a considerable impact on border communities (Cambio 2022).

Although violence against the civilian population has had a decreasing trend since the peace process with the FARC (see Figure 1), the recent peaks of violent events on the Amazonian border in 2019 and 2021 are mainly linked to confrontations and coercive actions by the BC and the Carolina Ramírez Front. However, among the three departments that make up the Amazon region in Colombia, Putumayo would explain the recent increase in violence, while in the departments of Amazonas and Vaupes the violence that persists is more limited, which rather than a result of state control would be a product of how the EMC exerts influence over the population in these areas through the Carolina Ramirez and Primero Fronts.

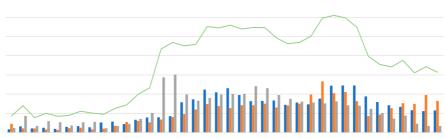


Figure 1 — Evolution of violent events in the Amazon border of Colombia. Source: Made by authors based on data from the Unit for Attention and Reparation of Victims in Colombia.

Hence, violence after the signing of the peace agreement is not random or generalized at the territorial level. On the contrary, higher levels of violence are registered in specific zones where violent non-state actors have imposed hybrid forms of governance with direct and dissimilar implications for the security of border communities. According to the Ombudsman's Office, the social and violent controls exercised by armed groups include restrictions on mobility, threats, forced displacement, homicides, massacres, as well as the use and coercion of indigenous communities to encourage illicit crops and transport drugs through unregulated border crossings (Ombudsman 2022).

In addition, in the Amazon departments with less violence, the EMC has achieved greater expansion and power through the Carolina Ramírez Front and the First Front. There, these fronts have established circumstantial pacts with small criminal structures around drug trafficking in Amazonas and Vaupes, as well as to secure rents from other illicit economies such as gold mining, human trafficking, and smuggling (Ombudsman 2022). However, the articulation of these fronts under the EMC in the Amazon is not assured in the future, considering that each front has a high degree of autonomy and that some members have different interests in the process of exploratory dialogues established by the Petro government with the EMC in October 2023 (Fundación Ideas para la Paz, 2023).

Amid these violent actions and the uncertainty of the scope of the "total peace" process led by president Petro, the State through the public forces has implemented intermittent armed operations that are counterproductive for the security of the civilian population. In fact, the efforts to eradicate and interdict illicit drugs end up affecting the communities more than the armed fronts. This has been the case in Putumayo, where mem-

bers of indigenous communities who are not part of the dissidents have been captured and killed by military forces (Razón Pública 2022).

In addition, the authorities in the Colombian Amazon region have not intervened when armed groups exercise violence against the civilian population, state armed forces have captured members of the fronts, but they have been later released and, allegedly, military and police officers have a kind of pact of inaction in exchange for money from illicit activities (Crisis Group 2021; La Silla Vacía 2023). Under these conditions, the EMC fronts have maintained their illicit activities in the departments of Vaupés and Amazonas without the need to ostensibly increase their violent methods.

Indeed, the armed conflict persists in the Colombian Amazon region where various armed groups exercise hybrid governance, which results in different levels of violence depending not only on the conditions of dispute or agreement between illegal structures, but also on the inaction and even acquiescence of the state authorities.

## THE BRAZILIAN CASE AND THE ILLICIT FLOWS IN THE NORTH BORDER AREA

This section aims to bring to the analysis light the growing link between environmental crimes and drug trafficking in the Legal Amazon, especially in the Brazil-Colombia and Peru-Brazil-Colombia triple Amazon borders, focusing attention on the damage caused to the local populations, especially riverside and indigenous people.

In the case of the Amazon, to understand the dynamics of the violence in the region, it is first necessary to review the main environmental crimes that involve the forest. This is because the unequal dispute between the actors involved in the illegal exploitation of natural resources and the population that fights for the preservation of the territory establishes the social bases on which the criminal organizations and the actors involved with criminality in the region interact. (Anuário 2022, 15).

It is known that the Amazon region has been affected by illegal mining and that there has been a substantial increase in the last decade, generating numerous environmental and social effects in the region. In this sense, it is important to visualize the dimension of such activity in this territory. The document "New study identifies 49 zones affected by illegal mining in the Amazon", by the organization Mongabay, provides an important overview of the phenomenon. Published in October 2023, the study indicates the

existence of 58 zones affected by mining in forests or rivers, 49 of which are illegal mining hotspots in the Amazon.

According to the report, among the indigenous reserves affected by illegal mining are the Kayapo, Menkragnoti, Yanomami, and Munducuru territories, in Brazil, in addition to the Shuar Arutam people, in Ecuador and Awajún, among others in Peru. In parallel, the protected areas most affected by illegal mining are the Podocarpus National Park, in Ecuador (which even goes beyond the Amazon region), the Madidi National Park, in Bolivia, the Canaima, Caura, and Yapacana National Parks, in Venezuela, in the Tambopata National Reserve and Communal Reserve. (Mongabay 2023, 6)

For approximately four decades, illegal mining activity has been growing exponentially in the Venezuela-Colombia-Brazil triple border region, reaching, specifically the border between Venezuela and Brazil, the Yanomami Indigenous Territory. The tributary rivers Orinoco and Rio Negro have become important areas for dredging, where, using large excavators, the bottom of the rivers is "disturbed" to find gold. To separate gold, mercury is used. There are, in this process, at least two immediate consequences: the "muddying" of the waters, in which the rivers become dirty, affecting the fauna, fishing, and navigability itself; and the contamination of rivers by mercury, directly affecting fauna and local populations.

Since September 2023, there has been increasing action by the First Command of the Capital (PCC), which, it appears, is providing tactical cover to the illegal mining operation, in exchange for percentages of gold exploration; which in practice becomes the maintenance and control of the "security" of this operation in the region. The clandestine airstrips, in this sense, very close to tributary rivers and illegal mining zones, would have a dual use: drug and gold flow, being controlled (their operational cost and security) by large groups of drug traffickers.

Brazilian Public Security Forum, in partnership with Instituto Mãe Crioula, in November 2023, reported that the state of Amapá surpassed the national average of homicides by more than 100%, with 50.6/100,000 and 23.3/100,000 of the national average, followed by in the state of Amazonas, with 38.8/100,000, which continues to grow, compared to 36.8/100,000 in the previous year.

International routes, especially coming from Colombia, have transformed the Legal Amazon region into a large transit territory for drugs going to Europe, causing drastic changes in the local dynamics of violence, directly involving local factions in recent years. Routes in the Amazon region circulate 40% of the total volume of resources linked to cocaine trafficking, which corresponds to 4% of the Brazilian GDP. (FBSP 2023)

To give an overview of the recent involvement of local communities in this illegal market, between 2016 and 2022 there was an increase of 35.2% in the region's prison population, while the Brazilian average was 14.1%. (FBSP 2023, 6). One of the central problems that can be identified in this process is the low state presence, as can be seen in:

In addition to the geographical complexity, there is an evident insufficiency of police capacity installed in the states of the region, especially concerning professionals responsible for criminal investigations. (FBSP 2023, 8)

The dispute between the PCC and the CV in the Amazonian border regions is fierce, with the CV achieving greater coverage recently, after defeating the Family of the North, and after making agreements of convenience with groups that were advancing in the region, from Venezuela for example, such as the Tren de Aragua. Other groups, such as "Os Crias" and "Bonde dos 12" are satellites of the CV and the PCC in the region. In contrast, in the neighboring border regions, dissidents from the former FARC remain, such as the Carolina Ramirez Front, Armando Ríos Front, and, also, members of the ELN.

This complex interaction between factions in the region has followed a logic of concentration of monopoly activities with the intensification of the most recent presence of the CV in the region. The CV's current objective is to establish its dominance in the tri-border region, with the intention of expanding into Colombia and Peru. The group aims to control the entire cocaine supply chain, tying in the local population and taking advantage of the lack of legitimate employment opportunities. In fact, it has been established that CV would provide economic aid, medicine, and food in the areas it dominates (Crisis Group 2024).

Furthermore, as was also possible to observe the PCC diversified its activities, forming tactical alliances with illegal mining groups, and with groups linked to prostitution in the region. According to Villa and Pimenta (2019), whenever there are disputes between factions in each location, there are explosions of violence, and it is precisely this moment that we are witnessing in the Amazon region, with the disruptive processes in governance caused by the presence and dispute between CV and PCC in the region. (Villa and Pimenta 2019)

In this context central issue is the rampant corruption of state actors. According to Crisis Group (2024), Brazilian security forces share information with criminal networks, receive bribes to tip off miners about impending crackdowns, and have been arrested for collaborating with a criminal organization. Therefore, the presence and action of the state is functional

to the variation of violence in the Amazon. In particular, security actors' forms of control and criminal groups local norms work in synergy to favor the illicit markets that are present in this area of Brazil facilitating the recent rise of violence.

#### CONCLUSION

Violence and citizenship in Latin America are some of the key themes to understand the variations of violence levels and those linked to drug trafficking. The literature on Latin America's political contexts is well-defined and established (Arias 2006; O'Donnell 1993; Caldeira and Holston 1999; Mainwaring, Brinks, and Perez-Liñan 2001). In the same way, we have a large literature on the Pandillas (gangs) in Latin America.

Illegality does not necessarily create violence. The relationship between illicit markets and violence depends on institutions of protection: if state-sponsored protection rackets form, illicit markets can be peaceful. On the contrary, the breakdown of the racket, due to an increase in political competition, anti-corruption reforms, and new players entering the illicit market, together, may alter the reach of state officials and the geography of enforcement, leading to a sharp increase in violence.

This phenomenon is relevant in both Colombia and Brazil, where a dispersion of criminal actors translates into different levels of violence and forms of hybrid governance. In the case of Colombia this occurs due to new arrangements following the Peace Agreements linked to drug trafficking. While in Putumayo disputes among armed actors, such as the Border commandos and the Carolina Front, led to a rise in the levels of violence, near the Colombian border with Brazil various dissidents maintain territorial influence under unstable alliances leading to lower levels of violence. On the other hand, when comparing the case of Brazil, the dispersion of criminal actors and the unprecedent rise of violence is due to disputes over spaces for illegal exploitation of the forest, drug trafficking, and illegal mining, because of conflicts between those associated with both the Red Command (CV) and the First Command of the Capital (PCC) and North Family (FDN), to name the most relevant criminal actors.

Therefore, this article explored how hybrid governance in the case of the Brazil-Colombia border has resulted in an interrelationship between three key issues: the coexistence and/or competitive arrangements between transnational criminal organizations, the multiple violent effects on local populations, especially for indigenous peoples in the Upper Amazon region, and the ambiguous role of the state as an actor that should prevent non-state violence yet appears to facilitate this phenomenon.

According to the findings of this study, state law enforcement in the Amazon has been functional to the interests of the armed groups in the area. Thus, what is observed is that hybrid governance has significantly affected local communities, including indigenous groups, preventing this population from engaging in legal livelihoods or fostering greater trust with security forces and government institutions.

In Colombia, as well as in Brazil competitive politics, in conjunction with the territorially uneven control of the central state, hindered the formation of stable state-sponsored protection rackets. We argue that two main avenues of research will demand attention shortly: First, how is the presence of the state actors in the Amazon region, and besides the presence, is this presence qualified? Second, how deep are the hybrid governance roots in the *social milieu*? These two questions need a research agenda with a range of state actors, non-state actors, academics, and civil society engaged in facing the problems that are derived from the presence of transnational organized crime actors.

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### HYBRID GOVERNANCE AND VIOLENT NON-STATE ACTORS: EXAMINING THE CASE OF BRAZIL AND COLOMBIA

#### **ABSTRACT**

The article discusses the characteristics of organized crime governance linked to illicit markets in Brazil and Colombia, and it explores how violent armed actors linked mainly to drug trafficking and gold mining in different zones of the Amazon borders have established systems of governance that translate into different forms of violence. This can be called hybrid governance. Accordingly, this research proposes that such governance is not only expressed in recent patterns of coexistence and/or competition agreements among illegal groups but is additionally associated with the role played by the state both as the actor who has the power of law enforcement, or, on the other hand, as the actor who offers protection rackets to organized crime.

Keywords: Hybrid governance; Brazil; Colombia; Violent Non-State Actors.

#### **RESUMO**

O artigo discute as características da governança local do crime organizado ligada aos mercados ilícitos em diferentes áreas do Brasil e da Colômbia, e explora como atores armados violentos, vinculados principalmente ao tráfico de drogas e à mineração de ouro em diferentes zonas das fronteiras amazônicas, estabeleceram sistemas de governança que se traduzem em diferentes formas de violência. Isto pode ser chamado de governança híbrida. Assim, esta investigação propõe que tal governança não se expressa apenas por padrões recentes de coexistência e/ou acordos de concorrência entre grupos ilegais, mas está adicionalmente associada ao papel desempenhado pelo Estado, tanto como ator que tem o poder de aplicação da lei como no papel do Estado, ou, por outro lado, como o ator que oferece esquemas de proteção ao crime organizado.

Palavras-Chave: Governança Híbrida; Brasil; Colômbia; Atores Armados Não-Estatais

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