

# ON THE BORDER

THE GULF CLAN, IRREGULAR  
MIGRATION AND ORGANIZED  
CRIME IN DARIÉN

Andrés Cajiao | Paula Tobo | Mariana Botero Restrepo

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## ABOUT THE AUTHORS

**Andrés Cajiao** is the coordinator of the FIP's Monitoring Unit, tracking conflict and organized violence. He is a political scientist with a master's degree in cultures of peace, conflict, education and human rights, and he has more than 10 years of experience in studying and analyzing conflicts zones and researching territorial security, armed conflict, organized crime and their humanitarian impact.

**Paulo Tobo** is a junior researcher at FIP. She has a degree in international relations and politics from the Universidad Militar Nueva Granada and has conducted research on security, armed conflict and their humanitarian impact.

**Mariana Botero Restrepo** is an analyst at the GI-TOC. She has a bachelor's degree in political science from the Universidad del Rosario and experience in political analysis and project management in the area of peacebuilding and human rights. She is interested in peacebuilding, conflict resolution, gender-based violence and the links between conflict and crime.



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Please direct inquiries to:  
The Global Initiative Against Transnational Organized Crime  
Avenue de France 23  
Geneva, CH-1202  
Switzerland  
[www.globalinitiative.net](http://www.globalinitiative.net)

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## EXECUTIVE SUMMARY

**J**ust how organized is organized crime? This report on the relationship between migration and organized crime along the Colombia–Panama border explores this recurring question in research on organized crime with the aim of demystifying two underexplored phenomena in Colombia.

The first is the Gulf Clan (Spanish: Clan del Golfo), which calls itself the Gaitanist Self-Defence Forces of Colombia, a group that continues to control the region despite being the object of one of the most intensive intelligence and judicial operations in the country's recent history. While the specifics of how the Clan operates are unknown, this report demonstrates that criminal governance always depends on a complex set of relationships between organized crime, local communities and the state. Violence and the threat of violence are not enough to govern. In fact, one of the main findings of this study is that the influence of organized crime means that irregular migration and the economy that arises around it do not operate through violence.

The second phenomenon explored here is migrant smuggling, which is widespread in border areas. The actions taken by states and international organizations have not curbed this highly complex illicit economy. Although irregular migration is stigmatized and presents a serious humanitarian problem in the region, it has been key in reviving the economies of Urabá and the Darién Gap, along the Colombian border, which should play a central role in public policy discussions. Without a better understanding of migratory phenomena and the key players involved, there is little the state can do to guarantee people's safety or recover territorial control where it has lost it.

### Introduction

The Darién Gap is a jungle zone spanning the Colombia and Panama borders, and connecting Central and South America. On the Colombian side, it includes the Acandí, Unguía, Riosucio and Jurado municipalities of the Chocó department; on the Panamanian side, it includes the Darién province and the Emberá Wounaan indigenous territory.

Images of thousands of migrants crossing the Darién Gap in an effort to ultimately reach the United States circulate widely on social media and in the news. These large groups – including many children and elderly and disabled people – face dangerous geographic conditions and risk their lives as they cross this frontier zone in search of opportunities and a better life. Panamanian authorities estimate that, between January and September 2022, 151 000 people crossed through this region.<sup>1</sup> This is a 13 per cent increase over 2021's 133 000 migrants, before the year was out.

Unlike in 2021, when most of the migrants were from Haiti, up until September 2022, most were Venezuelan coming from different parts of South America and heading to the United States. However, the US's recent change in foreign policy, to no longer accept irregular Venezuelan migrants, reduced the number of Venezuelans making the crossing.<sup>2</sup> By the end of October 2022, the number of migrants coming from Ecuador had nearly quadrupled, and the number of migrants from Venezuela was expected to decrease in November.<sup>3</sup>

The Darién crossing requires navigating one of the densest jungles in the world. According to Doctors Without Borders, there are three main risks:<sup>4</sup> firstly, the physical demands of walking through the jungle for up to 10 days, in precarious conditions without medicine or available medical attention; secondly, the strong river currents, which are prone to change suddenly (an unknown number of people have died in the forest for these two reasons); and, thirdly, violence, in the form of frequent thefts and sexual violence against women and LGBTQI+ people. Doctors Without Borders estimates that there were around 400 cases of sexual violence between April 2021 and June 2022.<sup>5</sup>

Migrant smuggling in this region follows patterns that have been studied in other parts of the world. It is controlled by a local Colombian smuggling network that specializes in sea and overland transport logistics. This group is not a local subset of a centralized national network; instead, there is an independent local smuggling economy that draws participants from the community. Similar local groups working in a fragmented fashion facilitate the entire trip to the United States.



Hundreds of thousands of people have tried to cross the Darién Gap to reach the United States. © Jorge Calle/Anadolu Agency via Getty Images

Despite this local element, national and transnational networks converge in the Darién Gap and interact with the Gulf Clan because of its dominant control of the Colombian side of the crossing. Although the Gulf Clan's role in criminal governance in the region is well known, it has a specific influence on the smuggling of migrants. Therefore, this report explores the degree of the group's involvement and the humanitarian implications.

The Gulf Clan's territorial control coupled with the sustained increase in migration makes this context ideal to clear up falsehoods surrounding organized crime that stand in the way of understanding the underlying social and community relationships – and their links to informal economies – that sustain illicit practices. The first finding is that despite the Clan's dominance, it is not the only or even the main driver of this economy, but it does interact with it in various ways.

There are at least three ways the Gulf Clan is involved in migrant smuggling: 'taxing' all related activities; minimizing violence against migrants on the Colombian side of the border; and authorizing or restricting access to maritime and land routes. These activities are aimed at diversifying the Clan's sources of income, warding off attention from authorities and maintaining their territorial control.

The Clan's place in this economy has evolved as its operations have changed in recent years and as the flow of migrants has increased, destabilizing the region and, as a result, threatening the group's income. Unlike other armed actors along the Colombian border, the Gulf Clan does not exercise control on the Panamanian side, where the norm tends to be indiscriminate violence practised by a proliferating number of criminal groups that frequently ambush groups of migrants to rob and sexually assault them.

Understanding the migration dynamics in the Darién Gap also means understanding everything that is happening in the Urabá Antioquia region. While this region itself does not border Panama, everyone making the crossing must pass through, which particularly affects the municipalities of Necoclí, Turbo and Apartadó.

Migration is not new to this region, but it has become a critical issue in the past two years. This has given rise to countless reports describing the situation the migrants face and the Darién crossing, but little has been written on migrant smuggling, migratory changes and the role of organized crime. This report explores those issues in hopes of serving as a point of departure for future research that may delve more deeply into the topic.

## Methodology

For this report we carried out virtual interviews with subjects throughout the country and in-person interviews and field observations in Apartadó and Necoclí (in Antioquia) and the surrounding areas. The report captures the situation on the Colombian side of the border with an emphasis on the routes that lead from the Caribbean Sea into the Darién jungle. We also reviewed press reports and academic texts as well as tracking Facebook and WhatsApp groups that migrants use to share information about the crossing.

Reporting and research on this phenomenon are relatively new, which posed a number of methodological challenges that are the main limitation of this report. First, there are limited sources of information: most think tanks, humanitarian organizations, government institutions and academics are still in the process of collecting and analyzing information. The region itself is a good source of information, but the Gulf Clan's control of the territory makes it necessary to build trust to gather information, which takes time.

Second, migration through the Darién Gap is complex both because it is influenced by international, regional, national and local factors and because it has changed significantly in recent months. This continuously changing data requires constant follow-up and analysis. For example, weeks after the fieldwork carried out for this report, President Joe Biden announced a change in migration rules for Venezuelans, which cut down on the number of Venezuelans making the crossing.

Finally, there is a diverse set of sources on this topic, which makes it challenging to gather information. In addition to news articles and some references in government and humanitarian documents, social media (Facebook, TikTok and WhatsApp) has become a widespread way for migrants to exchange information, and smuggling networks are also sometimes involved on social media. Migrants use these networks to share their experiences, warn others of the risks of crossing, give advice about the trip, tell others about the cost and more. Therefore, tracking the information being shared on social media is necessary to understand possible changes in migration trends and pick up clues for further areas of research. However, since social media can also give rise to false information and contradictory views, we triangulated the data with other sources of information.



## MIGRANT SMUGGLING

**M**igrant smuggling is a complex phenomenon and is still in the process of being defined theoretically and conceptually.<sup>6</sup> According to the Protocol against the Smuggling of Migrants by Land, Sea and Air, which complements the United Nations Convention against Transnational Organized Crime (UNTOC), which came into effect in 2004, migrant smuggling is ‘the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident’.<sup>7</sup>

Migrant smuggling refers to a service that facilitates passage of one person or a group across a border in exchange for a monetary or other benefit, as in a contractual relationship. Public policy and mass media tend to confuse migrant smuggling with human trafficking, which can be related but is a distinct phenomenon. The UNTOC defines ‘trafficking in persons’ as:

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.<sup>8</sup>

There are three differences between trafficking and smuggling:<sup>9</sup> the first is consent. In migrant smuggling, people agree to being transported, while in trafficking, victims may not have given their consent or were forced to consent through coercion, deception or abuse. The second is exploitation. While the migrant-smuggler relationship ends once the trip is completed, victims of human trafficking continue to be exploited. The third is the transnational nature of smuggling, which requires leaving a country, while trafficking can occur within a single national territory. Another differentiating element is the victim: while human traffickers commit crimes against people, the main victim in smuggling is the state’s control over its borders.<sup>10</sup> When crimes are committed against people being smuggled, they are understood as separate, though related, events.

These differences do not mean that smuggling and trafficking cannot coexist in a single place; in fact, some experts have pointed out that the line between the two is blurry, which makes enforcing the law difficult and has a minimal impact on prevention.<sup>11</sup> For example, migrants might voluntarily agree to services to cross the border without knowing the true dangers posed by the route because the smuggler withholds information.<sup>12</sup> They might also be defrauded or temporarily kidnapped by smugglers.



Generally speaking, a migrant smuggler is someone who facilitates the movement of people across a border in exchange for compensation. Many people who provide services to migrants may fit into this category. However, recent research has been critical of the criminalization of this activity for wrongly equating it to other types of smuggling, like drug smuggling.<sup>13</sup> The criminalization of irregular crossings leads communities to normalize informal crossings, and people rely on facilitators to ensure mobility.<sup>14</sup> As sociologist Hein de Haas has put it, 'Smuggling is a reaction to border controls, not the cause of migration'.<sup>15</sup> Smugglers have tended to be characterized as perpetrators while migrants are characterized as victims, but in reality it is a symbiotic relationship<sup>16</sup> determined by factors that are overlooked in this simplification: how communities organize to handle the use of their land as a migratory crossing, for example, and relationships of solidary and interdependence.<sup>17</sup>

Treating all smugglers as criminals, members of an organized crime group and responsible for all of the obstacles that migrants face conceals certain realities. For example, the fact that while the smuggler receives financial compensation, the vulnerable migrant also benefits by being able to overcome barriers to movement<sup>18</sup> imposed by the state and the security measures that keep those barriers in place. The category of criminality is in large part the product of a state decision rather than an inherent aspect of smuggling.<sup>19</sup>

## Types of migrant smuggling

Broadly speaking, there are two types of migrant smuggling.<sup>20</sup> One is a 'complete package': a single payment that covers the entire route to the destination country, which is much more common among migrants making long journeys. Groups that provide this service organize every aspect of the migration, including transportation, documentation and lodging. To carry this off, they must possess a level of sophistication that is rare among smugglers.

The other and most common form is 'instalment payments' at each step of the journey: migrants have much more control over the route because they pay local smugglers to get them through certain areas along the way to their destination. This is the more economical option, and the money does not go to a single actor but to each local smuggling business along the route.

## Roles

The roles of migrant smugglers fall into one of two categories: logistical operators and specialists.<sup>21</sup> Logistical operators have a permanent role in this economy and include drivers, guides, lower-ranked recruiters and those in charge of security. They tend to come from the communities where border crossings occur.

Specialists, on the other hand, carry out specific tasks, not necessarily at the border crossing. They are in charge of financing, money laundering and falsifying documents, and some also encourage corruption among authorities. Unlike logistical operators, they are more likely to lend their services to other illicit economies at the same time. Their involvement largely determines the sophistication of a migrant smuggling network.

The actors who make up this chain are diverse. Migration cuts through areas with limited economic opportunities, making it a possible income source for many. As an informal local economy, migrant smuggling benefits the communities where key points along the route are located because residents can provide supplies, transportation and lodging or act as guides.



A group of migrants crosses one of the rivers in the jungle of the Darién Gap on the way to Panama, October 2021.

© John Moore / Bloomberg via Getty Images

## The criminal perspective

Analyses of migrant smuggling have viewed it from at least five perspectives: as a business, from the point of view of criminality, through network analysis, as part of the global political economy and from the perspective of human rights. A focus on criminality has prevailed in recent years, with two main approaches: classifying the smuggler as a criminal and looking at the involvement of organized crime. However, this focus has shifted.

There are two myths regarding migrant smuggling: the existence of large transnational networks dedicated entirely to migrant smuggling, and the idea that drug smugglers are taking control of migrant smuggling on a large scale.<sup>22</sup> Initially it was believed that the growth of this economy was backed by centralized activities on a transnational scale; however, little by little, this hypothesis has lost validity. Most studies, based on field observations, show the opposite to be true.<sup>23</sup>

The relationship between migrant smuggling and organized crime rarely involves complex international operations or centralized networks controlling the entire migration process.<sup>24</sup> Instead, today's networks are the result of many smaller independent actors coming together (with weak links between them),<sup>25</sup> where local groups carry out concrete tasks and may have some relationship to illegal armed groups that control transit regions.<sup>26</sup>

Over the past three decades, migration flows have attracted the attention of criminal organizations that need to find sources of income as alternatives to their main illicit operations, such as drug or arms trafficking. However, they have not become the main service providers nor the only decision makers. There are examples of criminal organizations levying taxes on those who provide migration-related services or limiting their access to certain routes, but those groups do not have their own foot soldiers guiding migrants. The links between organized crime and migrant smuggling are limited to certain cases and come about when criminal groups decide to capitalize on their territorial control.

For example, in Mexico, it was shown that cartels are not directly involved in migration for several reasons: it does not generate as much income as other illicit economies; it is more efficient for them to charge a tax, which brings in income with less effort; and it is an activity based on trust, so migrants are unlikely to want to hire the services of armed groups.<sup>27</sup>

Occasionally, organized criminal groups provide security for migratory crossings.<sup>28</sup> Migrant smuggling is not necessarily a violent economy; in fact, there are incentives for guaranteeing migrants' safety and maintaining order since violence may dissuade migrants from using their services. However, migratory flows tend to occur in violent contexts where irregular actors control or monopolize the use of violence. There are also cases where smugglers defraud and abuse their clients.



## CONTEXT: THE DARIÉN GAP, A STARTING POINT FOR MIGRATION

**T**he Darién jungle, which covers more than 575 000 hectares, is considered one of the world's most difficult jungles to access. It is the only point in the Americas where the Pan-American Highway is interrupted, with a break between Yaviza, Panama, and Turbo, Colombia. Known as the Darién Gap, it is both a natural barrier and a bridge between Central and South America. This is a highly challenging geography characterized by high humidity, rivers, swamps and estuaries. It has a long history as a migratory crossing: it was initially an ancestral passage, used by the Emberá and Wounaan communities, who moved to adapt to the river conditions and to search for food and arable land.<sup>29</sup> Current residents of the region suggest that the Darién Gap began to be used as a transit zone for migrants on their way to other countries 50 or 60 years ago, when people coming from Ecuador and Bolivia saw the chance to reach the 'American Dream'.

For a good part of the 20th century, the route was used by hundreds of migrants per year, primarily Africans. There are no migration records prior to 2007; however, there are testimonies of Colombians forced to cross into Panama because of the armed conflict of the 1990s.<sup>30</sup> Migration began to take off in 2008 when Ecuadorian president Rafael Correa's government loosened its migration policies, which increased the flow of migrants from outside of the continent.<sup>31</sup> Since then, migration patterns from other countries began to emerge, like Brazil and Argentina, where African migrants (from Senegal, Cameroon, Sudan and Ghana, among other countries) and Asian migrants (from Nepal, Bangladesh, India and Pakistan) saw a chance to reach the United States irregularly.

After the earthquake in Haiti in 2010, Brazil and Ecuador offered special entry visas to Haitians, who began to have a visible presence at the Darién crossing. In 2012, waves of Cuban migrants began to arrive in South America as US–Cuba relations began to be normalized. Large numbers of migrants undertook the journey to not miss out on the benefits offered by the US government.<sup>32</sup>

The first large-scale bottleneck of the flow of migrants in the region was seen in 2016 with the mass arrival of Cubans, who, when faced with the Panama–Costa Rica border closure and the extreme challenges of the jungle crossing, remained in Turbo and demanded that the US government secure them passage to the United States. At that time, they left Urabá Antioquia in boats heading to

Capurganá and Sapzurro,<sup>33</sup> particularly El Waffe port. According to Panamanian authorities, more than 25 000 people moved through that border crossing that year.<sup>34</sup>

In 2017 and 2018, the migratory flow fell to 6 446 and 9 678 people, respectively. Starting in 2019, the route underwent a significant change as migrants began leaving from Necoclí instead of Turbo. People interviewed for this report suggested that the construction of ports in Turbo was behind this change; others cited a possible decision by the Gulf Clan to try to distance migrant-smuggling routes from cocaine-smuggling routes. In early 2019, there were more minor stoppages suspected to be a result of the Gulf Clan's decision to interrupt the exodus of migrants after a boat carrying 32 people was shipwrecked, leaving only eight survivors. Restrictions ended in March of that year. The number of minors making the crossing also increased in 2019: according to UNICEF, seven times more children crossed in comparison to the previous year,<sup>35</sup> of whom 50 per cent were under the age of six.<sup>36</sup>

In 2020, the number of migrants decreased considerably because of the COVID-19 pandemic. Not only were international borders closed but the local governments of the communities that migrants pass through shut down the transit of migrants to minimize the threat of infection.<sup>37</sup> However, in mid-2021 there was the largest bottleneck of migrants to date, with more than 20 000 migrants stranded in Necoclí, a municipality that is home to 12 000 residents. The restrictions on entering Panama and the mass exodus of Haitians living in other South American countries came together to create an extreme situation, with migrants in Necoclí facing a food shortage and lack of shelter for two months. International aid, national institutions and local residents joined forces to mitigate the situation. The construction of a new dock and the help of the navy gradually alleviated the dire conditions. During this period, the Pacific Ocean route became more frequently used as it allowed migrants to avoid the jungle crossing, despite being more expensive.<sup>38</sup>



**FIGURE 1** The regions of Urabá and the Darién Gap.

## Armed conflict in Urabá and the Darién Gap

The Darién Gap and Urabá Antioquia are two of the regions that have been most gravely affected by armed conflict over the past 40 years. A number of armed actors have been active in the region during that period: the Ejército Popular de Liberación (Popular Liberation Army; EPL) mainly based in Urabá; the FARC, in the Darién Gap during the 1990s with its 57th Front;<sup>39</sup> the Elmer Cárdenas Bloc of the Autodefensas Unidas de Colombia (United Self-Defence Forces of Colombia; AUC), which maintained a strong grip on all municipalities; and the Gulf Clan, which predominates today. According to the Victims Register produced by the unit for assistance and reparation for victims (Registro Único de Víctimas de la Unidad para la Atención y Reparación Integral a las Víctimas), more than 155 000 people have been victims of violence related to armed conflict in the municipalities in Chocó that border Panama. In the municipalities of Urabá (Apartadó, Turbo and Necoclí), there have been another 302 000 victims. Nearly 60 per cent of residents in all of the municipalities assessed have been victims of the armed conflict. Because the Darién Gap and Urabá offer access to the Atlantic and Pacific Oceans, they have attracted the attention of illegal actors that use those maritime routes to transport drugs to Central America.

Currently, the Gulf Clan, the main illegal armed actor that remains following the demobilization of the AUC, has a monopoly over control of the territory. Urabá Antioquia is considered their stronghold, followed by neighbouring regions such as Bajo Atrato-Darién and southern Córdoba. Before the state and FARC signed the 2016 Peace Accord, the Clan shared some of these territories with the FARC, and the two groups had agreements regulating their involvement in illicit coca cultivation and cocaine trafficking.<sup>40</sup>

The Gulf Clan's control reaches into numerous aspects of life in the region. Not only does the group exert a violent presence, but it also practises criminal governance by replacing the rule of law, attempting to co-opt community spaces and organizations, imposing norms of conduct and restrictions on movement, and exercising undue influence on electoral and political processes in the region. Income from drug trafficking is one of the reasons the Clan has enjoyed such success. For several decades, Urabá has fostered the development of this illicit economy by connecting sites of production with maritime routes to Central America. The Clan's commanders have personal and political networks and established surveillance measures, leftover from the era of paramilitary control, which further their dominance over the region.

The Gulf Clan's control was evident in the most recent armed strike declared in 2022, which paralyzed movement between Urabá and the Darién Gap and other areas. However, the region does not have high indicators of lethal violence or humanitarian impact<sup>41</sup> in comparison to other areas under the control of illegal armed actors. The lack of high rates of mass displacement, detention, massacres and confrontations among armed actors – present in other regions – does not indicate ideal security conditions. Violence simply takes other forms, such as targeted assassinations,<sup>42</sup> threats, attacks on community leaders, torture, forced displacement of individuals, forced recruitment and sexual violence.

An armed group's grip on a region influences the type of violence that prevails there – here, the Gulf Clan is able to control the level of subregional violence. Because the group is not engaged in armed conflicts with other irregular actors, indicators of violence are comparatively moderate. The Clan's total surveillance of the region<sup>43</sup> and its ability to adapt in response to operations carried out by the Fuerza Pública – the body composed of branches of the military and the national police – also suppress levels of lethal violence.<sup>44</sup>



Migrants in Necoclí waiting to make the crossing toward Panama. © Mariana Botero Restrepo



## THE MIGRATION CRISIS IN THE DARIÉN GAP

**M**igration in 2022 looks very different from migration in 2021: the international landscape, the profile of migrants, costs, routes and the numbers of people making the trip have all changed. The Darién Gap is still a transit zone where local services are offered to migrants by community members rather than a complex national or transnational economic network. The factors shaping what migration through the Darién Gap looks like are the ways the community has organized to benefit from this phenomenon and mitigate its risks, the Gulf Clan's regulation of related activities and changing migratory flows and policies in South America.

Smugglers, not necessarily tied to the Gulf Clan, tend to fit the profile of logistical operators, whose role is limited to activities in the region. When migrants move on, they continue negotiating with other organized or criminal structures involved in migrant smuggling along their journey to the United States or their final destination. The services offered in the Darién Gap tend to be sea passage or passage through the jungle. The latter requires the local guides who accompany migrants on this part of the journey to have specialized knowledge and physical abilities. To a lesser degree, some people work as recruiters, particularly by offering information on social media about the trip and connecting migrants with overland guides in Chocó.

There are exceptional cases of migrants not negotiating directly with logistical operators but instead purchasing 'complete packages' from their point of origin, usually in Africa or Asia. There are indicators that national networks do exist to facilitate the arrival of migrants in Medellín and occasionally in Urabá, but these cases do not make up the bulk of the migratory flow. The only people who offer logistical services in the region continue to be local residents.

Transit routes change over time and depend on the needs of migrants and restrictions put in place by armed actors in the region, among other factors. There are at least three ways to cross the Darién Gap:<sup>45</sup>

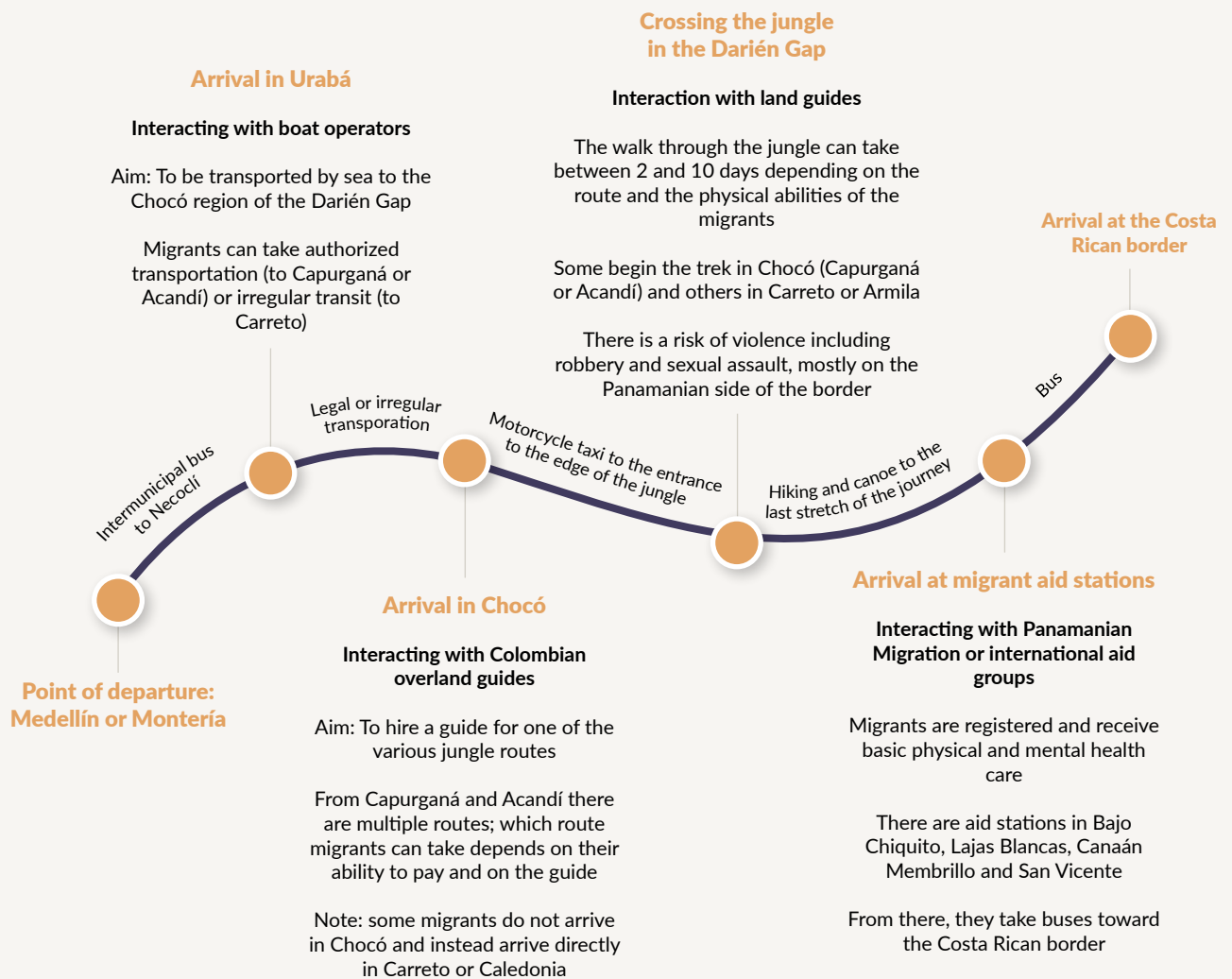
- Via the Atlantic: this is the most well-known route. It begins in Necoclí or nearby ports, goes through Capurganá, Acandí or Sapzurro and crosses through the jungle to reach the Pan-American Highway. The routes vary depending on the weather, the guides, the armed actors controlling the area and migrants' financial means. The cheaper routes require more days in the jungle; the more expensive ones include longer stretches at sea.
- Via the Pacific: this route is less common and is generally used by people with more resources who want to avoid passage through the jungle. It has become popular among migrants with



greater financial means and who want to be less visible, such as those from outside of South America. They generally arrive from the Ecuadorian border, then reach Tumaco or Buenaventura, Colombian port cities, and take maritime routes along the coast of Chocó. The journey begins in Juradó (Chocó) and continues to Jacqué, a district in Panama. Migrants then board another boat to reach Puerto Quimba, where they return to an overland route to reach the Pan-American Highway.

- Via an overland route in Riosucio (Chocó): this route is currently inactive. According to the Ombudsman's Office of Colombia, in 2017, this was one of the most widely used routes before migrants took the route toward Capurganá or Sapzurro. They would leave Turbo and enter Chocó via the Atrato River until reaching Puente América. From there they would walk through the jungle until Yaviza, on the Pan-American Highway.

Over the last three years, the vast majority of migrants have taken the cheapest and most dangerous routes, via the Atlantic, which this report will focus on.



**FIGURE 2** Routes for crossing the Darién Gap from the Atlantic.

Migrants reach the Darién Gap thanks to information about these routes that circulates on social media and among their social and family circles.<sup>46</sup> People who have already made the trip share details and contact information of those offering transport services in the region. Before reaching Necoclí, the municipality in Urabá Antioquia where most migrants arrive, migrants travel from Medellín or Montería. They will have crossed Colombia's southern border to get there, and others come from the border with Venezuela.

To better understand the Darién routes, it is necessary to understand three aspects: the point of departure where migrants concentrate, the means of crossing the Gulf of Urabá and the arrival point in Chocó or Panama where migrants enter the jungle to eventually reach a migration reception station and continue on to Costa Rica on their way to the United States or Canada.

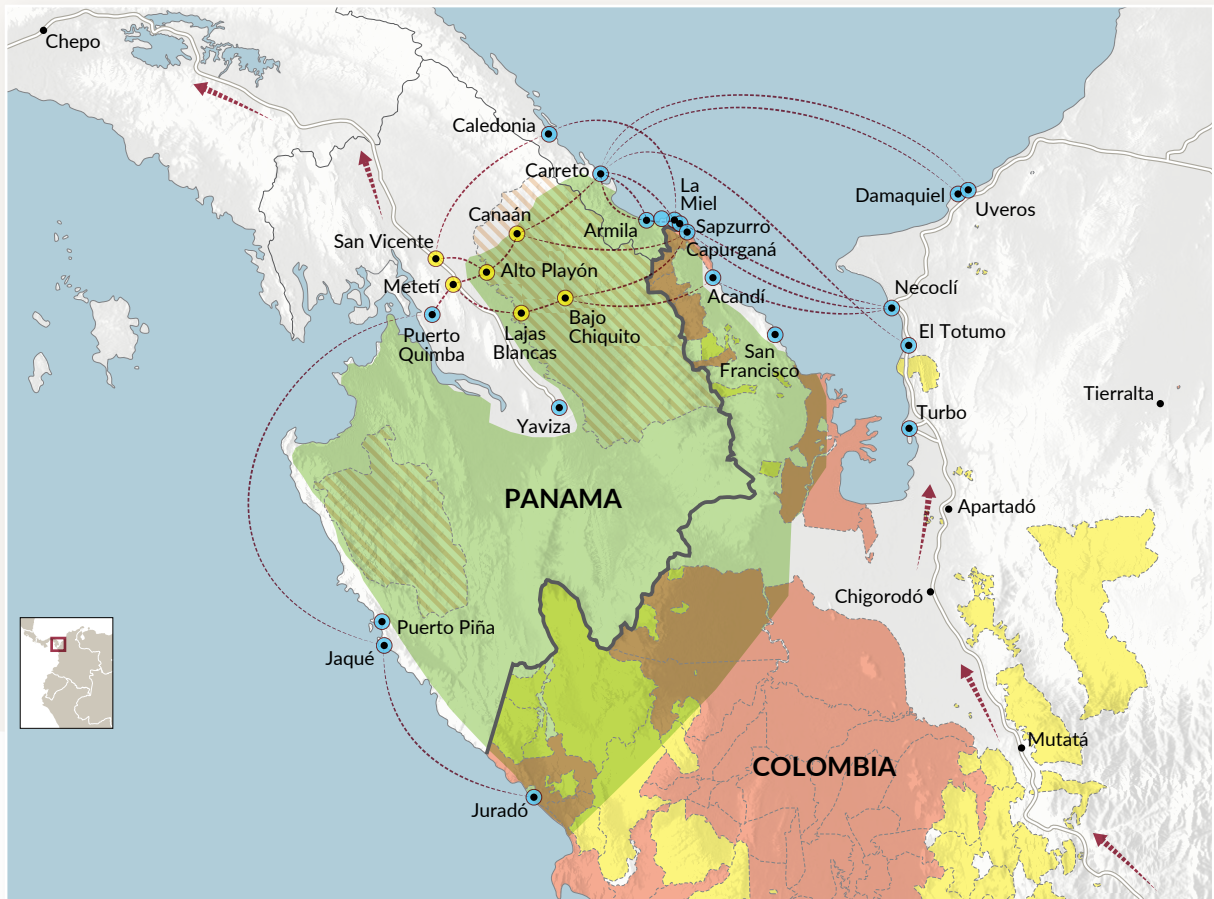
## **The point of departure: The sea route from Urabá to Chocó**

Figure 3 shows some of the routes migrants use to reach Panama, identified in August 2022. There is no single way to make the journey: legal and illegal factors combine to affect routes, and they may vary depending on the flow of migrants, the guide, the weather, violence, regulations imposed by the Gulf Clan and the migrants' ability to pay. The flexibility of the routes also reflects how this economy has expanded, adapted and become more sophisticated.

While the Colombia–Panama border is in the jurisdiction of Chocó, it is not easy to reach the Chocó region of the Darién Gap by road, which means that those wishing to reach the border turn to the maritime route via the Gulf of Urabá. This means that the journey starts in the municipal seat of Necoclí (in Antioquia), and legal sea routes begin there, taking migrants<sup>47</sup> to various parts of Acandí (in Chocó) or sometimes to the Panamanian coast. Seventy per cent of migrants<sup>48</sup> who reach Panama through the Darién Gap depart legally from authorized points designated by the Necoclí government.<sup>49</sup> The rest are irregular departures from the same municipality or nearby areas using sea transportation not approved by the Colombian authorities. These routes are described later in this section.

At the ports authorized for departure, there is not an official Colombian Migration post or other government office. Transport companies are instead legally responsible for registering migrants and sharing their information with Colombian Migration, local authorities and international bodies. There are two docks in Necoclí and two transport companies authorized to take people to the municipal seat of Acandí and Capurganá, the arrival points migrants reach before entering the jungle. From there, migrants' journeys vary depending on what routes are available and their finances. Companies offer formal tickets, life jackets and schedules with daily capacity limits.

Increased demand led to the opening of other sea routes, such as illegal 'express' routes from unauthorized points of departure, such as El Totumo (in Necoclí) and Damaquiel and Uveros (in San Juan de Urabá), among others. Illegal boats operate along these routes and on unauthorized schedules (usually at night), often without safety measures. Rather than arriving in Capurganá or Acandí, they reach Caledonia or Carreto, in Panama, directly. These routes, which cost around US\$300 or more, are used by migrants with greater financial means who do not want to, or cannot, wait their turn to take the authorized boat from Necoclí and do not want to be documented by migration authorities. They shorten the jungle crossing to two or three days. However, fieldwork has determined that these routes are no longer available, presumably shut down by the Gulf Clan, even though the group initially supported these routes so as to not draw the authorities' attention to the routes they use for drug trafficking.



**FIGURE 3** Routes migrants use to reach Panama, August 2022.

## Overland routes

After reaching Capurganá, Acandí, Sapzurro or Carreto, migrants must start a journey by land to the migrant service centres set up by Panamanian authorities or international bodies. This marks the start of the border crossing through the jungle. In Capurganá, the town in Chocó that is the most frequent departure point, there are two established routes that reach Bajo Chiquito and Canaan Membrillo, located on the Panamanian side of the border in the Emberá Wounaan region. Here, the migration becomes irregular: there are no formal border-crossing checkpoints and the Colombian authorities do not have a presence in the area.<sup>50</sup>

These routes are the most physically demanding, the cheapest and the least secure. The Capurganá–Bajo Chiquito route takes about five to seven days and costs approximately US\$50 to US\$60, and the route to Canaan Membrillo, considered the most physically demanding, lasts about seven to 10 days and costs US\$40. Migrants with less money use these routes to reach the Pan-American Highway, which will take them to the border with Costa Rica.

A third overland route from Capurganá appears to be gaining in popularity, although it is still less used than the others, according to interviews, fieldwork and information collected from migrant groups on Facebook and WhatsApp. This route follows the coast to Armila beach in Panama and then continues on to Carreto. By sticking to the beach, it requires less time in the jungle. It costs approximately US\$60 and takes two days to Carreto, plus three to five more in the jungle to reach Canaan Membrillo.



© John Moore via Getty Images

There are at least two routes that take advantage of sea routes from Capurganá to shorten the jungle passage. The first reaches Carreto, costing between US\$200 and US\$400; the second ends slightly farther north, in Caledonia, and costs more than US\$400, making it less popular. According to some interviewees, the Capurganá routes to Carreto and Caledonia have been closed, like the 'express' routes from Urabá: the Gulf Clan has prohibited guides and boat operators from offering migrants this option.

Those who arrive in Acaandí from Necoclí, on the coast of Chocó south of Capurganá, take a route that reaches the towns of Bajo Chiquito or Lajas Blancas in Panama. This trek is slightly shorter, lasting three to five days and costing US\$60, and it is less physically demanding. It was initially affected by the murder of Fredy Pestana, leader of the COCOMANORTE Community Council, in December 2021, but it has been reactivated in recent months. When migrants reach ones of these points in Chocó, their overland guide becomes key. These guides are contracted to accompany them through the jungle until they near the border, where Panamanian guides help them finish the journey and reach the migrant reception centres in Panama – a process that demonstrates just how fragmented the route is.

The relationship between migrants and overland guides, or 'coyotes', is not necessarily predatory. Although coyotes have been viewed in the past as taking advantage of migrants and mistreating them, they are now seen as 'providers of a service that meets an exogenously given social demand of mobility, which is constrained by legislations widely held as unjust and unfair'.<sup>51</sup> There are some reports of migrants being scammed and deliberately left in the jungle; however, the Gulf Clan prohibits attacks on migrants, as we will see later.

Figure 3 shows that there are community councils along the border that provide protection at the points where migrants enter the jungle in Acaandí and Capurganá. Members of those communities have

become guides to lead people through the jungle. Most work as ‘humanitarian guides’<sup>52</sup> who operate independently or occasionally under regulations established by the community councils, which have attempted to impose some order on this process.

These are the options available to migrants who wish to cross into Panama taking the Atlantic Ocean route. Once they reach towns in Panama, international bodies and Panamanian authorities see to them, or they are transferred to migration reception stations (such as San Vicente) for physical, sexual and mental health checks and to take care of administrative procedures.<sup>53</sup> Then they buy a bus ticket costing approximately US\$40, which gets them safely to a point near the Costa Rican border.

## Migratory profiles on a global border

The Darién Gap is a bottleneck where all transcontinental and regional migrant smuggling routes leading north from South America converge. Economic crises, public safety crises, food shortages, lack of housing, political persecution and environmental disasters in the Antilles, Asia and Africa are some of the many push factors that lead migrants to set out on this journey. As these international situations change, so too do the profiles of migrants. In 2015, for example, Nepal experienced one of the worst earthquakes in recent decades; as a result, the number of Nepalese migrants making the crossing rose from 468 to nearly 2 500. In 2015 the number of Cuban migrants also quadrupled,<sup>54</sup> in response to the announcement re-establishing diplomatic relations between the US and Cuba and motivated by Cuban citizens’ fears that a change in US migration policy could strip them of certain benefits.<sup>55</sup> Migration in the Darién Gap reflects what is happening globally.

Between 2010 and 2019, most migrants who entered Panama through the Darién Gap came from the Antilles (71 745),<sup>56</sup> followed by migrants from Asia (21 984), Africa (14 628) and South America (with just 822 people during those years).<sup>57</sup> Between 2019 and 2021, the majority were Haitian and were second-generation migrants who had established themselves in various South American countries, such as Chile and Brazil, during earlier migratory waves. They decided to migrate again as a result of discrimination, the financial crisis and the lack of opportunities.<sup>58</sup> To do so, they had saved enough money to cover their expenses along the entire trip to the United States. Until 2021, most migrants had the financial means to pay for their entire journey and travelled using organized smuggling networks, which meant they had only a short stay in Necoclí, Capurganá or Acandí. This migration contributed significantly to the local economy and did not pose major problems for the municipality.

2014	2015	2016	2017	2018	2019	2020	2021	Sept 2022
Cuba (81%)	Cuba (84%)	Haiti (55%)	Nepal (31%)	India (32%)	Haiti (47%)	Haiti (77%)	Haiti (62%)*	Venezuela (70%)
Nepal (7%)	Nepal (8%)	Cuba (24%)	India (16%)	Bangladesh (16%)	Cuba (12%)	Cuba (6%)	Cuba (13%)	Haiti (6%)**
Bangladesh (6%)	Bangladesh (2%)	Nepal (5%)	Cuba (10%)	Cameroon (9%)	Cameroon (10%)	Bangladesh (3%)	Chile** (7%)	Ecuador (4%)

**FIGURE 4** The three main nationalities entering Panama irregularly through the Darién Gap by year.

NOTES: \*Adding to Haitian nationals Chileans and Brazilians, who are mainly the children of Haitians, the figure rises to 75%. \*\*Children of Haitians, born in Chile. \*\*\*Nearly 8% if second-generation migrants with Chilean or Brazilian citizenship are included.

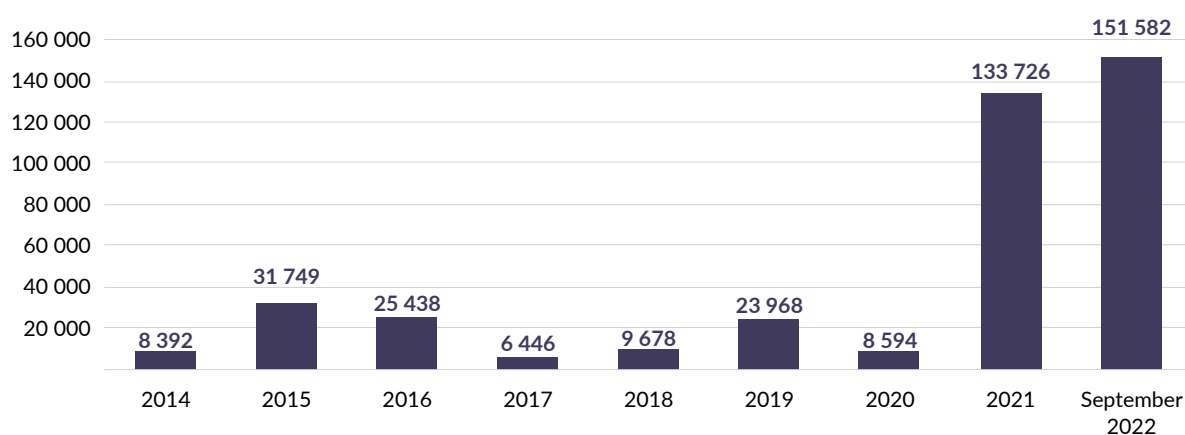
SOURCE: National Migration Service of Panama, <https://www.migracion.gob.pa/inicio/estadisticas>

The year 2022 saw a significant change in the profile of migrants: until September, 70 per cent of those making the crossing were Venezuelans, followed by 6 per cent Haitians. This shift reflects the crisis in Venezuela and the benefits Joe Biden was offering Venezuelan migrants. However, on 12 October, the US government announced that Venezuelan migrants who entered the country illegally would be deported.<sup>59</sup> This is expected to significantly decrease the number of Venezuelans coming through the Darién Gap.

Nationality was not the only aspect that changed with this shift to majority Venezuelan migration: these migrants' financial means also differed from those coming before them. For example, 74 per cent of Venezuelan migrants at the start of their trip do not have the resources to pay for their trip across the Gulf, passage through the jungle or the rest of the route to the United States.<sup>60</sup> This means that a higher proportion of migrants remain in Necoclí as they make enough money to at least pay for passage to the jungle because the community councils of Acandí and Capurganá have prohibited migrants from staying there. This period of immobility makes migrants significantly more vulnerable. While they work to save enough to continue their journey, many migrants camp on the beach or sleep on the street and make money collecting recycling, begging, street vending or doing odd jobs. This heightens the chances they may be mistreated or involved in illegal activities, such as trafficking drugs into Panama, particularly via the *hormiguelo* or 'ant trail' method in which migrants transport small amounts of drugs in their luggage as payment for transit.

Another important change in the profile of migrants has to do with the age of those making the crossing. More families carrying children, minors and older people are migrating, and they require more humanitarian aid. Authorities have also documented many groups of young people traveling alone, which has raised concerns that they might be recruited by illegal actors in Colombia or Central American countries. As Figure 5 shows, the number of irregular migrants crossing the border between January and September 2022 was 13 per cent higher than the number that crossed in all of 2021. The number crept up gradually in early 2022 before shooting up suddenly in July.

According to international organizations, the increase became more notable month after month until October. Records provided by the Colombian authorities indicate that in July 2022, 3 700 migrants left every week, while in August the average was 6 000. In the first weeks of September, the weekly figure went up to 8 500.<sup>61</sup> Besides Venezuelan families, those making the trip include Haitians and their



**FIGURE 5** Irregular passage of foreign citizens across the Colombia–Panama border (2014–September 2022).

SOURCE: National Migration Service of Panama, <https://www.migracion.gob.pa/inicio/estadisticas>

children who are Chilean or Brazilian citizens, Senegalese, Colombians, Ecuadorians, Indians, Cubans, Bangladeshis, Afghans and Uzbeks, among other nationalities. The increase in migration is due to numerous factors including the disproportionate impact of the pandemic on migrants, the increasing cost of living in Latin American countries and the continuing economic crisis in Venezuela. Among the pull factors is the US migration policy in effect until September 2022 that allowed migrants from 15 countries to receive temporary protected status (including Venezuela, Haiti, Nepal, Cameroon, Sudan, Somalia, Yemen and Afghanistan). However, knowledge that the authorities do not expel migrants who frequently enter the country is motivation enough.<sup>62</sup> Social media also plays an important part in migration, as users on Facebook, TikTok and WhatsApp post the accounts of migrants who have successfully reached the United States using these routes. These platforms included posts documenting the entire journey and offering detailed information, which has encouraged many people to head north by land.



## ORGANIZED CRIME AND MIGRATORY GOVERNANCE

**A**lthough literature on armed actors such as the FARC or ELN is abundant, little has been written about how the Gulf Clan functions and controls territory. Research for this report sheds light on several key aspects of their operations in the territories where they are most active: Urabá and the Darién Gap.

The Gulf Clan has controlled the Gulf of Urabá for several years and regulates economic, political and social life in the region,<sup>63</sup> which has allowed it to create informal institutions and rules that compete with formal and state institutions and configure a criminal governance scheme.<sup>64</sup> They strengthened their control of the jungle in the Darién Gap with the increase in migration in 2018 and the end of the armed conflict with the ELN in 2020. Today, the Gulf Clan regulates migration by approving or prohibiting certain routes, establishing norms of behaviour for guides and migrants and extorting actors along the various points in the migration chain.

Despite being a strong group that has consolidated its control over the region, the Gulf Clan's internal mechanisms and its methods for enforcing social and territorial control have not remained constant. The operations and captures carried out by the Fuerza Pública in recent years, the Clan's expansion into areas abandoned by the FARC and the subsequent territorial disputes that were unleashed in southern Córdoba, in Bajo Cauca and in Chocó combined to mean that Gulf Clan combatants and their chain of command have been in constant flux.

This high turnover coupled with the group's successful recruitment and ability to replace its operating units mean it is largely composed of young people with little experience. Constant deaths and captures have meant high turnover of mid-level and high-ranking leadership and changed the makeup of the group at those levels. Today there are few older commanders with lengthy experience in the war who passed through other now demobilized armed groups, such as the EPL (the guerrilla group) or the AUC (the paramilitary group), which was a trajectory common to leaders in the Gulf Clan. According to local actors, ex-FARC leaders who abandoned the peace process before the Accord was signed, or who later became violent actors once again<sup>65</sup> have an increasingly important presence in the group's command structure because they know the territory and have war experience. This changed the Gulf Clan's modus operandi: for example, they began to use explosives to combat the Fuerza Pública, a tactic widely used by the FARC. Extensive political indoctrination inside and outside of the organization also led to changes in how the Clan relates to local communities and to the territory itself. This shift in how the Clan functions,



with greater emphasis on classic methods employed by older armed groups, is an example of the group's hybrid nature and its ability to transition between political and criminal modalities. The Gulf Clan has clearly learned from the cycles of violence that have marked the region and from the members of the defunct armed groups that it has absorbed.

Changes in Gulf Clan leadership and approaches used by the Fuerza Pública heightened the group's social control, increased selective violence<sup>66</sup> and broke the Clan's prior agreements with local communities. Moreover, the capture of the Gulf Clan's leader, Otoniel,<sup>67</sup> made it even more difficult to keep the command structure from fragmenting, which has led to territorial division and greater autonomy for local commanders, particularly financial autonomy.

There are three main territorial divisions: Urabá Antioquia, headed up by Chiquito Malo; Urabá Chocó, led by Siopas; and southern Córdoba in Bajo Cauca, under the command of Gonzalito. These divisions are evident throughout the organizational structure: for example, in Urabá Antioquia, it is prohibited to buy drugs or consume or sell cocaine paste from any organization outside that territory.<sup>68</sup> To date, these territorial conflicts and internal divisions regarding how to best lead the Gulf Clan have not produced violent confrontations.

Beyond these divisions, the capture of Otoniel and his businesses have not led to any significant changes in the region, and the Gulf Clan's control over activities, including humanitarian interventions, continues.<sup>69</sup> Informants, known as *puntos*, are charged with reporting on all of the movements of the local community, humanitarian organizations, social groups and the Fuerza Pública when they enter or leave the Clan's territory. The Gulf Clan also intervenes in community decision-making spaces to co-opt inhabitants' right to self-determination.

The group has diversified its sources of income and resources in recent years. Although it extracts funds from all of the legal, informal and illegal economies in the region, drug trafficking, mining<sup>70</sup> and widespread extortion across economic sectors continue to be their main funding streams. However, in the past two



Soldiers on patrol following the capture of Otoniel. © John Moore via Getty Images

years, migrant smuggling has become a significant source of income. The Gulf Clan's evolution has to do with becoming a regulatory actor in the region, concentrating on 'taxation' rather than specializing in a specific illegal economy, such as drug trafficking.

At present it is not clear how the changes the Gulf Clan has undergone may affect migrant smuggling. However, elsewhere, such as in Chocó, other criminal groups have become involved in the migration business. In the medium- and long-term, this may lead to changes in migration routes, internal conflicts or shifts in the dynamics of the migratory crossing.

## **A clan 'in service of' migrants**

Because of the strategic importance of the Darién Gap in northbound migration, the Gulf Clan has become an indispensable part of the migrant crossing. Both national and international smuggling networks and the migrants who arrive on their own must interact with the group in some way to be able to continue their journey. The Gulf Clan is concentrated in specific areas of Urabá and the Darién Gap where they control transnational smuggling and transit routes.<sup>71</sup> Logistical operators along the routes are not part of the group but are forced to comply with its rules.

The Gulf Clan has taken advantage of its territorial influence and surveillance capabilities to profit from migrant smuggling by imposing a 'tax' on related activities. With this, the Clan aims to diversify its funding sources but also to regulate migrant smuggling so that it does not disrupt the group's subregional governance structure or its drug-trafficking income. We did not find evidence of the Gulf Clan's direct involvement in the transportation of migrants outside of the area it controls or across the Panama border.<sup>72</sup> This differentiates it from other armed actors in Colombia whose control extends beyond the country's borders. It is likely that the group wants to avoid being visible on the Panamanian side of the border to not attract the attention of the Fuerza Pública so it may continue with its other operations. Moreover, the Servicio Nacional de Fronteras de Panamá (Panama National Border Service; SENAFRONT), a branch of the Panamanian military, actively carries out operations in the jungle – unlike its Colombian counterpart – to combat assaults on migrants.

Precedents for criminal control over informal economies built on migration and regulating migrant smuggling exist. In 2013, a report from the UN Office on Drugs and Crime and Colombian Migration indicated the involvement of armed groups in migration, stating that 'they profit off the illicit smuggling of migrants into Panama, generating an alternate funding source through their control of the routes leading through the Darién Gap'.<sup>73</sup> In the 2016 Risk Report 005-16, the Ombudsman's Office of Colombia warned that the Gulf Clan was using migrants to smuggle cocaine and was charging to transport migrants through the Darién Gap, a regulatory mechanism that used to be shared with the FARC in Urabá Chocó.<sup>74</sup> When the FARC demobilized, control of these routes was transferred to the Gulf Clan, which expanded to take over the territory abandoned by the 57th Front.

The Gulf Clan's involvement in migration has changed in recent years. Initially, when there were few migrants, their movement did not offer significant income and the Gulf Clan was not particularly interested in the phenomenon. The group remained on the margins and any involvement was at the discretion of local commanders looking to extract resources from this economy through extortion, as they would with other economies like tourism. With the substantial increase in migration, the Clan took a structural interest in it and high-ranking leadership was incentivized to play a role in this economy, as Otoniel indicated in his testimony before the Justicia Especial para la Paz (the special jurisdiction for peace).

Given the economic, social and security implications of migration, the Gulf Clan now has a much more central role in migrant smuggling. They initially were charging a percentage of earnings (said to be between 15 and 20 per cent) from services related to migration, such as lodging, transport, food, sales of other materials and guide services. They also approved schedules and sea and overland routes that would not affect drug trafficking routes, a move typical of organized crime groups involved in numerous economies. For example, the Gulf Clan extracts 'rents' from sectors like mining.<sup>75</sup> Because of logistical costs, it does not attempt to become directly involved in these economies.

Estimates of what the Gulf Clan charges authorized boats indicate it can extract nearly 570 million pesos per month (US\$127 000). In August 2022, approximately 6 000 migrants were leaving approved ports in Necoclí per week. On top of that are profits from extorting overland guides, unauthorized boats, motorcycle drivers and providers of supplies and services, which brings the monthly total to over 1 billion pesos (US\$220 000).

The Gulf Clan is not just motivated by finances: the group also considers security implications and the risk of attracting the authorities' attention. When illegal boats were being wrecked and robberies were attracting the attention of the Fuerza Pública and other authorities, the Gulf Clan began to impose more control over the illegal transportation of migrants. They established rules such as not overloading boats, using lifejackets and ensuring that boat operators were not intoxicated. They also established rules protecting migrants and cutting down on scams so as to incentivize migration.<sup>76</sup> In the process, the Gulf Clan became an actor that protects migrants on the Colombian side of the border. This creates stability and allows them to charge 'taxes' for their regulatory services. This is an example of how organized criminal actors may suppress violence when it serves their needs, 'pacifying' illegal markets and economies – in sharp contrast to the violent image we may have of armed actors in drug trafficking.

Currently, the Gulf Clan is involved in migrant trafficking in different ways depending on the degree of legality of the route. It intervenes directly in the authorized sea route by extorting the businesses that provide related services, the transport companies and the guides. According to conversations with some migrants and information shared on social media, when migrants arrive without guides or 'packages', the Gulf Clan charges them for security. On the beaches and docks, it charges a fee and gives coloured bracelets to those who have paid and can travel. This appears to be a relatively new practice as it was not widely known among those we spoke to. It is also a way to control migrants who arrive on their own.

The Clan exercises significant control over the illegal routes from Capurganá, and even those from Necoclí and San Juan de Urabá, toward Carreto or Caledonia in Panama. Not only does it dictate where boats can depart from, but it determines their routes depending on the group's interests and needs. As a result, these illegal routes change constantly, and occasionally migration is limited to the authorized route, either because of the Fuerza Pública's surveillance or because the other routes are needed for drug trafficking.

The Gulf Clan determines which roads can be taken on overland routes from Capurganá and enforces rules regulating this service, such as not allowing minors to act as guides or carry luggage.<sup>77</sup> It also decides who in the community can offer boat services, lodging or food. Sea routes cost more because they avoid a significant part of the jungle crossing and are used by people wishing not to be identified. This brings in more money for the Clan and allows them to expand their control over migration. It also has allowed the Gulf Clan's relationship to migration to evolve: as the market grows and develops, the group tries to maximize their income.

At a certain point in the crossing, direct control over migration is no longer as profitable because it requires complex logistics and manpower. However, by hiring people to facilitate the process and *puntos*<sup>78</sup> who carry out surveillance, the Gulf Clan remains involved. And by documenting who travels on legal boats and counting those who embark on illegal routes, the Clan is better able to monitor migrants and services along all sea and land routes.



A group of migrants reaches Puerto Quimba, Panama, aboard a small boat. © *Nicolo Filippo Rosso / Bloomberg via Getty Images*

According to those interviewed, the Gulf Clan offers stability on the Colombian side of the border by preventing violence against migrants – something that does not take place on the Panamanian side. The Clan would lose money if they allowed robberies or bottlenecks of migrants because it would attract the attention of the authorities. Therefore, they work to ensure the uninterrupted flow of migrants.

## **Social control: uses of violence and informal arrangements**

To maintain social and territorial control and prevent interference from the Fuerza Pública or other armed groups in Necoclí, the Gulf Clan attempts to monitor and control the actions of migrants and local communities, and all activities related to migration. With changes in migration patterns and Venezuelan migrants spending more time in the region, the Gulf Clan has created norms for those remaining in the municipality for extended periods. They forbid robberies and disturbances that affect migrants or the community. This prevents conflicts between migrants and community members, increases in violence and public safety concerns that might attract the authorities' attention.

The Clan's effective surveillance abilities is one of its main assets in its involvement in migration. Through its *puntos* it is able to monitor the presence of migrants on beaches and docks. The group maintains strict surveillance over who enters the municipality, it knows where they go and it controls who arrives with purchased 'packages', established guides or of their own accord. Based on the division of the zones where migrants establish camps on the beaches, we may conclude that there is some regulation over where they are allowed to set up, so as to not affect tourist beaches.

The Clan also regulates the activities of those staying temporarily in the municipality and how long they can remain. So they can earn money to continue their journey, they are allowed to work in recycling, in selling sweets and in local businesses like restaurants, bars and hotels. However, there are accounts that state that this population is being used in illicit activities. The Gulf Clan takes advantage of their need for resources to involve them in the coca harvest elsewhere in Urabá Chocó, or in transporting drugs to Panama in their bags.<sup>79</sup> This version of accounts seems plausible since financially vulnerable migrants may stay up to 15 days or a month, but cannot remain much longer in Capurganá, and it would be difficult to make enough money to pay for the crossing in that time relying on jobs like collecting recycling and selling sweets.

The *puntos* are also in charge of watching the local community and organizations that are active in the territory. The Gulf Clan established rules for interacting with migrants and keep their business profitable. The Clan has specifically prohibited people from robbing or assaulting migrants during their journey to not attract the authorities' attention. As a result, people consider the Darién crossing on the Colombian side to be 'safe'. Assaults, sexual violence and robberies tend to occur on the Panamanian side of the border.

The Clan monitors humanitarian organizations that work with migrants, their meetings and the information they share with the local population. However, there is no evidence that the Gulf Clan is restricting these groups' work in Necoclí or interfering in the services or prices offered by businesses that work with migrants. Those prices are instead regulated by the free market, and the Clan takes a percentage of earnings. There is a directive in place for locals to not scam migrants by selling them fake 'packages' or services they do not intend to render, so as to prevent negative perceptions and promote 'safe routes' for migrants.

This demonstrates that the Gulf Clan does not directly intervene in migrant smuggling but does regulate the practice so that it does not interfere in their other activities and does remain a consistent stream of income. As with other daily activities in a large part of Urabá, the Clan gets involved to resolve conflicts that arise involving migrants as well as guaranteeing payments are made and cutting down on scams. They also monitor the actions of guides taking migrants through the jungle to prevent abuse or violence and to ensure they follow set routes and timetables. To maintain their control over the population, the Gulf Clan uses violence selectively – threatening people for not fulfilling obligations, punishing them for breaking the group’s rules and occasional using targeted killings. This social control is strongest and most evident in Capurganá and in relation to the community councils. According to interviewees, the deaths of several community leaders from COCOMANORTE in Acandí (Chocó)<sup>80</sup> were reprisals for not following rules regarding migrant movements. In 2019, the Gulf Clan also murdered seven guides for not complying with a restriction on transporting migrants between Acandí and Panama.<sup>81</sup>

## **Institutional responses and humanitarian aid**

Before the bottleneck of migrants in mid-2021, institutional aid was activated when this sort of humanitarian situation occurred. The crisis provoked by nearly 20 000 migrants trapped in Necoclí shone a light on the precarity of this migrant crossing and the limited capacity of local authorities to address a phenomenon whose causes extend across the globe. Little by little, institutional and international actors cooperated and adapted to the massive influx of migrants in 2022. Those groups work from the premise that the arrival of migrants cannot be stopped because the causes of migration are global and exceed the reach of the state and other actors. They also act with restraint out of concern that aid to migrants will encourage more people to arrive at the Darién Gap, which could affect the safety of migrants, legal limitations, international protocols and relations with the United States.

Aid to migrants has taken five main forms:

- Providing migrants with what they need to cross through the jungle more safely. International aid has been key in this area, with groups providing hygiene kits, food, medicine and other supplies such as water filters or torches. Humanitarian aid also includes general medical and mental-health care.
- Informing migrants of the obstacles they will encounter. Many people who reach Necoclí are unaware of the length of the journey to Panama and the obstacles along the way. By providing migrants with information, aid workers do not intend to motivate or dissuade them but to ensure they are making an informed decision. However, our fieldwork revealed that many migrants remain unaware of the conditions along the routes, the length of the crossing and the risks associated with the trip.
- Improving documentation of migrants. Transit companies in Necoclí are the main source of information: they document every migrant and report that information to Colombian Migration. Mayor’s offices and the ombudsman’s office are attempting to monitor that data and strengthen the detection of migration.
- Promoting cooperation. Both local authorities and international groups participate in multilateral spaces to address this humanitarian situation. For example, the Interagency Group on Mixed Migration Flows (Grupo Interagencial de Flujos Migratorios; GIFMM) has recently organized to coordinate aid with international groups, track changes in migration dynamics and generate alerts. The mayor’s offices of Necoclí and Acandí have also met to address this situation.

- Collaborating with Panama. The ombudsman's offices of both countries have been key players in regional cooperation. They have signed memorandums of understanding to produce joint alerts regarding the human rights situation on the border.

Other actions include making visible the humanitarian impact of this migratory flow to capture the attention of regional governments and urge them to step in by creating humanitarian routes that do not involve crossing through the jungle.

## International collaboration

The most important tool that international aid workers currently have is the GIFMM of Urabá,<sup>82</sup> which opened a chapter in the region in 2022 and is led by the UN Refugee Agency (UNHCR) and the International Organization for Migration. Collaborating groups include APOYAR, Caritas, the Red Cross, HIAS, Mercy Corps, the Pan American Health Organization, Pastoral Social de la Diócesis de Apartadó, Profamilia, the UN Population Fund, UNICEF, the World Food Programme and World Vision. This agency has three main modes of action: monitoring and sharing information about migratory movements, identifying needs and risks and supporting local authorities. Since mid-2021, offers of international aid have increased to prevent another large-scale bottleneck. Aid groups are located in different areas: UNHCR, for example, is set up in Apartadó, and workers continuously visit other parts of the route; groups like the Red Cross and UNICEF have migrant aid stations set up in Necoclí and Capurganá.

## Local institutions

Necoclí and Acandí are the nearest municipalities to this migratory phenomenon. They are also both considered 'category six' municipalities, which means they have a limited financial capacity to address this sort of situation. The Necoclí mayor's office has established a Migration Management Panel – presided over by the government secretary and attended by representatives from all government offices – to allow various actors to come together to monitor and solve issues that may arise. Although this has strengthened aid to migrants in Necoclí, significant limitations remain: for one, the municipality does not actually border Panama, and so it is often overlooked when border issues are discussed on a national level, and two, when the Municipal Development Plan was created, it did not include steps to mitigate this situation, which has made allocating resources difficult.



Goods for migrants for sale in Necoclí. © Mariana Botero Restrepo

## Community perceptions in Necoclí

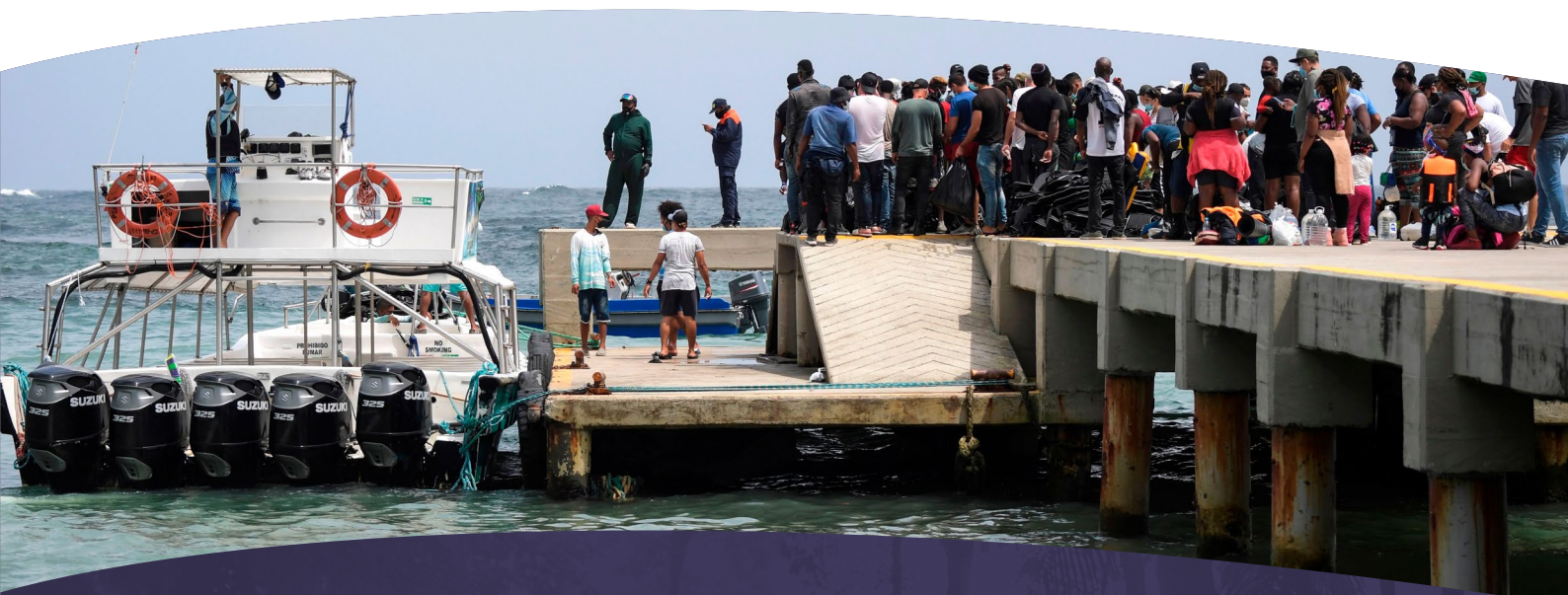
The communities of Necoclí and Acandí have undergone various changes over the last five years. Local residents have taken on a number of different roles in relation to migration. Some sell supplies to migrants (like rubber boots, ID protectors, water filters, hygiene items and clothing appropriate for hiking). Others play a more direct role as guides or informal boat operators. As the migration situation has become more visible in national media, tourists have begun to stay away from Necoclí beaches, which worries locals whose businesses depend on tourism.

Some people have asserted that the increased number of migrants has led to more robberies. However, national police data does not back that up: between January and August 2021, 15 people were robbed, while during the same period in 2022 the number dropped to 12 – although this data is often undercounted. Residents of Necoclí also find their basic needs are not being met. Interviewees who provide aid to migrants note that the attention paid to migration should not overshadow the municipalities' other needs. The area of Eje Bananero has seen greater development as a result of the migration industry, but the vulnerability of the local population – as well as the Gulf Clan's surveillance and violence there – continues.



## The Ombudsman's Office of Colombia

The Ombudsman's Office of Colombia is one of the institutions that has been most involved in this phenomenon, organizing efforts along with its Panamanian counterpart to remain on top of the situation. The two offices signed a memorandum of understanding to produce joint alerts about human rights abuses on the border. They have also called on authorities to create mechanisms to improve migrants' physical safety. The Ombudsman's Office has also headed up other multilateral meetings to increase the visibility of this phenomenon and establish joint agendas to work with countries such as Costa Rica and Ecuador, which also lie along the migration route. One of these meetings took place in Capurganá.<sup>83</sup>



Migrants from Haiti, Cuba and other countries wait to head toward Panama from Capurganá. © Raul Arboleda/AFP via Getty Images

## Community perceptions in Capurganá

As in Necoclí, the situation in Capurganá has changed significantly as a result of migration. One change has been the gradual decrease in tourism as the migration crisis has become more visible in the media and migrants have monopolized the demand for sea transport and lodging. Some local residents work as guides that receive the migrants when they disembark. They feel they have been treated unfairly and do not identify as coyotes or migrant smugglers but as humanitarian guides who are attempting to make the Darién crossing more humane. They believe they have been unjustly criminalized, and the money they charge the migrants for their work has also provided a solution to the financial crisis provoked by the COVID-19 pandemic. They also argue that by getting young people involved in this work they are less likely to be recruited by armed actors.

Scholarship exploring guides or coyotes has transitioned from a criminalized view of their role to a socio-economic one. As some authors have argued, the decision to become a guide has more to do with a lack of alternate employment opportunities than with a desire to make a lot of money.<sup>84</sup> Generally, these guides find themselves in similar socio-economic situations as the migrants themselves.<sup>85</sup> Communities councils have also spoken out about migration, stating that they feel alone

in the face of a growing problem. They report that the area is increasingly littered with waste as migrants leave behind thousands of items along the trail as they become tired and have to lighten their load. Community leaders feel it is necessary to start a conversation about the Consejo Nacional de Política Económica y Social (National Council for Economic and Social Planning; CONPES) having a presence on the border.

Some residents of Capurganá have mobilized in opposition to the arrival of migrants at the docks. They feel that the money brought in by migration has increased drug and alcohol consumption and affected the availability of services and labour not catering to migrants. They assert that there are fewer electricians, carpenters and other tradespeople, and more guides and moto-taxi drivers.

## Security and justice institutions

Over the past five years, the Fuerza Pública's objectives in Urabá and the Darién Gap have pulled it away from issues like migration. It has instead focused on the Gulf Clan, its effects on the community and drug trafficking. For example, the top leader of the Gulf Clan, Otoniel, was captured in a rural area outside of the municipal seat of Necoclí while migratory flows continued uninterrupted. Operation Agamemnon, working to dismantle the Gulf Clan, is also headquartered in the Necoclí municipality.

There have been some reports of guides and agents being arrested, accused of migrant smuggling; however, this is infrequent, as it should be. As addressed above, migration through this area has to do with community dynamics, not criminal ones, and requires a holistic approach. Although the border-crossing routes are not controlled by the Colombian armed forces, the Panamanian SENAFRONT does carry out surveillance and rescue operations in the jungle, which do not curtail migration. For now, the Colombian Navy is the branch of the armed forces most involved in migration, rescuing migrants whose boats have been wrecked.



## CONCLUSION

**A**part from airports and some seaports, Colombia controls few of its borders. The border with Venezuela is largely controlled by the ELN, the border with Ecuador and Peru by FARC breakaway groups and the border with Panama by the Gulf Clan. The Gulf Clan's control of the Darién Gap would not be possible without state authorities' complicity or absence. Urabá is not cut off or inaccessible as other Colombian regions are. Instead, the construction of state apparatuses has been dominated by large export businesses, informal arrangements, local control and governing bodies that are outside of the influence of central state structures in Bogotá. This report has revealed that organized crime in the region is structured in pragmatic and flexible ways, with a focus on bringing in income by regulating various aspects of local daily life.

The public policy implications are profound. Regarding the government's peace efforts, it is unclear what incentives would encourage the dismantling of this system of criminal regulation that responds to demand on the ground and protects people's freedom of movement. The state's actions on the border have been reactive rather than strategic and have depended on negotiations with local authorities, which operate in a grey zone due to the power and influence of the Gulf Clan.

In addition to increasing its legitimacy, and provide goods and services to these communities, the government should take actions to reduce the risks migrants face; to provide information regarding the conditions of the border-crossing routes and the procedures for reporting wrongdoing; and to coordinate bilaterally and multilaterally with other countries in the region to eliminate the risk of violence throughout the crossing and reduce push factors, recognizing that migration is a response to global phenomena that cannot be reshaped simply through Colombian public policy.

Balancing the state's response with the needs of migrants and local communities will require further efforts to better understand this phenomenon. Research should examine all of the variables that affect movement through the Darién Gap and respond from a humanitarian and public policy perspective. Many challenging aspects of this situation are yet to be entirely understood, and two areas are urgent: tracking and documenting changes in migration dynamics as they unfold, and finding multilateral solutions that include safe alternative transportation and lodging.



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