

I. Key general developments in the region

MARINA CAPARINI

Two states in the Americas—Colombia and Mexico—experienced non-international armed conflict in 2019 according to the threshold set out under international humanitarian law.¹ However, several other states (including Brazil, El Salvador, Guatemala, Honduras and Venezuela) experienced levels of violence among armed groups of a similar magnitude. By some measures, those conflicts might also be considered armed conflicts.²

In the wake of the 2016 Colombian peace agreement and demobilization of the Revolutionary Armed Forces of Colombia–People’s Army (Fuerzas Armadas Revolucionarias de Colombia–Ejército del Pueblo, FARC–EP), several organized armed groups have clashed in seeking to fill the resulting power vacuum. The International Committee of the Red Cross identified five ‘non-international armed conflicts’ in Colombia that involve fighting between government forces and non-state armed groups, or among the groups themselves.³ The Government of Colombia is involved in non-international armed conflicts with the National Liberation Army (Ejército de Liberación Nacional, ELN), the FARC–EP dissident groups (Eastern Bloc), the Popular Liberation Army (Ejército Popular de Liberación, EPL) and the Gaitanista Self-Defense Forces of Colombia (Autodefensas Gaitanistas de Colombia, AGC, also known as the Gulf Clan). Additional conflicts continue among armed non-state actors, namely the AGC, ELN and EPL.⁴ Section II discusses the armed conflicts in Colombia in more detail.

Experts have debated whether the high levels of violence and record levels of homicides mean that an armed conflict exists in Mexico.⁵ Recent developments suggest this classification now applies at least in regard to one armed group. Based on the level of armed violence between government forces and the extremely violent criminal syndicate Jalisco New Generation Cartel (Cártel Jalisco Nueva Generación, CJNG), and the latter’s well-organized structure, international legal experts deemed in early 2019 that the threshold for a non-international armed conflict between the Government

¹ International Committee of the Red Cross, ‘How is the term “armed conflict” defined in international humanitarian law?’, International Committee of the Red Cross Opinion Paper, Mar. 2008.

² On the difficulties of defining an armed conflict, see chapter 2, section I, and box 2.1, in this volume.

³ International Committee of the Red Cross, ‘Colombia: Five armed conflicts—What’s happening?’, 30 Jan. 2019.

⁴ Rule of Law in Armed Conflicts (RULAC), ‘Non-international armed conflicts in Colombia’, 22 Jan. 2020.

⁵ Enciso, F., ‘Mexico’s worsening war without a name’, International Crisis Group commentary, 15 June 2017.

of Mexico and the CJNG has been passed.⁶ Section III discusses the armed conflict in Mexico in more detail.

There were four multilateral peace operations active in the Americas in 2019. The United Nations Mission for Justice Support in Haiti terminated on 15 October 2019, bringing to an end 15 consecutive years of UN uniformed peacekeeper presence in Haiti. A special political mission, the UN Integrated Office in Haiti, was established in June 2019 with a presence only in Port-au-Prince, mandated to support the Government of Haiti in promoting stability and good governance, including the rule of law. The UN Verification Mission in Colombia, a special political mission established in July 2017, continues to verify implementation of the peace agreement by the Government of Colombia and FARC-EP. The long-running Organization of American States (OAS) Mission to Support the Peace Process in Colombia, which is in its 15th year, continues to monitor security conditions, peacebuilding and transitional justice in the areas most affected by armed conflict. As a consequence of the closure of the UN Mission for Justice Support in Haiti the number of personnel serving in multilateral peace operations in the Americas fell by 81 per cent during 2019, from 1433 to 275. Personnel deployments fell for the third year in a row.⁷

The OAS was unable to reach agreement with the Government of Honduras on an extension of the four-year old Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH), and the mission was terminated in January 2020. MACCIH sought to replicate the success of the UN-backed International Commission against Impunity in Guatemala (Comisión Internacional contra la Impunidad en Guatemala, CICIG), which since 2007 had combated corruption and helped strengthen the integrity of the judicial and political system. CICIG assisted local prosecutors to investigate and successfully prosecute over 100 cases involving over 700 political, business and organized crime figures including former president Otto Pérez Molina.⁸ In January 2019 Guatemalan President Jimmy Morales unilaterally terminated the agreement with the UN, but this was overturned by the constitutional court.⁹ The CICIG was subsequently shut down by Morales in September on the grounds it had overreached its authority in its investigations of Morales and his family and associates.¹⁰

⁶ RULAC, 'International humanitarian law applies to confrontations between Mexico and the Jalisco Cartel New Generation', Geneva Academy of International Law and Human Rights, 12 Feb. 2019; and RULAC, 'Non-international armed conflict in Mexico', 3 June 2019.

⁷ On peace operations, see also chapter 2, sections II and III, in this volume.

⁸ Malkin, E., 'Guatemala's anti-corruption fight inspired Latin America: It may be shut down', *New York Times*, 18 May 2019.

⁹ *The Guardian*, 'Guatemala: Court blocks president's expulsion of UN anti-corruption group', 9 Jan. 2019.

¹⁰ Abbott, J., 'Guatemala's CICIG: UN-backed anti-corruption body shuts its doors', *Al Jazeera*, 3 Sep. 2019.

Additionally, in August 2019 the OAS established a special commission on Nicaragua to seek, through diplomatic efforts, a peaceful solution to the political and social crisis building since protests began in April 2018. The protests were triggered by tax increases and pension reductions, but developed into widespread unrest against anti-democratic and corrupt governance under the Ortega administration. The protests were suppressed after several months by a crackdown by the National Police and pro-government militias, resulting in over 300 deaths, including 22 police officers, 2000 injured, and hundreds arbitrarily arrested and detained.¹¹ President Daniel Ortega, a former Marxist guerrilla leader, and his wife, Vice President Rosario Murillo, have dismantled institutional checks on presidential power, circumvented electoral term limits, and suppressed political opposition and dissenting voices through imprisonment.¹² Anti-government protests erupted through 2019 despite a ban on public demonstrations.¹³ In September an OAS commission established to help resolve the crisis was denied entry into the country.¹⁴ Following allegations of torture and murder of detained activists,¹⁵ international pressure including United States sanctions against members of the Ortega regime and family members who hold key posts were applied.¹⁶ Consequently, 91 of 148 political prisoners held since the 2018 demonstrations on a variety of alleged serious criminal charges were released in late December 2019.¹⁷ As a result of the continuing social unrest and international sanctions, the economy was estimated by the International Monetary Fund to have abruptly contracted by 5.7 per cent in 2019.¹⁸ By the end of November 2019 over 92 000 people had fled the country since the beginning of the crisis in April 2018.¹⁹

The two most significant cross-cutting issues affecting the Americas in 2019 were the high levels of armed criminal violence and mass political protests. These two issues are discussed briefly below. As noted by Peter Maurer, the president of the International Committee of the Red Cross, ‘The impact of war on disappearances, the displacement of people and the rupture of communities is the same whether the violence is derived from war, [or]

¹¹ Human Rights Watch, ‘Nicaragua: Events of 2019’, World Report 2020.

¹² Human Rights Watch (note 11).

¹³ Reuters, ‘Anti-government protests erupt in Nicaragua after extended pause’, 17 Mar. 2019; Voice of America, ‘Good Friday processions become protests in Nicaragua’, 19 Apr. 2019; and Deutsche Welle, ‘Nicaragua police quash opposition protest’, 22 Sep. 2019.

¹⁴ Reuters, ‘OAS peace mission to Nicaragua says denied entry by Ortega government’, 16 Sep. 2019.

¹⁵ UN News, ‘Nicaragua “crisis” still cause for concern amid murder, torture allegations: Bachelet’, 10 Sep. 2019.

¹⁶ US Department of State, ‘Nicaragua sanctions’, [n.d.].

¹⁷ France 24, ‘Nicaragua releases dozens of political prisoners’, 31 Dec. 2019; and Robles, F., ‘Nicaragua frees political prisoners after international pressure’, *New York Times*, 30 Dec. 2019.

¹⁸ International Monetary Fund, ‘Nicaragua: Staff concluding statement of the 2019 Article IV Mission’, 20 Nov. 2019.

¹⁹ UN High Commissioner for Refugees, ‘UNHCR Nicaragua situation fact sheet (1–30 November 2019)’, 12 Dec. 2019.

is instigated or is generated by a conflict between the state and organized crime groups'.²⁰ Widespread protests indicate deep public anger at the failure of political systems and governing elites to resolve their economic and social problems. As seen in past waves of 'colour revolutions', protesters have the potential to overturn governing elites and precipitate reform of political systems. However, failure of political authorities to accommodate protester demands or their suppression by state forces, and grievances fed by inequalities, corrupt governance and impunity may also result in protracted social unrest or violence.

Armed criminal violence

The Americas region continued to be deeply affected by violent crime in 2019, and is ranked as the most violent region in the world based on homicide rates.²¹ According to figures collected by the UN, the Americas accounted for 13.3 per cent of the world's population, but 37.4 per cent of its homicides in 2017.²² Young men are especially at risk: the homicide rate for men aged 18–19 years in the Americas is estimated at 46 per 100 000 people, which is far higher than the risk faced by their peers in other regions of the world.²³ Moreover, the male homicide rate in the Americas is 10 times that of females in the region.²⁴

In the 'Northern Triangle' states of Central America (El Salvador, Guatemala and Honduras) gang violence, poverty and extreme inequality combine with fragile institutions and corrupt governance to foster instability and drive refugee and migration flows, mostly towards the USA. While the number of people fleeing from this region averaged 265 000 people per year between 2014 and 2018, it had doubled between October 2018 and June 2019.²⁵ There was an increase in homicides in Honduras in 2019; at 41.2 per 100 000 people, it has the third-highest rate of homicides in the Americas, exceeded only by Venezuela (60.3 per 100 000) and Jamaica (47.4 per 100 000).²⁶

Brazil is prioritizing counter-crime efforts under right-wing populist President Jair Bolsonaro. In 2017 violent crime spiked, with over 63 000 people losing their lives—a result of inter-factional drug gang rivalry

²⁰ Asmann, P., 'Is the impact of violence in Mexico similar to war zones?', InSight Crime, 23 Oct. 2017.

²¹ UN Office on Drugs and Crime (UNODC), *Global Study on Homicide: Executive Summary* (Vienna: UNODC, July 2019), p. 11.

²² UNODC, *Global Study on Homicide: Homicide Extent, Patterns, Trends and Criminal Justice Response* (Vienna: UNODC, July 2019), p. 16.

²³ UNODC (note 21), p. 19.

²⁴ UNODC (note 21), p. 18.

²⁵ Congressional Research Service, 'Central American migration: Root causes and US policy', 13 June 2019.

²⁶ Asmann, P. and O'Reilly, P., 'InSight Crime's 2019 homicide round-up', InSight Crime, 28 Jan. 2020.

over control of the drug trade and an upsurge in cocaine production in neighbouring Colombia and Peru.²⁷ President Bolsonaro initiated a severe crackdown on crime upon taking office on 1 January 2019, accompanied by a series of decrees loosening Brazil's strict gun control laws, ostensibly to enable citizens to better defend themselves.²⁸ Homicide rates declined by over 20 per cent in 2019. However, this trend began in early 2018 before the Bolsonaro administration took office. Experts attribute it to the cumulative impact of several factors such as state programmes, initiated well before President Bolsonaro's election, to improve police coordination and training and increase community involvement in planning and implementing of public safety, as well as general improvement of economic conditions.²⁹

However, President Bolsonaro's harsh war-on-crime rhetoric and support for shielding police from prosecution for shooting alleged offenders have contributed to the rise in use of excessive and lethal force by police. Brazil witnessed an 18 per cent increase in people killed by police in 2019, reaching the highest level in Rio de Janeiro state in over 20 years.³⁰ In addition to having the world's highest rate of people killed by police, Brazil is also where the highest number of indigenous leaders and environmental activists have been killed, in the context of the Bolsonaro administration's efforts to weaken environmental protection and enforcement efforts.³¹

Mass protests

Over the course of the 2019 'year of rage', citizens of Bolivia, Peru and Venezuela took to the streets in political unrest, while in Argentina, Chile, Colombia, Ecuador and Puerto Rico protests and in some cases mass movements were triggered by inequality, economic policies and conditions, and corruption. In Venezuela between January and May, opposition protests against Nicolás Maduro's presidential inauguration and efforts to replace him with opposition leader, National Assembly leader and self-declared interim president Juan Guaidó often met with counterdemonstrations in support of Maduro and against foreign intervention.³² The UN Office of the High Commissioner for Human Rights cites figures ranging from 1569 to 2124 individuals killed by state forces for 'resistance to authority' in the first

²⁷ Muggah, R., 'What explains Brazil's homicide decline?', *openDemocracy*, 17 Sep. 2019.

²⁸ Deutsche Welle, 'Brazil's Bolsonaro signs decree further easing gun rules', 8 May 2019.

²⁹ Muggah (note 27); and Associated Press, 'Rio de Janeiro 2019 homicides fall as police killings surge', 22 Jan. 2020.

³⁰ Associated Press (note 29); and *The Economist*, 'Police killings in the state of Rio de Janeiro are at a 20-year high', 3 Sep. 2019.

³¹ Hanbury, S., 'Murders of indigenous leaders in Brazilian Amazon hits highest level in two decades', *Mongabay*, 14 Dec. 2019.

³² McDonnell, P. J. and Mogollon, M., 'In Venezuela, clashes continue as protestors for and against Maduro fill the streets', *Los Angeles Times*, 1 May 2019.

five months of 2019, many of which may have been extrajudicial killings.³³ By the end of the year Venezuela remained in a political impasse, with Maduro retaining control of the presidency. Ever-worsening economic conditions resulted in a severe humanitarian crisis and refugee flows that saw 4.6 million or 16 per cent of the population living abroad as refugees and migrants by November 2019. Projections, based on current trends, predict that as many as 6.5 million people will be living abroad by the end of 2020.³⁴

Protesters in Bolivia demonstrated against President Evo Morales following accusations of fraud in the October presidential election, which would have given him a fourth term in office, resulting in over 30 deaths.³⁵ The loss of support by the army resulted in his resignation and him fleeing the country.³⁶ An independent audit by the OAS subsequently confirmed ‘intentional manipulation’ and ‘serious irregularities’ in the election.³⁷ In Peru, facing an opposition-held congress that refused to pass his anti-corruption reforms, President Martín Vizcarra dissolved congress in late September to call early parliamentary elections. The political crisis pitted the executive against the legislative branch, as legislators suspended Vizcarra and installed Vice President Mercedes Aráoz as acting president.³⁸ Vizcarra had replaced former president Pedro Pablo Kuczynski, who is under investigation in connection to the corruption scandal involving Odebrecht, the Brazilian construction company. Another former president, Alan García, killed himself in April before being arrested also in relation to Odebrecht.³⁹

Elsewhere in the Americas region, masses protested the effects of austerity, precarity and corruption. In Argentina beginning in February mass crowds demonstrated against high unemployment and austerity policies that cut government subsidies under centre-right President Mauricio Macri in a context of high inflation and recession.⁴⁰ Weeks of protests resulted in passage of an emergency law in September to provide financial support for

³³ United Nations Human Rights Council, ‘Human rights in the Bolivarian Republic of Venezuela’, Report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Bolivarian Republic of Venezuela, A/HRC/41/18, 5 July 2019, para. 50.

³⁴ UN High Commissioner for Refugees and International Organization for Migration, ‘US\$1.35 billion needed to help Venezuelan refugees and migrants and host countries’, Joint press release, 13 Nov. 2019.

³⁵ Angee, G. and Berlinger, J., ‘Bolivia’s death toll rises as protests continue’, CNN, 20 Nov. 2019.

³⁶ Bristow, M. and Martin, E., ‘Bolivian President Evo Morales resigns after army tells him to go’, Bloomberg, 10 Nov. 2019.

³⁷ OAS, ‘Final report of the audit of the elections in Bolivia: Intentional manipulation and serious irregularities made it impossible to validate the results’, Press release, 4 Dec. 2019.

³⁸ BBC, ‘Peru in turmoil after President Vizcarra dissolves Congress’, 1 Oct. 2019.

³⁹ Nurena, C. and Helfgott, F., ‘Rings of corruption in Peru’, North American Congress on Latin America, 27 June 2019.

⁴⁰ Jourdan, A., ‘Tens of thousands march in Buenos Aires against austerity, tariffs’, Reuters, 13 Feb. 2019.

food programmes in view of a doubling of people living in grave food insecurity from 2.5 to 5 million over the preceding four years.⁴¹

In July in the US territory of Puerto Rico people took to the streets after the leak of demeaning personal chat messages between Governor Ricardo Rosselló and his inner circle. Building on outrage from a corruption scandal, and frustrations over the weak economy and inadequate disaster response, the protests resulted in the fall of the government.⁴² In Ecuador transport workers, students and indigenous groups protested in early October against austerity measures of cutting state fuel subsidies and public workers' wages, which were part of an economic reform package agreed in a financing deal with the International Monetary Fund.⁴³ In Haiti demonstrators marched daily against the government to protest about crippling economic conditions and corruption.⁴⁴ An increase in subway fares in Santiago triggered months of demonstrations in which over 1 million Chileans protested against the high cost of living, low wages, an inadequate pension system and pronounced inequality.⁴⁵ In Colombia a national strike by labour unions against rumoured pension cuts and student protests against corruption and cuts in education grew into a series of wider protests against inadequate social services, inequality and corruption.⁴⁶

In Honduras protests against President Juan Orlando Hernández's plans to further privatize health and education, which could result in mass lay-offs, began in April and developed over months into a broader anti-government movement demanding the resignation of Hernández. The military was deployed nationwide in June, and security forces shot and killed several protesters, although support of the security forces may be weakening as indicated by the refusal of several hundred police special forces to leave the barracks for two days in order to avoid repressing the people.⁴⁷ US Government support for Hernández also appeared to be weakening when the president's brother was found guilty of trafficking large quantities of cocaine into the USA in a New York court in 2019, with the president himself identified by the US Government as a co-conspirator in the case. Drug traffickers testified that Hernández accepted millions of dollars, including from Mexican cartel

⁴¹ Alcoba, N., 'Argentine Senate approves emergency food law after mass protests', Al Jazeera, 18 Sep. 2019.

⁴² Romero, S. et al., '15 days of fury: How Puerto Rico's government collapsed', *New York Times*, 27 July 2019.

⁴³ Guy, J. and de Moura, H., 'Ecuador government leaves capital city amid violent protests', CNN, 8 Oct. 2019.

⁴⁴ Krygier, R., 'Daily protests are paralyzing Haiti. Here's why', *Washington Post*, 14 Oct. 2019.

⁴⁵ Taub, A., "'Chile woke up': Dictatorship's legacy of inequality triggers mass protests', *New York Times*, 3 Nov. 2019, updated 18 Nov. 2019.

⁴⁶ Grattan, S., 'Colombia protests: What prompted them and where are they headed?', Al Jazeera, 26 Nov. 2019.

⁴⁷ Breda, T., 'Crackdown raises stakes as Honduran protestors march on', International Crisis Group Q&A, 2 July 2019.

leader Joaquín Guzmán Loera ('El Chapo'), to fund political campaigns, including his 2013 electoral campaign, in exchange for protection from police and military forces.⁴⁸

Economic and political roots

Economic and political frustrations were the cause of many of the region's public protests. These were rooted in increasing vulnerabilities, persistently high levels of inequalities and constraints on social mobility, and rising discontent with political elites and dysfunctional democratic institutions. Regional economic growth slowed from 1.0 per cent in 2018 to only 0.2 per cent in 2019.⁴⁹ The slowdown came after a decade of commodities-driven expansion that had lifted 100 million people out of poverty; between 2002 and 2012 economic growth and redistributive policies in the region had lifted over 10 million people into the middle class every year.⁵⁰ From 2013 a slowdown in economic growth translated into society's 'vulnerable' (not living in poverty, but not yet in the middle class) becoming the largest segment of the population in the region.

With the region's persistently high rate of social inequalities, the prolonged economic slump has tipped many of the new middle class back into poverty.⁵¹ This has provoked widespread anger over the hardships of daily life and lack of opportunities. Furthermore, scandals linked to corruption, electoral fraud and abuse of power have fed dissatisfaction with the state of democracy and eroded trust in political institutions. According to *The Economist*, Latinobarómetro data indicates that Latin Americans have felt increasing dissatisfaction with democracy in their countries, rising from 52 per cent in 2010 to 71 per cent in 2018.⁵² When citizens were asked whether they would like to move to another country permanently if they could, 31 per cent of a representative sample of respondents throughout Latin America and the Caribbean responded with 'yes' in 2019, a steady increase from 19 per cent in 2010.⁵³

⁴⁸ Palmer, E. and Malkin, E., 'Honduran president's brother is found guilty of drug trafficking', *New York Times*, 18 Oct. 2019; and Guthrie, A., 'US prosecutors accuse Honduran president of drug conspiracy', Associated Press, 4 Aug. 2019.

⁴⁹ International Monetary Fund, *Regional Economic Outlook: Stunted by Uncertainty* (International Monetary Fund: Washington, DC, Oct. 2019).

⁵⁰ Calvo-González, O., 'Economic slow-down puts the brakes on middle class growth in Latin America', World Bank Datablog, 7 Apr. 2016.

⁵¹ UN, *World Economic Situation and Prospects 2020* (New York: UN, 2020), p. 153.

⁵² *The Economist*, 'Nearly a third of Latin Americans want to emigrate', 7 Sep. 2019.

⁵³ *The Economist* (note 52).