

II. Armed conflict and the peace process in Colombia

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The 2016 peace agreement between the Government of Colombia and Colombia's largest guerrilla group—the Revolutionary Armed Forces of Colombia–People's Army (Fuerzas Armadas Revolucionarias de Colombia–Ejército del Pueblo, FARC–EP)—brought an end to a long-running armed conflict. Nevertheless, Colombia continues to experience conflict. Violence by other non-state armed groups and targeted killings of social activists and community leaders, especially in rural areas, persists. Criminal violence has also continued and even increased in some areas as armed and criminal groups have sought to fill the power vacuum in the countryside areas formerly under FARC–EP control and fight to control the drug-trafficking corridors. Colombia experienced 819 fatalities linked to political violence in 2020, an increase from 736 fatalities in 2019.¹

Non-international armed conflicts between the government and non-state armed groups

The non-state armed group, the National Liberation Army (Ejército de Liberación Nacional, ELN), and a number of criminal organizations continued their conflict with the government. According to the Rule of Law in Armed Conflicts (RULAC) project, in 2020 the Government of Colombia was involved in four parallel and overlapping non-international armed conflicts with: the ELN; the former Eastern Bloc (Bloque Oriental) of FARC–EP; the People's 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), which is a drug cartel and right-wing paramilitary group considered one of the strongest criminal organizations in Colombia. At the same time non-international armed conflicts were taking place among various non-state armed groups, notably the ELN against the EPL and the AGC.²

On 14–17 February 2020 the ELN declared an 'armed strike' across nine Colombian departments, and executed a series of coordinated attacks that brought large parts of the country to a standstill. The 27 attacks included strikes on electrical infrastructure, river transport and ports, national highways and cities, as well as clashes with the Colombian military and a sniper attack. The armed strike was widely seen as a show of force by the

¹ Armed Conflict Location & Event Data Project (ACLED), Dashboard, accessed 1 Mar. 2021.

² 'Non-international armed conflicts in Colombia', RULAC, 24 Nov. 2020.

ELN.³ The ELN has grown from 1400 members in 2017 to between 2500 and 3000 members, according to different sources, including FARC–EP members who did not want to lay down their arms to comply with the peace agreement. It has become transnational through its presence in Venezuela and its control of drug trafficking, illegal mining, human trafficking and smuggling in both countries.⁴

However, as the Covid-19 pandemic took hold, a month-long ceasefire was offered on 30 March to the government of Iván Duque Márquez by the ELN. Citing lack of government response, the ELN resumed military operations in May.⁵ In response to the call by the United Nations Secretary-General António Guterres for a worldwide ceasefire, the ELN declared a unilateral month-long ceasefire beginning 1 April, and on 7 July the ELN again proposed a bilateral pause in fighting during the pandemic. Duque rejected this. The ELN has accused the Colombian Government of lack of will to carry on with stalled peace talks in Havana, where much of the Central Command of the group has been stranded since Duque ended the peace talks in January 2019 after the group carried out a bomb attack on a police academy in Bogotá. The Cuban Government has refused to extradite the ELN leaders to Colombia to face prosecution.⁶ Duque has stated he would restart negotiations only if the ELN released all of its hostages and ended its criminal activity.⁷ In June the ELN released 6 hostages, including 2 police officers and 4 civilians, but continued to hold at least 10 more hostages.⁸ In July Colombian authorities captured, in a series of raids, eight ELN members who they accused of involvement in the police academy bombing. According to Duque, the raids allegedly provided further proof of the involvement of ELN leadership in the police academy attack, further weakening prospects for renewed peace talks with the ELN since the group's leaders were in Havana at the time of the attack.⁹

Problems continue to plague the implementation of the 2016 peace accord between FARC–EP and the Colombian Government. In its plan for comprehensive rural reform, only 0.08 per cent of 3 million hectares of land promised for distribution had been allocated as part of the Land Fund under

³ Villalba, J., 'ELN showcases unique ability to paralyze parts of Colombia', InSight Crime, 6 Mar. 2020.

⁴ 'ELN', InSight Crime, updated 27 Oct. 2020; and Trejo, M., 'The ELN is prepared to negotiate with the Colombian Government in exchange for a ceasefire', Atalayar, 30 Sep. 2020.

⁵ 'Colombia's ELN rebels scrap ceasefire', France 24, 27 Apr. 2020.

⁶ Loaiza, L., 'US pressure on Cuba to extradite ELN leaders unlikely to succeed', InSight Crime, 18 May 2020.

⁷ Posada, J., 'The ELN's repeated demands for a ceasefire in Colombia', InSight Crime, 15 July 2020.

⁸ 'Colombia's ELN rebels free six more hostages amid peace talks plea', BBC News, 15 June 2020.

⁹ González, J. C. and Kurmanaev, A., 'Colombia captures guerrillas accused in deadly car bombing', *New York Times*, 2 July 2020.

Point 1.1.1 of the peace accord.¹⁰ While former FARC–EP combatants have surrendered their weapons, their socio-economic reintegration into civilian life has been slow. According to the UN, only 41 per cent of accredited former combatants have received financial support for productive projects through mechanisms stipulated in the peace agreement.¹¹ Coca crop eradication continues, but with very slow progress in crop substitution. At the current rate of reparations, it would take 43 years to compensate all victims of the conflict.¹²

Armed and criminal groups have taken advantage of delayed implementation of peace agreement provisions, and social conflict and violence have increased. According to the report of the UN secretary-general on the UN Verification Mission in Colombia, the greatest threat to the peace agreement is the continuing threat of violence against former combatants, conflict-affected communities, and social leaders and human rights defenders.¹³ At least 248 former combatants have been killed since the signing of the 2016 peace agreement, 73 during 2020.¹⁴ Illegal armed groups are driving former combatants to flee from training and reintegration areas in several regions, undermining the reintegration process.¹⁵ In October 2020 hundreds of former combatants marched to Bogotá to demand enhanced security guarantees and progress in the reintegration process.¹⁶

Violence against civilians

Attacks against political candidates, community organizers and local civil society activists also continued in 2020. In February the Office of the UN High Commissioner for Human Rights (OHCHR) criticized Duque for not doing enough to stop the violence against women human rights defenders in particular, which had increased by nearly 50 per cent in 2019 compared to in 2018.¹⁷ Killings of civil society activists continued throughout 2020, and by September had reached 135 according to some sources. This exceeded the number committed during the whole of 2019 (124).¹⁸ Violent protests broke

¹⁰ Democracia Abierta, 'Four years later, Colombia's peace agreement advances at a snail's pace', 6 Jan. 2021; and Colombia, *Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace*, 24 Nov. 2016.

¹¹ United Nations, Security Council, 'United Nations Verification Mission in Colombia', Report of the Secretary-General, S/2020/1301, 29 Dec. 2020, para. 38.

¹² Democracia Abierta (note 10).

¹³ United Nations, S/2020/1301 (note 11), para. 9.

¹⁴ United Nations, S/2020/1301 (note 11), para. 10.

¹⁵ United Nations, S/2020/1301 (note 11), para. 11.

¹⁶ 'Colombia's ex-FARC rebels march in Bogota over killings', Deutsche Welle, 2 Nov. 2020.

¹⁷ United Nations, Human Rights Council, 'Situation of human rights in Colombia', Report of the UN High Commissioner for Human Rights, A/HRC/43/3/Add.3, 26 Feb. 2020, para. 22.

¹⁸ We are Defenders Programme, 'Boletín trimestral SIADDHH julio-septiembre 2020' [SIADDHH Quarterly Bulletin July–September 2020], 26 Nov. 2020.

out in Bogotá over four nights in September, sparked by a video posted on social media of police using a stun gun to lethally shoot a man accused of flouting Covid-19 restrictions. Fourteen people died during the protests. While the initial response to the protests was harsh, authorities subsequently adopted a more conciliatory approach and asked for forgiveness for police brutality.¹⁹

In mid December the UN High Commissioner for Human Rights called on state authorities to do more to protect the population, noting the increase in violence by non-state armed groups, criminal groups and other elements targeting peasants, indigenous people and Afro-Colombian people. The OHCHR noted 66 massacres in which 255 people had been killed in addition to the killing of 120 human rights defenders between January and mid December.²⁰

Between January and June 2020 the International Committee of the Red Cross registered 181 individuals, most of them civilians, who were injured from explosive devices including anti-personnel mines, of which 27 suffered fatal injuries. This represented a 7 per cent decrease over figures from the same period in 2019, a relatively modest decline in view of the severe movement restrictions imposed from March due to the Covid-19 pandemic.²¹ The Colombian Government has fallen behind on its pledge as signatory to the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (informally known as the Ottawa Treaty or the Anti-Personnel Mine Ban Convention), to rid the country of landmines by 2021. In March 2020 the government formally requested an extension of the deadline to 31 December 2025.²²

Forced displacement due to conflict and violence in areas where armed groups are fighting for control of drug production and trafficking routes increased substantially. According to a report on the implementation of the peace accord, issued by senators and members of independent and opposition political parties of the Congress of the Republic of Colombia, 16 190 people were displaced in the first six months of 2020. This was about twice the number over the same period in 2019.²³

¹⁹ Long, G., 'Bogotá counts costs of fatal police brutality protests', *Financial Times*, 14 Sep. 2020.

²⁰ OHCHR, 'Bachelet urges Colombia to improve protection amid heightened violence in remote areas', Press release, 15 Dec. 2020.

²¹ Sarralde Duque, M., 'Este año, el 69% de víctimas de artefactos explosivos son civiles' [This year, 69% of victims of explosive ordnance are civilians], *El Tiempo*, 14 July 2020.

²² Presidencia de la República, *Solicitud de Extensión Colombia 2020* [Presidency of the Republic, *Request for Extension Colombia 2020*] (Presidencia de la República: 31 Mar. 2020).

²³ Colombian Congress, '¿En qué va la paz a 2 años del gobierno Duque?' [What is peace about—2 years of the Duque government], 18 Aug. 2020, p. 7.

The border conflict between Colombia and Venezuela

Low-intensity conflict along the 2200 kilometre border between Colombia and Venezuela continued to simmer through 2020. Tensions ratcheted up in 2019 when Colombia accused Venezuela of providing shelter to armed groups seeking safe haven across the border. Nicolás Maduro responded by deploying troops and materiel to the border, leading Duque to invoke the 1947 Inter-American Treaty of Reciprocal Assistance (also known as the Rio Pact), a mutual defence pact. Observers warned further deterioration in bilateral relations or actions by non-state armed groups at the border could result in conflict between the two countries.²⁴ In March the border was closed to contain the spread of Covid-19, creating chaos for thousands of Venezuelans attempting to return home amid lockdowns in Colombia and other neighbouring countries. Battles among armed groups, drug-trafficking gangs, paramilitary groups and state forces on either side of the border for control of smuggling routes resulted in casualties and displacement of local residents, while traffickers preyed on thousands of Venezuelan migrants desperate to return home.²⁵

²⁴ International Crisis Group, 'Containing the border fallout of Colombia's new guerrilla schism', Crisis Group Latin America Briefing no. 40, 20 Sep. 2019.

²⁵ Collins, J., 'The shadow war on the Venezuela-Colombia border', *New Humanitarian*, 5 May 2020.