

II. Armed conflict and the peace process in Colombia

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Colombia experienced over five decades of armed conflict before the biggest guerrilla group in the country—the Revolutionary Armed Forces of Colombia–People’s Army (Fuerzas Armadas Revolucionarias de Colombia–Ejército del Pueblo, FARC–EP)—signed a peace agreement in November 2016. Since then, the Government of Colombia and FARC–EP have taken a series of steps to implement the peace agreement. In 2019 more than two thirds of the commitments set out in the agreement had been initiated, and more than one third had been completed or made substantial progress.¹ Overall, the agreement has been effective at ending the conflict, sustaining peace between both parties and transforming the FARC–EP into a democratic political party.² Nevertheless the process has become more complex due to the aggravating security situation in the country, particularly in relation to the protection of demobilized FARC–EP soldiers and human rights activists, and the power vacuum being filled by diverse non-state armed groups.

Fragile peace and implementation of the Colombian peace agreement

Modest progress has been made in terms of implementing the peace agreement. The United Nations Verification Mission in Colombia, responsible for verifying the implementation of the agreement between the FARC–EP and the Colombian Government, highlighted that the establishment of development programmes with a territorial focus advanced as part of comprehensive rural reform measures; 780 projects of the 1207 planned have been implemented in 76 municipalities across the country.³ The Special Jurisdiction for Peace, an institution created to investigate, prosecute and punish those responsible for human rights violations during the armed conflict, accredited more than 60 000 victims as of December 2019—this includes the first collective accreditations of ethnic communities as victims during the conflict.⁴ FARC–EP (renamed the Common Alternative Revolutionary Force) political party members also participated in their first local and departmental elections in October 2019; 12 candidates were elected for different offices, including 3 for mayor.⁵

¹ Kroc Institute for International Peace Studies, ‘State of implementation of the Colombian Final Accord December 2016–April 2019’, University of Notre Dame, Apr. 2019, p. 1.

² Kroc Institute for International Peace Studies (note 1), p. 2.

³ UN Security Council, ‘United Nations Verification Mission in Colombia’, Report of the Secretary-General, S/2019/988, 26 Dec. 2019, p. 3.

⁴ UN Security Council, S/2019/988 (note 3), p. 4.

⁵ UN Security Council, S/2019/988 (note 3), p. 6.

Nevertheless, other aspects of the agreement saw setbacks throughout the year. Adequate funding for the full implementation of gender actions and the targeting of women participating in political, social and peacebuilding processes by illegal armed groups remain major concerns.⁶ Additionally, as of August 2019 only 42 per cent of commitments aimed at improving gender equality have been either initiated or implemented, compared to 73 per cent of the general commitments in the peace agreement.⁷ The right-wing government of President Iván Duque Márquez has also led a forceful coca eradication strategy. In February the government revealed plans to increase the annual goal of eradicated land, via the army and anti-narcotics police, to 100 000 hectares, an increase of 43 per cent from the previous year. This undermined alternatives such as the crop substitution programme, known as the National Comprehensive Program for the Substitution of Illicit Crops (Programa Nacional Integral de Sustitución de Cultivos de Uso Ilícito, PNIS), to which over 100 000 families signed up as part of the government and former FARC–EP negotiations.⁸ Further aggravating the PNIS, the Organization of American States (OAS) Mission to Support the Peace Process in Colombia (MAPP/OAS) has documented cases of extortion by the National Liberation Army (Ejército de Liberación Nacional, ELN) guerrilla group and other criminal groups, such as the Gaitanista Self-Defense Forces of Colombia (Autodefensas Gaitanistas de Colombia, also known as the Gulf Clan), to families receiving funds under the PNIS.⁹

Additionally, in the 2019 national budget the Duque administration announced a cut of around \$140 million to the development funding established in the peace accords, which includes institutions such as the Rural Development Agency and the Territorial Renovation Agency, and an increase in military spending.¹⁰ Another mechanism contemplated in the peace accords, the Territorial Training and Reintegration Spaces legally ended its transitional period on 15 August 2019 and officially transformed into 24 permanent settlements spread across the country. Nevertheless, 69 per cent of the 13 202 former FARC–EP combatants have left these spaces and settled elsewhere. Of those who have left, 154 ex-combatants have been killed in 2018 and 2019, 113 have also been threatened and 11 forcibly disappeared as of December 2019.¹¹

⁶ UN Security Council, S/2019/988 (note 3), p. 11.

⁷ Kroc Institute for International Peace Studies, *Gender Equality for Sustainable Peace, Second Report on the Monitoring of the Gender Perspective in the Implementation of the Colombian Peace Accord* (University of Notre Dame: Dec. 2019), p. 11.

⁸ Puerta, F. and Chaparro, M. P., 'Aggressive coca eradication threatens voluntary substitution efforts in Colombia', InSight Crime, 19 Feb. 2019.

⁹ OAS, Twenty-sixth report of the Secretary General to the Permanent Council on the Organization of American States Mission to Support the Peace Process in Colombia, 10 May 2019, p. 4.

¹⁰ Puerto and Chaparro (note 8).

¹¹ Semana, 'Farc: En qué va la reincorporación' [FARC: Dealing with reincorporation], 16 Nov. 2019.

In terms of human rights protections, the Office of the UN High Commissioner for Human Rights verified that there were 86 killings of human rights defenders and social leaders (including 12 women) in 2019.¹² The UN has identified human rights defenders advocating on behalf of community-based and specific ethnic groups such as indigenous peoples and Afro-Colombians as the single most-targeted group; there was also an increase by almost 50 per cent of female human rights defenders killed in 2019 compared with 2018.¹³ The UN places half of all killings concentrated in four departments: Antioquia, Arauca, Cauca and Caquetá. Three of these are located in border areas, while Cauca also borders the Pacific Ocean. The urgency to address killings in border provinces is highlighted by the MAPP/OAS, which links the presence and activities of illegal armed groups in these areas to increases in violent crime and homicide.

Dissident Revolutionary Armed Forces of Colombia groups in Colombia

Disillusionment with the post-conflict reintegration process has resulted in the emergence of a broad spectrum of different criminal groups with ties to former FARC–EP commanders. Most dissident FARC–EP groups that did not join the political wing of the group have pledged allegiance to two former FARC–EP commanders leading different criminal enterprises in Colombia: Miguel Botache Santillan (alias Gentil Duarte) and Luciano Marín (alias Iván Márquez). Botache Santillan, along with Géner García Molina (alias John 40) and Nestor Gregorio Vera Fernández (alias Iván Mordisco), are the most powerful dissident FARC–EP commanders and are said to control large parts of drug-trafficking and illegal mining networks in the southern part of Colombia. The group led by Botache Santillan is known as the Eastern Bloc of the FARC–EP, which had originally rejected the peace accords with the government.¹⁴ In 2019 the group coordinated efforts to bring together diverse dissident FARC–EP units into a single fighting force; operating more as a federation rather than a single, insurgent force. It currently runs a criminal syndicate across 8 of the 32 departments in Colombia.¹⁵

On 29 August 2019 FARC–EP's former second in command, Márquez, alongside other high-profile former FARC–EP combatants involved in the peace process in Havana, denounced the slow pace of implementation, including the lack of promised vocational training and reintegration

¹² UN Security Council, S/2019/988 (note 3), p. 9.

¹³ UN Office of the High Commissioner for Human Rights, 'Colombia: Human rights activists killings', 14 Jan. 2020.

¹⁴ Rule of Law in Armed Conflicts, 'Non-international armed conflicts in Colombia', 22 Jan. 2020.

¹⁵ InSight Crime, 'The tipping point: Iván Márquez deserts the peace process', 11 Nov. 2019.

programmes, and announced that they would rearm.¹⁶ It is also believed that the current number of former FARC–EP combatants that have rearmed as of September 2019 is between 1000 and 3000.¹⁷ The splintering of the organization, in addition to numerous diverse actors vying for power and influence, has created a loose network of dissident groups that divides criminal incomes and territory, and agrees to work together to push for shared criminal interests, rather than ideology or a shared vision.¹⁸

The Colombian state and the National Liberation Army rebel group

President Duque formally took office on 7 August 2018. Since the beginning of his mandate he showed reluctance to engage with the ELN and its factions unless they suspended all criminal activity and abandoned the coca trade.¹⁹ The ELN, now the country's largest Marxist rebel group, continued to target state and private infrastructure in Colombia in 2019.²⁰ It is also believed that the ELN controls most cocaine routes on the border between Venezuela and Colombia's Arauca department.²¹ The contentious relationship with the government ultimately led to the ELN suspending a unilateral ceasefire imposed from 23 December 2018 to 3 January 2019 and resuming hostilities against the state.²²

On 17 January 2019 José Aldemar Rojas Rodríguez, a member of the ELN, escalated hostilities against the Colombian state, and a car bomb was detonated outside a police academy in Bogotá, killing 21 people.²³ Soon thereafter, the Colombian Government reactivated arrest warrants for members of the ELN leadership and asked Cuba to collaborate with extraditions.²⁴ It is believed that FARC–EP dissidents and the ELN cooperate on drug trafficking and other illicit activities in overlapping territories; however, the extent of that cooperation is unknown.²⁵ There is a fear that with the splintering of FARC–EP into many dissident groups, levels of violent conflict among FARC–EP dissident groups and ELN will increase.

¹⁶ Charles, M., 'Why Colombia's dissident FARC rebels are taking up arms again', *World Politics Review*, 4 Sep. 2019.

¹⁷ Charles (note 16).

¹⁸ InSight Crime (note 15).

¹⁹ Olaya, Á. et al., 'Colombia President Duque's 5 "hot potatoes"', InSight Crime, 8 Aug. 2018.

²⁰ *Latin News*, 'Colombia: Government dialogue remains far off as ELN ceasefire ends', Jan. 2019.

²¹ Venezuela Investigative Unit, 'FARC dissidents and the ELN turn Venezuela into criminal enclave', InSight Crime, 10 Dec. 2018.

²² *Latin News* (note 20).

²³ González, J. C. and Casey, N., 'Colombia car bombing suspect belonged to rebel group, government says', *New York Times*, 18 Jan. 2019.

²⁴ González and Casey (note 23).

²⁵ InSight Crime, 'Ex-FARC Mafia, Venezuela and the current international climate', 11 Nov. 2019.

The worsening security situation was evident in the latest statistics for 2018; for the first time in eight years, the Colombian homicide rate saw an increase, to 12 311 from 11 381 in 2017.²⁶ The increase in levels of violence is associated with new and old armed groups, such as the ELN, and FARC-EP dissidents, and it is likely that those figures continued with an upward trajectory in 2019.

²⁶ Dalby, C. and Carranza, C., 'InSight Crime's 2018 homicide round-up', InSight Crime, 22 Jan. 2019.