

Watch List 2023 for the EU

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Autumn Update

By the International Crisis Group

Colombia: Is "Total Peace" Back on Track?

Despite peace talks between the government and armed groups, levels of violence in Colombia remain high. In this excerpt from the <u>Watch List 2023</u> – <u>Autumn Update</u>, Crisis Group outlines how the EU can promote negotiations and encourage inclusiveness therein.

s President Gustavo Petro advances in his plans for "total peace" through talks with armed and criminal groups, parts of Colombia face the threat of fresh violence.

The stakes for these talks are higher than ever: they must deliver results not only on paper but in the daily lives of conflict-affected communities. The Petro administration's interlocutors include a remnant of the demobilised Revolutionary Armed Forces of Colombia (FARC-EMC is its acronym in Spanish); unlike the rest of the former FARC, this faction never signed the 2016 peace agreement that ended Colombia's armed conflict with its largest insurgency. Separately, a still-active Marxist insurgency (the National Liberation Army, or ELN) is also in negotiations. In addition, Colombian authorities have launched a series of dialogues with criminal groups and urban gangs, though the channels of outreach to the Gaitanista Self-Defence Forces, the country's largest armed organisation in terms of personnel and territory and a major player in drug trafficking, have gone cold.

Despite progress in reaching ceasefires and entering serious negotiations, testimonies from the public as well as available data suggest that, so far, there has been no clear-cut improvement in security in either cities or the countryside. Although murder rates have dropped slightly, several armed and criminal groups have tightened their grip on areas they control. The number of clashes among groups engaged in turf wars has climbed, while cases of extortion, kidnapping, recruitment and meddling in politics ahead of the October local elections all appear to be on the rise. Ethnic minorities, children and rural women are among the main victims.

Initial missteps in rolling out the "total peace" strategy help account for the contrast between the high-level advances in talks and worsening insecurity at the grassroots. Unilateral six-month ceasefires announced by the authorities in the first half of 2023 amounted to tactical gifts to armed and criminal groups, which grew stronger during the respite from military operations. Lower homicide rates in many areas conceal a more sinister reality: that is, armed groups have attained such a stifling hold on daily life that they no longer need to use violence to dispense with rivals or silence critics. Instead, civilians comply out of fear. State security forces admit they are only now starting to recover their ability to apply pressure on armed groups after the hiatus.

The good news is that the government appears committed to learning from its early mistakes as it seeks to bring greater security to all Colombians. At this pivotal moment, as talks inch along, Petro's government should clarify its priorities for negotiated outcomes and direct "total peace" efforts toward de-escalating violence. It should employ military operations to complement this approach, reinforcing its message that dialogue, not armed resistance, is the only way forward.

To support the government's peace efforts, the EU and its member states should consider the following:

 In its roles supporting negotiations with the FARC-EMC and talks with urban gangs, the EU should encourage all parties to make civilian well-being a priority. The EU should support efforts to involve conflict-affected communities – including the youth and women among them – in dialogues and provide support to ensure ceasefire monitors and negotiators can travel to affected areas as they seek to adjudicate alleged violations and hear directly from residents.

- Aid efforts to incorporate environmental protection goals into talks, including with the FARC-EMC and the ELN.
- Work to establish a greater European diplomatic presence in rural areas, for example through the expansion of the Defend Life (Defendamos la Vida) program, aimed at protecting social leaders.
- Boost European funding for implementation of the 2016 peace agreement, as the Trust Fund for Colombia – which was vital to expanding rural development – has run dry.
- Intensify European cooperation with Colombia, and Latin America more generally, on matters related to reining in organised crime, including through information sharing, joint investigations, training and technical assistance.

A Troubled Beginning

President Petro came to power in August 2022 on the back of mass discontent with corruption, inequality and rising violence. For a time, thanks to the landmark 2016 peace agreement between the government and the FARC, Colombia had seen rates of forced displacement, massacres, kidnappings and other crimes fall to their lowest points in recent history. More recently, however, new and existing armed groups have sought to win control of lucrative illicit businesses, engaging in ferocious competition to that end. Armed groups also took advantage of lockdowns and school closures during the COVID-19 pandemic to deepen their control and recruit new members. As a result, conservative Iván Duque (2018-2022) was the first Colombian president in two

decades to leave office with the country plagued by higher levels of insecurity than when his term began.

Upon assuming the presidency, Petro confronted an alarming blight of violence that his administration has since struggled to quell. From the outset, his government has argued that negotiations to demobilise armed groups are essential to any effort to resolve the multi-sided conflicts in localities throughout the country. Officials have promised to talk to all types of armed outfits in the campaign to reduce violence. Yet when it comes to criminal groups, a significant part of the Colombian public is hostile to the administration's ambitions, as are top legal authorities and many members of Congress. Historically, critics argue, the Colombian state has negotiated primarily with its political opponents – especially guerrillas – not with criminals out merely for pecuniary gain. Legal obstacles also inhibit talks with organised crime, including a constitutional amendment passed under the Duque administration <u>outlawing amnesties</u> for drug trafficking and kidnapping.

Early setbacks in the implementation of Petro's "total peace" agenda reinforced these concerns. The government declared unilateral ceasefires with five armed and criminal groups, beginning on 1 January, with the aim of reducing violence. Instead, these organisations exploited the opportunity by recruiting more members and seizing new territory without fear of military pushback. The ceasefires resulted in what a senior military officer called "a complete loss of momentum" over the first three months of 2023.

The government wisely chose not to renew the ceasefires when they expired on 31 June, but the damage had been done. The Gaitanista Self-Defence Forces are now more deeply entrenched on the country's Atlantic coast; the FARC-EMC has expanded aggressively in the Amazon and along the Pacific coast; and the ELN has firmed up its footholds in strategic departments (as Colombian provinces are known), including Cauca on the Pacific and Norte de Santander on the Venezuelan border.

Petro's government is adapting after the initial disappointments, trying to strengthen its position both on the battlefield and at the negotiating table. It secured a bilateral ceasefire with the ELN that began on 3 August, with protocols that include a commitment to uphold international humanitarian law. Given the insurgency's habit of failing to distinguish between soldiers and civilians, for example when it plants landmines or carries out kidnappings, that is a crucial measure.

The Defence Ministry has ordered <u>the</u> <u>military to push back harder</u> against all the groups that are not covered by a ceasefire, intensifying operations against the Gaitanistas and the FARC-EMC. In August, for example, Defence Minister Iván Velasquez launched a large-scale offensive to retake parts of a region in Cauca that the FARC-EMC has held for years. This campaign against the group's leadership and strongholds appears to have had an effect. The FARC-EMC agreed on 19 September to a full bilateral ceasefire, set to begin on 8 October. Before the ceasefire was to take hold, however, the FARC-EMC carried out a string of car bombings, including a particularly egregious assault on a police station in Cauca that left two civilians dead. Responding to public outrage, the guerrillas on 22 September told their fighters to stand down from all further offensive operations.

Authorities are hopeful that the new defence policy may finally align with the government's strategy for dialogue by putting military pressure on groups to embrace negotiations, while also offering them material incentives to do so. There are other indications that the Petro government has fine-tuned its approach. Having previously designated just a handful of officials to manage an array of complex peace processes, the government announced in late August that it would decentralise peace efforts through **eight regional offices**, with a commissioner assigned to each.

Yet important components of a viable peace strategy are still sorely missing. The government has failed to establish a clear legal framework for dialogue with criminal groups, including the Gaitanistas. Despite congressional approval of the "total peace" plan in November 2022, the attorney general has insisted that additional legislation is required to lay out the terms of what can be discussed and what benefits can be offered for the mass demobilisation of criminal groups. In June, Congress set aside the government bill that would have filled this gap. The Gaitanistas have also rejected the terms on offer, which would have included reduced jail terms of between six to eight years and an amnesty for a small portion of ill-gotten wealth in exchange for full truth

and transparency about past crimes. Without a law to govern talks, dialogue with urban gangs is also in limbo. Despite some early successes, including a truce in the port city of Buenaventura that ended homicides for 80 days, groups are growing impatient waiting for the government to determine what kind of demobilisation package it could offer within the law.

Coerced Communities

Much of the administration's diplomacy with armed and criminal groups has focused on reducing confrontations with state forces. Less has been done to calm the violence perpetrated against civilians – much of which derives from clashes between rival armed groups or their attempts to cement control of community life.

To hold territory, armed and criminal groups turn their coercive powers on communities, many of which lack state protection. Arauca has suffered a wave of assassinations as rival groups attack social leaders (ie, activists and civil society representatives) who live in areas run by their enemies or are accused of sympathising with the other side. But groups also increasingly rely on insidious and often hard-to-detect forms of violence and social control to deter detractors, while keeping a low profile for themselves. Armed groups have forcibly limited the movement of entire communities along the Pacific coast - a practice known as confinement, cases of which are up 18 per cent in the first six months of 2023. They have also planted landmines, and mandated that people carry locally issued ID cards to keep intruders out. Across the country's southern departments - namely, Cauca, Caquetá and Putumayo – armed groups have coerced unarmed civilians to encircle soldiers and demand that they leave.

Armed and criminal groups are hoping to consolidate their hold on these and other areas in October's local elections, when mayorships and local council seats are up for grabs. These groups covet influence over these officeholders, primarily as a means of laundering illicit revenues, for example through state procurement contracts, and for purposes of shaping security operations. By the end of August, the Electoral Observation Mission, a civil society group, had recorded 288 violent attacks or threats on politicians since the start of the electoral cycle, including 21 assassination attempts. The total number of attacks already represents an 80 per cent increase over the 2019 local polls. The same organisation in September <u>flagged 125</u> <u>municipalities</u> as at extreme risk of electoral violence – the highest number since 2010.

At the start of campaign season, the FARC-EMC had declared that it would allow only friendly candidates to campaign in areas under its control, and these security threats had prevented some members of traditional parties from registering their candidacies. Government negotiators have since secured a commitment from FARC-EMC to allow elections to go ahead without meddling by the armed group. Contenders along the Atlantic coast, meanwhile, have told Crisis Group that channels of communication with the Gaitanistas are essential in order to run for office safely, though the group has said publicly it will not intervene in the vote. "It is impossible to campaign for fear that they will make an attempt on your life", an independent candidate said. A prospective mayoral aspirant in an ELN stronghold said the guerrillas "do not put forward candidates, but they do eliminate candidates", preventing their political foes from standing for office.

Women and youth tend to bear the brunt of abuse in areas under armed group control. Women face specific challenges in trying to hold their families and communities together under conditions of extreme duress. "Women are the ones who always carry the greatest risks – of being raped or assaulted, of becoming widows, of not knowing how to keep children out of conflict", a social leader from Arauca said. Young people are also drawn into the fray. Armed groups say that their prime recruitment population is aged sixteen to 24; the youths who join up often lack other opportunities and face reprisal if they refuse to enlist.

Escaping the Coercion Trap

Stopping such coercive practices, above all in rural areas, is crucial not just to safeguard public well-being but also to prove that talks offer communities genuine benefits. The public is souring on negotiations as the perception spreads that they do little to make people safer. Just 28.5 per cent of Colombians in one recent survey said they believe "total peace" is working well, while nearly 67 per cent felt that public security had deteriorated. To help ward off such concerns, talks with the ELN should underline compliance with international humanitarian law, stressing that civilians must be shielded from violence. Achieving Petro's stated objective of a full cessation of hostilities with the FARC-EMC – with the goal of ending violence against civilians, including recruitment, extortion and movement restrictions - would of course be an enormous step in the right direction. While the rebels have rejected these terms thus far, smaller steps might be feasible. For example, the FARC-EMC might agree to cease recruitment of minors and place its fighters at a

distance from civilians, perhaps in return for a commitment by the military to also stay out of these populated areas.

"Total peace" efforts should provide relief to the populations that have faced the highest rates of victimisation: ethnic minorities, children and rural women. Initial agreements with both the ELN and FARC-EMC include promises of joint humanitarian efforts in conflict-affected areas; these must be handled with extreme care, with neither armed groups nor the military involved in delivering essential aid. Meanwhile, negotiations with both the ELN and the FARC-EMC should include more women's participation. In the ELN's case, a newly created popular consultation group could grapple with issues such as gender-based violence and the effects of forced confinement. The FARC-EMC process is intended to be mobile, visiting places across the country, thus helping the voices of women, young people and ethnic communities to be heard.

What the EU and its Member States Can Do

Rural communities trust the EU and its member states, thanks to their history of strong support for implementation of the 2016 peace process, giving them special inroads to help the "total peace" strategy reach and protect these populations. While the EU cannot intervene in the agenda for the talks with the FARC-EMC, it has been asked to serve as a guarantor of the process, allowing EU diplomats to offer guidance on international humanitarian law, as well as the technical and financial resources to ensure that negotiators from both sides hear directly from victims and affected communities. Because talks are set to take place in Colombia, the EU might for example subsidise official visits by negotiators and members of monitoring bodies to regions in conflict. Such community connections are vital for ensuring that any agreement enjoys popular support. They would also help along dialogues with urban gangs and talks with the ELN.

European interests in ending deforestation in Colombia also align with the FARC-EMC process. In initial contacts with the government, FARC-EMC leaders made clear that they are seeking a peacetime role in environmental protection, and negotiations could look to specify what this role might entail. The group has demonstrable influence over certain areas: in recent months, for example, they have enforced a modest reduction in clearing of land in the Amazon region. The Colombian state, by contrast, has little institutional presence in these remote territories. Military operations to curb deforestation, meanwhile, have targeted small-time loggers rather than the financiers and powerful economic interests that are driving mass environmental degradation. A collaborative approach could have benefits for all concerned.

The EU and member states can also work to expand their visible diplomatic presence in rural Colombia. Social leaders and communities report that visits and statements from international diplomats confer a level of protection. Armed groups are less likely to attack social leaders whose external ties are readily apparent, particularly when the groups are polishing their image in preparation for peace talks. The EU's Defend Life program has so far given dozens of leaders this extra layer of security.

Funding for continued implementation of the 2016 peace agreement with the FARC is also vital for addressing the inequality and lack of rural development that continue to drive conflict. The EU Trust Fund supported nearly every component of the accord, from <u>helping</u> former FARC guerrillas return to civilian life to strengthening rural economies and supporting the emblematic territorially focused development programs (PDETs), which sought to harness growth in post-conflict areas. But the Trust Fund has not received new funds since 2021, and as such it cannot finance new projects. In its absence, the Petro administration has fewer resources to direct toward these transformative initiatives, even though it has stated that rural reform is a priority. New financing, particularly for the PDETs, could help push these projects across the finish line and create a stronger basis for peace. Funding for women's participation in negotiations and for specific protection initiatives to address gender-based violence (for example under the EU's own Action Plan on Women, Peace and Security and Gender Action Plan) would also help bring to fruition the provisions in these and other parts of the accord.

Finally, the EU should accelerate joint law enforcement efforts with Colombia - something that is already well under way. Europe is now a prime destination for Colombian cocaine, and trans-Atlantic ties among criminals have deepened. In addition to the recent announcement of increased judicial cooperation, the EU could expand training and exchange opportunities for Colombian partners in the security forces. Europol could leverage a pilot project for information sharing through the Europe Latin America Programme of Assistance against Transnational Organised Crime, or El PAcCTO, initiative, which is set to enter a more intensive phase soon. Recent successful investigations of drug trafficking networks have demonstrated the value of European expertise and funding, including support for deploying investigators and analysing financial flows. This cooperation could be channelled into the creation of joint special investigation units (similar to those that the U.S. and UK maintain with Colombia), focusing on specific organisations or types of crimes.