

Peace During COVID-19 in Colombia

Implementation of the Peace Agreementⁱ

On 30 April 2020, [the Duque administration signed a 3.350 million peso contract](#) (about USD\$ 925,000) with Du Brands SAS, in which the firm agreed to revamp the President's digital and media channels this year, in order to mitigate the effects of the COVID-19 pandemic. The money will come from the Special Peace Programs Fund, which, while being distinct from the fund specifically designated for the implementation of the Peace Agreement, was established to create programs for ex-combatants' reincorporation into civil life. Perhaps most shocking is the fact that Du Brands SAS was one of the [principal financiers of the Democratic Centre Party's 2016 campaign against the Peace Agreement](#). This contract was signed just days after the Duque administration expressly rejected a proposal in the House of Representatives brought by the Democratic Centre Party (Duque's party) to [use some of the money designated for the implementation of the Peace Agreement](#) to address the COVID-19 pandemic.

Ever since coming into power in 2018, the Duque administration has enacted a two-faced strategy with regard to the implementation of the Peace Agreement, publicly declaring a commitment to the Agreement, while at the same time, undermining it with his policies. As such, even before the pandemic, the implementation of the Peace Agreement had been stalled,

impeded and weakened. Unfortunately, since the onset of the COVID-19 pandemic in Colombia, the Duque administration has found a [perfect pretext for further eroding the peace process](#). Instead of directly undermining the process through executive decrees or other measures, Duque has found the crisis to be a perfect opportunity for ignoring the implementation of the Peace Agreement and its fundamental security guarantees, thereby leaving the peace process defenceless against grave security threats and starved of necessary resources and political capital.

Purpose

In an effort to discuss some of the most imminent threats to the implementation of the Peace Agreement in Colombia during the pandemic, this policy briefing - the second in our series - will provide a broad overview of the implementation before the pandemic and will highlight some of the biggest concerns stemming from the COVID-19 pandemic. Specifically, this policy briefing will focus on three essential thematic foci of the Peace Agreement: 1.) comprehensive rural reform and drug substitution; 2.) victims' rights and the comprehensive system of truth, justice, reparations and guarantees of non-repetition; and 3.) security guarantees for demobilised combatants and human rights defenders.

Since the text of the Peace Agreement is more than 300 pages long and because it is [one of the most comprehensive peace agreements in the world](#), this document, far from being exhaustive in its analysis, aims to highlight some of the greatest areas of concern regarding



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its implementation. It is also necessary to point out that many sources of data regarding certain aspects of the Peace Agreement's implementation do not perfectly coincide. The reasons for this discordance may have to do with the methodology used for data collection, including the time periods covered and the indicators employed. As such, this policy briefing will try to present data from a wide variety of sources, in order to provide a more objective diagnosis.

General Overview of the Peace Agreement

[The Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace](#) ("Peace Agreement" or "Agreement"), was signed between the Colombian government and the FARC guerrilla group (*Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo*) in June 2016, rejected in a national referendum in October 2016, and finally [ratified by the Congress in November 2016](#). The Agreement contains six main points, each with their comprehensive instructions for implementation: 1.) Comprehensive Rural Reform, 2.) Political Participation, 3.) End of the Conflict, 4.) Solution to the Illicit Drugs Problem, 5.) Victims and the Comprehensive System for Truth, Justice, Reparations and Non-Repetition and 6.) Implementation and Verification Mechanisms. According to the Kroc Institute for International Peace Studies, the entity tasked with the technical monitoring of the Peace Agreement's implementation, [the Agreement contains 578 concrete commitments](#).

In addition, the Peace Agreement is ruled by [the principle of integrality in order to achieve territorial](#)

[transformation](#), which means the implementation of the six main points are interdependent and, therefore, must not be carried out in a fragmented manner. The Agreement is also guided by three transversal foci: territorial, ethnic and gender. With regard to the [territorial focus](#), the implementation should actively include the participation of all regions and sectors of society, taking into account the particular necessities and characteristics of populations historically neglected by the government, in order to transform the conditions that created and sustained the armed conflict. The [ethnic focus](#) functions to guarantee that the implementation respects the individual and collective rights of indigenous communities and other specially-protected populations. Out of the 578 commitments contained in the Agreement, 80 have an ethnic focus. Lastly, the [gender focus](#) mandates "the recognition of equal rights between men and women and the special circumstances faced by each gender, especially women... It implies, in particular, the need to guarantee affirmative measures to promote equality, the active participation of women and their organisations in peacebuilding, and the recognition of the victimisation of women as a result of the conflict. In order to ensure effective equality, affirmative measures that respond to the disproportionate impacts of armed conflict on women, in particular sexual violence, must be advanced." Out of the 578 commitments, 130 have an explicit gender focus.

I. COMPREHENSIVE RURAL REFORM

Perhaps the most ambitious section of the Peace Agreement is the one dealing



with comprehensive rural reform (“CRR”): point 1. Disputes over land access and the social and economic exclusion of the peasant population were two significant factors that led to the taking up of arms by leftist guerrillas in the 1960’s, which would result in an armed conflict of more than fifty years. During the conflict’s bloody expansion, land issues only intensified with the occurrence of several waves of forced displacement and land dispossession, as well as the cultivation and trafficking of illicit drugs used to finance the conflict.

Thus, to address such complex issues, [the CCR point of the Agreement aims for a complete structural transformation](#) of the countryside and territories, by addressing historical problems regarding land ownership, high concentration of land and the exclusion of and underdevelopment in the rural populations. In fact, the importance of CCR in the peace agenda is reflected by the fact that [85% of the Peace Agreement implementation budget is reserved for this point](#). Among its commitments, CCR promised the creation of a land fund, the formalisation of land titles, the creation of a multipurpose cadastre, the implementation of developmental programmes and the voluntary substitution of illicit crops (which, although it is contained in point 4 of the Agreement, makes up part of CCR). As will be shown below, while the implementation of the majority of commitments contained in point 1 had been lagging before the COVID-19 pandemic, restrictions on movement derived from the pandemic have severely hampered the implementation of CCR, as much of the implementation work involves in-person field visits.

Land Fund

Point 1.1.1 of the Agreement created the Land Fund, which was established to confront the high levels of land concentration, regularise property rights and promote the fair distribution of land for the peasant population in the countryside. The Land Fund, managed by the National Land Agency (“ANT”), was created to be a permanent mechanism that [would freely give peasants three million hectares of land during its first twelve years of operation](#).

By the end of 2019, the Land Fund had [available 926,202 hectares of land](#), but had still [not distributed any of that land to peasants](#) as promised. [This year, the Land Fund had gained 74,782 more hectares](#) of land by 30 April 2020, bringing the total of hectares in the Land Fund to 1,000,984. By the end of May 2020, [27,118 hectares had been distributed from the Land Fund, benefitting 2,344 families](#).

As a result of the COVID-19 pandemic, operations of the ANT will likely slow down. Before delivering land to peasants, [the ANT must physically go to each piece of property](#) and perform a characterisation analysis. Considering the restrictions on movement in Colombia, it is predictable, therefore, that little or no progress will be made in distributing land to peasants until the pandemic, and its resulting restrictions on movement, abates.

Formalisation of Titles

In addition to the distribution of land to peasants through the Land Fund, the Peace Agreement also calls for the large-scale titling of small and medium-sized



rural property in point 1.1.5. This measure, aimed at providing security of tenancy for legitimate owners and holders of land in rural areas, [promised to title seven million hectares of land](#), although there is no specified time period to comply with the commitment.

By the end of 2019, [the ANT had titled 1,101,394 hectares of land](#) to rural populations. [This year, the ANT had titled 6,690 hectares of land](#) by 30 April 2020, resulting in a total of 1,108,084 hectares. It is also important to note that out of the total number of primary beneficiaries, rural women made up 40.24% of this number.

On 11 May 2020, in the middle of the national quarantine in Colombia, [the ANT virtually delivered 4,221 titles to 4,061 families](#). With regard to the families without internet access, [the ANT recruited the help of local mayors' offices to deliver the titles](#).

Multipurpose Cadastre

Colombia has a dual land administration system, whose information resides in two main governmental institutions. On the one hand, the Geographic Institute of Agustín Codazzi ("IGAC") is charged with maintaining information regarding the land cadastre, physical characteristics of parcels, maps and geographical information systems. On the other hand, the Superintendence of Notaries and Registry is the institution tasked with keeping information on land tenure and ownership rights on property, as well as the various transactions that are carried out on parcels of property. Notably, [Colombia lacks a complete and updated land cadastre](#), which is a land administration system that contains physical, legal and

economic characteristics of land. In fact, [28% of Colombia's territory is without any cadastral information](#), and in another 52% of the country, the land cadastres are outdated.

As such, the Peace Agreement calls for [the formation and updating of a land cadastre](#) "with the aim of promoting appropriate, productive and sustainable use of the land, creating an information system that can be used to promote comprehensive rural development, enhancing effective collection of taxes by local authorities and also social investment, stimulating deconcentration of unproductive rural property and, in general, transparently regularising land ownership..." Moreover, the government has seven years to fully implement this multipurpose cadastre. The government has stated that creating the multipurpose cadastre is [the most important transformational goal](#). In this regard, the Colombian government received a [\\$100 million USD loan from the World Bank](#) and a [\\$50 million USD loan from the Inter-American Development Bank](#) in 2019.

PDETs

One of the most ambitious and promising commitments from the Peace Agreement is the [Development Programmes with a Territorial-Based Focus](#) ("PDET"), found in point 1.2. The PDETs, which are tasked with [the structural transformation of the rural areas of the country](#) and ensuring an equitable treatment between rural and urban areas, are fifteen-year programmes, in which the local communities actively participate in the construction of their own development projects. Sixteen subregions were



chosen for the implementation of [PDETs based on the following criteria](#): territories most affected by the armed conflict, highest indices of poverty, presence of illicit crops and economies and weak institutional framework. In order to construct a comprehensive action plan for each of the 16 subregions, participation of the community and local governments was utilised during three phases of the collaborative process: at the *veredal* level (something akin to a neighbourhood), at the municipal level, and finally, at the sub regional level. It was only after the third phase (the sub regional level), that the action plans were approved.

By the end of 2019, [all 16 action plans had been approved](#), including one with an ethnic focus in Chocó. In addition to the significant progress in the construction of the action plans, the Kroc Institute highlighted that [the collaborative process helped engender trust in the State](#). While the approval of all action plans is a welcomed achievement, Fundación Ideas para la Paz [expressed concern over the two years it took to finalise such plans](#), a problem which “has increased uncertainty and disenchantment towards the national government among the communities that participated in the process.”

While the government has touted its successes regarding the PDETs, the FARC Commission on the Monitoring, Promotion, and Verification of the Implementation (“CSIVI”) reports a [deficit in the financing of the PDETs, as well as accounting inconsistencies](#). Such gaps in the financial information regarding the coordination, design and implementation of the PDETs and their

respective action plans, call into question the integrity of the process. Regarding the impact of the pandemic, [implementation of the PDETs has been hampered by the COVID-19](#) pandemic, both logistically and operationally, as in-person participation of local actors is severely limited.

In addition to the concerns related to PDETs, a new governmental policy started in 2019, entitled Zonas Futuro, has been the subject of concern. According to the Duque administration, [Zonas Futuro would be composed of five strategic zones](#) located in the regions severely affected by illicit economies, violence, organised crime, high rates of unsatisfied basic needs and a precarious State presence. While some of the Zonas Futuro overlap with the PDET subregions, the government has assured that [they would not compete with the PDETs, but instead would actively support the acceleration of the PDETs](#).

However, in the middle of the COVID-19 pandemic, [the United States sent around 50 members of its army to these Zonas Futuro](#) in early June to provide technical assistance and help fight narcotrafficking. Members of civil society and political sectors have called this action a breach of Colombia’s sovereignty, as well as a violation of the Colombian Constitution, which they argue, [requires the prior approval by the Congress for the arrival of foreign troops](#). Others have speculated that the arrival of U.S. troops for counter-trafficking assistance is just [a pretext for the U.S. to engage in a regional war against Venezuela](#). Also, some peasant groups and grassroots organisations in the affected regions have called this [strategy an attempt to undermine the](#)



[PDET's participative component](#), by resorting to military tactics and forced eradication of coca. Many see the Zonas Futuro policy as a direct attack against the implementation of the Peace Agreement and have expressed concern that the Duque administration has ramped up forced eradication efforts since the beginning of the COVID-19 crisis.

PNIS

[Point 4 of the Agreement seeks to provide a definitive solution to the illicit drug problem](#) in Colombia, a phenomenon that has both fuelled and financed the armed conflict. The cultivation and distribution of illicit use crops has financed and motivated armed groups, contributed to high levels of corruption and resulted in drug trafficking involving violent criminal organisations. In addition, the cultivation of illicit use crops is [concentrated in territories which have the following characteristics](#): high levels of poverty, severe affectation by the armed conflict and complex environmental aspects. It is estimated that 140,000 families make their living on the cultivation of illicit use crops. Starting in the early 90's, and supported by the U.S. government, [Colombia began the forced eradication of coca crops, through aerial spraying of glyphosate](#), an herbicide that has been the subject of many studies for [its alleged cancer-causing properties](#). In addition to possible health risks posed by the aerial spraying of glyphosate, forced eradication of illicit use crops economically devastates the populations who derive their only income from drug cultivation. Glyphosate aerial spraying was suspended in 2015.

The complex drug problem is most clearly addressed in the Peace Agreement's National Comprehensive Programme for the Substitution of Crops Used for Illicit Purposes ("PNIS"), which is also a part of CCR. The primary objective of the PNIS is [to promote voluntary crop substitution through the development of sustainable programmes and projects](#) aimed at facilitating the cultivators' entrance into the legal economy, thereby transforming their lives. Practically speaking, the PNIS provides monthly payments to enrolled individuals during the first year for substituting their crops, as well as two additional payments for implementing sustainable projects. During the second year, the PNIS pays participants a large lump sum of money to defray labour costs and to execute their sustainable projects. During their participation in the PNIS, individuals are also provided with technical assistance.

By 31 March 2020, there were [99,097 families participating in the PNIS](#), 61,183 of which were receiving technical assistance, and 41,513 hectares of illicit crops were voluntarily eradicated. Despite the reduction in hectares used for coca cultivation, the UN released its findings that [coca production had somehow increased](#). Additionally, between November 2018 and April 2019, [the PNIS was effectively paused](#) as the government reviewed the programme. As a result, payments to families were significantly delayed. Also concerning is the fact that, at the end of 2019, only 1% of participants had a functioning sustainable project. Furthermore, the Kroc Institute mentioned as significant risk factors the assassination of social leaders promoting the PNIS - [56 PNIS social](#)



[leaders and 29 beneficiaries were killed by January 2020](#)- and the consolidation of FARC dissident groups and other illegal armed actors in the regions in which the PNIS is being implemented. Even before the COVID-19 pandemic, implementation of the PNIS faced significant setbacks, as well as a decreasing public trust, as a result of the State's slow response and failure to provide adequate security guarantees.

Starting towards the beginning of the national quarantine in Colombia, headlines have focused on [government forces forcibly eradicating coca fields](#), an action that [should only be used as a last resort](#). The government's policy of forced eradication not only [violates the agreements it has made with families in the PNIS](#), but it also has caused violent confrontations between protestors and armed forces. Fundación Ideas para la Paz argues that [the State policy of forcible eradication is not something new](#), but instead pre-exists the pandemic. In fact, they present data that shows a reduction in forcible eradication. Despite this conflicting data, reports have shown that [at least six civilians have been killed in violent clashes with State forces](#) engaged in forcible eradication during the COVID-19 pandemic. Moreover, [peasant communities have expressed concern](#) that the arrival of State forces can spread the virus to their communities, especially because such members allegedly have not been wearing protective equipment. Although the [Action for Change coalition urged the Colombian government to suspend forced eradication during the pandemic](#), Colombia has continued its operations.

Also, on 5 March 2020, just days before the Colombian government declared a

state of emergency related to the COVID-19 pandemic, [Colombia and the U.S. reaffirmed a bilateral agenda to reduce coca cultivation and production](#), through the use of measures such as aerial fumigation using glyphosate. In late May, a Colombian court in Pasto ruled that [aerial fumigation could not resume until affected communities were properly consulted](#). Arguing that the government's proposal of virtually consulting communities violated constitutional rights (as many of the affected communities do not have internet access), the court ruled that the government could not resume aerial fumigation under its current plan. Most recently, in mid-July, [a tribunal in Nariño suspended virtual consultations between the communities and the National Agency of Environmental Licenses](#), determining that such consultations violated the affected communities' rights to effective participation, prior consultation and due process. Although these rulings are considered victories for the populations living in regions with illicit crops, the dispute over the practice of aerial fumigation will continue to generate distrust of the State, thereby undermining the Peace Agreement's goal of structural transformation of the countryside.

II. VICTIMS AND CSTJNR

The Colombian armed conflict has left [over 9,014,766 victims, with 50.3% of those victims being women](#). In addition, 8,036,014 of the total number of victims were victims of forced displacement, making [Colombia the country with the second highest number of internally displaced persons](#) (after Syria). Due to the enormous victim population, equal to [roughly 18.7% of Colombia's](#)



[population](#), the Peace Agreement places [victims' redress and participation as a central pillar](#).

Point 5 of the Agreement, therefore, created a comprehensive system for truth, justice, reparations and guarantees of non-repetition ("CSTJRNR"). Specifically, the CSTJRNR established three transitional justice bodies to fulfil the mandates of victims' rights: the Special Jurisdiction for Peace ("JEP"), the Truth, Coexistence and Non-Recurrence Commission ("CEV") and the Special Unit for the Search for Persons Deemed as Missing in the Context of and Due to the Conflict ("UBPD"). As will be discussed below, the implementation of the CSTJRNR during the COVID-19 pandemic has slowed down, although virtual audiences and hearings have still continued. The main areas of concern are [the lack of internet access for many of the victims, cybersecurity concerns for digital platforms and the loss of human connection and emotion in truth-telling and justice processes](#).

JEP

[The Special Jurisdiction for Peace was created through point 5.1.2](#) of the Peace Agreement to serve as the justice component of the CSTJRNR. Specifically, the JEP is mandated to [investigate crimes committed by members of the FARC and the Colombian State Forces](#) in connection with the armed conflict, granting amnesty only in certain cases. Additionally, the JEP has the capacity to investigate crimes committed by third party civilians, but this jurisdiction can only be exercised if such actor voluntarily submits to the JEP's jurisdiction. In terms of temporal scope, the JEP has a 15 year mandate, which

may be extended for a maximum of 5 more years. The JEP is composed of [three Justice Chambers and one Tribunal for Peace](#).

The JEP became fully functional in January 2018, but its implementation has not been so smooth. For example, questions regarding case selection and prioritisation have been widely debated, as the JEP has the enormous task of addressing large-scale patterns of violence by thousands of actors committed in the armed conflict. In addition to challenges related to its methodology, the JEP has faced significant attacks and obstacles from the current administration and other political parties. For example, when the JEP's statutory law was being drafted in the Congress, one party managed to include an article that carved out an exception for sexual crimes committed against minors. According to the article, sexual crimes committed against minors would not qualify for special reduced sentences in the JEP, but instead, would be subject to the ordinary criminal jurisdiction's penalties. [Following the overwhelming opposition to such a provision, including by women's organisations and other NGOs](#), the Constitutional Court ruled the article could not be included, as it unconstitutionally tried to modify the Peace Agreement.

Later, in March 2019, the JEP's statutory law faced direct opposition by President Duque when he refused to sign it, citing six objections. This was already one month after the Congress had delivered the law to the President for his signature. After a long, drawn out battle, [Duque finally signed the statutory law in June 2019, after the Constitutional Court ordered him to sanction it](#).



Despite its challenges, the JEP has made some impressive advances in its first two years of operation. In its last report before the COVID-19 crisis and quarantine began in Colombia, the JEP reported that [12,528 persons had been formally linked to the JEP's jurisdiction](#): 9,724 ex-FARC members, 2,680 members of the public forces, and 100 state agents. In addition, the JEP had opened 7 macro cases, which cover a wide variety of thematic foci, such as the false positives practice, recruitment of children, and crimes committed in the department of Nariño.

Despite these advances, the COVID-19 pandemic has proven to be a challenge for the functioning of the JEP. After moving all operations to virtual platforms towards the end of March, the JEP held its [first virtual hearing on 4 May 2020](#). According to Instituto CAPAZ, the impacts of the pandemic on the JEP's functioning are [felt most strongly with regard to the victims' rights to participate](#) in the process, especially since many victims do not have access to internet. According to the National Development Plan of 2018, [only 17% of Colombia's rural population has internet access](#). Other investigative and monitoring tasks of the JEP, which require field work, cannot be carried out during the national quarantine.

CEV

The main apparatus created by the Peace Agreement to satisfy the victims' rights to truth was the [Truth, Coexistence and Non-Recurrence Commission](#), found in point 5.1.1. Included in its mandate, the CEV is tasked with [clarifying what occurred in](#)

[the internal armed conflict](#), shedding light on patterns of violations committed and presenting to society a broad account of the reasons for the armed conflict. In order to undertake this monumental task, the CEV only has a lifespan of 3 years. Since the start of its mandate in November 2018, the CEV has been collecting testimonies and corroborating evidence to include in its final report, which is due in November 2021.

Before the pandemic, the CEV already had an enormous task: constructing a comprehensive report detailing the contours of Colombia's more-than-fifty-year armed conflict. In addition to the short time period, [the government cut the CEV's 2019 budget by 40%](#), putting the truth-telling body under even greater strain in fulfilling its mandate. Fortunately, [the budget was increased for 2020](#). By the end of 2019, after a little more than a year of operation, the CEV had opened 22 Truth Houses in Colombia (places in which citizens can learn about the CEV and give their testimonies) and [collected around 11,000 testimonies](#).

According to a researcher at the CEV, the pandemic has caused two significant and related challenges. First, because of the national quarantine, truth commissioners and staff cannot travel to the territories to collect valuable testimonies (and as mentioned above, only 17% of the rural population has access to internet). Second, the COVID-19 pandemic has forced the CEV to change its well-developed plan of primarily interviewing victims during the first year and interviewing perpetrators during 2020. While testimonies are still being collected virtually, the CEV has shifted its



workload to corroborating the already-collected testimonies with information that can be accessed online. For example, in a [June report from the UN Verification Mission in Colombia](#), the Secretary-General stated that, due to the restrictions on movement as a result of the COVID-19 pandemic, the CEV “has focused its work on accelerating the systematisation of its interviews with more than 10,000 victims, witnesses and perpetrators.”

UPBD

Lastly, the Peace Agreement created the [Special Unit for the Search for Persons Deemed as Missing in the Context of and Due to the Conflict](#) in point 5.1.1.2. The UBPD’s mandate includes [the implementation of humanitarian actions](#) aimed at searching for and locating missing persons in the context of the armed conflict, and in the case of death, identifying and delivering the remains when possible. The UBPD has a 20 year mandate, which can be extended.

By the end of 2019, the UBPD had established 17 territorial headquarters and had [started investigating the cases of 1,123 disappeared persons](#). In 2019, the UBPD also began its difficult task of helping to identify the approximately 25,000 unidentified bodies recorded in legal medical autopsies.

The COVID-19 pandemic has forced the UBPD [to adjust its model of working in-person with victims](#), according to the director of the UBPD, Luz Marina Monzón. The director also identified the careful management of cemeteries as a priority during the pandemic; by not carefully interring the bodies of COVID-19 victims in cemeteries, many

unidentified bodies from the armed conflict may be tampered with. While much of UBPD’s field work has been suspended during the pandemic, Monzón states that even in the national quarantine, [the Unit has received over 200 requests regarding missing persons](#) and has been contacted frequently by people willing to share information.

III. SECURITY GUARANTEES

The topic of security guarantees for ex-combatants, human rights defenders and communities in rural areas, located in point 3.4 of the Peace Agreement, [aims to generate security conditions for the Agreement’s implementation](#), guarantee effective political participation of the demobilised FARC, dismantle the complex web of criminal organisations and networks and protect the vulnerable communities in which implementation will occur. In fact, the topic of [security guarantees was an essential condition for the FARC negotiators of the Peace Agreement](#), especially in light of the [mass extermination of more than 3,000 members of the Unión Patriótica](#) in the 80’s and 90’s (a political party that emerged from former peace negotiations). The Peace Agreement also recognises the fundamental role that human rights defenders play in its implementation, and as such, prioritises their protection.

In a [2018 study on the implementation of the Agreement’s security guarantees](#), Fundación Ideas para la Paz concluded “the Security Guarantees have not been able to contain the violence and threats against key actors in the process. On the contrary, what we have found in the regions is the deterioration of security conditions and the uncertainty



regarding the State's capacity to respond." Even before the COVID-19 pandemic, the country was faced with [high levels of violence from criminal organisations](#) and dissident FARC groups, the presence of [at least five internal armed conflicts](#) and a high rate of [homicides of human rights defenders](#). As the pandemic has severely limited movement, ex combatants and human rights defenders are even more vulnerable to threats and violence. The following section will discuss some key challenges to the implementation of security guarantees, such as the continued existence of armed conflict and violence against ex-combatants and human rights defenders.

General Security Concerns

While the Peace Agreement saw the demobilisation of Colombia's largest and most powerful armed group, the FARC, the Colombian government has not been able to reach a peace agreement with the National Liberation Army ("ELN") - a leftist guerrilla group that has been around since the 1960's. Deeply involved in narco-trafficking activities in the peripheral regions of Colombia and Venezuela, the [ELN remains Colombia's most powerful guerrilla group, with around 4,000 members](#) in 2018. ELN presence poses a significant risk to the implementation of the Peace Agreement, as the armed group has territorial control of a number of regions and continues to flagrantly violate international humanitarian law and human rights law. For example, [between 2017 and 2019, 182 cases of child recruitment](#) by the ELN were recorded. Actions by the ELN, including conflicts with other local armed groups and criminal organisations, continue to increase

forced displacement of the rural populations in which they operate. In recent reports on the killings of human rights defenders and FARC ex-combatants, [14 assassinations of human rights defenders and 12 assassinations of FARC ex-combatants](#) were attributed to the ELN.

The most recent peace negotiations between Colombia and the ELN began in 2017, but were indefinitely suspended in January 2019, when [the ELN bombed a police academy in the nation's capital](#), leaving 22 dead and at least 68 injured.

On 30 March 2020, [the ELN declared a unilateral ceasefire from 1 April to 30 April](#), in order to alleviate the humanitarian crisis caused by the COVID-19 pandemic. Since ending the ceasefire at the end of April, the [ELN recently proposed to the Duque administration a 90-day bilateral ceasefire](#), although the [President responded by calling the ELN a "terrorist organisation"](#) and demanding the release of all hostages and an end to the ELN's criminal activity. As long as the ELN continues to exist, the security guarantees necessary to implement the Peace Agreement will continue to be precarious.

In addition to the ELN, remote areas of the Colombian territory are plagued by the presence of other armed groups and criminal organisations. In an effort to gain territory formerly occupied by the FARC, [clashes between the FARC dissident groups, the ELN, paramilitary groups and other armed groups](#) have continued in light of the power vacuum created by the FARC demobilisation. Still, many of these conflicts are [related to the drug trade and other illicit economies](#) in Colombia. Such contexts of



violence have limited the ability to implement the Peace Agreement in these conflict territories and have put the local populations in risk. For example, in March 2020, the government warned that [61,000 people in Chocó were under threat of violence](#) by the conflict between the ELN and the Gaitanist Self-Defence Forces.

As a result of the COVID-19 pandemic, and the restrictions on movement put in place, some [criminal organisations and armed groups have used the crisis to consolidate their territorial presence](#). In his most [recent report from June 2020, the UN Secretary-General states](#) that some “illegal armed groups and criminal organisations have forcibly imposed social control measures, including through illegal checkpoints and targeted violence against individuals violating lockdown measures.” For example, [one armed group released a pamphlet imposing a curfew](#) and warned that those who violated such a measure would be “military targets.” A [recent report by Human Rights Watch](#) states that, since the beginning of these strict measures, eight civilians have been killed for failing to comply with the measures. The report also expresses with concern that such draconian curfew and confinement measures imposed by these groups have limited some communities’ access to food and livelihood, by limiting fishing and prohibiting vendors and markets from selling food after the early afternoon hours. In other cases, armed groups and criminal organisations have imposed broad curfews that do not permit people to leave their houses for health services or other serious emergencies. Moreover, other sources indicate that [the recruitment of children has increased](#) during the pandemic, as

children are at home instead of at school.

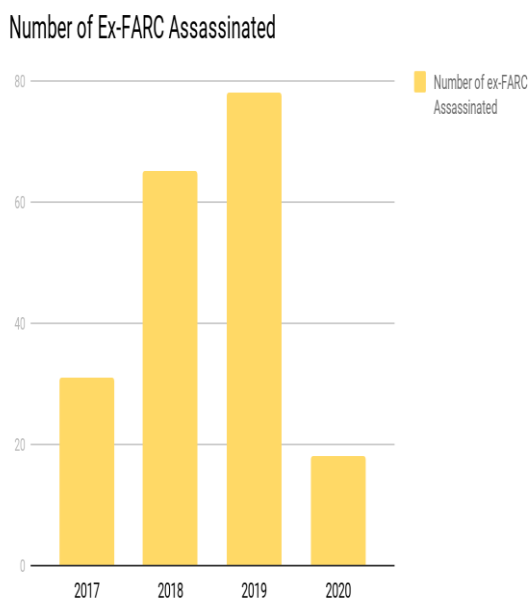
Violence Against Ex Combatants and Human Rights Defenders

Apart from the more generalised violence faced by the local communities caught in the crossfire of armed conflict and criminal violence, perhaps the biggest threat to the implementation of the Peace Agreement has been the targeted killings of FARC ex-combatants and human rights defenders. In fact, Special Representative and head of the UN Verification Mission in Colombia (“UNVM”), [Carlos Ruiz Massieu, remarked in his 14 July 2020 statement to the UN Security Council](#) that the continued violence against ex-FARC members and human rights defenders remains “the gravest threat to the consolidation of peace in Colombia.” While the exact number of assassinations and threats varies among NGOs, UN bodies and governmental entities, it is clear that the numbers have been increasing since the signing of the Peace Agreement, a stark reality that the government has failed to effectively address.

Since the signing of the Peace Agreement until 26 March 2020 (just after the national quarantine began), the UN Verification Mission in Colombia confirmed the [targeted killings of 192 FARC ex-combatants](#), 3 of whom were women. The UNVM also reported 39 assassination attempts and 13 enforced disappearances of FARC ex-combatants during the same period. In particular, in its latest monitoring report, the Kroc Institute called [2019 the most lethal year for ex-combatants](#), with a rate of homicide 23 times the rate of the national average. Furthermore, the



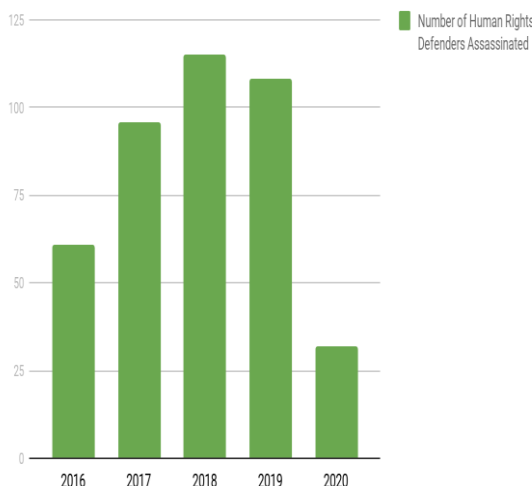
UNVM has recorded that [44 family members of FARC ex-combatants have also been assassinated](#) since the signing of the Peace Agreement.



(Source: [Informe trimestral del Secretario General](#). Misión de Verificación de las Naciones Unidas en Colombia)

With regard to the targeted killings of human rights defenders since the signing of the Peace Agreement, the UNVM and the [UN Office of the High Commissioner of Human Rights](#) have [confirmed the targeted killings of 386 individuals](#), 45 of whom were women.

Number of Human Rights Defenders Assassinated



(Sources: [Report of the Special Rapporteur on the situation of human rights defenders](#) and [Informe trimestral del Secretario General](#) and [United Nations Verification Mission in Colombia Report of the Secretary-General](#))

As a result of the restrictive limitations on movement and the national quarantine, both ex-combatants and human rights defenders [have become more vulnerable due to their easily predictable locations](#) during the quarantine - their homes. According to one human rights defender from Buenaventura, [“being at home 24 hours a day is a death sentence](#) because the gunmen know where to find us. We are now an even easier target for those who want to silence us.”

During the COVID-19 pandemic, the UNVM determined that [another 14 FARC ex-combatants were assassinated](#), including one woman. In addition, there were another 9 cases of attempted murders and 2 more cases of enforced disappearances. Likewise, the CSIVI affirms that [7 ex-combatants had been assassinated since the beginning of the national quarantine](#) until 31 May 2020. Fundación Ideas para la Paz indicates that the number of assassinated ex-combatants since the beginning of the year until the end of May is [136% higher](#)



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[than in the same time period in 2019](#), although in an earlier report, the same organisation states that [there did not seem to be a significant difference between the rate of killings before and during the pandemic](#).

Moreover, during the COVID-19 pandemic, [the UNVM confirmed 32 assassinations](#) of human rights defenders (although some of these assassinations were pending confirmation before the pandemic) and listed another 47 killings as pending verification. The CSIVI, however, states that there have been 111 assassinations of human rights defenders this year until 31 May 2020, [35 of which occurred during the quarantine](#). Finally, Fundación Ideas para la Paz stated that the rate of homicides of human rights defenders from the beginning of the year until 31 May 2020 was [30% higher than in the same time period in 2019](#).

Governmental response has been slow and, up until this point, ineffective. Among the measures taken, the government has implemented a [System of Early Alerts \(“SAT”\)](#), in order to identify risks and implement measures to prevent human rights violations. However, an official of the Office of the Ombudsman of Colombia, the entity responsible for managing the SAT and receiving alerts, has reiterated on at least two occasions that, [despite the high number of alerts, the governmental response has been ineffective](#). He also expressed concern that the Duque administration [had not included the budget for the collective protection of human rights defenders in its 2018-2022 National Development Plan](#). Most recently, on 10 July 2020, Colombia’s Counsellor for Human Rights promised that the [Duque administration would](#)

[release its detailed public policy](#) with regard to the assassination of human rights defenders in the next few days.

Also, in compliance with point 3.4.4 of the Peace Agreement, the government created [a Special Investigative Unit \(“SIU”\)](#) within the ordinary criminal jurisdiction, to investigate homicides and violence against human rights defenders, FARC ex-combatants and any other person or group taking part in the implementation of the Peace Agreement. Since the signing of the Agreement, [the SIU has convicted 29 people responsible for assassinating FARC ex-combatants](#), and another 20 more are currently being tried. Regarding the SIU’s investigations against violence and targeted killings of human rights defenders, [the Report of the Special Rapporteur on the Situation of Human Rights Defenders stated in his report](#) that since the signing of the Peace Agreement until August 2019, only 33 cases had resulted in judgements (although it is unclear how many of those cases included convictions), while another 100 cases were currently being tried.

Therefore, while it is unclear whether the assassination of FARC ex-combatants and human rights defenders has significantly increased during the pandemic, it is clear that the government continues to fail in effectively protecting such vulnerable groups. Without security guarantees, the implementation of the Peace Agreement will not be possible in certain regions, and the Colombian people will increasingly lose trust in the government’s ability and willingness to implement the Agreement.



CONCLUSION

The implementation of the Peace Agreement was precarious even before the COVID-19 pandemic, but now, the peace agenda has been abandoned by the State and left to fend for itself. While [the Duque administration continues to tout its successes regarding the Agreement's implementation](#), the government's actions during the pandemic (or lack thereof) have proven to be ineffective at best. Perhaps, the greatest threat to the peace implementation during the COVID-19 crisis is the State's complete failure to provide secure environments for ex-

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FARC members and human rights defenders, as well as for the communities in which armed groups and criminal organisations have exerted their own oppressive governance measures. Without quick and effective action taken by the government, the peace agenda may end up being another victim of the COVID-19 pandemic.

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