

# Bridging the border between Colombia and Venezuela

## *- How the EU can support peace and human rights*

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## **INTRODUCTION**

### **THE BORDER CHALLENGES**

The failure of the previous Colombian government to implement the peace agreement, as well as the anti-democratic policies of the Venezuelan government, including its alleged cooperation with various armed groups, have created a context along the border between the two countries where former guerrillas, drug traffickers, authoritarian politicians and other criminal groups thrive. These groups have economic interests and political allies on both sides of the border and use the border dynamics to their own advantage. The challenges to human rights and democracy are clearly regional - and not only national - and therefore demand a regional approach from international actors interested in contributing to positive development.

With the new Colombian government in place since early August 2022, and its policy to re-start the relations with Venezuela and open up the border between the two countries, the international community - and the EU in particular - have a window of opportunity for innovative and concrete contributions to peace and respect for human rights on both sides of the border.

This report includes a brief description of the human rights challenges human rights defenders, civil society organisations, and other local actors face when promoting respect for human rights and democratisation along the border, and a set of recommendations to the European Union and its member states.

### **CIVIL RIGHTS DEFENDERS WORK**

Civil Rights Defenders is a Stockholm-based international human rights organisation with presence in more than 40 countries on four continents. The work of Civil Rights Defenders along the border between Colombia and Venezuela, focuses on the situation of human rights defenders and intends to respond to their collective and individual needs in terms of security, capacity and political impact, aiming at expanding differential approaches to gender, age, race, class, and territory. Through a flexible and vast pool of actions, the work is effectively raising awareness, promoting constructive policies, and improving the local protection capacities of HRDs.

## **HUMAN RIGHTS CONTEXT IN THE BORDER REGION**

The border between Colombia and Venezuela has been marked by a multidimensional crisis for several years, composed of at least four interacting realities: a migratory crisis, a deteriorating human rights situation, broken diplomatic relations and geopolitical tensions, and the transnational presence of non-state armed actors and illegal economies. Despite the risks of attacks, stigmatisation and violence, civil society organisations on both sides of the border have mobilised their communities for change. These efforts need international attention and support.

## **DETERIORATING SECURITY FOR VENEZUELAN HUMAN RIGHTS DEFENDERS**

On the Venezuelan side of the border, the human rights context has been deeply affected by increasing criminalisation, stigmatisation and persecution of human rights defenders. This is a phenomenon linked to state and non-state armed actors along the border.

During the regional elections held in November 2021, the situation deteriorated further. The election process was constantly denounced as flawed, and defending human rights was increasingly difficult. Several acts of stigmatisation and arbitrary detentions against human rights defenders and opposition politicians were recorded before and after the elections. Regarding civil and political rights, there were constant complaints of poor democratic guarantees for the candidates and party members of the different opposition groups.

The Election Observation Mission deployed by the European Union highlighted that, despite a more diverse political participation than in previous elections, there were "structural deficiencies" and a "lack of legal security" for electoral actors that did not align with the positions of the government.<sup>1</sup>

The Venezuelan non-governmental organisation, NGO, Center for Defenders and Justice, CDJ, recorded 303 attacks against HRDs during 2020, which increased by 145 per cent during 2021 to 743.<sup>2</sup> 83 per cent of the attacks were attributed to state actors, while the remaining 17 per cent were attributed to non-state actors.

Stigmatisation was the most common form of aggression, with 68 per cent of the attacks, followed by intimidation and persecution, which occurred in 17 per cent of the cases. Other events like threats, arbitrary detentions, and judicialisation were high compared to 2020 and increased by 11 per cent.<sup>3</sup> Stigmatisation is particularly severe along the border as being described as traitors or destabilising agents by authorities, or others, immediately makes human rights defenders possible targets of violent attacks.

Some of the most relevant cases in the 2021 CDJ report were connected to the Colombia-Venezuelan border. In January 2021, for example, six members of Azul Positivo, a humanitarian NGO devoted to providing aid to vulnerable communities in the border State of Zulia, were arbitrarily detained and charged with "fraudulent handling of bank cards", "criminal association", and "money laundering".

In July, Javier Tarazona, a well-known HRD and director of the NGO "Fundaredes", and two other activists were charged with inciting hatred, treason, and "terrorism". Their detentions occurred close to the border in the State of Falcon and coincided with allegations made by Fundaredes of links between the Venezuelan government and the Colombian guerillas.<sup>4</sup> The allegations had been made after a series of combats in March 2021 in the Apure region between different post-FARC dissident armed groups.

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1 Misión de Observación Electoral de la UE, Informe Final de las Elecciones regionales y municipales, 2021, Pg. 8. Available at: [https://www.eeas.europa.eu/eom-venezuela-2021/informe-final-moe-ue-venezuela-2021\\_es?s=4434](https://www.eeas.europa.eu/eom-venezuela-2021/informe-final-moe-ue-venezuela-2021_es?s=4434)

2 CDJ, Situación de las Personas Defensoras de Derechos Humanos en Venezuela, 2022, Pg. 4. Available at: <https://centrodefensores.org.ve/wp-content/uploads/2022/01/CDJInformeAnual2021.pdf>

3 CDJ, Situación de las Personas Defensoras de Derechos Humanos en Venezuela, 2022, Pg. 6. Available at: <https://centrodefensores.org.ve/wp-content/uploads/2022/01/CDJInformeAnual2021.pdf>

4 See: <https://www.dw.com/en/venezuela-police-arrest-head-of-fundaredes-rights-group/a-58145080>

This last phenomenon should be highlighted: there seems to be a more substantial presence of several Colombian armed groups on the Venezuelan side of the border and a lack of interest or capacity by the Venezuelan government to undermine them.<sup>5</sup> Colombian armed groups increase the risks for human rights defenders in the whole region.

The hostile political environment in the border states of Venezuela creates new and significant challenges to the daily work of human rights defenders. Regarding arbitrary detentions of and threats against human rights defenders in the border states; journalists, indigenous authorities, and members of political opposition parties have historically been the most common victims. The two border states of Apure and Zulia had among the highest number of political detentions in Venezuela in 2021. According to the Venezuelan NGO, Foro Penal<sup>6</sup>, 44 political detentions were registered in 2021, and 15 occurred in Apure and Zulia.<sup>7</sup>

Additionally, Venezuela's general political and economic instability, the scarcity of goods, the deteriorating health and education systems, the repression and the unprecedented migratory crisis has profoundly affected the border, pushing human rights agendas towards humanitarian issues at the expense of issues related to civil and political rights. Just in the State of Zulia, according to a survey done by the local NGO CODHEZ, showed that by October 2021, 8 out of 10 inhabitants had close relatives that had left the country, and that 6 out of 10 households were not eating three meals a day on a weekly basis.<sup>8</sup>

## **HUMAN RIGHTS DEFENDERS UNDER CONSTANT ATTACK IN COLOMBIA**

On the Colombian side of the border, the attacks against human rights defenders during 2021 were broadly linked to the intensification of the armed disputes between non-state actors, the violent control of territories by criminal actors, the absence of the state, the high rates of repression against protestors during the "Paro Nacional"<sup>9</sup>, and the Colombian state's non-compliance and lack of implementation of the Peace Accord signed in 2016.

The United Nations Human Rights Office (OHCHR) highlighted in its 2021 report on Colombia that its office received information about 202 alleged killings of human rights defenders.<sup>10</sup> The office confirmed that 100 of them had direct links to human rights work. Additionally, the office received information about 1,116 threats against human rights defenders and 575 attacks against journalists.

OHCHR and other international and national NGOs confirm that the rates of lethal violence in Colombia are exceptionally high. Despite the slight decrease in the number of deaths in

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5 "El Eln se está convirtiendo en una guerrilla binacional": experto en conflicto y migración", El Espectador 2021-11-04: <https://www.elespectador.com/colombia-20/conflicto/el-eln-se-esta-convirtiendo-en-una-guerrilla-binacional-experto-en-conflicto-y-migracion/>

6 See: <https://foropenal.com/reporte-sobre-la-represion-en-venezuela-ano-2021/>

7 Foro Penal claims there were 244 political prisoners in the country by the end of 2021.

8 See: <https://codhez.org/994-de-los-hogares-en-zulia-gasta-toda-la-ayuda-economica-de-sus-familiares-emigrantes-en-comprar-comida/>

9 According to the OHCHR, 33 per cent of the killings and 37 per cent of the attacks against human rights defenders occurred during the Paro Nacional. An important portion of these were allegedly perpetrated by public forces.

10 United Nations High Commissioner for Human Rights, Situation of human rights in Colombia, 2021, available at: <https://reliefweb.int/report/colombia/report-united-nations-high-commissioner-human-rights-situation-human-rights-0>

2021<sup>11</sup> compared to the previous years, there seems to be a recent increase in non-lethal forms of violence, as well as in threats, arbitrary detentions, stigmatisation, and information theft.<sup>12</sup> According to data gathered by Colombian NGO, Somos Defensores, at least 12 per cent of all the aggressions and 11.5 per cent of the assassinations of HRDs in the country occurred in regions located along the border. This has been a consistent trend since 2016, and some critical cases like the department of Norte de Santander ended up in the seventh position nationally.

In June 2020, the police detained seven peasant and indigenous leaders in the department of Arauca. Five were community board members (Juntas de Acción Comunal JAC), and one was an indigenous spokesperson of the U'wa community.<sup>13 14</sup> In May 2021, the situation continued, and National Army and Police officials detained eleven peasant and social leaders in Arauca. Among them are the entire leadership of the Arauca Peasant Association (ACA) and two leaders of the regional women's platform Nosotras para Nosotras.<sup>15</sup>

Local organisations warned that the detention and imprisonment of these leaders were retaliation for their participation in protests related to the National Strike and against mining and oil companies operating in the area.<sup>16</sup> Local authorities imprisoned them under charges such as rebellion, attempted homicide, terrorism, conspiracy to commit crimes, and allegedly belonging to the Post-FARC dissident groups in Arauca.<sup>17</sup>

## THE ARMED CONFLICT

In 2021, several armed disputes between legal and illegal actors resulted in high humanitarian costs and intensified hazards for human rights defenders. 116 aggressions and 16 killings were registered<sup>18</sup>, 13 massacres occurred in 4 bordering departments<sup>19</sup> and in Arauca and

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11 Frontline Defenders, Global Analysis 2021, 2022, available at: <https://www.frontlinedefenders.org/en/resource-publication/global-analysis-2021-0>

12 Programa Somos Defensores, "RESISTE" Informe semestral enero-junio 2021 Sistema de Información sobre Agresiones contra Personas Defensoras de Derechos Humanos en Colombia – SIADDHH, 2022, Pg. 104 available at: <https://drive.google.com/file/d/1EX8dsaQoWO8xOv3OoAgixlYegNOigrh5/view>

13 Asonalca, "Judicializan y estigmatizan a líderes sociales", 2019, available at: <https://www.asonalca.org/judicializan-y-estigmatizan-a-lideres-sociales/> accessed November 26, 2020.

14 La Opinión, "A la cárcel los 7 presuntos miembros del ELN detenidos en Toledo", 17 June 2020, available at <https://www.laopinion.com.co/judicial/la-carcel-los-7-presuntos-miembros-del-eln-capturados-en-toledo-198132> accessed December 7, 2020.

15 <https://www.elespectador.com/colombia-20/conflicto/los-11-lideres-de-arauca-que-la-fiscalia-senala-de-apoyar-a-las-disidencias/>

16 <https://www.elespectador.com/colombia-20/conflicto/los-11-lideres-de-arauca-que-la-fiscalia-senala-de-apoyar-a-las-disidencias/>

17 El Espectador, "Los 11 líderes de Arauca que la fiscalía señala de apoyar a las disidencias", 22 June 2021, available at: <https://www.elespectador.com/colombia-20/conflicto/los-11-lideres-de-arauca-que-la-fiscalia-senala-de-apoyar-a-las-disidencias/>

18 Although nationally numbers slightly vary in different records, this report uses data from the local NGO Programa Somos Defensores, in the report: "Teatro de sombras. Informe anual 2021 sobre agresiones contra personas defensoras de DD.HH en Colombia. SIADDHH", 2022. Available at: <https://drive.google.com/file/d/1-cyEWpykRIGU57cO-kNZFHmcTvlOJfLy/view>

19 INDEPAZ, "Informe de masacres en Colombia durante 2020-2021", 2022. Available at: <https://indepaz.org.co/informe-de-masacres-en-colombia-durante-el-2020-2021/>

Norte de Santander, 8 mass displacement events led to 1,406 internally displaced people<sup>20</sup>. Most Colombian border departments are part of the broader reconfiguration of the armed conflict since 2016, when several illegal armed groups have disputed territories formerly under the control of FARC-EP.

In Norte de Santander, especially in the Catatumbo region, the Ejército de Liberación Nacional guerrilla, ELN, assumed a dominant role in 2021 under the increasing instability derived from several confrontations with other armed groups. By the end of 2018, the Catatumbo region had witnessed an increased presence of the "EPL"<sup>21</sup> also known as "Los Pelusos", which led to clashes with the ELN and disastrous humanitarian consequences for local communities and human rights defenders.

In 2020, the post-FARC armed group called "the 33rd Front" entered the region and started fighting the ELN to recover control of the territories and economic gaps left by the extinct FARC-EP. By the end of 2020, Norte de Santander was the department with the country's highest amount of coca crops with 40,084 hectares, representing 28% of all the plantations in Colombia. The municipality of Tibú, in the Catatumbo region, had roughly the same cultivated area as the whole Putumayo department.<sup>22</sup>

In 2021, confrontations occurred between these groups, especially between ELN and EPL, and the ELN and "the 33rd Front", and the situation led to a surge in human rights violations. Five massacres occurred in Catatumbo in 2021<sup>23</sup> and there were 137<sup>24</sup> victims of explosives.

By September 2021, Civil Rights Defenders' partner organisation "Madres del Catatumbo por la Paz" denounced that more than 50 women had been threatened and more than 12 killed by different armed actors (including the armed forces) accused of being "romantic partners" of combatants from other groups.<sup>25</sup>

In other parts of the department, especially around the Cúcuta metropolitan area, confrontations and human rights violations intensified but seemed to be more related to paramilitaries, particularly the "Rastrojos" and "Clan del Golfo", or so-called "AGC", Autodefensas Gaitanistas de Colombia", which have been trying to ensure control over human trafficking, the drug trade and smuggling by confronting the dominant position of the ELN in the region.

Along with other criminal actors, these groups manage some irregular border crossings, which HRDs and migrants also use. Bearing in mind that guerrilla groups (mainly the ELN) are also

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20 UNHCR, "Colombia: Desplazamientos Masivos, enero a diciembre 2021", 2021. Available at: <https://reliefweb.int/report/colombia/colombia-desplazamientos-masivos-enero-diciembre-2021>

21 The acronym stands for "Ejército de Liberación Popular"(Popular Liberation Army). This armed group is a dissident faction from a guerrilla with the same name demobilised in 1991. It is mostly involved in drugs and arms trafficking.

22 Indepaz, "Los Focos del Conflicto en Colombia. Informe sobre presencia de grupos armados 2021", Pg 23. Available at: <http://www.indepaz.org.co/wp-content/uploads/2021/10/INFORME-DE-GRUPOS-2021.pdf>

23 "Masacres en Colombia durante el 2020, 2021 y 2022", available at <https://indepaz.org.co/informe-de-masacres-en-colombia-durante-el-2020-2021/>

24 "En 2021 se recrudecieron los conflictos armados en Colombia: CICR", Caracol Radio 2022-03-24, [https://caracol.com.co/emisora/2022/03/24/cucuta/1648124253\\_214361.html](https://caracol.com.co/emisora/2022/03/24/cucuta/1648124253_214361.html)

25 Caracol Radio, "Organizaciones reclaman fortalecer ruta de prevención de feminicidios", 2021. Available at: [https://caracol.com.co/emisora/2021/11/23/cucuta/1637673803\\_713686.html](https://caracol.com.co/emisora/2021/11/23/cucuta/1637673803_713686.html)

present along the border crossings, civilians, including human rights defenders, are highly exposed to being trapped in the middle of hostilities.

In 2021, Civil Rights Defenders identified first-hand testimonies that described forced labour, thefts, killings, and forced disappearances in the irregular border crossings of Norte de Santander, exacerbated by the frozen diplomatic relations between the two countries.

In Norte de Santander, the conflict dynamics have, thus, become more urban, especially around Cúcuta. In June 2021, a car-bomb attack occurred on the army's 30th Brigade. Roughly two weeks later, a helicopter with President Iván Duque on board was shot at near the city's airport. In September 2021, 327 people were displaced from a rural community just 60 km from the city, and in December, the airport suffered two bomb attacks that left two dead officers. These disputes are manifestations of the confrontation between armed groups with proven interests in controlling the border.

## **THE ARMED CONFLICT CROSSES THE BORDER**

On the other side of the border, in the Venezuelan State of Táchira, the para-state structures known as "colectivos chavistas", have also affected civil society organisations, deterring them from raising concerns about the human rights situation. For instance, in the state capital San Cristobal, the colectivos have raided streets shouting political slogans in favour of the Bolivarian revolution, on several occasions, while targeting opposition forces and civil society activists. These actions grew more common against opposition voters in the days before the November 2021 elections.

Moreover, there was evidence of substantial influence of armed actors, such as different post-FARC groups, ELN, AGC, and criminal bands such as Tren de Aragua in the region, resulting in increasing numbers of forced recruitments, homicides, kidnapping, and thefts.<sup>26</sup>

In addition, high-ranking officials stigmatised opposition representatives and human rights defenders prior to the November elections, and as they remained in their positions after the elections, they continued to threaten their targets. Among others, one of the responsible officials is Freddy Bernal, previously known as the "Protector of Táchira" – directly appointed by Nicolás Maduro - who became governor of Táchira after the elections. He has accused human rights defenders and international cooperation bodies like UNHCR of being involved in acts of terrorism and destabilising plots against regional and municipal authorities.

Other state officers also often commit hate speech against human rights defenders in national media outlets. The best example is the TV show "Con el Mazo Dando" hosted by the Chavista strongman Diosdado Cabello, who publically accuses human rights defenders of being members of U.S. intelligence bodies and disruptive of the Bolivarian revolution.<sup>27</sup>

In the border states of Zulia and Táchira, organised mafias operating inside penitentiary centres, better known as Pranes, threaten and intimidate human rights defenders dealing with

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<sup>26</sup> La Opinión, "Farc y Eln atizan la violencia en el Táchira", 2022. Available at: <https://www.laopinion.com.co/frontera/farc-y-eln-atizan-la-violencia-en-el-tachira>

<sup>27</sup> Human Rights Watch, "Venezuelan Human Rights Group Under Attack", 2021, available at: <https://www.hrw.org/news/2020/05/08/venezuelan-human-rights-group-under-attack>

the rights of detainees. The Pranes also seriously affect the living conditions of arbitrarily detained human rights defenders, resorting to physical and psychological violence and torture.

In the Guajira–Zulia subregion, local organisations and state authorities have documented the presence of ELN factions and sporadic appearances of AGC paramilitaries. However, the biggest threat to the Wayuu border communities and HRDs are the multiple gangs controlling illegal border crossings, the smuggling of goods, and human trafficking.

Towards the Arauca–Apure subregion, the ELN, the so-called post-FARC groups of the 10th Front, the 28th Front and the Segunda Marquetalia, are constantly crossing the border to Venezuela, where they have a safe haven. Allegedly, there is a degree of local support towards some of these groups from specific sectors of the Bolivarian armed forces, particularly towards factions of the ELN and Segunda Marquetalia. These groups patrol the Arauca River and exercise control over some border communities and illegal economic activities.

In 2021, HRDs in this area feared new clashes between these groups as a long-standing non-aggression pact eroded. The increasing tensions are due to growing differences in managing territorial control, relations with local communities, illegal crops, institutional corruption, smuggling, and extorsions.<sup>28</sup>

Tensions grew during the year, and the Colombian government responded through militarisation, a strategy proven to fail in the past, as it implies pushing the confrontations to the Venezuelan side of the border, which brings high humanitarian costs for the population on both sides. Between March and May 2021, several confrontations occurred between post-FARC groups and the Venezuelan army which forced more than 5,000 people from La Victoria on the Venezuelan side of the border to the Colombian municipality of Arauquita.<sup>29</sup> Media and NGO reports highlighted testimonies of citizens being killed and their dead bodies dressed up as guerrilla fighters by the Venezuelan forces.<sup>30</sup>

This situation has worsened on the Colombian side of the border since 2021, as confrontations, attacks and armed actions increased. In September 2021, the ELN attacked a Armed Forces contingent in Arauquita, resulting in five dead soldiers and six wounded. Later on, the Ombudsman office alerted twice in 2021 of highly probable violent events that could take place in other municipalities related to the confrontations between armed actors.<sup>31</sup>

Meanwhile, several human rights organisations called for attention to a preoccupying shift in the dynamics of the confrontations: armed groups were not only targeting combatants and the army, but growingly, civil society and HRDs that each other stigmatised as supporters of the

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28 Regarding this tensions, several sources have mentioned that the ELN (the most dominant armed group in the region) violently intervened when foreign farmers, backed by post-FARC dissident groups, started growing coca in areas under ELN's control on both sides of the border. Growing coca has been banned by the ELN in Arauca since 2011 and it was considered an open challenge to their control capacity and factual power. Considering that both groups base their authority on strict social control, threats, behavioral norms, and lethal violence, this also seemed plausible. See: Cajiao, Andrés, Arauca entre el terror y la disputa, 2022. Available at: <https://www.ideaspaz.org/publications/posts/2116>

29 BBC Mundo, Crisis en Apure y Arauca: 5 claves para entender la escalada de violencia en "la otra frontera" entre Colombia y Venezuela, 2021, available at: <https://www.bbc.com/mundo/noticias-america-latina-56645187>

30 BBC Mundo, Crisis en Apure y Arauca: 5 claves para entender la escalada de violencia en "la otra frontera" entre Colombia y Venezuela, 2021, available at: <https://www.bbc.com/mundo/noticias-america-latina-56645187>

31 See: <https://www.elespectador.com/judicial/la-tras-escena-de-la-guerra-que-se-vive-en-arauca-hoy-en-emergencia-humanitaria/>



enemy. Thus, 2021 ended with an open war between armed groups and a critical scenario where all armed actors attacked civil society.

By June 2022, the alerts had materialised, and only in six months at least 228 civilians had died due to the confrontations<sup>32</sup>, two massacres had taken place<sup>33</sup>, and seven HRDs had been murdered.<sup>34</sup> Other unprecedented attacks against local Human Rights Organizations, such as the bomb attack against the offices of the Social and Popular Political Mass Movement (CPSMM) on January 9, an event for which Post-Farc dissidents of the so called 10<sup>th</sup> and 28<sup>th</sup> fronts took responsibility.<sup>35</sup>

When discussing the security challenges with human rights organisations and institutions along the border, it is easy to confirm that the protection gaps endure. These gaps impose severe limitations on the work of human rights defenders and conserve historical forms of violence and stigmatisation.

It is concerning that the overall human rights situation is deteriorating on both sides of the border, restricting the activities of human rights defenders and the space for civil society. The insecurity human rights defenders face is not only triggered by armed violence but also by political and environmental conflicts. Moreover, the risks to the lives of human rights defenders affect their families and entire communities, which rely on their advocacy and representation.

## THE NEW POLITICAL CONTEXT IN 2022

To an important extent, the possibilities and challenges for human rights defenders along the border depend on the development of the political situation in Bogotá and Caracas. While in 2021, the Venezuelan side was marked by regional elections<sup>36</sup>, 2022 anticipates significant shifts that should be mentioned.

Geopolitically, the border has been a tense area the last year due to the opposed alignment of Colombia and Venezuela regarding Russia's war in Ukraine. On the one hand, Venezuela has openly supported Russia's actions, and indirectly suggested that Colombia's previous government's position threatened its interests. Conversely, Colombia agreed to a new framework of cooperation with NATO in December 2021, restating the country's status as a strategic non-member partner. During his presidency, Iván Duque also publicly denounced there was as an ongoing genocide in Ukraine, which led to hostile reactions from the Venezuelan side.

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32 See: <https://www.elespectador.com/judicial/alertan-en-arauca-por-reinicio-de-acciones-armadas-por-parte-de-grupos-armados/>

33 See: <https://indepaz.org.co/informe-de-masacres-en-colombia-durante-el-2020-2021/>

34 See: <https://www.elespectador.com/colombia/mas-regiones/los-17-lideres-y-lideresas-sociales-asesinados-en-lo-que-va-del-ano/> and See: <https://indepaz.org.co/lideres-sociales-defensores-de-dd-hh-y-firmantes-de-acuerdo-asesinados-en-2022/>

35 See: <https://crd.org/2022/01/20/armed-attack-on-civil-rights-defenders-partner-organisation-in-colombia>

36 Only one opposition governor was elected in the Zulia State.

The antagonisms grew as public declarations on both sides radicalised. In March 2022, the Chavista strongman, Diosdado Cabello, suggested that Russia should "de-cocainise" Colombia through an operation like the one in Ukraine<sup>37</sup>, while Iván Duque responded by calling Nicolás Maduro the "Latinamerican Putin".<sup>38</sup> Military displays of power have accompanied this situation on the Venezuelan side.<sup>39</sup>

On the other hand, the binational reality along the border is expected to shift with Gustavo Petro as president of Colombia. A gradual restoration of diplomatic relations and the reopening of the border is a foreign policy priority. An important priority for the new government is also to address the border challenges together with Nicolás Maduro's government, the first being commercial exchanges and human mobility. It is, however, still unclear how Petro will manage the political relations with the Venezuelan side, as Petro publicly called Maduro's government a dictatorship during the election campaign and has repeatedly denounced the existence of political prisoners in Venezuela.<sup>40</sup>

Concerning human rights, the new government of Colombia will face critical challenges. In one way or another, most of them relate to the situation along the border. For example, on a national level, according to the United Nations High Commissioner for Human Rights (UNHCHR), the country ended 2021 with about 100 possible massacres that led to at least 292 victims<sup>41</sup>. Most of them occurred in territories historically affected by the armed conflict, including the border departments of Norte de Santander and Arauca. The continuation of the violence proves that the state response as currently designed only reproduces the violent dynamics. Besides, UNHCHR mentions a rise in the number of forced displacements, from 26,291 in 2020 to 72,388 in 2021. Arauca's ongoing crisis mentioned above plays an essential role in this trend.

In this context, the new government has promised to deploy a different approach to human rights that, broadly, combines two ideas:

First is a "total peace policy" that promises to negotiate with all armed actors and comprehensive implementation of the previous peace accords at the centre of the policy agenda. In this process, the border region will necessarily be a protagonist as a vast portion of it is controlled by the ELN, and several other armed groups.<sup>42</sup> Consequently, early steps in a negotiation process with this guerrilla have been taken already, as the government has met with the ELN in Cuba, and expressed a will to maintain peace dialogues<sup>43</sup>.

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37 See: <https://www.infobae.com/america/colombia/2022/03/22/diosdado-cabello-insinuo-una-operacion-para-descocainizar-a-colombia-similar-a-la-invasion-a-ucrania/>

38 See: <https://www.semana.com/nacion/articulo/maduro-es-el-putin-latinoamericano-fuerte-despachada-del-presidente-duque-en-ee-uu/202235/>

39 See: <https://www.elcolombiano.com/internacional/venezuela/venezuela-despliega-tanques-de-guerra-y-soldados-en-la-frontera-con-colombia-MP16801951>

40 See: <https://www.elespectador.com/mundo/america/posesion-de-petro-en-sus-relaciones-con-venezuela-lo-cortes-no-le-quitará-lo-valiente-noticias-hoy/>

41 See: <https://reliefweb.int/report/colombia/report-united-nations-high-commissioner-human-rights-situation-human-rights-0>

42 See: <https://www.usip.org/publications/2022/07/colombias-new-administration-raises-hopes-total-peace>

43 See: <https://www.theguardian.com/world/2022/aug/12/colombia-eln-rebels-restart-peace-talks-havana>

Reaching an agreement is expected to be a main target of the peace policy of Petro's government. Yet, a strong binational presence of the ELN, a previous failure to enforce other peace accords, a growing power of ELN in other regions of Colombia, and their internal federated decision-making structure will be challenging issues for the incoming administration.

Second, a "human security" approach that aims to break with the traditional military response to defence, security, and violence, by dismantling the internal enemy doctrine, and promoting the constitutional principle in which civil society prevails over military power. Petro is expected to initiate a progressive reform of the public forces, including a change in the national security doctrine, eliminating compulsory military service, and restructuring the police. However, these reforms will meet several challenges as there are several armed conflicts active in the country.

Finally, the "total peace" and the "human security" pillars of Petro's plans are said to be strengthened by other shifts in public policy. The administration intends to act firmly to end the war on drugs, expand collective and preventive perspectives for protecting human rights defenders, and improve the human rights perspective on migration issues.

Apart from this, the government has committed to fully implementing the recommendations of the Truth Commission's report published in June 2022. The commission results from the Peace Accords signed in 2016 with the extinct FARC-EP guerilla.

In Venezuela, conversely, the political situation has revolved around the loss of leverage and visibility of opposition leader Juan Guaidó, the fragmentation of the oppositions and the re-accommodation of the Chavista regime, both in the national and international arenas, following a slight improvement of the economic conditions due the stabilisation of prices and supply of basic goods and services.

Bearing in mind that Venezuela will hold presidential elections in 2024, the main challenge for the opposition will be to unite around a consensus candidate capable of connecting with the public. Meanwhile, after the 2021 turbulent local elections, when a handful of Maduro's allies lost their seats in key states but managed to retain power in 19 federal entities, several questions about the independence of the National Electoral Council persist.

Another source of concern is the judiciary's lack of independence, which eventually may imply an open intervention of the Supreme Tribunal of Justice in the campaign through bans or prosecution of opposition candidates.

On a more recent note, the election of a new government in Colombia with the intention of normalising diplomatic relations has started to have repercussions in Venezuelan politics. This process is likely to become a test of the unity inside the Chavista sectors while exposing some of its most flagrant human rights violations and its proximity to illegal armed structures along the border.

## **LACK OF CROSS-BORDER COOPERATION**

During the years Civil Rights Defenders has been working with human rights defenders and civil society organisations on both sides of the border, it has become clear that there is a general lack of cooperation between them. (The long-term objective of the work of Civil Rights Defenders in the region is therefore to create strong partnerships among Venezuelan and Colombian human rights defenders in the region.)

However, this general lack of cooperation is also evident between key public actors such as municipalities, local authorities and provinces or states, and between other important regional actors, such as news outlets and universities. They have few spaces for cooperation and limited possibilities to fund transborder collaboration. This has partly been due to the lack of diplomatic relations between the two national governments and a regional political climate that has not favoured cooperation. However, it is also the result of a lack of initiative by all kinds of actors.

International agencies and organisations in the area also lack a regional perspective, and work on either the Colombian or the Venezuelan side, but almost never on both. This leads to international actors designing political strategies and support programmes that do not consider that some of the most relevant factors for the situation on their side of the border have their roots on the other side of the border, and will not be reached by their programmes.

A considerable number of European government agencies invest large funds in promoting peace and human rights on the Colombian side of the border, while just about no one does the same on the Venezuelan side. But the situation on the Colombian side will not improve considerably if armed criminal actors can thrive on the Venezuelan side and cross the border to protect their interests in Colombia. And even if the Venezuelan government would take important steps towards democratisation and disarmament of the armed actors on the Venezuelan side of the border, human rights defenders and civil society there would continue to suffer harassment and violence from armed groups based on the Colombian side.

## **CONCLUSIONS**

### **REGIONAL CHALLENGES, NOT NATIONAL**

As this report's brief description of the human rights challenges along the border shows, the key human rights challenges are regional and bi-national, and cannot be solved in the two countries independently.

Andrés Antillano, researcher and criminologist at the Central University of Venezuela, concludes that: "The ELN is a border guerrilla and little by little becoming a binational guerrilla. I am convinced that peace in Colombia and Venezuela will not be achieved if the border and the bi-national issue are not worked on, especially because of this guerrilla group's strong presence in Venezuela. Therefore, if this is not resolved jointly, peace will not come."<sup>44</sup>

The two national governments, local governments on both sides of the border, civil society organisations and international actors interested in contributing to change, need to have a bi-national and regional approach in their strategies. To contribute to this strategic change, the EU and its member states should have an approach that covers both sides of the border and create policies and programmes that foster cross-border cooperation.

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44 See: <https://www.elespectador.com/colombia-20/conflicto/el-eln-se-esta-convirtiendo-en-una-guerrilla-binacional-experto-en-conflicto-y-migracion/>

## RECOMMENDATIONS

The EU has had a strong relationship with the Colombian government for many years and is also one of the few international actors committed to democracy that has a working relationship with Nicolás Maduro's Venezuelan government. And, as Gustavo Petro has clearly stated that his government will re-establish diplomatic relations with Nicolas Maduro's government, there is now a window of opportunity for the EU to act to improve the situation along the border. The following recommendations aim to contribute to this task:

1. The EU and its member states should establish a policy that focuses on the border region as one, as the human rights challenges have their roots on both sides of the border. This policy should support **building an infrastructure of cooperation** for all kinds of social actors on both sides of the border that favour democracy and human rights. Those actors could be democratically elected mayors and governors, civil society organisations, international organisations, universities, schools, and news outlets.
2. To get this infrastructure of cooperation built, the EU and its member states should establish **dedicated budget lines** within their development cooperation systems, destined for cross-border cooperation projects.
3. Under the policy, the **EU should create a monitoring and verification group**. The group should work with the communities in the region to ensure that the Union's policy responds effectively to their necessities and contexts. This process shall also promote the investigation of human rights violations and follow up on the Colombian state's efforts to create and implement public policies and norms and the Venezuelan state's commitments to human rights. This process must include elaborating periodical public reports showing the results produced on both sides of the border and recommendations to the two governments.
4. A key factor to positive development in both countries is peaceful democratic elections. The increase in pre-election violence in Colombia and the lack of credible election administrations in Venezuela, reduce the capacity of democratic elections to defuse conflicts in society. A dedicated long-term effort to **improve the region's election administration systems** on both sides of the border, could boost the regional capacity to organise peaceful and democratic elections.
5. The recommendations included in the Colombian Truth Commission's final report<sup>45</sup> are key to re-start the peace agreement implementation in Colombia. **Several recommendations relate to the international community's role in strengthening civil society and human rights in the country and should be on top of the European Union's and its member states' agendas with the Colombian government.** Civil Rights Defenders would like to highlight four of them:
  - First, to maintain sustained efforts to promote and support humanitarian agreements and dialogued solutions to armed confrontation. (Recommendation 6.4)
  - Second, to support national and local efforts to strengthen the recognition of the rights, dignity, memory, struggles and forms of peaceful resistance of the victims, as much as the duty to acknowledge crimes and human rights violations by all perpetrators. (Recommendations 8 and 12)

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45 See: <https://www.comisiondelaverdad.co/hay-futuro-si-hay-verdad>

- Third, to implement and strengthen actions focused on consolidating an inclusive, extended, and deliberative democracy, thus improving inclusiveness for conflict-ridden territories, citizen demands, and participation. This also involves guaranteeing differential approaches for the protection and participation of social leaders, human rights defenders, ex-combatants, as well as the political and social opposition. (Recommendation 23)
  - Fourth, to adopt a "new perspective on security" within a human security approach that promotes democratic pluralism, human dignity and a vision of security as a public asset. (Recommendation 39)
6. The Truth Commission's experiences in writing the report should not be lost to Venezuelan human rights organisations, as Venezuela will eventually need to grapple with its constantly deteriorating human rights crisis and then learn from the experiences of others. The report holds important conclusions on what created and maintained the conflict for so many years and the role of civil society and others in contributing to building peace and advancing democracy. **Therefore, the Colombian Truth Commission's conclusions are important guidelines for national and international actors working to limit the risks of a prolonged armed conflict in Venezuela.**

## ABOUT CIVIL RIGHTS DEFENDERS

Civil Rights Defenders is a politically and religiously independent international human rights organisation. The organisation defends people's civil and political rights and supports human rights defenders at risk. Civil Rights Defenders operates in Sweden and in the countries of the world where respect for human rights is at its weakest. In Latin America we cooperate with human rights organisations in Colombia, Cuba, Honduras, Nicaragua, and Venezuela. We engage in capacity building, advocacy activities, and provide information on the situation with regards to human rights.