

## **New European agenda with Colombia**

The International Human Rights Office – Action Colombia – ODHACO\*

The socio-economic consequences of the COVID-19 pandemic have deepened pre-existing global inequalities and increased pressure on people in vulnerable situations. This has had a particular impact on human rights and democracy cooperation between the European Union (EU) and Colombia. Although priorities have been redefined, political and financial cooperation for the implementation of the Peace Agreement<sup>1</sup> continues to be a priority on the European agenda.

### **2021: a year of strategic change for the European Union**

The EU has adopted a series of new strategic commitments that will define its 2021-2027 international agenda. The Council of the EU (the Council) has agreed to intensify engagement with the Latin American region through *partnership*.

### ***Towards a new EU strategy with Latin America***

In 2021, the Council's discussions focused on the possibility of building a shared agenda between the EU and Latin America and the Caribbean (LAC) to generate high-level bi-regional political dialogue (Council of the EU, 2020c). This multilateral agenda will be re-prioritized (Council of the EU, 2021a), taking into account new dimensions: for example, strengthening global health security, promoting sustainable and inclusive recovery, and meeting the Sustainable Development Goals (SDGs) (EEAS, 2020). The fight against climate change continues to be a priority for the EU and is central to its cooperation policy.

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\* The International Human Rights Office – Action Colombia – ODHACO – is a network composed of European and international organisations and coordination groups that promotes comprehensive respect for human rights, positive peacebuilding and fair and supportive social, economic and environmental relations. These objectives are met through advocacy with European Union institutions, European States, the United Nations system and other multilateral organisations, in partnership with allied human rights coordination groups in Colombia.

<sup>1</sup> This refers to the *Final agreement for the termination of the conflict and the construction of a stable and lasting peace* signed in 2016 between the Colombian State and the Revolutionary Armed Forces of Colombia – People's Army (FARC-EP).

In the area of trade, it is important to mention that the EU's attention is focused on its negotiations for association agreements with Chile, Mexico and Mercosur. Trade continues to be the most successful aspect of the dialogue between the parties to strengthen their multilateral cooperation (EEAS, 2020). Europe is LAC's third largest trading partner and the largest investor in the region.

Aside from these aspects, it is important to analyse the EU's interest in playing a role in China's growing involvement in the LAC region. This interest centres around supporting and demanding a human rights agenda as a condition in its trade agreements (democratic clause), to strengthen the rule of law, democratic principles and the fundamental rights of populations.

### ***New structural tools: EU action plans***

In November 2020, the EU Action Plan on Human Rights and Democracy 2020-2024 (Council of the EU, 2020a) was adopted, which establishes the EU's aims and priorities and frames its external relations.

Although this Plan serves as the general framework for any EU action in the LAC region, in practice it is difficult to monitor, as it has no accountability mechanism to evaluate its implementation. The role of civil society is therefore crucial to ensure that the broad principles contained in the Plan are translated into specific and impactful actions.

It is not clear how the funds that accompany this Plan will be conditioned and what will be the role of governments in any programs adopted.

Likewise, in December 2020, the Gender Action Plan (GAP III) was adopted (Council of the EU 2020d; European Commission, 2020). This is the European Commission's first strategy on gender equality, placing the issue at the heart of all EU policies. The Action Plan also promotes comprehensive and transformative actions in EU external actions in third countries.

Moreover, the EU has developed another important instrument: the new Global Human Rights Sanctions Regime (Council of the EU, 2020b). For the first time, the EU has a framework that will enable it to apply sanctions to individuals, entities or bodies – including state and non-state actors – who are responsible for, implicated or involved in

serious human rights violations or abuses around the world, regardless of where they occur. This regime is a new tool enabling the EU to put pressure on governments, including for example in Colombia, in cases of serious human rights violations. However, it must be a unanimous decision of the 27 EU Member States to activate the regime, which could be difficult to achieve.

### ***Programmatic aspects of cooperation***

To date, the EU promotes its human rights and peace agenda with Colombia through three main cooperation tools (European Union, n.d.): the Instrument for Democracy and Human Rights (Official Journal of the European Union, 2014), the Instrument contributing to Stability and Peace<sup>2</sup> (EUR-Lex, 2018) and the European Trust Fund for Peace in Colombia (n.d.). These three mechanisms have supported the Integral System of Truth, Justice, Reparation and Non-Repetition (SIVJRNR), as well as Comprehensive Rural Reform (*Programa Rutas PDET*<sup>3</sup>) and programs for the economic reincorporation of former combatants.

It is important to mention that the European Parliament (EP) extended the mandate of the European Peace Fund in Colombia at the end of 2020, at the request of the European Commission (EC), until December 31, 2021.

These priorities should be included in the EU's new budget framework by the end of 2021, to ensure greater transparency and continuity in the use of the funds (European Parliament, 2020). In addition, the EU provides emergency funds to support the socio-economic integration of refugees and vulnerable migrants in border areas of Colombia, particularly Venezuela.

The EU is carrying out a process of programming and approving budgets throughout 2021, during which time it has redefined its entire financial policy and restructured its international cooperation instruments. In December 2020, the European Union's Multi-

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<sup>3</sup> The PDET or *Development Programs with a Territorial Focus* were defined under the first point of the Peace Agreement, Comprehensive Rural Reform, as follows: "comprehensive rural reform is universally applicable and will prioritize those regions most affected by conflict, poverty and abandonment, through the use of Development Programs with a Territorial Focus as instruments of reconciliation in which all actors will work towards making the universal enjoyment of peace, rights and duties a reality". (Peace Agreement, 2016).

Annual Financial Framework (MFF) was approved, constituting the total EU budget for 2021-2027 (Council of the EU, 2021b). This framework includes a new component for cooperation: the Instrument for Neighbourhood, Development and International Cooperation (NDICI) (European Commission, 2021). This single instrument, which has assigned to it 79.5 billion Euros, should allow for more coherent, transparent and flexible financing. Specifically, the funds include allocations for a geographical approach, (60.38 billion euros), including 3.39 billion euros for the Americas and the Caribbean; a thematic approach (6.36 billion euros) to cover the issues of human rights and democracy, civil society organizations, peace, stability, conflict prevention and global challenges; as well as a rapid response mechanism for crisis management, conflict prevention and peacebuilding (3.18 billion euros).

This restructuring of funds implies a reduction in the general cooperation budget for Latin America and, therefore, for Colombia. Of the amounts distributed between the different continents, it appears that cooperation with Latin America is not a priority for the EU, since it is the region that will receive the least funds (29.18 billion euros are allocated for Sub-Saharan Africa, and 8.48 billion euros for Asia and the Pacific).

### **The EU and the situation of human rights and peace in Colombia**

For EU-Colombia relations, 2021 has been a particularly important year due to the intensification of human rights violations in the country and the implementation of the Peace Agreement (2016). Indeed, November marks the fifth anniversary since the signing of this Agreement, which has sparked “renewed” interest among European institutions. Additionally, since April 28, 2021, Colombian citizens have been protesting in opposition to the national government’s institutional response to structural problems in Colombia, that have worsened in the context of the pandemic.

### ***European Parliament resolution on the fifth anniversary of the Peace Agreement***

Few debates on Latin America have been held in the European Parliament in recent years and have focused on the situation in Venezuela and Nicaragua. Despite the EU’s political and financial interest in the implementation of Colombia’s Peace Agreement, it has not been possible to put this country on the agenda of MEPs in the European Parliament. This is partly explained by global geopolitics, as the EU has largely focused

its diplomatic actions on crises in the Middle East and Europe (Palestine, Poland, Hungary and Belarus), leaving little room on its agenda for Colombia.

In response to requests from civil society, the European Parliament issued a resolution on 29th April on the fifth anniversary of the Peace Agreement (European Parliament, 2021a). Almost five years after the adoption of the previous resolution supporting the peace process (European Parliament, 2016), the EP updated its commitments.

This was a fundamental step, demonstrating the Parliament's interest in peace in Colombia, yet it also demonstrated the polarization that exists between its different political groups. Far from strongly condemning the failures in the implementation of the Peace Agreement and the setbacks to protecting human rights, the European Parliament has largely recognized the implementation efforts made by Colombian institutions and the Colombian government.

The advocacy strategy implemented by the Colombian government may explain, in part, why the EU's response has lacked forcefulness. This situation has occurred despite alerts from civil society and international organizations about the lack of political will to make progress in the implementation of the Agreement, and amid the widely documented exponential increase in human rights violations committed in Colombia.

In recent years, the Colombian government has developed an intense strategy of communication and international advocacy on its peacebuilding efforts, focused on demonstrating progress in its Peace with Legality policy (Portal para la Paz, n.d.), and in the implementation of the Peace Agreement. The government has produced a number of reports and organized speaking tours in Europe. However, this progress does not correspond to the actions established in the agreement made between the signatory parties.

It is important to mention that the EP recognized in its resolution of April 2021 several elements of Colombian reality: the serious situation of human rights and violations of international humanitarian law, the increase in violence in regions, displacements and massacres, attacks and murders of social leaders, human rights defenders and former combatants. Moreover, the EP called for the comprehensive implementation of the

Peace Agreement with a gender perspective and the implementation of the transitional justice mechanisms and the National Commission for Security Guarantees.

These calls echo the findings of the United Nations System in Colombia, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the UN Verification Mission. In this way, the EP has recognized the importance of the UN presence in Colombia and its fundamental work, its cooperation with European actors and the UN's influence on the mobilization of European political forces with respect to Colombia.

### ***European response to human rights violations committed during the 2021 social protest***

The Parliament's Resolution establishes an important framework for action by MEPs. There has been a growing interest in Colombia's issues, as shown by the heartfelt condemnation by several political groups of the excessive force used by the Colombian police to repress social protest and the resulting human rights violations during the national strike that began in April 2021. Numerous MEPs have asked Josep Borrell, the High Representative of the European Union for Foreign Affairs and Common Security Policy / Vice-President of the European Commission, to issue a public condemnation of these events<sup>4</sup>.

Since that time, there have been a number of public statements made by European authorities, including Josep Borrell (EEAS, 2021a), who recognized the legitimate right to peaceful social protest and condemned the use of violence in Colombia on at least two occasions. Borrell also called for the adoption of guarantees for public protest, for the competent authorities to investigate the human rights violations committed to suppress the protest and for the resumption of dialogue between the parties.

The European Parliament's interest in Colombia culminated on 16th June with the holding of an exchange of views between the Committee on Foreign Affairs (AFET), the

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<sup>4</sup> See tweets from multiple MEPs sharing letters sent to Josep Borrell urging him to take a political position on the situation and reports by: Chaibi (2021), Podemos International (2021), Podemos in Europe (2021), Villanueva (2021), Belarra (2021). See also public statements by EP committees and delegations: European Parliament (2021b), European Parliament (2021c).

Subcommittee on Human Rights (DROI), the Euro-Latin American Parliamentary Assembly (DLAT) and the Delegation for Relations with the Countries of the Andean Community (DAND).

This exchange led to several political groups strengthening their commitment (European Parliament, 2021a). Participants recognized the largely peaceful nature of the protests in Colombia and the disproportionate reaction by the government to suppress the demonstrations. They stressed the need for an inclusive dialogue towards structural and transformative reforms.

During this dialogue meeting, however, some of the more conservative sectors of the European Parliament refused to acknowledge the challenges and gravity of the situation. They relied on the Colombian government's version of events, that the protests were not peaceful, to justify the human rights violations reported in Colombia as the result of the presence of illegal groups and drug trafficking rings.

This situation demonstrates the need for European actors to improve the transparency and accountability mechanisms of their cooperation programs with Colombia. MEPs submitted several questions to the European Commission about cooperation funds in Colombia<sup>5</sup> and requested information on their use, in order to ensure that they are not used in cases of human rights violations (Urbán, 2021).

At the heart of the debate, questions were raised about the activation of the democratic human rights clause within the free trade agreement between the EU and Colombia<sup>6</sup>, which according to members of EU institutions is a tool which should only be activated once other mechanisms and dialogue have been exhausted. Despite a request to activate the clause, the EU External Action Service (EEAS) stated that it was not possible at this time, arguing that in Colombia there are democratic guarantees and that the human rights violations were not generalized and systematic.

Despite this response, the activation request is on the agenda of several MEPs. It is important to mention that in 2021 an evaluation of the free trade agreement between the Andean countries and the EU is being carried out by the European Commission. This

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<sup>5</sup> Links to questions can be found at the end of this document.

<sup>6</sup> Question from the President of DROI, María Arena (European Parliament, 2021a).

should be an opportunity highlight the challenges that Colombia continues to face, despite the economic agreement, and the need for the EU to condition its trade relations.

Finally, Eamon Gilmore, the EU Special Representative for Human Rights - EU Special Envoy for the Peace Process in Colombia, carried out a field mission to observe the degree of implementation of the Peace Agreement and deepen understanding of the current crisis in Colombia (EEAS, 2021b). He again insisted on the need to fully implement the Peace Agreement, noting the delays in its implementation (France 24 2021).

Indeed, Eamon Gilmore highlighted the opportunity represented by the fifth anniversary of the Peace Agreement to achieve better implementation, activate the pending mechanisms and guarantee the security of defenders, communities and former combatants. He also held meetings with the National Strike Committee<sup>7</sup> to address the main challenges that exist in the current social situation, preventing dialogue between the government and the protesters. This raised the profile of European pressure related to the human rights violations that have occurred during the social mobilizations that began in April 2021.

It should be noted that, since the beginning of the last national strike, the Duque government has reinforced its dialogue with European actors and has constantly sent them bulletins and updated information on the situation in Colombia and the government's actions. Colombian embassies in third countries have changed from sending very little information to the diplomatic corps and the press to sending weekly newsletters.

The fifth anniversary of the Peace Agreement has not only been the scenario of international condemnation due to human rights violations committed by the Colombian government and the security forces to repress peaceful social protest, it has also aroused greater interest from the European authorities on the human rights situation in Colombia. However, the EU's response to these issues continues to be

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<sup>7</sup> This committee was created during the national strike of November 2019 and continued to act in the subsequent national days of protest. It also played a role in the strike that began in April 2021.

inconsistent and lacks force. It is marked by party politics that do not allow the situation of human rights and peace to be placed fully on the European agenda, because, although the extraordinary events of 2021 have been recognized, the Colombian government is considered to be an ally of the EU and European states.

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Links to consult parliamentary questions presented between April and June 2021 by MEPs to the European Commission:

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