

XXXII

TECMUN

Human Rights Council

Outline of the Human Rights Council

The Human Rights Council is an intergovernmental body within the United Nations system responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and make recommendations on them. It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year. It meets at the UN Office at Geneva. The Council is made up of 47 United Nations Member States which are elected by the UN General Assembly on 15 March 2006 by resolution 60/251. The Human Rights Council replaced the former United Nations Commission on Human Rights. The Human Rights Council also works with the UN Special Procedures established by the former Commission on Human Rights and now assumed by the Council. These are made up of special rapporteurs, special representatives, independent experts and working groups that monitor, examine, advise and publicly report on thematic issues or human rights situations in specific countries.

Topic A

Human rights transgression due to the violation of the ceasefire in Aleppo, Syria and the forced displacement of civilians from the Eastern part of the city

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Introduction

On December 13, 2016, a ceasefire between the opposition and the army was established in Aleppo, Syria in order to evacuate all the civilians from the Eastern part of the city. According to United Nations (UN), there are still trapped around 50,000 civilians in the rebel-held zone. Different activists, journalists and civilians have expressed their concern and worry through social media.

The civil war unchained against the regime of Bashar al-Assad started since the so-called “arab spring” in which several protests against the regime took place. Moreover, a clash of interests have made this country a war zone in which different human rights have been violated. In addition, the international community shows no effective answer.

“The way this deal was dangled in front of this battered and beleaguered population - causing them to hope they might indeed live to see another day - and then snatched away just half a day later is also outrageously cruel.” (Zeid Raad al-Husseini, 2016)

This previous statement was declared by UN High Commissioner for Human Rights in relation with the situation in Aleppo. Thus, it is duty of the Human Rights Council to safeguard the wellbeing of the civilians stocked in Aleppo and respect the fundamental human rights and, according to some accusations from the international community, war crimes.

Seeking for the synchronization between the rule of law and the respect of fundamental human rights must be the main slope to look for in this conflict. It has lasted almost six years and several human rights have been transgressed.

Arab spring

In early 2011, several protests against most of the governments in Middle East took place. At first, it began with different revolts demanding a more diplomatic government, in some countries, the outcome was translated in a pacific change in the government. The aim of the arab spring was a popular reaction to the different abuses and violation of human rights from the authoritarian regimes. However, this phenomenon has, mostly, the same input but different outcomes in different parts of the world.

Furthermore, different scholars on the subject can not determine a specific starting point of this event but there have been established different aspects to understand this event. (1) Political, the imposition of dictatorships that censored the press and repressed the free expression on different Arab countries. For example, Syria with the dictatorship of Bashar al-Assad or Egypt with Hosni Mubarak, (2) Economic, different crisis that led many people without job for long period of time because of the riots or even civil wars on the territories and

(3) Social, the high rates of unemployment pointed to a general unconformity with the regimes and a generalized discontent by different factors like the shortage of food, drop of the national coin and stagnation from the oil industry¹.

Despite there are different Arab countries in Middle East, they have shown generalized tendencies during the Arab Spring like the seek for democracy or looking for avoid and eliminate the political repression. Moreover, the result has not been the same in all the countries in Middle East and the participation of global powers has played a fundamental role in the different conflicts.

The Arab spring showed an inflection point on the history of the Middle East. The revolts in the seek of democracy and freedom showed to world that people want a change and respect to their fundamental freedoms. Unfortunately, the revolts and riots did not end on the same result and the oppression from some governments took place in different countries, like Syria.

Civil war in Syria

The Arab Spring in Syria started with pacific revolts but later, it led to a civil war against the regime of Bashar-al Assad in 2011. The international intervention from regional and international powers influenced the riots and the civil war in Syria. Moreover, this civil war has led to serious human rights violations and even accusations of war crimes and crimes against humanity, although, there is no formal accusation or warrant of arrest against anyone.

Firstly, the protests were made in a pacific way but the government of Bashar al-Assad suppressed the revolts with public force, by consequence, a nationwide protests demanding the president's resignation was triggered. Also, the opposition supporters began to take weapons to defend themselves and after to expel security forces from their local areas².

Furthermore, it is substantial to remark that the territorial control has changed in the country since the conflict began. But, recently, the regime of Al-Assad has reduced the territory controlled by the opposition. However, this has not stopped the civil war and the humanitarian crisis has become a worldwide issue.

The attacks against civilians aiming to harm rebel groups attempts to the lives of thousand of people. As mentioned before, the intervention of different powers has played a role

¹ Cómo se desmorona la economía de Siria por la guerra: <http://www.infobae.com/2013/09/26/1511679-como-se-desmorona-la-economia-siria-la-guerra/>

² Why is there a war in Syria?: <http://www.bbc.com/news/world-middle-east-35806229>

on the conflict. Also, by different attacks, the rebels have been pushed to reduced areas of different cities.

On November 2016, a ceasefire was proposed between the rebel groups and the regime of Al Assad but the bombing never stopped. By violating this agreement, various lives were lost on syrian territory.

Current situation of the conflict

Rebel groups continue to maneuver attacks against one another in order to obtain power. As the war has progressed the Free Syrian Army has been weakened, while Islamist groups, like the al-Nusra Front, who has pledge allegiance to al-Qaeda, became empowered.

According to United Nations High Commissioner for Refugees (UNHCR), since 2011, around 4.8 millions of people have been displaced from their hometown because of the conflict in the country. In addition, neighbour countries have been the ones that have received these refugees, countries like Lebanon, Jordan, Iraq, Turkey and Egypt³.

Furthermore, the same report from UNHCR reflects that, in average, five thousands of refugees flee the country every day. Moreover, it is substantial to remark that the forced displacement is considered a crime against humanity and in the context of a war, a war crime but there has not been any accusation or any Court intervening on the conflict yet.

In September 2016, a convoy of aid lorries was hit by an attack, with this the UN announced that it will be stopping all aid in Syria. This caused a great shock, people in this country is trying hard to carry on their lives and desperate for the situation to change.

It was reported that chemical weapons were used during the war in Syria. With this, they are violating international laws, such as the Chemical Weapons Convention (CWC)⁴, which bans countries from using chemical weapons in warfare, as they're said to be too cruel to be use on other human beings.

The governments of the United States of America and France discussed limited missile strikes against rebels military targets. However, recently, the government of Russia have had strong ties with President Assad's Syrian government and has helped Syria in the past by supplying weapons. In September 2013, Russia suggested that the Syrian government should

³ Emergency in Syria: <http://www.acnur.es/emergencia-en-siria>

⁴ The Convention aims to eliminate an entire category of weapons of mass destruction by prohibiting the development, production, acquisition, stockpiling, retention, transfer or use of chemical weapons by States Parties. States Parties, in turn, must take the steps necessary to enforce that prohibition in respect of persons (natural or legal) within their jurisdiction.

give up its chemical weapons and agree to destroy them so they can never again be used. The process of destroying the weapons began in October 2013.

Situation in Aleppo

First, it is important to remark why Aleppo is so important and gaining and controlling it is an inflection point for the civil war. Taking into consideration that Aleppo was once considered the largest city in Syria, with a population of 2.3 million of people, before the conflict started, it was the financial and industrial centers.

The Syrian Civil War started in 2011 with the so called Arab Spring, which is a series of pacific revolts against the Al Assad's regime. In July 2012, Syrian Free Army's rebels took half of the city of Aleppo, leaving the city divided into two sectors, the West one ruled by the regime and the East one controlled by the rebels against the regime.

Several combats between the regime and the rebels became more hostile and by consequence, destroying the city, specially the West region. According to Doctors Without Borders (MSF, by the name in french), the living and the sanitary conditions are deplorable making it almost impossible for people to live there.

The UN Emergency Relief Coordinator, Stephen O'Brien on the situation in Aleppo, "*There are no functioning hospitals left, and official food stocks are practically finished in eastern Aleppo,*" (O'Brien, 2016). In addition, the Aleppo's citadel, declared by the United Nations Educational, Scientific and Cultural Organization (UNESCO) as a world class heritage in 1986, was destroyed by a bombing in 2015.

In September 2015, Russia began to support the Al Assad's regime. They have been stopping the supply for the rebels and they were in charge of bombing the East zones leaving the area in ruins. Also, the government of Al Assad threw a massive attack to regain the city in November of 2016, that action pushed the rebels to a few neighbourhoods in Aleppo. Moreover, due to the weakness caused in this area Al Assad's regime reconquered the rebels region in December 22, 2016 leaving hundreds of deaths and thousands of escapes behind.

It is estimated that there has been approximately more than four hundred thousand deaths, also, according to the United Nations (UN), at the end of december of 2016 there were still forty thousand civilians trapped in the rebel's area. The survivors of these bombings have been displaced against their will from the city. According to the Rome Statute, in the context

of an armed conflict, the forced displacement and intentionally bombing towards civilian population are considered as a war crime⁶ and also a violation of human rights⁷.

Violation of human rights

War attacks, such as bombing campaign, incendiary weapons due to war in Aleppo have destroyed houses and building, including hospitals. *“The Civil Defense has not been able to do its job properly today because the attacks are so bad,”* said Ibrahim Hilal, the Aleppo chief for the group syrian Civil Defense. *“Every time we try to approach the victims, pro-government militias attack us with sniper fire.”*

Local residents also said that they have heard sounds identified with cluster munition attacks and shared their audio recordings with Human Rights Watch. The mentioned recordings contained dozens of small explosions in the course of a few seconds, a signature sound pattern for a cluster munition attack. Hilal provided Human Rights Watch with the names of five civilians who were killed in an attack in the Salahdin neighborhood.

Local residents said that nobody had been able to leave Aleppo since December 14, 2016. Activists said that under the ceasefire the most severely injured people were to leave the city first, but when ambulances carrying the injured approached an Iranian-backed pro-Syrian government checkpoint in the morning, they were met with gunfire and had to turn back.

The United Nations Commission of Inquiry said on December 14, 2016 that the armed opposition groups including Ahrar al-Sham and Fath al-Sham were stopping civilians from leaving the city and embedding fighters among civilians. Recently, Aleppo has become a war zone in which is almost impossible to escape and several fundamental human rights are threatened every day.

In addition, ground forces affiliated with the Syrian government have in recent weeks retaken large parts of Aleppo that had been controlled by armed opposition groups. Intense aerial bombardment preceded and accompanied the ground offensive. According to the Syrian Network for Human Rights, a Syrian organization that documents human rights violations inside Syria, the Syrian-Russian military campaign killed 383 civilians in eastern Aleppo, including 58 children, between November 15 and December 9.

⁶PART 2. JURISDICTION, ADMISSIBILITY AND APPLICABLE LAW:

<http://legal.un.org/icc/statute/rome fra.htm>

⁷ Universal Declaration of Human Rights: <https://www.un.org/en/universal-declaration-human-rights/index.html>

According to the Universal Declaration of Human Rights, these are some articles to remark violated during this conflict in Syria, called by UN as the worst humanitarian crisis since World War II:

- Article 3 . Everyone has the right to life, liberty and security of person.
- Article 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
- Article 13.1) Everyone has the right to freedom of movement and residence within the borders of each state.
- Article 13.2 Everyone has the right to leave any country, including his own, and to return to his country.
- Article 17, (1) Everyone has the right to own property alone as well as in association with others.
- (2) No one shall be arbitrarily deprived of his property.

Measures taken by the international community

The international community has taken several actions to make the ceasefire being followed. However, most non-governmental organizations (NGOs) focused in Aleppo consider the international community to be incapable of solving or helping in any way. They condemned the community as “ineffective and morally bankrupt”. They urge world leaders to take action.

Several refugees, activists and journalists have used social media to spread the message to the global community. That is the case of the seven year old girl Bana Albed Twitter user who logs everything that happens around her. Refugees trying to get to Greece also upload videos calling for world leaders to help and support them.

NGOs and refugees call for the protection of civilians during the situation of the country and the safe evacuation of people to somewhere where they do not feel their lives in danger of any kind. Big Heart, Binna Organization for Development and Ghiras Al Nahda are the main organizations who look for further help of the international community.

In addition, different organizations such as UNHCR and International Organization for Migration (IOM) have started a plan in which they will help for the refugees that arrive to Europe a cause of the conflict in Syria. Moreover, this action will help in a short term to help the population fleeing the zone. This measure already has 72 organisms helping this proposal and it will be implemented throughout the first semester of 2017.

Conclusion

The civil war in Syria has taken different slopes throughout the past five years and the participation of regional and international powers and radical armed groups have had an important role on the subject. In addition, the civilian population has payed, received and suffered most of the consequences by different bombings on the area.

Furthermore, the declared war to radical-islamic groups in the Middle East targeting the main headquarters of the groups (Islamic State, Al-Nusra front, Ansar Al Sharía, Ansar Bait Al Maqdis among others) without looking for the population in the targeted areas. These bombings have forced civilians to flee their homeland with any opportunities to return.

In addition, it is duty to watch and safeguard the wellbeing of fundamental human rights in the context of conflict. Moreover, to understand this problem, it must be studied from the causes of the Arab spring, on how it blew up into a civil war, the humanitarian crisis of migrants, the bombings against the civilian population and the influence of powers in this conflict.

Finally, this topic should look up for the humanitarian help to forced displaced people, always looking for the respect of rule of law in national and international level and the safeguard and well being of fundamental human rights to everyone. As it is duty of the Human Rights Council to look and work for solutions all over the world.

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Glossary

A

Arab spring: A series of uprisings in Arab countries, beginning in Tunisia in December 2010, in which protesters challenged the existing authoritarian regimes.

Arbitrary: Based on chance rather than being planned or based on reason.

B

Bashar al-Assad: Syrian president from 2000, that succeeded his father and continued with the authoritarian regime. Assad faced a major uprising in Syria that evolved into a civil war.

Beleaguered: Having so many difficulties that you feel as if you are being attacked from every direction.

C

Ceasefire: An agreement, especially between two armies, to stop fighting.

Chemical weapon: Toxic chemical contained in a delivery system, such as a bomb or shell.

Civil war: War between citizens of the same country.

Civilians: A person who is not a member of the police, the armed forces, or a fire department.

Cluster: Group of similar things or people positioned or occurring closely together.

Crimes against humanity: Deliberate act that causes human suffering or death on a great scale.

D

Dangle: To hang loosely

Discrepancy: A difference between two things that should be the same.

Displacement: The situation in which people are forced to leave the place where they normally live.

E

Embed: To make something an integral part of.

F

Free Syrian Army: Collection of smaller government opposition groups which were brought together at the beginning of the Syrian civil war in July 2011. The majority is conformed by defectors from the Syrian military, while the others are local and international volunteers.

I

Inflection point: The time of significant change in a situation.

Intergovernmental: conducted between or more governments.

L

Lorries: truck.

M

Middle East: The area that goes from Libya E to Afghanistan, usually including Egypt, Sudan, Israel, Jordan, Lebanon, Syria, Turkey, Iraq, Iran, Saudi Arabia, and the other countries of the Arabian peninsula.

O

Outrageously: unacceptable, offensive, violent, or unusual.

R

Riots: A violent/noisy public gathering.

S

Stagnation: a state in which growth or development stops.

T

Transgress: the activity of fighting a war or strongly competing, esp. with reference to the type of weapons used or to the way the fighting is done.

W

Warfare: the activity of fighting a war or strongly competing, esp. with reference to the type of weapons used or to the way the fighting is done

War crimes: an act carried out during of a war that violates accepted international rules of war

Topic B

Measures to prevent the escalation of violence in relation with the recent signing of the Final Agreement of peace between the Government of Colombia and the Revolutionary Armed Forces of Colombia-People's Army

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Introduction

The conflict between the Colombian government and the Revolutionary Armed Forces of Colombia-People's Army (FARC-EP, by the name in Spanish) had lasted more than five decades and a final conclusion has arrived. Yet, it is missing a long process in which the Guerrilla group will cease fire.

In addition, several human rights are in danger while this transition takes place. To that end, it is the duty of the United Nations Human Rights Council and every Member State to look and safeguard for the welfare of the fundamental human rights during this process. Also, looking for the collaboration between Member States and other United Nations organs.

Furthermore, it is important to remark that the plebiscite proposed by the president of Colombia, Juan Manuel Santos in October of 2016 obtained a 62% of abstentions of the voting population. According to BBC, the mistrust towards the public institutions was a great factor of the lack of interest from the population. Moreover, Rodrigo Londoño Echverri, leader of FARC-EP declared that the guerrilla group would support the dialogue to achieve peace.⁸ However, a second agreement was signed on November 24, 2016 and came into force on December 1st, 2016¹⁰.

Despite the negative outcome of the previous voting, the national government finally reached a conclusion for the fifty-two years of conflict in Colombia. However, the process of demilitarization involves a long process in which the United Nations will collaborate to make it happen¹¹, hence, it is important a collusion between the government and population to reintegrate former guerrilla members to society and demilitarize the areas controlled by them.

Revolutionary Armed Forces of Colombia-People's Army (FARC-EP).

The FARC-EP is a revolutionary movement declared itself as Marxist-Leninist, born in the Colombian Marquetalia region. The group's roots can be traced back to the Liberal guerrilla bands of La Violencia -the civil war between the Liberal and Conservative parties that raged from 1948 until 1958.

⁸ Qué dice de Colombia que haya habido 62% de abstención en el histórico plebiscito por el proceso de paz: <http://www.bbc.com/mundo/noticias-america-latina-37539590>

⁹ Plebiscito en Colombia: Timochenko dice que las FARC seguirán apostando por la paz: <http://www.bbc.com/mundo/noticias-america-latina-37537809>

¹⁰ COMUNICADO CONJUNTO #8 Bogotá, 1 de diciembre de 2016: <https://www.mesadeconversaciones.com.co/comunicados/comunicado-conjunto-8-bogota%201-de-diciembre-de-2016>

¹¹ Conozca cómo funcionará el acuerdo: <http://www.acuerdodepaz.gov.co/acuerdos/fin-del-conflicto-con-las-farc>

It was founded by 48 countrymen, whose leaders were Manuel Marulanda Vélez (his real name is Pedro Antonio Marin) and Jacobo Arenas in 1964. Manuel Marulanda, who in 1966 baptised his group the Revolutionary Armed Forces of Colombia (FARC-EP)¹². Their ideology states that there should be no difference between social classes, the group argues that they want a better world with peace and harmony.

This revolutionary movement is against capitalism, imperialism and neoliberalism since their foundation, where every ideology against them was really oppressed because governments thought it was following the Soviet Union's Plan. According to a United States Justice Department indictment in 2006, the FARC-EP supplies more than 50% of the world's cocaine and more than 60% of the cocaine entering the United States of America.

Several attacks to the colonies of Marquetalia, El Pato, Riochiquito and El Guayabero led the countrymen living there to unite and create the revolutionary group that has been constantly fighting with the Colombian government. Recently, they have raised the flag of peace and reconciliation to the authorities to stop the increasing number of deceased.

Previous attempts to end the conflict

Attempts to end the conflict among the revolutionary groups located in Colombia have been on foot since 1985. Peace talks led by both sides pointed to the creation of a new political party, the Patriotic Union. This new party was formed by leftist leaders, it was the FARC-EP's attempt to gain political power among the nation. However, the radical group quitted politics and expanded its territory with a military force whose sponsorship, allegedly, came from money obtained by kidnappings and drug trafficking, being the third most wealthy armed-rebel group in the world¹³.

In 1991, the rebel groups *Movimiento 19 de abril* (M-19) proposed a new constitution, and if the government accepted, they would stop expanding its influence. Colombia accepted and they stopped mobilization, however, the FARC-EP and *Ejército de Liberación Nacional* (ELN, by the name in Spanish) did not demobilize nor accept the new constitution. Thus, while on the process of peace talks, the government directed an attack against the FARC-EP which resulted in several deceased.

The FARC-EP was significantly growing on the mid 90's with capital arriving from drug trafficking, extortion, and kidnaps. This led to the Colombian president Andres Pastrana

¹² The guerrilla groups in Colombia: <http://www.unric.org/en/colombia/27013-the-guerrilla-groups-in-colombia>

¹³ Los grupos terroristas más ricos del mundo: <http://www.forbes.es/actualizacion/2523/los-grupos-terroristas-mas-ricos-del-mundo/4>

to call for another peace talk with military support of the United States of America in 1999. New technology provided by the United States allowed colombian forces to push back the FARC-EP into the jungle.

By 2008, the radical group lost its leader and was on its weakest point. When Colombia's current president Juan Manuel Santos took the power, he began proposing secret peace talks that later on resulted in formal conversations.¹⁴ The FARC-EP launched a plan which intensified the guerilla activity such as landmines, snipers and bomb attacks. It was called *Plan Rebirth* and taken action in areas where guerrillas had a very strong influence.¹⁵

Current situation of the Guerrilla group

Although ever since *Plan Rebirth* was taken into action in year 2009 the guerrilla group had intensified their movements and drug trafficking. In sight of this, in 2010, the newly elected president Juan Manuel Santos intensified negotiations with the FARC-EP and measures to get a close up with them, achieving in 2012 the sign of the General agreement on ending the conflict and building a stable and lasting peace, an agreement which was signed in Cuba and included the compromise of establishing bilateral negotiations for the well being of the country.

By 2016, after several negotiations between the colombian government and the FARC-EP, which brought along ceasefires as well, on October the 2nd the colombian government established a plebiscite for the population to vote in favor or against regarding peace with the FARC-EP along with all of its points. Regardless of the negative answer of the population, peace talks continued (50.2 % voted against the agreement of peace).

Recently, due to the bilateral ceasefire agreed by the FARC-EP alongside with the colombian government, massive movements threatening people's security such as those in Nogal and Bojayá have decreased. Moreover, drug trafficking as well as minor and countryside attacks had not skimp on number. In the rural side of the country, people continue to suffer constant raids from the skirmishers, all of this, after the failed plebiscite.

In answer to the failed plebiscite, Juan Manuel Santos asked for an extent in the ceasefire until the 31st December. Furthermore, an ambience of insecurity and uncertainty was spread among the Bolivian People. As a young soldier claimed to the president Juan Manuel Santos:

¹⁴ Colombia's 2012 – 2016 peace talks | Fact sheet:
<http://colombiareports.com/colombia-peace-talks-fact-sheet/>

¹⁵ Colombia: Conflict Timeline:
<https://www.insightonconflict.org/conflicts/colombia/conflict-profile/conflict-timeline/>

"In the army and in the guerrillas there are young people waiting for whatever happens, hoping not to have to shoot again"

(young militant of the colombian Army, 2016)

Against its original purpose, this action of Santos was interpreted as an ultimatum for the peace negotiations for both sides. With its result still in expectancy.

Agreements reached by the government and FARC-EP

Regarding the Final Agreement of peace in which the fifty-two years of armed conflict are finished. It is substantial to remark the points and solutions established by the government, FARC-EP and international organisations. Also, how they will work in benefit of the colombian population and punishments to the persons responsables of the crimes committed.

- **BILATERAL AND DEFINITIVE CEASEFIRE AND HOSTILITIES**

The guerrilla group has agreed to stop the agressions, attacks, quit to weapons, the drug trafficking and the extortion to the colombian society. To that end, the government of Colombia and United Nations (UN) will collaborate as an international mediator of the agreement. According to the plebiscite, all the guerrilla group must deliver their weapons to the UN. Also, the guerrilla will receive the equivalent of the 90% of the minimum salary of Colombia (that means, \$213 USD) for a period of 24 months.

For delivering the weapons, the fighters must transit through twenty-two veredales zones previously established by the colombian government. The rebels have 180 days to turn in all the weapons they used during the conflict. According to the government of Colombia, the material of those weapons are intended to be melted in order to build up commemorative statues referring to peace in Bogota, New York and La Habana.¹⁶

- **JUSTICE FOR THE VICTIMS**

According to the mentioned agreement, after the guerrilla group deliver their weapons, they would have to collaborate with the penal system of Colombia to track down the perpetrators

¹⁶ En dos minutos, conozca el punto del #AcuerdoDePaz que pone fin al conflicto:
<https://www.youtube.com/watch?v=hAiR4uJLUUU>

during the conflict. Furthermore, if they work together with the colombian judicial system, they would receive only to five to eight years of imprisonment.

However, the main lawbreakers during the conflict will be punished with all the weight of the law, according to the punishments established by the jury. Also, the collaboration with the authorities will help them to a reintegration to the society like participation in the political life, economic aid and health insurance.

- SOLUTION TOWARDS THE DRUG TRAFFICKING

According to Insight Crime, FARC-EP had two main cash flows in order to finance their guerrilla, drug trafficking and extortion¹⁷. The solution reached by the agreement establishes that the lands that were used to plant cocaine will be used to legal harvest. In 2011, Alfonso Cano, commander of FARC-EP at that time before he was rejected on the same year¹⁸, in an interview to a spanish publication *Público*,

“I would like to be taxactive in this: any farian unity ¹⁹, according to the documents and decisions that govern us, we can plant, process, commerce, sell or consume hallucinogens or psychotropic substances. Everything else, is just propaganda” (Cano, 2011)

Similarly, the farmers dedicated to illegal harvests will not be considered as criminals, they will receive economical support develop the fields²⁰. Moreover, this part of the agreement seeks for the reintegration of people and lands/fields to the sustainable development of the society. Also, some areas will be used to build infrastructure like highways and schools.

- INTEGRAL RURAL DEVELOPMENT

On this part of the final agreement, it pursues for the structural reintegration and generation of wellbeing conditions of the rural areas that were dominated by FARC-EP groups. On the same

¹⁷ Actividades criminales de las FARC y las ganancias de la guerrilla:

<http://es.insightcrime.org/investigaciones/actividades-criminales-farc-y-ganancias-de-la-guerrilla>

¹⁸ Guillermo León Sáenz Vargas, alias 'Alfonso Cano': <http://es.insightcrime.org/noticias-sobre-crimen-organizado-en-colombia/guillermo-leon-saenz-vargas-alfonso-cano>

¹⁹ Referred as member of the FARC (squad, bataillon, group, etc...)

²⁰ En un minuto, conozca el punto del #AcuerdoDePaz sobre drogas ilícitas: <https://www.youtube.com/watch?v=MfAFy2Pz4yc>

way, the displaced people will not lose the lands that were legitimately acquired and will be boosted in order to create more opportunities in the countryside.

Also, the State will fund plans in the rural sector which will include schools, hospitals, recreation areas, infrastructure, technical assistance and nutrition. Likewise, this measures will be supported by a social and economic sustainable development, also proposed by the agreement of peace. All of these activities will help the most affected and vulnerable areas of the countryside²¹.

- **POLITICAL PARTICIPATION**

According to the agreement of peace, the FARC-EP will have five recognized places on the Senate and other five on the Chamber of deputies for the next two constitutional periods from July 20, 2018. From that point and if they decide so, they are going to be able to express their ideas and ideals through a diplomatic and democratic way. This proposal has the point to make a awareness about the opposition.

All of these proposals were signed in La Habana, Cuba between the president Juan Manuel Santos and Rodrigo Londoño Echverri, leader of the FARC-EP. Yet, it is missing a long way in which all of these points will carry on, hence, some fundamental rights (from both sides) are put in danger during this transition.

Rejection of the agreement

The final agreement reached by the leader of FARC-EP and the president Juan Manuel Santos in La Habana, Cuba has its opposition from the politicians and press of Colombia and this is a challenge that it will have to face during the process.

According to the opinion of different people on political charges through interviews and social media²², there are three main points in which they disagree or may propose any other change to the Final Agreement of peace with FARC-EP:

²¹ Este es el punto de reforma rural integral del #AcuerdoDePaz:
<https://www.youtube.com/watch?v=J5OOM2wP3nw>

²² Argumentos a favor y en contra de los puntos polémicos del acuerdo de paz colombiano:
<http://www.notimerica.com/politica/noticia-argumentos-favor-contra-puntos-polemicos-acuerdo-paz-colombiano-20160828173708.html>

- Salary for rebels, as mentioned before, as part of the reintegration to the society, the rebels will receive the equivalent to a 90% of the minimum salary for two years, this measure has been criticized by former members of the Senate, expressing that the population must have to pay to every mobilized rebel,
- Political participation of the FARC-EP on the Senate and the Deputy chamber, this means that they must have ensured five places on the Senate and other five on the Deputies Chamber. Moreover, this attempts to the democracy on the territory and may not follow the popular will and,
- The guerrilleros that receive the amnesty, could be proposed for public charges, in general, this decision has created a huge unconformity with the colombian population because it alleges towards the impunity to the crimes committed by the guerrilla for more than fifty years.

All of this uncertainty and discrepancy with the Final Agreement of peace could lead to a general clash of interests in Colombia and threat the fundamental human rights. Also, the human rights, from both sides, are in threatened because of the unlikeness of the agreement, as mentioned before.

Escalation of violence in Colombia

Due to the vacuum on the areas previously dominated by FARC-EP, different neo-paramilitary groups have occupied those areas. The Final Agreement of peace shows no jurisdiction or a possible response to this situation. Groups like the guerrilla group *Ejército de Liberación Nacional* (ELN, by the name in spanish), *Los Urabeños* or *Bandas Criminales* (BACRIM, by the name in spanish) are gaining territory on the areas that were traditionally dominated by FARCE-EP, affirmed Insight Crime²³.

In addition, the government of Colombia only signed the agreement of peace with FARC-EP and it does not include any other guerrilla group or paramilitary group in Colombia. In a long term, the problem could result bigger and the peace reached by the treaty will not be accomplished. In the last time, FARC-EP has shown the will to talk and negotiate something that may not be possible with other armed groups.

²³ Santos reconoce que grupos criminales se están trasladando a áreas de las FARC:
<http://es.insightcrime.org/analisis/santos-reconoce-grupos-criminales-estan-trasladando-areas-farc>

Moreover, the businesses controlled by the FARC-EP may be managed by these new groups like drug trafficking or extortion, and avoid the compliance of the Final Agreement of peace that took so much time to achieve. Juan Manuel Santos, president of Colombia has accepted and confirmed this claim and says it will work in order to prevent this issue and keep peace.

However, the strengthening of different regional criminal groups in Colombia has become a reality and the fight for standing up for human rights with the agreement of peace would be in vain. To that end, it is relevant to seek different slopes in order to respect the fundamental human rights and achieve a true stable and durable peace.

Conclusion

Taking into consideration all the aspects regarding the signing of the agreement of peace, all the previous attempts, the positive and negative reactions towards this. It is crucial to remark all the challenges ahead, in a national and international level, to the society and the rule of law of Colombia. Likewise, the strategy in this topic would be to avoid and prevent a possible escalation of violence Colombia from different armed and para-military groups.

According to different reports, besides the escalation of violence, other two slopes must be taken into consideration. (1) Political inclusion, how the guerrilla group should be reintegrated and participate actively in the political life in Colombia and (2) Social inclusion, how the former members of the guerrilla will rebuild their lives respecting the rule of law in Colombia. In addition, how to assure a stable and durable peace in Colombia.

The United Nations has established as one of the fundamentals affairs the promotion of justice and international law. Assuring that respecting the rule of law in a national and international level in order to achieve a durable peace after a conflict, respect for the fundamental human rights and move towards the economic and sustainable development of society, those three must work in order to achieve peace.

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Glossary

A

Arab spring: A series of uprisings in Arab countries, beginning in Tunisia in December 2010, in which protesters challenged the existing authoritarian regimes.

Arbitrary: Based on chance rather than being planned or based on reason.

B

Bashar al-Assad: Syrian president from 2000, that succeeded his father and continued with the authoritarian regime. Assad faced a major uprising in Syria that evolved into a civil war.

Beleaguered: Having so many difficulties that you feel as if you are being attacked from every direction.

C

Ceasefire: An agreement, especially between two armies, to stop fighting.

Chemical weapon: Toxic chemical contained in a delivery system, such as a bomb or shell.

Civil war: War between citizens of the same country.

Civilians: A person who is not a member of the police, the armed forces, or a fire department.

Cluster: Group of similar things or people positioned or occurring closely together.

Crimes against humanity: Deliberate act that causes human suffering or death on a great scale.

D

Dangle: To hang loosely

Discrepancy: A difference between two things that should be the same.

Displacement: The situation in which people are forced to leave the place where they normally live.

E

Embed: To make something an integral part of.

F

Free Syrian Army: Collection of smaller government opposition groups which were brought together at the beginning of the Syrian civil war in July 2011. The majority is

conformed by defectors from the Syrian military, while the others are local and international volunteers.

I

Inflection point: The time of significant change in a situation.

Intergovernmental: conducted between or more governments.

L

Lorries: truck.

M

Middle East: The area that goes from Libya E to Afghanistan, usually including Egypt, Sudan, Israel, Jordan, Lebanon, Syria, Turkey, Iraq, Iran, Saudi Arabia, and the other countries of the Arabian peninsula.

O

Outrageously: unacceptable, offensive, violent, or unusual.

R

Riots: A violent/noisy public gathering.

S

Stagnation: a state in which growth or development stops.

T

Transgress: the activity of fighting a war or strongly competing, esp. with reference to the type of weapons used or to the way the fighting is done.

W

Warfare: the activity of fighting a war or strongly competing, esp. with reference to the type of weapons used or to the way the fighting is done

War crimes: an act carried out during of a war that violates accepted international rules of war