

# AN IGNORED TRAGEDY

The humanitarian and human rights impact by irregular armed groups in Venezuela



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## SUMMARY

Over the past decade there has been a proliferation of irregular armed groups in Venezuela, including, among others, paramilitary groups, organized crime gangs, and irregular organizations of Colombian origin. The process of growth of irregular armed groups with control of territory and governance capacity occurs in a context of fragmentation of power that generates serious governance problems and constitutes a barrier to the recovery of institutions, democracy, and the rule of law in the country.

These groups are seriously affecting the rights of the Venezuelan population and limiting access to humanitarian action. Despite the challenges that this pose, it is a topic absent from public debate, so it is expected that one of the contributions of this text will be its positioning on the agenda, in the negotiation spaces of both Venezuela and Colombia.

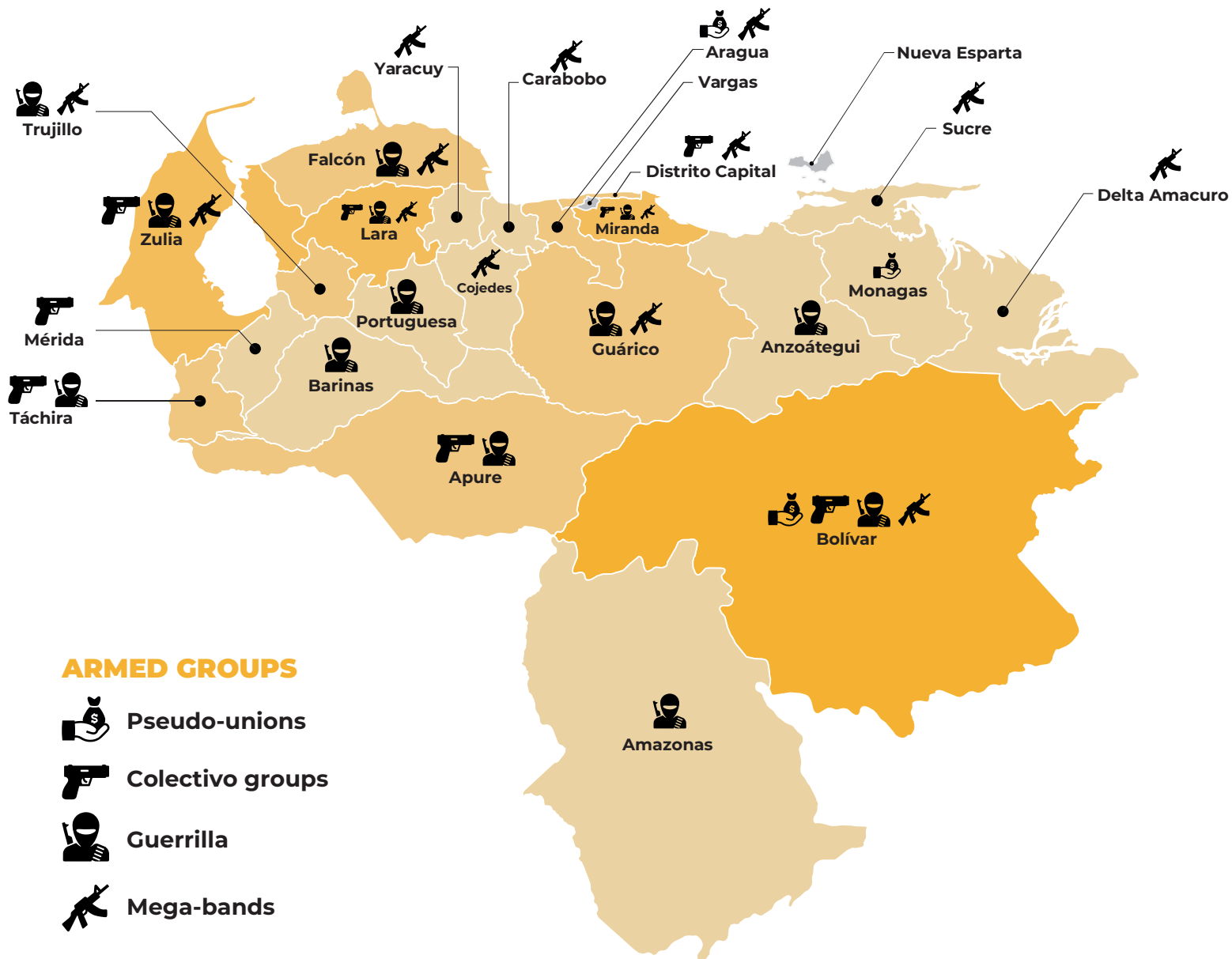
Considering the penetration levels of many of these groups in Venezuelan territory, it would be illusory to propose dialogue or negotiation processes for the recovery of democracy and the rule of law in Venezuela, if the presence and role of these actors is not taken into account.

On the other hand, in the context of the Total Peace policy proposed by Colombian President Gustavo Petro, it is essential to make visible information on the effects of the presence of Colombian irregular armed groups in Venezuelan territory on the rights of the population, in the understanding that the existence of binational irregular armed groups requires binational responses.

## LOCATION OF ARMED GROUPS

This study focuses on the three following groups because, in addition to being armed and irregular, they have the characteristic of territorial control and governance capacity:

- The mega-bands, which also include pseudo-unions.
- Armed *colectivo* groups.
- Irregular organizations of Colombian origin.



In all three cases, these organizations perform the functions of the State in areas where it is absent, and their activity is only possible with the consent or complicity of civil and military authorities at the national or local level. For this reason, they are considered to fill a vacuum in the fields of community life, justice administration, service management and armed protection, among others.

This paves the way for the configuration of a form of criminal governance, which generates in the population a culture of acceptance that seeks to preserve their own safety in the face of irregular armed power.

Source: Own elaboration based on information from El Pitazo, Infobae, Fundaredes, Transparencia Venezuela and testimonies collected by AlertaVenezuela.

## IMPACTS ON HUMAN RIGHTS AND HUMANITARIAN ACTION

### IMPACTS ON HUMAN RIGHTS

The damage caused by the action of the irregular armed groups does not constitute, strictly speaking, a human rights violation, given that their guarantee and protection is the responsibility of the State, which violates them by direct action and by refraining from intervening to prevent abuses by third parties, as is our case. Making visible the negative impact of the actions of irregular armed groups on people's rights highlights the final responsibility of the State and the need for it to adopt all the measures within its reach to put an end to the suffering of the victims, through political, legal and social actions.

The study identified affectations to the following rights:

- **Life.**
- **Personal integrity.**
- **Personal freedom.**
- **Free transit.**
- **Internal displacement.**
- **Right to leave one's country and return.**
- **Peaceful meeting.**
- **Political participation.**
- **Economic, social and cultural rights.**
- **Rights of indigenous peoples.**
- **Smuggling and human trafficking.**
- **Child exploitation.**
- **Women rights.**
- **Right to work and economic freedom.**

### LIMITATIONS AND CONDITIONS OF ACCESS TO HUMANITARIAN ACTION

In the context of the Complex Humanitarian Emergency, some sectors of the population have become more vulnerable, encouraging a form of recruitment that is no longer forced, although still marked by structural violence; the non-forced nature of the recruitment is observed both in urban and rural areas and in indigenous territories.

Access to humanitarian response and the ability of humanitarian workers to act freely is being increasingly restricted by the presence of armed actors with control of territory and governance capacity.

## INSTITUTIONAL RESPONSE

In general, the question of the presence of irregular armed groups in Venezuela has been evaded or handled on a reactive and occasional basis by both the Maduro government and the representatives of the opposition, as well as the Colombian government.

The Government of Venezuela lacks a State approach to the threats posed by these groups that would facilitate the design of a strategy that allows their dismantling and the recovery of the territories under their control.

For its part, the opposition also seems to avoid speaking about the presence of irregular armed groups with territorial control, either out of ignorance and fear of the unknown or because it feels incapable of handling the situation and fears the issue could become a Pandora's box.

The situation is not very different in the case of the Government of Colombia. No progress has been made in bringing the options for the demobilization of the members of the ELN or the former FARC dissidents in Venezuela. At least for now, the negotiating team of the Gustavo Petro government frames the negotiation process with the ELN factors in Colombian territory, which means that the members of the armed group in Venezuelan territory are out of the picture.

**What could happen to these irregular armed groups in the hypothetical scenario of an opposition victory in the 2024 presidential elections in Venezuela.** Almost all of the interviewees affirmed that such an event would lead to a situation of armed conflict. This shows the need to start working on transition strategies that take into account the existence of armed actors.

In a context where no one talks about the armed actors or the implications of their presence in the governability of the country, the effects on the human rights of the population under their control often go unnoticed.

## RECOMMENDATIONS

In view of the findings of the study, AlertaVenezuela presents the following recommendations.

### TO THE GOVERNMENT OF VENEZUELA

- ◆ Design a strategy that allows the dismantling of irregular armed groups and the recovery of the territories through a repressive response that is proportional and adjusted to international standards.
- ◆ Combine the repressive response with mechanisms that make it possible to address the structural causes of the emergence and development of said groups, including the permanent territorial occupation of the recovered spaces.
- ◆ Specify the role of the Government of Venezuela in the Total Peace process concerning the presence of the ELN in Venezuelan territory, taking into account the binational nature of the group and its differentiated political purposes on each side of the border, which calls for a definition of Venezuela's role.

### TO THE PARTIES AND PARTNERS OF THE NEGOTIATIONS BETWEEN THE VENEZUELAN GOVERNMENT AND THE OPPOSITION

- ◆ Recognize, from the Government and the opposition, the existence of irregular armed groups with control of territory and governance capacity and their impact on the governability of the country.
- ◆ Recognize that irregular armed groups with control of territory and governance capacity have negative effects on the human rights of the population and their possibilities of access to humanitarian action.
- ◆ Assume a political agreement to achieve territorial security, with advice and accompaniment of the UN and based on the recovery of governability.
- ◆ Agree on plans between the Government and the opposition, with the support of international cooperation, to enable the social investment that allows addressing the factors that give rise to the emergence of criminal governance.
- ◆ Start working on transition strategies that take into account the existence of irregular armed actors by incorporating the need to regain control of the territory in the spaces for negotiation and dialogue between the Government and the opposition.
- ◆ Incorporate the considerations and commitments contained in the Geneva Declaration on Armed Violence and Development<sup>1</sup> into the spaces for negotiation and dialogue between the Government and the opposition.
- ◆ Open spaces for negotiation and multilevel dialogue in which a broader number of sectors are incorporated, including other political actors, civil society, unions, academia, indigenous peoples, rural organizations and other groups in the areas of development and humanitarian work, and incorporate a human rights-based approach and the recovery of governance.

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<sup>1</sup>The 2006 Geneva Declaration on Armed Violence and Development is endorsed by 113 countries. Venezuela has not signed it. The full text of the declaration can be downloaded at <http://www.genevadeclaration.org/the-geneva-declaration/what-is-the-declaration.html>



## **TO THE PARTIES, FACILITATORS AND PARTNERS OF THE TOTAL PEACE PROCESS**

- ◆ Take into account the territorial fragmentation of Venezuela and the federative nature of the ELN as contexts that add complexity to any negotiation that aims at the recovery of governance in Venezuela and the realization of Total Peace in Colombia.
- ◆ Establish articulation mechanisms in the spaces for negotiation and dialogue between the Venezuelan Government and opposition and in the Total Peace process advanced by the Government of Colombia, in the understanding that the existence of binational irregular armed groups requires binational responses.
- ◆ Identify possibilities to overcome potential conflicts of interest in terms of the roles of the presidents of Colombia and Venezuela as guarantors or facilitators of conflict resolution processes in their respective countries, bearing in mind the challenges of being a mediator in the conflicts of a country that is simultaneously a mediator in our own conflicts.
- ◆ Incorporate the issue of migration into the Total Peace policy agenda, taking into account the challenges of integration, the care for migrants victims of the conflict, and the specificities of the Colombian population returning from Venezuela.

## **TO THE UNITED NATIONS SYSTEM**

- ◆ Guarantee from the UN system an environment of trust in which humanitarian workers can share information about the operational challenges of their work.
- ◆ Provide advice and support to the Government of Venezuela on mechanisms to achieve territorial security, based on the recovery of good governance.
- ◆ Assist in facilitating the establishment of gradual handover mechanisms to replace criminal governance structures with legitimate State structures.
- ◆ Carry out an exploratory consultation on the pertinence of appointing a special envoy of the Secretary-General with a mandate to address the multiple dimensions of the Venezuelan crisis, including the presence of irregular armed groups with territorial control and governance capacity.

## **TO THE INTERNATIONAL COMMUNITY**

- ◆ Incorporate the phenomenon of irregular armed groups with control of territory and governance capacity and their impact on human rights and the access to humanitarian assistance into their work agenda for Venezuela.

## **TO CIVIL SOCIETY**

- ◆ Bear in mind in their planning the existence of irregular armed groups with control of territory and governance capacity and their impact on the human rights of the population and the access to humanitarian action.
- ◆ Document and make visible the impacts that irregular armed groups with control of territory and governance capacity have on the human rights of the population and their possibilities of having access to humanitarian action.
- ◆ Advance international advocacy of this phenomenon, both in Venezuela and in the context of the Colombian government's Total Peace proposal.



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VenezuelAlert

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**AlertaVenezuela** is an information and analysis initiative that regularly and strategically feeds international political decision-making bodies, from a human rights perspective.

Although the work of **AlertaVenezuela** focuses on two axes, namely human rights and humanitarian assistance, its areas of work also include institutional crisis, international criminal justice and violence and organized crime, since these have effects on the situation of the two axes mentioned.

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