



Security Council

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Letter dated 8 December 2017 from the Secretary-General addressed to the President of the Security Council

As requested by the Security Council in its resolution [2381 \(2017\)](#), I hereby provide the Council with an update on the implementation of the tasks entrusted therein to the United Nations Verification Mission in Colombia with respect to the monitoring and verification of the temporary bilateral national ceasefire, in effect since 1 October 2017, between the Government of Colombia and the Ejército de Liberación Nacional (National Liberation Army).

The Mission appointed a leadership team headed by General José Mauricio Villacorta Rivas (El Salvador) to provide the international coordination of the Monitoring and Verification Mechanism, which includes representatives of the Government, the National Liberation Army and the Catholic Church. The national board of the Mechanism, located at the Mission's headquarters in Bogotá, has been meeting without interruption since early October 2017 and has presented two monthly reports on its activities to the plenipotentiary negotiation teams in Quito.

The Mission, drawing on an additional 70 international observers and, where possible, available civilian staff, has deployed teams in 30 of the 33 locations deemed by the parties to be of special emphasis for the temporary ceasefire. The remaining three locations are attended to from the closest towns. It should be noted that several of the areas where the teams are deployed are exceptionally challenging, on account of both the terrain and the security situation. The latter factor is particularly relevant in areas that are disputed by several armed groups, as in the Department of Chocó.

The teams are composed mostly of one civilian and two unarmed international observers (military or police). The working conditions are generally precarious. Teams operate from hotels and have limited logistical capability. At all locations, a very good level of cooperation has been established with diocesan teams designated by the Catholic Church to assist in the work of the Mission. The teams have carried out 27 verification actions to date, and in many places their presence has had a reassuring impact on communities.

What follows is a balance of the temporary ceasefire process and the work of the Mechanism as the Government of Colombia and the National Liberation Army enter the third month of their temporary ceasefire, which currently runs until 9 January 2018. The results so far are positive in several respects:

(a) There have been no offensive armed clashes between the Colombian armed forces and the National Liberation Army units, or attacks perpetrated by the



latter against infrastructure, in stark contrast to the situation before the ceasefire came into effect;

(b) While there have been a number of confirmed incidents involving the civilian population, communities in the areas affected by the conflict have reported a reduction in violence and an improvement in the humanitarian situation. The President of the Bishops' Conference has confirmed in a letter addressed to the parties that the impact of the humanitarian relief expected by communities has been felt, and that the Bishops' Conference was strongly supportive of the extension of the temporary ceasefire;

(c) The implementation of the first item on the substantive negotiating agenda, which the temporary ceasefire was meant to facilitate, has been moving forward. Public hearings aimed at defining the most appropriate methodology for a future nationwide dialogue were carried out with the participation of a broad range of social organizations. From 31 October to 16 November 2017, 192 representatives from 181 organizations participated in those hearings. The report of the hearings, prepared with the assistance of the United Nations Development Programme, was delivered on 1 December 2017 to the parties, who are to decide on the modalities for the participation of citizens in the peace process. The next negotiating session is scheduled to start on 9 January 2018.

Against this positive background, a number of incidents have been reported, of which some have been confirmed, and the Mechanism has faced challenges in fulfilling its mandate in relation to the coordination of troop movements by the two sides, as well as in the prevention and verification of incidents.

There have been two factors behind these difficulties. One has been the persistent differences between the parties in the interpretation of acts forbidden under the protocol of the Quito Agreement and, as a result, differences of understanding as to the scope of the mandate of the Mechanism. Another has been the difficulties that the United Nations teams have encountered in gaining access to very remote conflict areas where individuals and communities affected by violence are often reluctant to provide information for fear of reprisals, and where verification is therefore dependent on indirect, less reliable sources.

These difficulties were not unexpected, taking into account that this is the first bilateral ceasefire ever agreed between the Government and the National Liberation Army, and that it does not include such a critical feature as a separation of forces. It is also the very beginning of the political negotiation; the first time that the United Nations maintains a continuous presence in many of the conflict areas; and the first time that the Catholic Church and the Mission have worked so closely together. While the process is therefore incipient in almost every respect, we have seen some progress between October and November 2017 in terms of the relationship between the parties, the constructive nature of their dialogue and the activities of the Mission's verification teams. The task ahead, as all members of the Mechanism recognize, is precisely to make the Mechanism more effective and thus a better instrument with which to build confidence between the parties.

To date, 35 cases have been brought before the Mechanism, a handful of which have been resolved. The difficulties encountered in settling the others are fourfold: (a) in a first category of cases, operations undertaken by the armed forces were deemed by the Government to be consistent with the protocols, whereas the National Liberation Army viewed them as a violation of the commitment of the parties to refrain from offensive operations; (b) in a second category, relating to alleged kidnapping and recruitment of children, the National Liberation Army has noted the complaints but questions whether they are within the mandate of the Mechanism, since they are the subject of separate humanitarian commitments made

in the framework of the political negotiation; (c) in a third category of cases, the National Liberation Army reported cases of homicide, which the Government considered to be outside the terms of reference of the Mechanism; and (d) finally, in cases of alleged homicide and extortion, it has proved very difficult for the verification teams to ascertain responsibility with an adequate degree of certainty.

It should be noted that most reported incidents took place in two departments, primarily Chocó and, to a lesser extent, Arauca.

As can be seen above, differences in interpretation of the protocol of the Quito Agreement have played a significant role in limiting the effectiveness of the Mechanism, even if they have not prevented the overall success of the temporary ceasefire and its positive humanitarian impact.

In their October monthly report, the members of the Mechanism requested the plenipotentiary negotiating teams in Quito to help to overcome these differences. In their reply, the heads of delegations invited the representatives of the parties in the Mechanism to make further efforts to achieve a joint interpretation of the agreed protocols; noted that humanitarian commitments were relevant to the Mechanism, provided that they related to the ceasefire; and stressed the importance of the role of the Mission in clarifying cases in which the Government and the National Liberation Army disagreed, and in taking a public position when no agreement could be achieved. In November 2017, in response to that invitation, the representatives of the parties in the Mechanism made a further effort to reconcile their interpretations, with limited success. In a letter dated 30 November 2017 to the plenipotentiaries, my Special Representative pointed out that a conceptual framework acceptable to both sides was required in order for the Mission's role in settling differences to be effective, and indicated that the Mission was working on proposals in this regard, which would be shared with the parties as soon as possible.

On 1 December 2017, at the closing of their latest session, the parties decided on a special arrangement whereby three plenipotentiaries from each side would meet in Bogotá from 5 to 12 December 2017 and would strive to reach agreement on ways and means to make the Mechanism more effective. Work on this important issue is ongoing. My Special Representative has offered his good offices to assist.

With regard to the situation of the temporary ceasefire beyond 9 January 2018, the Government of Colombia has indicated that it strongly favours an extension. While recognizing the merits of the ceasefire and humanitarian improvements in the conflict areas, the National Liberation Army has indicated that, given the complexity of the political and military factors involved in this decision, including their misgivings with regard to the implementation of the ceasefire so far, it needed to carry out in-depth internal consultations. These consultations are in progress. Should the decision to extend the temporary ceasefire be made, and in view of the time required for the Council to decide on an eventual extension of the mandate of the Mission regarding the ceasefire (and the necessary adjustments within the Mission itself), my Special Representative has requested the parties to come to a decision by mid-December 2017.

The results of the temporary ceasefire, more than two months since it entered into effect on 1 October 2017, are undoubtedly positive in relation to two of its key objectives: the fighting has stopped, and the most vulnerable communities have benefited from a tangible reduction of violence in areas affected by the conflict. These improvements are recognized by the parties, the Catholic Church and the Mission. This being said, the parties have also expressed dissatisfaction with the implementation of certain aspects of the Quito Agreement. Undoubtedly, the absence of a separation of forces creates ample room for misunderstandings and mutual suspicion. As mentioned before, a lack of consensus with regard to the

humanitarian obligations of both sides, subject to the verification of the Mechanism, is also problematic. The political environment, dominated by the upcoming parliamentary and presidential elections, in March and May 2018, respectively, adds its own element of uncertainty. There are limitations to what the Mission can do to alleviate these constraints. Nonetheless, I continue to believe that, as I indicated in my letter of 2 October 2017 to the Council, the role played by the United Nations is viable and desirable. Both parties have reiterated their support for this role, and it would therefore be my intention to recommend the renewal of the mandate of the Mission regarding the ceasefire between the Government and the National Liberation Army if both parties decide to extend it, along with an indication of any requirements for that purpose.

I will keep the Council informed of developments, including in the first 90-day progress report on the implementation of the overall mandate of the Mission, due on 26 December 2017.

(Signed) António **Guterres**
