

## **The Good-Faith Deficit in Colombia's Civilian Protection**

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### **Introduction**

Civilian protection remains one of the most complex challenges in Colombia's evolving internal conflict. President Petro's "total peace" strategy was introduced with the stated aim of reducing violence through negotiation and reducing reliance on offensive military operations.

However, ongoing humanitarian and human rights deterioration in regions such as Guajira, Catatumbo, Cesar, Arauca, Cauca, Caquetá, Antioquia, Chocó, Nariño, Boyacá, Putumayo, Vaupes, Vichada, raises concerns about the government's commitment to its own stated principles. In this context, the concept of good faith—a foundational expectation under both International Humanitarian Law (IHL) and international human rights frameworks—provides a useful lens through which to assess policy implementation.

While the administration expresses strong rhetorical alignment with civilian protection, multiple indicators suggest inconsistencies between declared intentions and actual outcomes, leading observers to question whether the government has acted in good faith in fulfilling its obligations.

### **The Humanitarian Situation and Civilian Vulnerability**

Conditions for civilians have deteriorated across several regions where irregular armed groups and organized crime retain or expand territorial control.

Forced displacement, restrictions on movement, and the targeting or endangerment of children and women illustrate a deepening crisis of protection.

Communities often find themselves trapped between armed groups and their organized

crime associates that ignore IHL and a state that struggles to assert authority and back off, leaving civilians exposed to violence and coercive practices.

Even though the administration acknowledges these challenges and attributes them primarily to armed actors, the continuation of these patterns highlights structural gaps in governance and the limits of policy commitments made at the national level.

In IHL terms, the State bears an obligation not only to refrain from harming civilians but also to take all feasible measures to protect them from foreseeable threats. When displacement escalates, child recruitment and abuses persist, and communities remain under the coercive control of armed groups and organized crime, it raises questions about whether state responses have been timely, proportionate, and aligned with its duty to protect—especially where government strategies appear to underplay or politically reframe the severity of the threats faced by civilians.

### **Good Faith and the Petro Administration's Policy Commitments**

Under international law, good faith is not merely a moral expectation; it is a legal and operational requirement. Acting in good faith implies sincerity of intention, consistency between commitments and actions, transparency in decision-making, and the absence of deliberate obstruction or political manipulation. In the context of armed conflict, good faith requires that governments implement their IHL obligations with honesty, seriousness, and due diligence.

The Petro government has repeatedly expressed its dedication to minimizing civilian harm and advancing peace. However, several deeply dynamics challenge the perception that these commitments have been pursued in good faith:

**Inconsistent Implementation:** Although “total peace” emphasizes de-escalation, negotiations have coincided with increased violence and territorial consolidation by armed groups and organized crime. The government's continued reliance on political messaging that downplays these realities can be interpreted as a failure to act with the transparency and candor expected under good-faith obligations.

**Conflicting Narratives:** Allegations involving the presence of children and civilians in or near armed group camps—and disputes between national officials and local authorities—reflect weaknesses in the government's willingness or ability to establish independent mechanisms to verify claims. Good faith requires efforts to clarify, not politicize, such sensitive matters.

**Operational Hesitation:** While restraint can protect civilians, prolonged or poorly calibrated restraint may enable criminals to strengthen their hold over civilian areas. When civilian vulnerability increases as a foreseeable result of state inaction, questions arise about whether the government has fulfilled its obligations with the diligence required by good faith standards.

This assessment does not assert malicious intent. Rather, it highlights how the gap between rhetoric and results can undermine the assumption of good faith that underpins humanitarian obligations.

**Legal and Ethical Implications Under IHL**  
Under customary IHL and international human rights law, good faith is embedded in the obligation to *prevent, mitigate, and respond to civilian harm*. This includes fair investigation of violations, transparent communication with affected populations, and consistent application of the principles of distinction and proportionality.

Failures to investigate credible allegations, to adapt strategy to deteriorating humanitarian conditions, or to acknowledge operational shortcomings may constitute *bad faith* conduct in the sense used by legal scholars: not necessarily deliberate wrongdoing, but a pattern of actions (or omissions) inconsistent with a genuine effort to meet IHL obligations.

In the current Colombia's context, the government's framing of responsibility—often attributing most abuses solely to armed groups and organized crime—can obscure its own duties to anticipate and prevent civilian harm, signaling shortcomings in the sincerity and completeness of its protective efforts.

Furthermore, the “Total Peace” strategy in Petro's Colombia effectively positions the government in a form of cooperative engagement with illegal armed groups and organized criminal actors.

By entering these negotiated arrangements, the State assumes a heightened level of responsibility—both legally and politically—before national and international jurisdictions. When a government chooses partnership or dialogue as a policy tool, it must ensure that such engagement strengthens, rather than weakens, its obligations to protect civilians and uphold international law.

#### Policy Recommendations

To restore confidence in the government's commitment to civilian protection and to clearly demonstrate good faith in fulfilling its obligations, the following measures are recommended:

#### Establish an Independent Monitoring and Verification Mechanism

A neutral body with investigative authority would strengthen credibility, support transparency, and create incentives for compliance by all actors.

### Enhance Sincerity and Transparency in Public Communication

The government should provide regular, evidence-based updates on civilian harm, military operations, and negotiations, demonstrating alignment between rhetoric and practice.

### Strengthen Investigative and Accountability Structures

Independent investigations—especially into allegations involving children or operations near civilian populations—are essential for restoring good-faith credibility.

### Improve Operational Guidance and IHL Training

Clearer rules of engagement and specialized training would help security forces act consistently with state obligations, especially in complex environments.

### Recalibrate the “Total Peace” Strategy Where Necessary

While negotiation is valuable, good faith requires adjustments when evidence shows that armed groups exploit dialogue to expand coercive control.

Increase State Presence in Conflict Zones  
Demonstrating good faith means actively working to reduce civilian dependence on armed actors by improving governance, services, and protection.

### Conclusion

Good faith is the foundation on which the legitimacy of state action in armed conflict is built. Although the Petro administration's discourse strongly invokes humanitarian principles, persistent civilian suffering, operational inconsistencies, and the lack of robust verification mechanisms raise concerns regarding the sincerity and effectiveness of its commitments.

Addressing these gaps is essential not only for compliance with IHL but also for restoring

public trust and building a sustainable path toward peace.

Ultimately, demonstrating good faith requires aligning political intentions with concrete, verifiable, and rights-based actions that genuinely prioritize the protection of Colombia's most vulnerable communities.

Yet many observers express deep concern that indicators of human rights violations and IHL-related abuses appear to have risen significantly during Petro's administration, amid allegations of political support from external actors and domestic coalitions.

The silence of Colombian NGOs and international organizations (except for the ICRC) in the face of this extreme deterioration is increasingly difficult to understand or justify, given their mandate to defend civilian rights and monitor state conduct.

It is not surprising. Petro enjoys the unwavering support of the governments of Spain, Sweden, and Portugal, countries that have questionably benefited from multi-million-dollar contracts with what many consider the most corrupt government in Colombia over the past 50 years.

To this list are added the regimes of Venezuela, Russia, Iran (with links to Hezbollah and Hamas), and other dictatorships. Together, they form a strong alliance that acts as a staunch defense of Maduro's “Siamese twin”: Gustavo Petro.

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