



KROC INSTITUTE
FOR INTERNATIONAL PEACE STUDIES



State of Implementation of the Colombian Final Accord

December 2018 to November 2019

EXECUTIVE SUMMARY

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Three years after the signing of the final peace accord between the Government and the Revolutionary Armed Forces of Colombia – People’s Army (FARC-EP or FARC, in Spanish), the implementation process has come to a crucial point of transformation. The armed conflict with the former guerrilla group has ended, and the new institutional framework to execute the measures of the Agreement has been established. The process is entering a new territorial phase in which it is necessary to expand upon on previous achievements and transform the areas most affected by violence, a great challenge for building a stable and lasting peace. Priorities include reducing socioeconomic gaps between rural and urban areas, ensuring the long-term reincorporation of ex-combatants, guaranteeing the rights of victims, and advancing cross-cutting measures regarding ethnicity and gender.

In the first two years, implementation focused on short-term commitments, such as the definitive cease-fire, the laying down of arms, the creation of the institutional architecture for peace, and the design of plans and programs contemplated in the agreement. Between December 2018 and November 2019, implementation progressed a total of 6%. To understand this result, it is important to examine the contents and timing of the stipulations. With many short-term stipulations already completed, implementation shifted in 2019 towards the medium- and long-term commitments, especially those focused on the territories most affected by the armed conflict. This new phase requires greater interinstitutional coordination and intense deployment at the local level. Therefore, more time is needed to finalize their implementation.

To better understand the timing of the stipulations that the Kroc Institute monitors, the Framework Plan for Implementation (PMI, in Spanish) provides for their categorization into short- (2017–2019), medium- (2020–2022), and long-term commitments (2023–2031), according to their start and end dates. The analysis of the PMI shows that progress was made during the third year of implementation, including on indicators whose completion is scheduled for the medium and long terms.

The PMI analysis identifies the commitments that were finalized during the first period (2017–2019), as well as others that are incomplete and that are necessary to promote implementation in the future. For the second period (2020–2022), the analysis also finds that half of the commitments are likely to be completed on time. Completion of the remaining commitments in their corresponding timeframes will require accelerating the current pace of implementation. For the third period (2023–2031), an important number of long-term initiatives will need to begin implementation in the next two years.

The report presents a quantitative analysis that shows that at the end of the third year of implementation, according to the methodology used by the Barometer Initiative, 25% of stipulations have been fully implemented. Another 15% of stipulations are at an intermediate level of progress, meaning that they are on their way to being fully implemented in their corresponding timelines. A further 36% of commitments are at a minimal state of implementation, having started but made marginal progress. The remaining 24% of commitments have yet to be initiated.

The report presents qualitative analyses focused on the cross-cutting approaches and each of the six points of the agreement, all with a territorial lens. One of the promises of the final peace accord is to transform the conditions that generated and fueled the armed conflict, including the

notion that the State lacks legitimacy. The active and effective participation in the implementation of the agreement by civil society and communities affected by violence is central to increasing public confidence in the process and strengthening the legitimacy of the State.

Fulfilling the whole of the accord, including the cross-cutting approaches, is necessary in order to guarantee quality implementation and to build sustainable peace. The analysis shows that, nonetheless, there is a gap between the implementation of the stipulations related to ethnic and gender approaches and that of the final agreement in general. The low level of progress is explained partly by a lack of incorporation of these approaches into norms, plans, and programs. Specifically, the stipulations focused on gender are mostly medium and long term. This highlights the importance of accelerating implementation to advance structural reforms for peace, as the Kroc Institute highlighted in the second gender report at the end of 2019¹.

Point by Point

Regarding point 1 of the agreement - “Towards a New Colombian Countryside: Comprehensive Rural Reform” – there was progress in the Development Programs with a Territorial Focus (PDET, in Spanish) and the cadaster, both included directly in the National Development Plan. In the PDET process, the Government finalized 16 Action Plans for Regional Transformation (PATR)—including a one with an ethnic approach, in the department of Chocó—and created the roadmap for their implementation. The main challenge for the future is the participatory and inclusive implementation of the initiatives to continue building trust between the State and communities. Regarding the cadaster, the Presidential Office for Stabilization and Consolidation obtained a loan from the World Bank and the Inter-American Development Bank to start this process. This will significantly strengthen the State’s financial and political capacity at the local level by increasing tax collection and promoting better planning processes. The rest of point 1, especially the stipulations related to the National Plans to improve service provision in the countryside, made little progress in the last year.

The implementation of point 2, “Political Participation”, represents a historic opportunity to build a more inclusive democracy in Colombia. The active and effective participation by civil society and those affected by the armed conflict reinforces the legitimacy of the State and strengthens peacebuilding. However, the commitments to improve the quality of Colombian democracy have made little progress. These include the laws regarding the Special Transitory Voting Districts for Peace, the rules governing political parties, and mobilization and peaceful protest. In the context of the protests in late 2019, these reforms could strengthen participatory mechanisms to channel social dialogue. The National and Territorial Councils for Peace, Reconciliation, and Coexistence promote inclusion and participation to improve the territorial implementation of the agreement. Progress on this point during the period under study was concentrated in the participation of civil society in the elaboration of the National Development Plan (PND), campaigns to promote participation in the 2019 local elections, and access to community media for social organizations, women and ethnic communities.

There were clear advances in point 3 - “End of the Conflict” - especially regarding the socioeconomic reincorporation of FARC ex-combatants, although challenges in the sustainability of this

¹ Barometer Initiative, Peace Accords Matrix, Kroc Institute for International Peace Studies, UN Women, FDIM, Sweden, “Gender Equality for Sustainable Peace: Second Report on the Monitoring of the Gender Perspective in the Implementation of the Colombian Peace Agreement” (Report 2, University of Notre Dame, United States and Bogotá, Colombia), https://kroc.nd.edu/assets/345128/120519_informe_genero_digital.pdf.

process remain. The reincorporation process began its transition towards a long-term focus, as part of the short-term support, such as the monthly basic income, ended in December 2019. The government and the Revolutionary Alternative Force of the Common People (Revolutionary Alternative Force, hereafter) approved a significant number of livelihood projects at the National Reincorporation Council (CNR). At the end of 2019, these projects covered 3,159 former FARC members, or about 24% of all accredited ex-combatants. This process advanced thanks to the commitment of ex-combatants, the government, and the international community. Progress was also made in finding a permanent solution for some of the reincorporation spaces whose lease contracts expired in August 2019. This issue underlies the importance of accessibility to land for the sustainability of livelihood projects.

Unfortunately, 2019 was the deadliest year for FARC ex-combatants with 77 murders, which is almost 23 times higher than the national murder rate in Colombia². The killings of male and female community leaders and ex-combatants has had devastating effects on the implementation of the final accord and the perceptions of its progress. The Special Investigation Unit (UEI, In Spanish) in the Office of the Attorney General and the Elite Corps of the National Police have made progress in clarifying these killings. Nonetheless, the implementation of security and protection mechanisms created in points 2 and 3 was fragmented. These include the Comprehensive Security System for Exercise of Politics (SISEP, in Spanish) and the Intersectoral Commission for the Rapid Response to Early Alerts (CIPRAT, in Spanish). Finally, the lack of active and effective participation of civil society in the National Commission for Security Guarantees (CNGS, in Spanish) undermined the public's confidence in it. Bolstering the operation of the High-Level Forum of the SISEP, created to articulate this system, would strengthen protection policies by improving dialogue between key actors.

Point 4 - “Solution to Illicit Drugs Problem” - was a source of controversy during the third year of implementation. The National Comprehensive Program for the Substitution of Illicit Crops (PNIS, in Spanish) experienced delays during the first half of the study period. Although after April 2019 some progress was made in terms of food-security projects, for example, they were not enough to rebuild the confidence lost because of the delays. However, there are spaces for dialogue in the Program—such as the Territorial Advisory Councils (CAT, in Spanish)—that can be used to find solutions and give it legitimacy. Unfortunately, the killings of participants and both male and female leaders of the Program continued, generating great fear in their communities. Point 4 also proposes general reforms to the anti-drug policy with the participation of civil society, which was limited in the last year. There is an opportunity to include its participation when planning meetings at the regional level that have not yet been held.

The “Agreement regarding the Victims of the Conflict”, or Point 5, registered the greatest progress during the period under study. This is mainly due to the fact that the entities of the Comprehensive System for Truth, Justice, Reparations, and Non-Repetition (SIVJRNR, in Spanish) are now operating. The support of the international community was essential to their operation. They also advanced its territorial deployment and led broad participation processes for victims, especially women, and the LGBT and ethnic communities. This has

² To arrive at this figure, first, the homicide rate for ex-combatants was calculated, 77 cases among 13,202 people, which equates to 583 deaths per 100,000 inhabitants. The national homicide rate in Colombia for 2019 was 25.7 deaths per 100,000 inhabitants. This means that the homicide rates for ex-combatants is 22.7 times higher than the national average. Ministry of National Defense, “Achievements of defense and security policy: March 2020,” https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/estudios_sectoriales/info_estadistica/Logros_Sector_Defensa.pdf, 8.

fostered perceptions of legitimacy among the victims. To continue progressing in the fulfillment of its mandate, it is essential that those who belonged to the FARC-EP contribute to the whole truth in a timely manner. Additionally, one of the biggest obstacles to overcome at this point has been coordination with the National System for Comprehensive Care and Reparation for Victims (SNARIV, in Spanish), specifically at the territorial level. Finally, little progress was made on the collective reparation processes. These should be prioritized for implementation.

Point 6 on “Implementation, Verification, and Public Endorsement,” is essential to creating constructive dialogue and resolve any conflicts between the parties to the Agreement that arise during implementation. In fact, around the world, the peace processes that include these types of mechanisms have an implementation rate 40% higher than those that do not. Although many stipulations in Point 6 had been completed very early on in the process, such as the plebiscite on the peace agreement and the creation of the Monitoring, Verification and Impulse Commission (CSIVI, in Spanish), their progress in the third year of implementation was minimal. During the last year, the Government and the Revolutionary Alternative Force used the CSIVI to come to agreements on some very specific, technical issues. Contrarily, they were not able to arrive to a consensus on numerous substantial topics, such as ex-combatant security or the legislative agenda for peace. While the parties did not ask the notables for their assistance, they do represent a good opportunity to help the two sides overcome their larger disagreements. Finally, as the implementation shifts to the regions, so should the CSIVI, which could focus on establishing its regional commissions.

The Colombian peace agreement is one of the most comprehensive in the world and completing its implementation will require more than a decade. During its third year, the prioritization made by the government has allowed important advances on some themes. However, that progress has not always been in line with the comprehensiveness of the Agreement. In this scenario, there is a risk of compromising the achievements made, in detriment to the trust already built, by not taking advantage of the full potential for transformation. The goal for the incumbent and future governments should be to advance the stipulations already started and initiate implementation of those that have yet to be started, deepening territorial implementation. By achieving a comprehensive and timely implementation, Colombia will be able to demonstrate that it is setting an example not only in terms of peace negotiations, but also in implementation, transformation, and peacebuilding.