

Point by Point: The Status of Peace Agreement Implementation in Colombia

*Three Years After the Signing of the Final Agreement
in Colombia: Moving Toward Territorial Transformation*



KROC INSTITUTE
FOR INTERNATIONAL PEACE STUDIES



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How's implementation of the Colombian Final Agreement going?

This document summarizes the advances, challenges, and opportunities for improvement in each of the six points and three cross-cutting approaches in the 2016 Colombian Peace Accord, according to the Kroc Institute's fourth report, Three Years After the Signing of the Final Agreement in Colombia: Moving Toward Territorial Transformation. The report covers the period between December 2018 and November 2019.

“

By achieving 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.”

LA paz ES
AHORA

YAGER

A photograph of a person riding a bicycle on a dirt road in front of a large mural. The mural is painted on a blue wall and features the text 'LA paz ES AHORA' in large, stylized letters. The word 'LA' is in white, 'paz' is in orange, 'ES' is in white, and 'AHORA' is in white. To the right of the text is a painting of a parrot. The person on the bicycle is wearing a green shirt and a yellow cap. The ground is dirt and there is some graffiti on the wall, including the word 'YAGER' in red.

Report 4

Kroc Institute for International Peace Studies

By mandate of the signatories of the 2016 Final Peace Accord in Colombia, the Kroc Institute for International Peace Studies at the University of Notre Dame periodically produces and issues reports on implementation progress. The reports provide both qualitative and quantitative analysis of all 578 provisions in the Accord.

Team members in Bogotá and South Bend monitor, track, validate, and organize data and implementation events gathered at the local, national, and international level on a daily basis.

So how did implementation progress between December 2018 and November 2019?

Integrity in Implementation: Territorial, Ethnic, and Gender-Based Approaches



Photo: Poly Martínez

Because the armed conflict weakened the presence of the Government in Colombian territories and affected a large part of the rural population—especially those citizens belonging to marginalized groups including women, farmers, Afro-descendants, and Native Americans—the cross-cutting approaches (focused on territorial, ethnic, and gender-based concerns) became key points in both the peace talks and the Accord.

In order to achieve territorial peace, effective participation from people from marginalized groups is essential.

In its monitoring of the Agreement, the Kroc Institute emphasizes the interdependence of the commitments within the six points and these cross-cutting approaches. During the third year of Accord implementation, while some important progress was made, a gap exists between overall Accord implementation and implementation of measures with a gender and ethnic focus.

Territorial Approach

In order to transform the circumstances that created and sustained the armed conflict, the Final Accord acknowledges the different economic, cultural, and social needs, characteristics, and particularities of territorial communities in order to ensure their social and environmental sustainability. The Accord also includes measures meant to be implemented in a comprehensive and coordinated way with active citizen participation.

During the period analyzed in this report, progress in this area included development of organizations at the local level, popularization of action plans, and advances in small-scale infrastructure work in some regions. To move forward and to allow the territorial approach to become a reality, it will be crucial to continue to encourage the active participation of civil society members and communities.

Ethnic Approach

The ethnic approach emphasizes that Accord implementation must respect the individual and collective rights, worldviews, and goals of ethnic communities and individuals. Among other measures, this approach seeks to ensure communities' effective participation, security, and the strengthening of security and legal systems.

Throughout the report period, the Institute observed improvements such as the approval of the work plan for the Special High-Level Forum with Ethnic Peoples,

as well as the production of plans to identify indicators of gender-specific stipulations in the Framework Plan for Implementation (PMI).

However, a gap exists between implementation of the commitments related to the ethnic approach and overall Accord implementation. There is also a delay in commitments specifically related to Ethnic Provisions, such as the need to strengthen the indigenous guards and cimarronas.

Gender Approach

Women's participation in Accord implementation has revealed their key leadership in the peace process, especially in the development of stipulations like the Action Plan for Regional Transformation (PATR), the Comprehensive System for Truth, Justice, Reparation and Non-Recurrence (SIVJRNP) mechanisms, and oversight of the gender-based approach's implementation.

Since over 50% of gender-based provisions encompass medium-to long-term actions, they will take longer to be achieved. This highlights the importance of accelerating implementation in this area in order to make progress on the structural reforms needed to build peace.

As highlighted by the Kroc Institute in its **Second Report on the Monitoring of the Gender Perspective**, published in December 2019, women's participation in implementation has generated new security risks for them, their families, and their communities, including threats, attacks, and murders of social leaders. This puts their participation at risk in processes and organizations created by the Accord. The Comprehensive Program of Guarantees for Women Leaders and Human Rights Defenders was implemented to reduce this risk and help guarantee the participation of women and LGBT individuals.



Zunga, Trans activist and leader

Photo: Mateo Leguizamón Russi

Cross-Cutting Approaches

Opportunities for strengthening implementation

In order to achieve successful implementation of these cross-cutting approaches, the Kroc Institute notes that it is imperative to create and sustain spaces for collaboration of women, LGBT individuals, and ethnic communities alongside the Government and all organizations that are responsible for implementation.

It is also necessary to prioritize commitments that include affirmative gender actions related to Comprehensive Rural Reform and the Substitution of Crops Used for Illicit Purposes; to encourage implementation of ethnic and gender-based initiatives at the local level within the 16 Action Plans for Regional Transformation (PATR); and to encourage initiatives that further implementation of the ethnic and gender-specific indicators in the Framework Plan for Implementation (PMI).

Strengthen the protection of social leaders and human rights defenders (of all genders), focusing on the specific needs of women and ethnic communities in all of their diversity.

Toward the New Countryside in Colombia: Comprehensive Rural Reform

Through the National Land Agency (ANT), Comprehensive Rural Reform (RRI) addresses land redistribution. Its implementation represents an opportunity to close socio-economic gaps between rural and urban areas in Colombia.

Throughout the period covered by this report, initial progress was made through the Development Plans with a Territorial Focus (PDET), and through the development of procedures for updating the cadastre. The multipurpose cadastre is an information system that collects updated data about land, based on both formal and informal lots. Each of these efforts is included in the National Development Plan (2020-2023).

In order to advance Comprehensive Rural Reform, the Government created 16 Action Plans for Regional Transformation (PATR) and a roadmap to guide its implementation, including the creation of the Development Program with a Territorial-Ethnic Perspective in the Chocó Department.

Point one of the Accord outlines the biggest long-term transformations and lays the foundation to improve living conditions and reduce poverty for rural communities.

**As of 2019,
28.5% of Colombian territories had no
land registry information, and 66% had
outdated information.**

Why is it important to keep this data up-to-date? Because it is an essential tool for developing planning policies: it clarifies land uses, provides geo-referenced coordinates, allows more efficient management of environmental conservation areas, and increases the fiscal capacity of municipalities to charge property taxes and improve their finances. These practices would generate new resources to ensure the fulfillment of PDET and other stipulations

within the Accord that require additional resources for implementation.

As part of the Final Peace Accord, the National Land Fund was established and is expected to grant 3 million hectares over its first 12 years. This land is expected to come from different sources including illicitly acquired land confiscated and returned to the state; illegally appropriated or occupied, unused land recovered through agricultural processes; land coming from the update and strengthening of the Forest Reserve; and donated or undeveloped land.

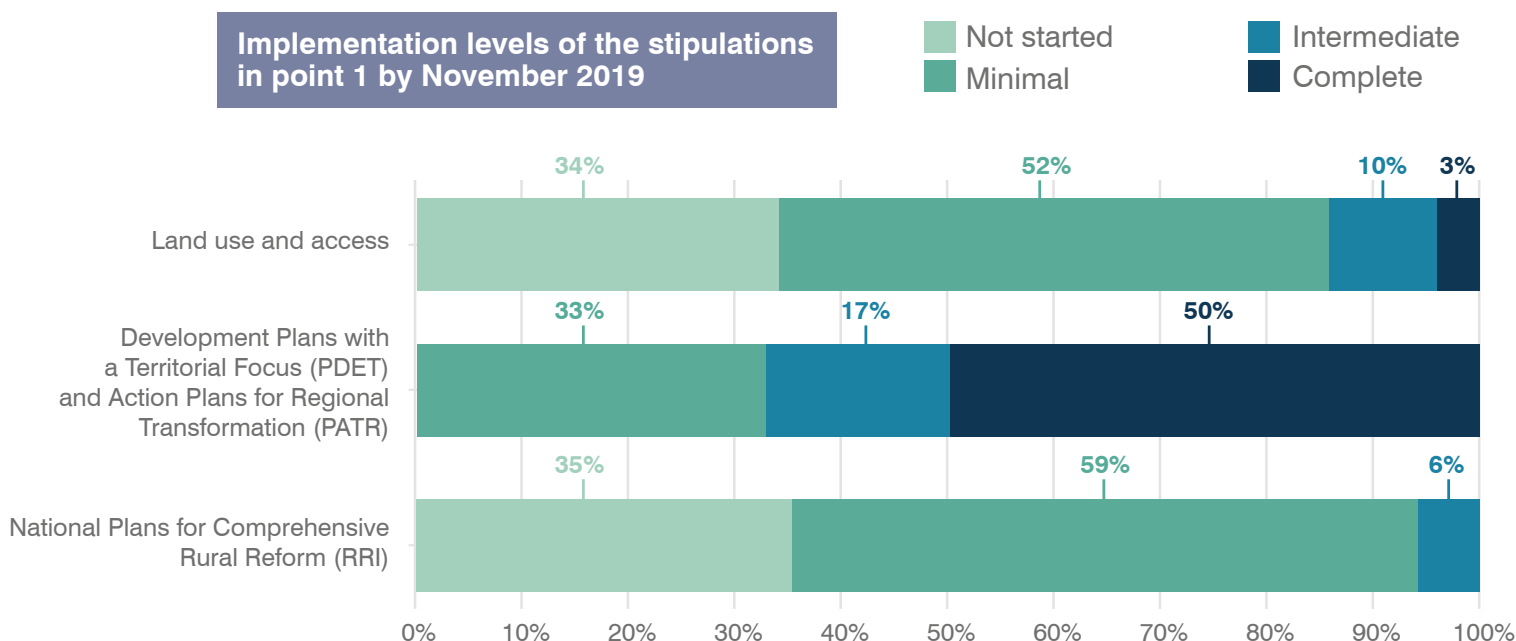
During the period covered by this report, 700,000 hectares were added to the National Land Fund, although they have not been awarded yet. At the end of 2019, the total amount of land in the fund was approximately 925,000 hectares, representing around 31% of the total estimated hectares.

Through the creation and expansion of the Indigenous Reserves and Collective Titles for Black Communities, the National Land Agency (ANT) assigned 839,587 hectares of unused land lots during this period.

1,078,865 hectares

were assigned to farmers,

including 327,909 hectares assigned to rural women as part of the fulfillment of the Accord's gender-based approach.



Point
1**Toward the New Countryside in Colombia:
Comprehensive Rural Reform****Opportunities for strengthening
implementation**

In order to keep building trust between the state and rural communities, the Kroc Institute highlights the importance of guaranteeing inclusion and effective participation of social organizations during the implementation of the PDET roadmap. Supporting citizen oversight in the PDET territories as a tool for promoting transparency and providing resources and training is a valuable opportunity to ensure that the spaces created for the roadmap are both participatory and legal.

**These actions will also be
important to encourage
peacebuilding from the
territories through
Territorial Peace Councils.**

Point
2

Political Participation

Implementation of point two offers a historic opportunity to build a more inclusive democracy in Colombia, since its purpose is to address political exclusion, one of the main causes of armed conflict and one of the most significant hurdles to eradicating violence. The Accord promotes democratic mechanisms for citizen participation at the local and national level, acknowledging, among others, the voices of social organizations, women, and ethnic communities.

During the period covered by the Fourth Report, progress was made in some technical processes, including participation of civil society members in the preparation of the National Development Plan (PND) and campaigns to encourage local election participation in 2019. Additionally, some advances have been observed in consolidation of the National and Territorial Councils for Peace, Reconciliation, and Coexistence, where representatives from both civil society and the Government participate.

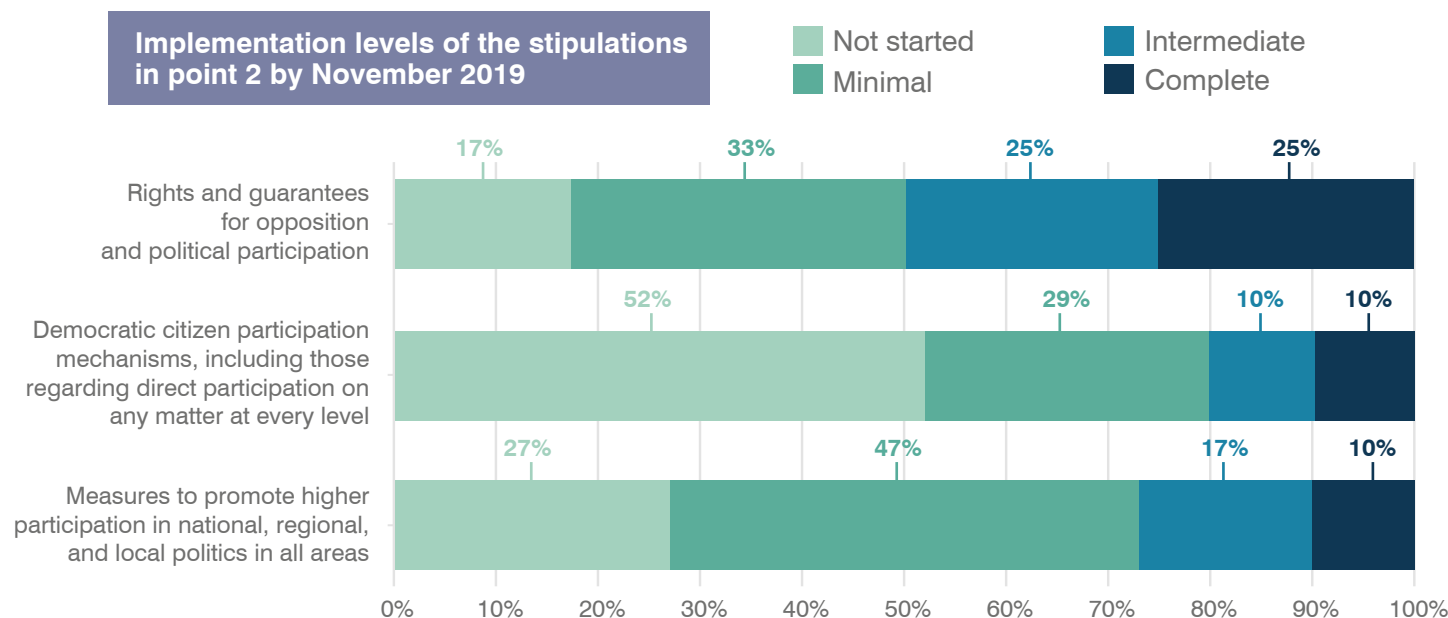
Commitments meant to promote increased democracy and transform the root causes of conflict are still facing challenges. Eight of the fifteen commitments in this area had not yet been initiated by November 2019, including approval for structural democratic reforms.



Photo: Mateo Leguizamón Russi

The draft legislative act that would implement political reform stipulations was widely criticized due to the version discussed in both chambers not including the desired transformations that would be seen as facilitating and enhancing democratic participation. Consequently, the Government decided to withdraw the draft. Another legislative setback occurred when the Special Transitory Peace Voting Districts were not approved by a minimum vote. These voting districts had been created to grant victims, particularly those affected by conflict and weak institutional representation, sixteen seats in the House of Representatives.

In addition, the Constitutional Court urged the Government to present a law on citizen mobilization and protest rights by July 20, 2019. This legislation had not been presented by the completion of the fourth report. **These reforms would generate confidence in the Government, since they would represent a significant example of this administration and the political parties' commitment to the victims of armed conflict and other historically marginalized populations.**



Point
2**Political Participation****Opportunities for strengthening implementation**

The Kroc Institute recommends that legislative action move forward to ensure implementation of outstanding commitments, and to encourage the necessary approval of political agreements.

Moreover, effective technical and financial functioning of the National Council for Peace, Reconciliation, and Coexistence and the Territorial Councils needs to be ensured in order to commit to comprehensive implementation of the Accord.

Point
3

The End of Conflict

The purpose of point 3 is to put an end to the armed conflict with the former FARC-EP through the reincorporation of ex-combatants, and to provide security to individuals. Although significant progress has been made, **implementation of point 3 faces challenges such as ensuring security guarantees for ex-combatants, the reach of productive projects, and the sustainability of the process in the long-term.** The Reincorporation and Normalization Agency (ARN) has taken leadership in the territories and in accompanying ex-combatants during reincorporation.

The reincorporation process started in August 2017 and, according to the national Government, will last eight years. The process is at a transition point where short-term support measures for ex-combatants have been put in place, and a move must be made to focus on long-term commitments. Advances to date represent joint efforts of ex-combatants, the Government, and the international community.

Some progress has been made in the approval of individual and community projects, the reintegration route was approved, and the old Territorial Spaces for Training and Reincorporation (ETCR) were still in operation.



Photo: Poly Martínez

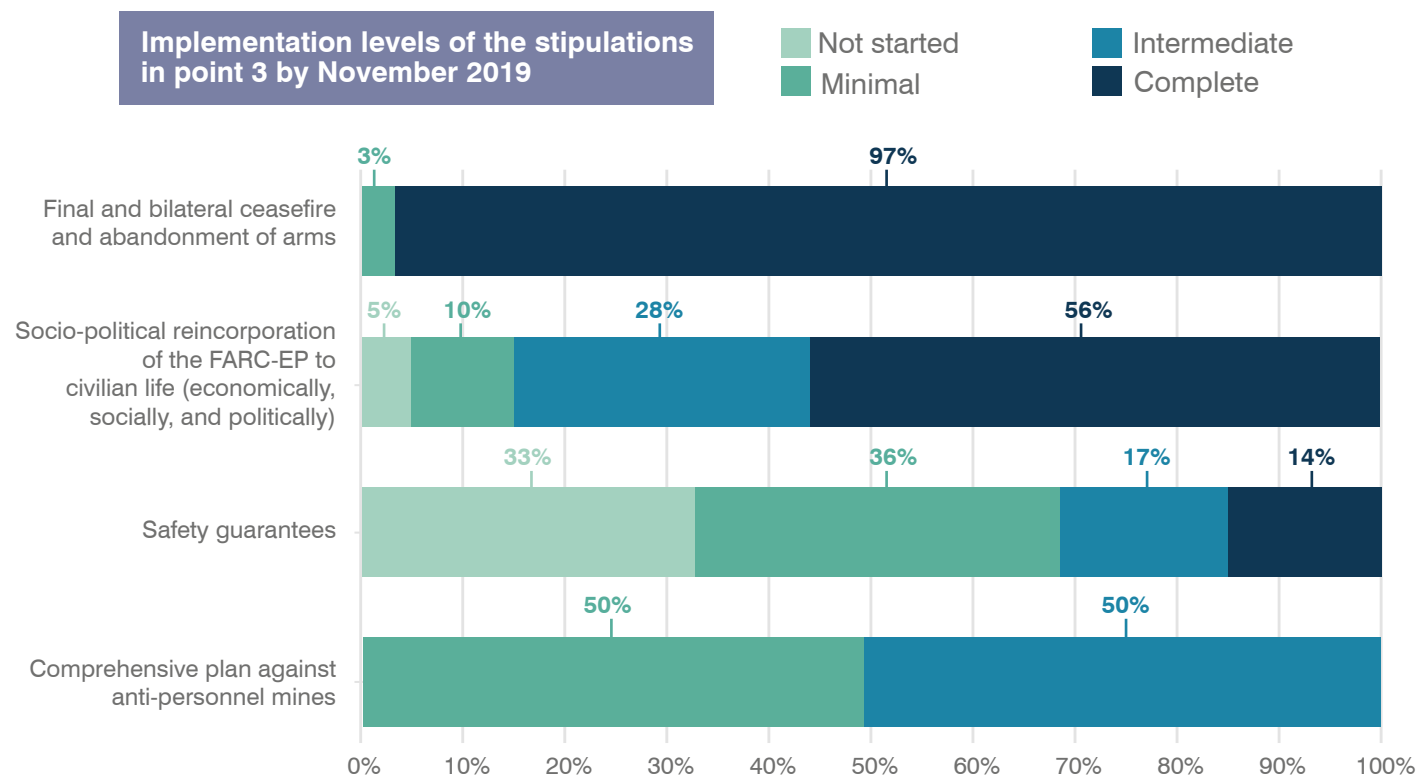
The Office of the High Commissioner for Peace recognized 13,202 ex-combatants by December 2019, and 12,940 were participating in reincorporation processes. Likewise, 47 community productive projects, benefiting 2,454 people, and 705 individual projects for 827 ex-combatants were approved during this period. However, one of the biggest challenges for the sustainability of reincorporation is access to land, since most of the productive projects are agriculture-related. See the section on point 1 for a discussion of obstacles in gaining access to land.

Regarding security guarantees, more than 60 measures included in the Final Accord as part of a system focused on the prevention and reduction of political violence have been implemented in a fragmented and unorganized way, with very low participation.

According to figures from the United Nations Verification Mission, 2019 was the most violent year since the signing of the Accord, with 77 homicides of ex-combatants reported. This represents an 18.5% increase compared to the 65 cases reported in 2018.

Considering that these murders, and the murders of social leaders, still generate severe effects on implementation of the Final Accord, the Kroc Institute report highlights the importance of fully implementing the Comprehensive Security System for the Exercise of Politics, strengthening the Special Investigation Unit (UEI) and the Elite Corps, and extending the mandate of the Police Unit for Peacebuilding (UNIPPEP) to new reincorporation areas. This report also mentions the importance of approving the National Commission on Security Guarantees' (CNGS) policy to dismantle criminal organizations, and the need to ensure the funding of collective protection programs such as the ones mentioned in Decree 660 from 2018.

Finally, the Accord also includes places where citizen participation will be key to the success of the development of security mechanisms in particularly violent contexts. The 2019 regional elections were held during the period covered by this report, and the political party Fuerza Alternativa presented 301 candidates (98 ex-combatants and 117 women) in 23 departments. Some of these candidates were not able to exercise their political rights due to the insecurity and stigmatization they suffered for being members of this party, and some were forced to resign.



Point
3

The End of Conflict

Opportunities for strengthening implementation

In addition to the aforementioned security-related opportunities, the Kroc Institute recommends continuing the efforts made by the Reincorporation and Normalization Agency (ARN) and the Territorial Renewal Agency (ART) to acquire lands where the old Territorial Spaces for Training and Reincorporation (ETCR) are located, or to relocate these spaces to areas where the reincorporation process could be sustainably accelerated. The Institute also recommends strengthening the Comprehensive Protection Program for the former FARC-EP with a gender-based and ethnic approach for ex-combatants, to make further progress in addressing homicides and threats against them.

Moreover, it is important to ensure the fulfillment and sustainability of the reincorporation route.

Point
4

Solution to the Problem of Illicit Drugs

Point 4 is intended to find a solution to the issue of illicit drugs and promote the creation of new spaces for civil society participation in drug policy reform. Its different components are interdependent because they aim to end drug trafficking as a wartime economy, and to generate opportunities so that farmers can transition from illicit crops to legal land use in the short- and medium-term.

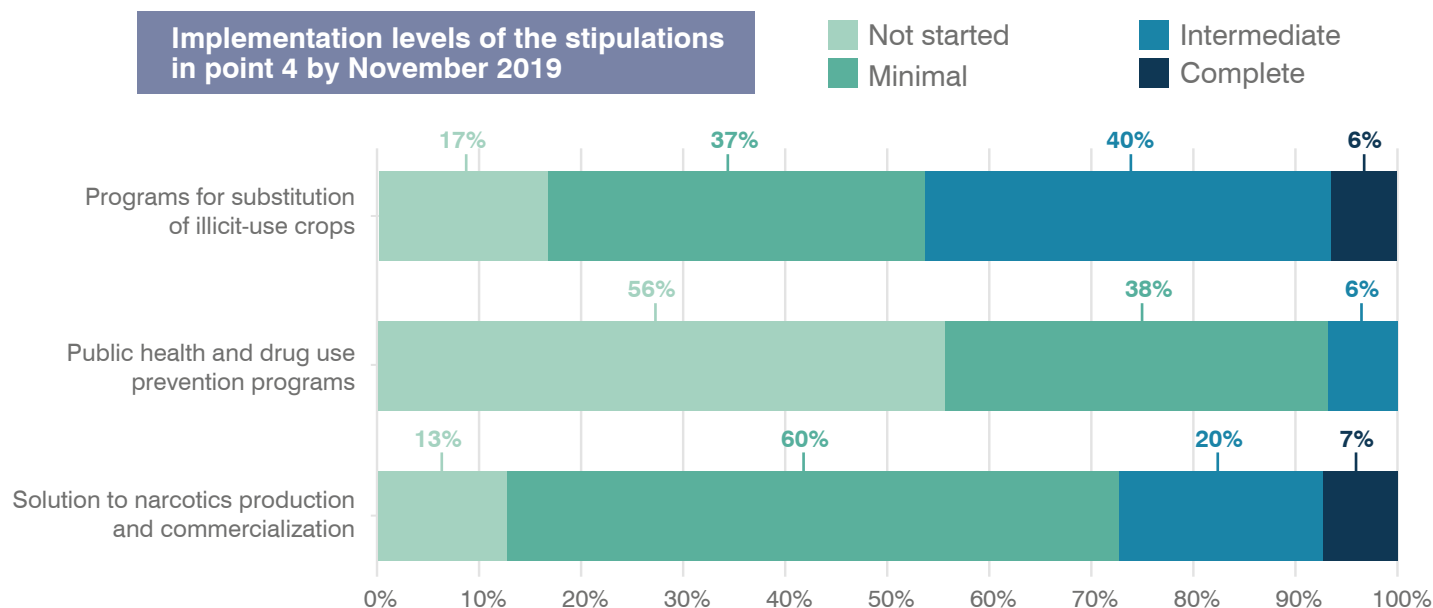
The implementation of this point includes agreements signed with farmers, technical assistance, support to productive projects, and the participatory creation of the Comprehensive Community Plans for Substitution of Crops and Alternative Development (PISDA) as part of the Development Plans with a Territorial Focus (PDET).



The backbone of these efforts is the voluntary replacement of illicit crops, through the involvement of coca-producing communities, building trust between these communities and the State, and providing legal and economically sustainable productive alternatives.

During the period covered by this report, this point was very controversial due to delays in the operation of the National Comprehensive Program for the Substitution of Crops Used for Illicit Purposes (PNIS), confrontations with beneficiaries, a lack of quality dialogue, and Government distrust by the communities. Despite difficulties, the PNIS program was upheld and, once the Government finished the roadmap for stabilization, some advances were observed related to technical assistance and food security projects.

The violence against leaders involved in the PNIS program, often coming from criminal organizations involved in illegal economic activities, has generated concern and repudiation among participants. The National Coordinator of Coca, Poppy, and Marijuana Growers (COCCAM), which includes a significant percentage of farmers with illegal-use crops, points out that 56 PNIS leaders and 29 participants were murdered between May 2017 and January 2020.



Point
4**Solution to the Problem of Illicit Drugs****Opportunities for strengthening implementation**

For point 4, the Kroc Institute recommends strengthening the dialogue and governance forums within the PNIS program, in order to address implementation obstacles in a participatory way. Moreover, there are many opportunities for the creation of participatory mechanisms for drug policy reform.

It is necessary to prioritize the implementation of PDET initiatives in municipalities and areas where the PNIS program is running, or where there is a high concentration of coca-growing areas without the program. Also, there is a need for clear mechanisms to address problems facing National Natural Parks, and to increase participation of civil society in the development of policies and strategies against drugs.

Point
5

Victims of the Conflict

Point 5 saw the most progress in implementation during the last year, as the entities which legitimize victims in the Comprehensive System for Truth, Justice, Reparation and Non-Recurrence (SIVJRNR) were established. The support of the international community has been key to its performance.

These entities are the Special Jurisdiction for Peace (JEP), responsible for judging conduct considered serious violations of International Humanitarian Law (DIH) or serious human rights violations; the Truth, Coexistence and Non-Recurrence Commission (CEV), an extrajudicial mechanism to investigate and tell the truth about the armed conflict; and the Unit for the Search for Persons Deemed as Missing (UBPD), a humanitarian and extrajudicial mechanism to search for persons deemed missing and, if possible, return their remains to their families.



Photo: Instituto Kroc

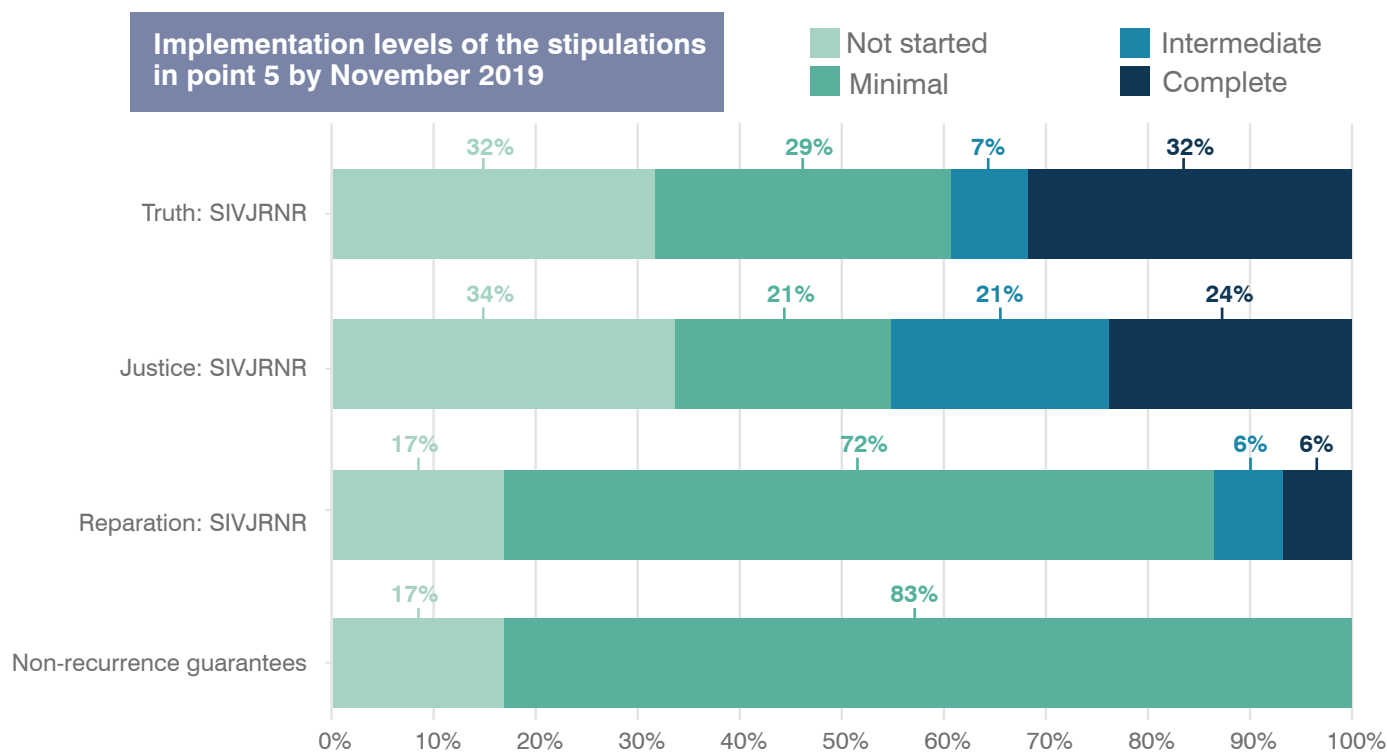
Since these entities have enough autonomy and independence to comply with their respective mandates, they made progress during this period on territorial development and led comprehensive participation processes for victims, especially women, LGBT individuals, and ethnic communities. **The Commission of Participation was created within the Special Jurisdiction for Peace (JEP), which, in turn, established the Human Rights Technical Working Group as a space for dialogue between victims and these national organizations.**

The CEV established 22 Casas de la Verdad in different regions of the country where citizens can learn more about what the CEV does and provide testimonies to help reveal the truth. The UBPD opened spaces for the active participation of family members looking for their loved ones, as well.

However, the Comprehensive System for Truth, Justice, Reparation and Non-Recurrence (SIVJRNR) also faced some challenges and difficulties in implementation during the report period, including the delay in the assent of the Statutory Law of the Special Jurisdiction for Peace (JEP), appealed by the National Government on March 10, 2019, and finally approved on June 6, 2019. There were also delays in approving the Statutory Law of the Special Jurisdiction for Peace (JEP), which was appealed by the National Government on March 10, 2019, and finally approved on June 6, 2019.

Another large challenge is related to the financial sustainability of the SIVJNR.

Although support from the international community has been key for the functioning of the entities involved, it is necessary to guarantee resources that will allow them to continue to achieve their goals in the years to come.



Point
5**Victims of the Conflict****Opportunities for strengthening implementation**

For point 5, the Kroc Institute recommends continuing to strengthen the best practices of the Comprehensive System for Truth, Justice, Reparation and Non-Recurrence (SIVJNR) regarding the participation of women and ethnic communities that are victims of the conflict in order to ensure its fulfillment at the local level.

Presenting a bill to extend the Victims Law and implementing the necessary structural reforms to guarantee victims' rights would be a critical opportunity to make progress in implementing point 5.

Point
6

Implementation, Verification, and Public Endorsement

The mechanisms included in point 6 are key to maintaining constructive dialogue between the signatory parties in order to address conflicts that may arise in the course of implementation. The Final Accord includes several verification mechanisms: the Commission for Monitoring, Promoting and Verifying the Implementation of the Final Agreement (CSIVI), the Special High-Level Forum with Ethnic Peoples, the participation of the “Notable persons” as part of the International Verification Component, the Framework Plan for Implementation (PMI), and international accompaniment. The Technical Secretariat includes the Center for Popular Research and Education (CINEP) and the Conflict Analysis Resource Center (CERAC). The mandate of the Kroc Institute to provide technical support for monitoring and verification is also included in this point.

During the period covered by this report, although the Government and the FARC party utilized the CSIVI to reach an agreement on technical issues, they did not come to an agreement on other

important matters, including legislative agenda and the security of ex-combatants and their families. Although the CSIVI was still active and its mandate was extended for one year, its sessions were reduced by almost 50%, and it functioned as more of an information sharing space rather than a space for conflict transformation and constructive dialogues among Accord signatory parties.

Team members with the
Barometer Initiative
in Colombia

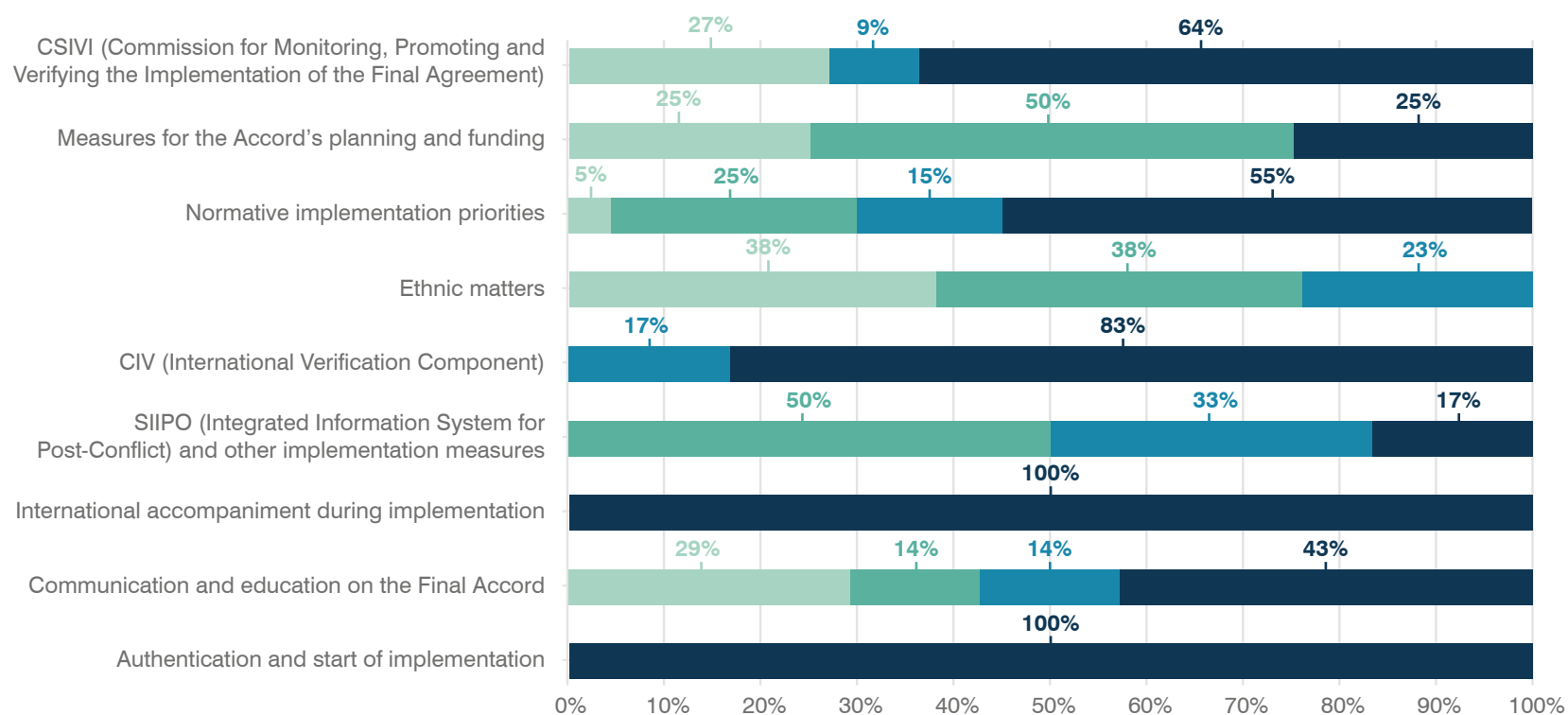


Photo: Mateo Leguizamón Russi

The Special Forum for the Implementation of the Gender-Based Approach is one of the most active and relevant parts of the CSIVI. Last November, this forum published their report on the gender-based approach and a progress report on territorial implementation.

**Implementation levels of the stipulations
in point 6 by November 2019**

Not started Minimal Intermediate Complete



Point
6**Implementation, Verification,
and Public Endorsement****Opportunities for strengthening
implementation**

For point 6, the Kroc Institute recommends holding more frequent meetings to help resolve differences between CSIVI parties, at both the local and national level. It also highlights the importance of prioritizing the regulations to guide implementation of points 1, 2, and 4. Reactivating the role of the Notable persons could present an opportunity for the parties to reach an agreement on their differences, even the most difficult ones.

**Finally, it is also
necessary to strengthen
and reinforce verification
mechanisms.**

“The Agreement’s comprehensiveness, including its cross-cutting approaches, is essential to guaranteeing quality implementation and building sustainable peace in Colombia.”

Report 4

Kroc Institute for International Peace Studies

Read the Kroc Institute's fourth report:
**"Three Years After the Signing of the
Final Agreement in Colombia: Moving
Toward Territorial Transformation,"**
covering the period between December
2018 and November 2019:

<https://peaceaccords.nd.edu/fourthreport>

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