The Colombian Final Agreement in the Era of COVID-19: Institutional and Citizen Ownership is Key to Implementation

Dec 2019 - Nov 2020

May 2021
Fourth Year of Implementation (2020)

**COVID-19**
- Movement restrictions for institutions and other actors in the territories
- Deepening of inequality and poverty
- Negative impact on participation

**Insecurity**
- Worsening of armed confrontations
- Persistent assassinations of social leaders, ex-combatants, massacres, forced recruitment, forced displacement
- Concentration and volatility of violence in some affected regions (Bajo Cauca, Chocó, Cauca, Catatumbo, Guaviare, and Sur de Bolívar)

**Key Opportunity**
- New territorial administrations though January 2024 present opportunities for buy-in
Special Features of Report 5

- Point-by-point analysis of the Framework Implementation Plan (PMI)
- Pending legislation by point
- Implementation of the Colombian Peace Agreement in its Fourth Year: A Comparative International Analysis
Fourth Year from a Comparative Perspective

International Comparative Perspective using the Peace Accords Matrix (PAM)

- Based on PAM data analysis of the implementation of Comprehensive Peace Agreements (CPA)
- Comparing implementation 4 years after Accord signing

Number and speed of amnesty resolutions: JEP has carried out the amnesties resolution process at a faster rate than other countries

Number and speed of 7 macro cases: JEP is progressing at the average rate for similar cases
Methodology and Sources

- 578 stipulations, 18 themes and 70 sub-themes
- International and national work teams
- More than 20,000 implementation events documented
- 1,418 reports by 173 organizations (including state entities, NGOs, think tanks, and international organizations)
- 433 press articles from 44 media outlets
- 150 interviews with civil society, CSIVI and other forums created by the Agreement, government actors, and other relevant actors
- Participation in more than 20 events related to Agreement implementation
Despite ongoing challenges, four years after the signing of the Peace Agreement, implementation continued to advance, focusing on medium- and long-term commitments.

During 2020, the most significant progress occurred in Points 1, 4, and 5.

For the third consecutive year, Point 2 and legislative commitments displayed significant delays.
Quantitative changes during 2020 are explained partly by three factors:

- Technical planning and consolidation procedures
- Sequencing of Peace Agreement commitments
- Delays or absence of action to comply with some commitments

In general, 2020 was a year for growing institutional and citizen ownership of Peace Agreement commitments, especially at the territorial level.

Judicial decisions contributed to Peace Agreement implementation progress during 2020.
Summary of Monthly Implementation Status
(December 2016 - November 2020)
Implementation of the Ethnic Approach vs. General Accord Implementation (November 2020)

- Implementation of 80 Ethnic Stipulations:
  - Not initiated: 24%
  - Intermediate: 56%
  - Minimum: 8%
  - Complete: 13%

- Implementation of 578 Accord Stipulations:
  - Not initiated: 19%
  - Intermediate: 35%
  - Minimum: 18%
  - Complete: 28%

Implementation of the Gender Approach vs. General Accord Implementation (November 2020)

- Implementation of the 130 Gender Stipulations:
  - Not initiated: 30%
  - Intermediate: 46%
  - Minimum: 14%
  - Complete: 10%

- Implementation of 578 Accord Stipulations:
  - Not initiated: 19%
  - Intermediate: 35%
  - Minimum: 18%
  - Complete: 28%
Implementation Status by Point of the Final Accord
(November 2019 vs. November 2020)
Indicators by End Date as Established in the Framework Plan for Implementation (PMI)
Status of PMI Indicators by Target
End Date
(2017-2020)
Implementation of Commitments with an Ethnic Focus

MAIN PROGRESS

- ART strengthened the Special Consultation Mechanisms (MEC) in 9 PDET sub-regions
- IEANPE received financial and technical support

MAIN CHALLENGES

- Coordination of ethnic plans for the substitution process
- Security guarantees with a differential ethnic focus
- Additional resources and coordination around ethnic reincorporation
Implementation of Commitments with an Ethnic Focus

MAIN OPPORTUNITIES

- **Ministry of the Interior**: Develop a legal framework for free, prior, and informed consent from ethnic communities for Accord-related projects

- **ART and IEANPE**: Coordinate the ethnic plans for substitution of illicit-use crops

- **ARN**: Allocate technical and financial resources to bolster the Special Harmonization Program
Implementation of Commitments with a Gender Focus

**MAIN PROGRESS**

- Capacity building for implementing entities in order to incorporate PMI indicators from the Gender Chapter
- Participation guarantees for women, especially from ethnic communities, and LGBTI people in the Comprehensive System for Truth, Justice, Reparation and Non-Recurrence (SIVJRNR)
- Incorporation of the gender focus in some National Plans

**MAIN CHALLENGES**

- Reduced access to land for women and incomplete statistics regarding LGBTI beneficiaries
- Delays in the implementation of gender commitments with greater transformative capacity
MINISTRY OF THE INTERIOR: Implement the Comprehensive Program of Guarantees for Women Leaders and Human Rights Defenders

ART: Prioritize implementation of the PDET and PISDA initiatives tagged as “rural women and gender”

JEP: Open a macro case on sexual or gender-based violence related to the armed conflict
Implementation of the Territorial Approach

MAIN PROGRESS

- Local governments included more than 11,000 PDET initiatives (about a third of the total originally formulated) in their development plans (2020-2024)
- Some implementation agencies strengthened their capacity at the territorial level

MAIN CHALLENGES

- COVID-19 restrictions impacted citizen participation in local Accord planning
- Insecure conditions reduced citizen participation and trust, with increased risks for social leaders and ex-combatants
Implementation of the Territorial Approach

**MAIN OPPORTUNITIES**

- **CPEC and OACP**: Deepen and strengthen territorial dialogue on implementation in the Departmental and Municipal Peace Councils
- **CPEC and ART**: Technical support for ethnic authorities and local groups, within the framework of ART's Nation-Territory strategy
Point 1
Comprehensive Rural Reform

MAIN PROGRESS

• Geographical Institute Agustín Codazzi (IGAC) developed a working cadastre policy and updated cadastral information for 12 municipalities.
• Local government Development Plans for 2020-2023 adopted 11,913 initiatives from the Accord’s Development Programs with a Territorial Focus (PDET).
• Seven of the 16 National Plans were approved: Electrification, Connectivity, Roads, Housing, Marketing for the Rural Economy, Irrigation and Drainage, and Income Generation.

MAIN CHALLENGES

• Guaranteeing the quality, traceability, and operability of cadastral information, and reaching the National Development Plan’s goals for updating the cadaster.
• Overcoming delays in the recuperation of unduly seized or unused public land.
Ministries and national agencies in coordination with the Office of the Presidential Councilor for Stabilization and Consolidation (CPEC): Complete the 9 pending National Plans and move forward on coordinated implementation with existing Plans

Territorial Renewal Agency (ART) and CPEC: Identify synergies between PDET macro-processes and share specific information to the public regarding which PDET initiatives are completed or underway and where they are located

National Land Agency (ANT): Accelerate the recuperation of unduly appropriated unused public lands and accelerate the registration of beneficiaries in the Land Fund Registry (RESO)
Point 2
Political Participation

**MAIN PROGRESS**
- Citizen participation in media communication has increased
- National Council for Peace, Reconciliation and Coexistence (CNPRC) streamlined implementation of the Final Agreement and promoted reconciliation
- Congress approved Electoral Code reform, including provisions for gender equality

**MAIN CHALLENGES**
- Incorporating lessons from CNPRC activities at the territorial level, with permanent assistance from represented sectors in decision-making processes
- Consolidating and signing National and Regional Political Pacts to eliminate Violence from Politics
- Attending to fundamental legal and structural political reforms within Point 2
Point 2
Political Participation

**MAIN OPPORTUNITIES**

- **Office of the High Commissioner for Peace (OACP) and the Ministry of the Interior:** Strengthen mechanisms to reactivate stagnated participatory commitments and promote solutions to violence utilizing the CNPRC, the Territorial Councils for Peace, Reconciliation and Coexistence (CTPRC), and the reconciliation policy.

- **The Ministry of the Interior, Transparency Secretariat, Office of the Inspector General (PGN) and Administrative Department for Public Service (DAFP):** Coordinate with institutions responsible for meeting transparency commitments in Point 2.

- **The Ministry of the Interior, DNP, DAFP, and OACP:** Design and implement public policies for citizen participation, social dialogue, and conflict management.
Point 3
End of the Conflict

MAIN PROGRESS

• Inclusion of the reincorporation policy in various Territorial Development Plans
• Judicial decisions reactivated some security and protection measures and requests
• 41 new municipalities cleared from suspicion of anti-personnel mines and unexploded ordnances

MAIN CHALLENGES

• Due to the COVID-19 pandemic, the period for executing the Reincorporation Route was extended until January 31, 2021
• Guarantees for access to goods and services, infrastructure, and security for people residing outside the Territorial Spaces for Training and Reincorporation (ETCR)
• Violence against target populations in the Accord continues in certain territories
Point 3
End of the Conflict

MAIN OPPORTUNITIES

- The Reincorporation and Normalization Agency (AREN) in coordination with people in the process of reincorporation: Promote the construction of individual and collective reincorporation roadmaps, as well as the joint execution of the National Reincorporation System (SNR).

- The National Reincorporation Council (CNR) and CPEC: Lead socio-economic reincorporation in alignment with territorial transformation activities.

- Social organizations with the support of local governments and civil society: Promote territorial political pacts that may bolster execution of the National Political Pact.
Point 4
Solution to the problem of illicit drugs

MAIN PROGRESS

• 97% of the hectares registered under National Comprehensive Program for the Substitution of Crops Used for Illicit Purposes (PNIS) had illicit-use crops effectively removed
• 735 mental health and substance abuse services were set up in 31 territories
• Coordination of a regional-level dialogue entitled “Good Practices and Lessons Learned on Drug Policy and Development in the Americas”

MAIN CHALLENGES

• Including more families and growers living in National Parks in crop substitution programs
• Guaranteeing differential ethnic plans, gender protocol, and a substitution model for families growing illicit-use crops that are not eligible for PNIS
• Ensuring differential criminal treatment for small growers
Point 4
Solution to the problem of illicit drugs

• Local and regional authorities supported by the National Government through ART, CPEC, and ministries and agencies: Implement PISDA-PDET and Immediate Action Plan (PAI) community initiatives in PNIS hubs

• Ministry of Justice and Congress: Introduce legislation on differential criminal treatment for small illicit crop growers in order to improve legal security during the voluntary substitution process

• Ministry of Health and Social Protection: Legally formalize the National Comprehensive Intervention Program against Drug Consumption
Victims of the Conflict

Point 5

MAIN PROGRESS

- Members of the former FARC-EP submitted 45 applications for Reparations Activities (TOAR) certification
- Configuration of the Truth, Coexistence and Non-Recurrence Commission’s (CEV) Final Report editorial board
- Launch of the National Search Plan and the design of 14 regional search plans.
- The Victims Law and its ethnic decrees were extended for 10 years

MAIN CHALLENGES

- The CEV faced difficulties accessing information from some State entities
- As of November 30, 2020, the Unit for the Search for Persons Deemed as Missing in the context of and due to the armed conflict (UBPD) had not established timelines or stages for the execution of the National Search Plan
- Collective reparation plans remain low compared to the number of victims awaiting reparations
Victims of the Conflict

Point 5

MAIN OPPORTUNITIES

• **UBPD:** Establish precise goals and timelines for the National Search Plan

• **CEV:** Design a strategy to collect more testimonies from all armed conflict actors

• **Ministry of Defense and state security agencies:** Guarantee access to all information requested by the CEV for the fulfillment of its mandate
Point 6
Implementation, Verification, and Public Endorsement

MAIN PROGRESS

• The Joint Body for Administration and Decision-Making (OCAD) for Peace approved 178 projects
• Congress approved an advanced payment of $4.5 trillion COP ($1.1 billion USD) from the General Royalties System for Accord Implementation
• The Special High-Level Forum with Ethnic Peoples (IEANPE) received financing
• Implementation of the Integrated Information System for Post-Conflict (SIIPO)

MAIN CHALLENGES

• Limitations in financial resources for peacebuilding activities
• The Commission for the Follow-up, Promotion and Verification of the Final Agreement (CSIVI) continued meeting periodically, however parties do not often engage in constructive dialogue or compromise on key issues
• The Ethnic Chapter is still experiencing significant delays in areas including differential plans for PNIS and the reincorporation of ex-combatants
Point 6
Implementation, Verification, and Public Endorsement

MAIN OPPORTUNITIES

• **CSIVI:** Strengthen internal dialogue for annual review of the PMI and promote implementation at the territorial level

• **DNP and CPEC:** Develop joint strategies to improve the frequency and quality of the SIIPO reports by the entities responsible for implementation, and integrate budget tracking tools

• **CPEC:** Improve cooperation between the IEANPE and State entities responsible for execution of ethnic indicators in the Agreement to comply with the Ethnic Chapter
Final Accord Implementation, Point by Point:
(November 2019 vs. November 2020)
Ensure resources for Final Agreement Implementation commitments included in the Departmental and Municipal Development Plans and guarantee the involvement of the territorial councils as the authority for dialogue and building consensus.

Concentrate efforts on the fulfillment of PMI indicators that are lagging behind, as well as those with a target completion date of 2021.

Take advantage of the implementation of the Final Agreement as a means of mitigating the effects of the COVID-19 pandemic, especially in rural areas.

Prioritize pending legislative reform commitments, as stipulated in the Accord.

Take advantage of experiences and lessons from the regions to strengthen implementation.
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Read the full report: https://go.nd.edu/KrocReportFive