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

Implementation Status after Four Years

December 2019 to November 2020







The National Secretariat of the Social Pastorate (Caritas Colombia) is the principal partner of the Barometer Initiative.







What does the Kroc Institute do?

The Colombian government and the Revolutionary Armed Forces of Colombia-Army of the People (FARC-EP) gave the University of Notre Dame's Kroc Institute for International Peace Studies the mandate to provide technical support in monitoring and verifying implementation of the Accord in its entirety. Through the Peace Accords Matrix's Barometer Initiative, the Kroc Institute has carried out this mandate since 2016. The National Secretariat of the Social Pastorate (Caritas Colombia) is the principal partner of the Barometer Initiative.

How does the Kroc Institute monitor the implementation of the Final Agreement?

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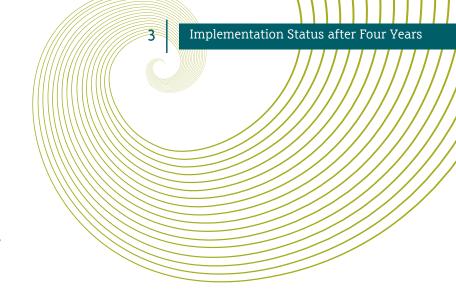
To monitor implementation of the Final Agreement, the Kroc Institute's Peace Accords Matrix (PAM) designed a methodology approved by the Commission for Monitoring, Promoting, and Verifying the Implementation of the Final Agreement (CSIVI) in 2017. Headed by a team of researchers in Colombia and at the University of Notre Dame, the Kroc Institute evaluates implementation of a matrix with 578 stipulations and codes each one for progress on a monthly basis, with the following range: 0 (not initiated), 1 (minimum), 2 (intermediate), or 3 (completed). Stipulations are defined as specific, observable, and measurable commitments derived from the text of the Agreement.

The triangulation of sources is central to the monitoring process, which is why the Kroc Institute analyzes information reported by entities from the national government and the Comunes Party's Center for Political Thought and Dialogue (CEPDIPO); and reports from entities that are part of the International Verification Component (CIV), the United Nations Verification Mission in Colombia, the Public Ministry and controller bodies, civil society organizations, and a network of more than 500 partners at the territorial level.

The Kroc Institute produces comprehensive, bimonthly, and special reports in which its researchers qualitatively and quantitatively analyze the data and the progress made in implementation of the Final Agreement's 578 stipulations.

How does the Kroc Institute monitor implementation of the cross-cutting approaches within the Final Agreement?

To measure implementation of the cross-cutting approaches, the Kroc Institute identified 130 stipulations with a gender perspective and 80 stipulations with an ethnic approach. Stipulations promoting gender and ethnic approaches are compiled and analyzed using a matrix to monitor the implementation of each perspective. Using this methodology, the Kroc Institute has published three special reports on the implementation status of the gender approach and one report on the implementation status of the ethnic approach.



What additional analysis does the Kroc Institute carry out in monitoring Final Agreement implementation?

The Kroc Institute's Peace Accord Matrix program has also monitored implementation of comprehensive peace accords signed in other countries that have experienced civil war. This experience allows for comparison of aspects of the Colombian Agreement's implementation with other peace agreements in order to provide findings on the pace and quality of implementation of agreed upon commitments.

Additionally, the Colombian national government created the Framework Plan for Implementation (PMI), an innovative public policy tool to monitor the Final Agreement that includes 501 indicators. The PMI allows the National Planning Department (DNP) to monitor and evaluate the policies and programs required to implement the Agreement. The Kroc Institute considers these indicators important in enriching the analysis of the Agreement's implementation, since the PMI facilitates evaluation of implementation performance as it relates to the goals outlined in the national government's planning process.

How is implementation of the Colombian Final Agreement progressing in its fourth year?

This document summarizes the main advances, challenges, and opportunities for improvement in implementation of each of the Accord's six points and cross-cutting approaches. These insights are drawn from the Kroc Institute's fifth comprehensive report: "The Colombian Final Agreement in the Era of COVID-19: Institutional and Citizen Ownership is Key to Implementation." The report covers the period between December 2019 through November 2020.



Key Concepts

ADVANCES:

Implementation actions that occurred during the reporting period that led to positive coding changes

CHALLENGES:

Obstacles or factors affecting implementation which, if actions are not taken to overcome them, could lead to negative cascading effects and limit progress in coding

OPPORTUNITIES:

Areas to strengthen implementation of commitments within the Final Agreement that can accelerate, improve, or support this process

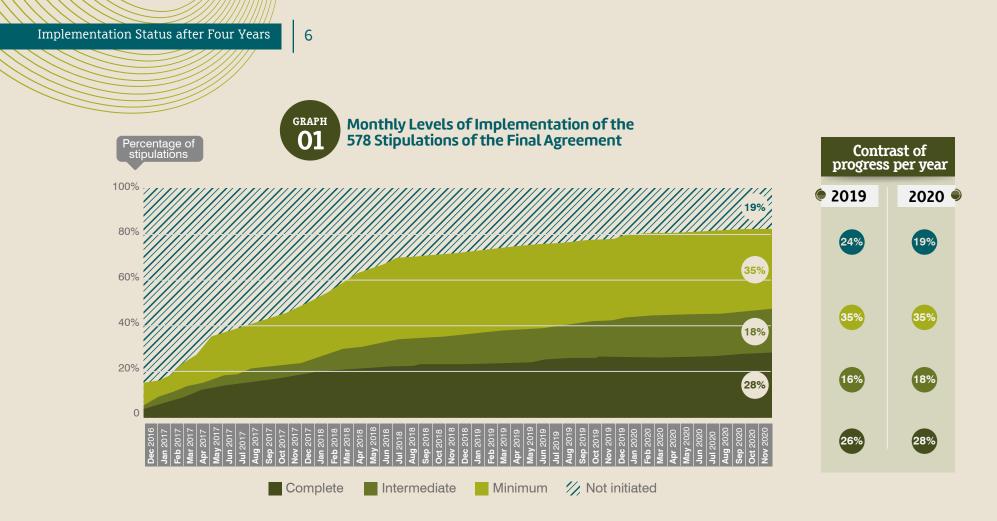


Quantitative Analysis: The First Four Years of Implementation

Based on the aforementioned methodology to monitor implementation of the Final Agreement, the Kroc Institute observed an accelerated pace of progress during the first two years of implementation that served to establish the foundations for the peace process in Colombia. Some examples include the creation of new entities, demobilization of the former FARC-EP, and the issuance of laws and other regulations necessary for implementation.

In contrast, four years after the Final Accord's signing, implementation is advancing at a slightly slower pace compared to previous years because the actors responsible for implementing the Final Agreement are now working on objectives that take longer to complete. Examples include activities to define cadastral policy, consolidation of the Roadmaps to execute the Development Programs with a Territorial Focus (PDET), and adoption of the National Plans for Comprehensive Rural Reform. Other examples are the design of the National Reincorporation System (SNR), the establishment of criteria for the prioritization and accumulation of investigations and processes for the Special Jurisdiction for Peace (JEP), and the incorporation of initiatives derived from the Final Agreement and integrated into Territorial Development Plans.

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Four years after the signing of the Agreement, the data reveals the following changes in the state of implementation: Stipulations that have been fully implemented and in the intermediate stage of implementation increased by 2 percentage points during 2020. As **Graph 1** shows, by November 2020, 28% of stipulations were fully implemented, compared with 26% as of November 2019. Additionally, 18% of stipulations were at an intermediate level of progress and are on track for completion within the established timeline. This percentage contrasts with the previous period when 16% of

stipulations were at an intermediate level. Another 35% of stipulations remained at a minimal state of implementation, which means that implementation of these commitments was just initiated. For the remaining 19% of stipulations, implementation had not yet begun, representing a decrease of 5 percentage points compared to the previous period, during which 24% of stipulations had not been initiated.



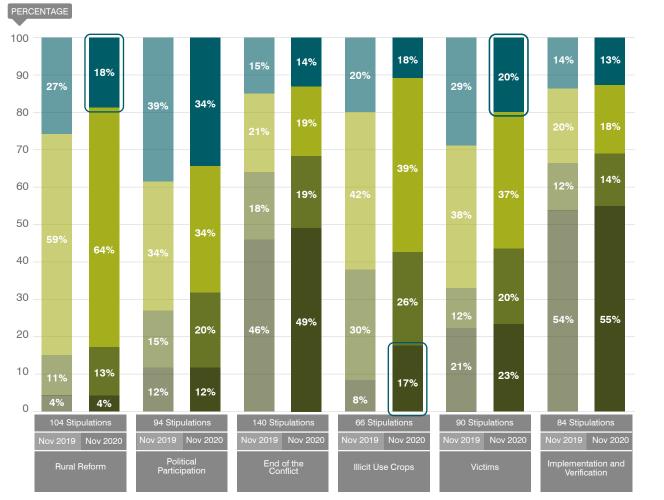
The most significant increase in implementation during this period was among stipulations that changed from "not initiated" to "initiated." From December 2019 to November 2020. implementation was initiated for 5% of the stipulations in the Final Agreement, while 2% progressed to an intermediate phase, and another 2% were completed. As Graph 2 shows, the greatest percentages of commitments initiated during this period correspond to Point 1 and Point 5 and are related to National Plans for Comprehensive Rural Reform and mechanisms for transitional justice. In the other points of the Agreement, changes in initiated stipulations did not exceed 5%.



Implementation Status by Point of the Final Accord (November 2019 vs. November 2020)



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Implementation Status after Four Years

What caused these changes in implementation levels during the study period?

The Kroc Institute identified three reasons for these quantitative changes.

First, some actions that implementation actors executed are not included in the Final Agreement text. This means that their implementation is not reflected in the changes of implementation levels. The Kroc Institute's matrix of 578 stipulations is based exclusively on commitments that come from the text of the Final Agreement and not from those developed later by actors in charge of implementation. Point 1 illustrates this dynamic, as it includes long-term territorial development plans that require a significant number of activities, many of which were not included within the Agreement's stipulations. For example, the production process for PDET Roadmaps was not among the commitments outlined by the Agreement or the PMI, but it has been the primary instrument for planning and prioritizing initiatives to execute the PDET program and to coordinate with other areas of the Final Agreement.

Second, the Final Agreement implementation timeline does not require all stipulations to be completed during the same implementation phase. Commitments vary in the length of time they take to be completed, ranging from short- to long-term. The medium- and long-term commitments, in particular, are made up of a series of actions that must be carried out one after another. As stated in the PMI, sequence and timing are essential components for implementation. Third, the Kroc Institute identified activities that were supposed to be finished by the date of the report's publication but that had not been carried out by the responsible actors, generating delays in overall implementation of the Agreement. Insufficient budget allocations and a lack of regulatory advances, among other unmet commitments, currently hinder implementation of approximately 50% of the stipulations in the "not initiated" or "minimal" stages.

As of November 2020, the Kroc Institute documented a lack of activity by the executive branch and Congress on various points of the Agreement. For example, the lack of approval of constitutional reforms in creating the Special Transitory Peace Voting Districts delayed implementation of 6 stipulations. Similarly, the failure to fully develop the National Commission on Security Guarantees (CNGS) mandate affected the implementation of 12 stipulations. Furthermore, delays in the formulation and approval of the National Plans for Education and Health and the System for the Progressive Guarantee of the Right to Food that should have been completed in 2018 have impacted the progress of 21 stipulations.

What were the key highlights during this implementation period?

First, the report mentions that numerous actors, both locally and nationally, have taken ownership of commitments within the Agreement and have promoted implementation as a means to overcome the root causes that have allowed armed conflict to continue. These actors include the national government; municipal and departmental governments; the FARC party (called the Partido Comunes, or "Commons" since January 2021); former combatants; victims and their organizations; congressional representatives; judges; ethnic communities; women; lesbian, gay, bisexual, transgender, and queer (LGBTQ) people; social leaders; human rights defenders; churches and religious organizations; the private sector; researchers; and other sectors of Colombian society and the international community.

Second, in 2020, new territorial administrations incorporated commitments from the Agreement in their municipal and departmental development plans, especially in PDET regions.

Third, this period showed that the Final Agreement has been integrated into traditional institutional processes. For example, the Kroc Institute documented that judges from various courts and jurisdictions adopted decisions that promoted or were related to implementation of the Final Agreement.

What were the main challenges to implementation during the period of study?

The first was the worsening of armed confrontations between illegal armed groups, as well as confrontations between these organizations and the armed forces and police in a number of territories that are strategic for peacebuilding. As a result, there were documented threats, targeted killings, massacres, and other forms of violence against human rights defenders, social and environmental leaders, and ex-combatants in the process of reincorporation. There was also an increase in armed activities by various illegal armed group factions that emerged after their leaders withdrew from the peace process. These groups are called "Residual Organized Armed Groups" by the government and commonly referred to as "dissidents" by the public.

The second set of challenges were the restrictions on movement and the increase in inequality and vulnerability due to the COVID-19 pandemic. These factors hindered the participation of actors who are essential to implementation.

According to the Framework Plan for Implementation, how is implementation progressing?

Following the Framework Plan for Implementation (PMI), a total of 133 of the 501 indicators that measure implementation of the agreement's commitments were supposed to conclude between 2017 and 2020. According to reports from the Integrated Information System for Post-Conflict (SIIPO), of these 133, 83 indicators were completed, representing 63%.





The SIIPO is a system created by the national government in fulfillment of Point 6, section 6.1.5, through which the implementation status of PMI indicators is made available to the public.

Graph 3 shows the annual performance of the Agreement's indicators at their expiration date or date of completion. It shows that in 2017, 86% (32) of the indicators that were supposed to be completed were successfully implemented, while in 2018, that rate decreased to 61% (27) and dropped again to 42% (11) in 2019. Finally, in 2020, 50% (13) of the indicators slated for completion that year were finalized. This initial analysis drawing from the timing of the PMI demonstrates that, beyond the difference in percentages, both the Kroc Institute and the PMI agree that there was a reduction in the pace of implementation from 2017 to 2020.

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Completion Status of PMI Indicators Complete GRAPH 03 by Target End Date Incomplete INDICATORS PMI 50 45 Indicators Date 40 2021 24 2022 6 35 2023 6 30 2024 1 2025 4 25 2026 162 20 2027 8 32 2028 13 27 15 2029 0

13

2020 (26)

11

2019 (26)

11

Implementation Status after Four Years

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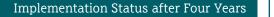
2031

No date

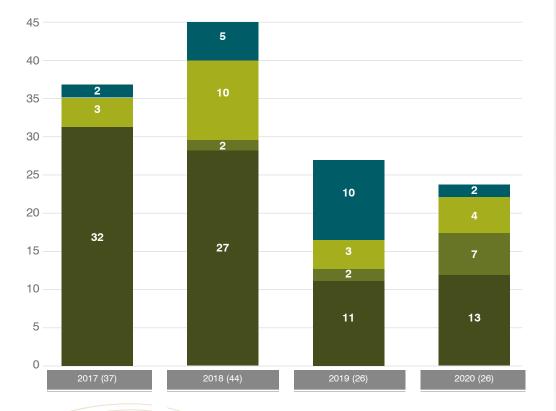
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Graph 4 shows that PMI indicators were not fulfilled during their target completion year based on three main factors: some indicators lacked technical summaries in the SIIPO system, some lacked quantitative progress reported, and other indicators had only partial progress in their execution. For instance, the graph shows that 20% of PMI indicators do not have a technical summary of indicator details and, as a consequence, there are delays in reporting their progress in SIIPO. The lack of these technical summaries is a concerning finding, given that 98% of PMI indicators have a start date between 2017 and 2020. The Kroc Institute's report calls attention to the impact of not having technical summaries approved, especially during the 2019 period, which, as shown in Graph 3, was the period with the smallest percentage of indicators completed (only 42% of those planned for that year).

What are general opportunities to strengthen implementation?

As mentioned previously, territorial authorities and civil society actors made efforts to include programs and activities to implement the Final Peace Accord's commitments in their Territorial Development Plans. To strengthen execution, the Kroc Institute considers it important to ensure financial resources to implement municipal and departmental development plans that took the Final Accord's content into account. The execution of these plans would help accelerate the implementation of commitments at the territorial level, as outlined in points 1, 2, and 4 and would include, for instance, the Action Plans for Regional Transformation (PATR), and the operationalization of the Territorial Councils for Peace, Reconciliation, and Coexistence (CTPRC) and the National Comprehensive Program for the Substitution of Crops Used for Illicit Purposes (PNIS).

The report also highlights that implementation actors must focus on fulfilling PMI indicators that have 2021 as their year of completion. This opportunity includes creating technical summaries for indicators with 2021 as their expiration year and accelerating the implementation of indicators that the PMI shows have experienced delays. The Kroc Institute considers implementation of the Final Agreement to be a potential tool to reduce the impact of the pandemic. The report highlights that the Final Agreement includes measures that aim to protect the rights of the most vulnerable populations in Colombia and decrease the social and economic inequality that affect the country's rural regions, conditions which have increased under the pandemic.

In its fifth report, the Kroc Institute highlights that Congress and the government have the opportunity to promote the issuance of the legal framework necessary to comply with provisions in the Final Agreement, giving special priority to regulations that were meant to be issued through the fast-track process.



The fast-track process was meant to accelerate legislative discussions in Congress and the issuance of decrees to implement the Final Agreement.

There is also an opportunity to utilize the learning processes for implementation developed in the territories and to make these lessons available to communities, CTPRCs, municipal and departmental authorities, groups promoting implementation, coordination forums, and other actors.

Comparison between the Colombian Peace Agreement and Peace Agreements in other parts of the world

Drawing on its experience monitoring peace agreement implementation in other contexts similar to Colombia, the Kroc Institute conducted a comparative analysis of the Special Jurisdiction for Peace (JEP) during this study period.

The analysis compared the amnesties resolution process carried out by the JEP with judicial processes carried out in other countries to grant similar special criminal treatment.

The analysis also compared the process of the seven macro cases that the JEP opened through November 2020 with similar cases focused on investigating, prosecuting, and punishing human rights violations conducted in other countries.

This analysis yielded two main findings: First, the JEP has carried out the amnesty resolution process at a faster speed than that achieved by other countries with similar processes. Second, the seven macro cases opened by the JEP have advanced at an average pace compared to similar cases in other countries that have passed Comprehensive Peace Agreements. These findings are highly relevant in Colombia's transitional justice process, since the JEP has the responsibility to guarantee victims' rights to justice and legal security for parties appearing before this tribunal.





The JEP is a transitional tribunal created by the Final Agreement and is responsible for guaranteeing victims' right to justice through investigation, clarification, and sanctioning of serious human rights and international humanitarian law violations.



The amnesty process is a mechanism for the elimination of criminal, disciplinary, administrative, and fiscal responsibility for the benefit of former FARC-EP combatants who have committed political or politically-associated crimes.

Comprehensive Implementation: Ethnic, Gender, and Territorial Approaches

The report acknowledges some areas of progress in the cross-cutting focus areas, such as the effort to keep the special ethnic and gender forums created by the Final Agreement active. However, the report indicates that the pace of implementation of these approaches continues to be slower than general implementation.



Ethnic Approach

►► Progress

As shown in **Graph 5**, through November 2020, of the 80 stipulations that make up the ethnic sub-matrix, 13% were completed, 8% were at an intermediate level, 56% were at a minimal stage of implementation, and 24% had not yet been initiated. Among the main areas of progress recorded were the studies carried out by the National Administrative Department of Statistics (DANE) on the consumption of psychoactive substances in ethnic communities, as well as the coordination between the Ministry of Health and Social Protection and Indigenous

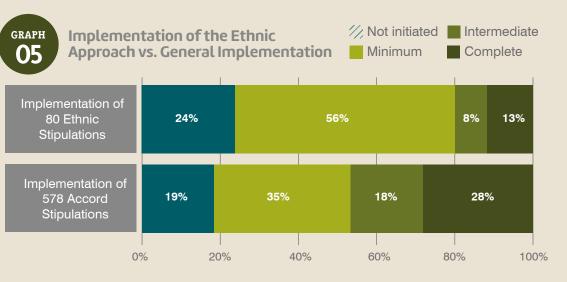
communities on guidelines with an ethnic focus for the prevention of consumption. Likewise, the report shows positive changes in Point 6, emphasizing the technical and financial strengthening of the Special High-Level Forum with Ethnic Peoples (IEANPE) and its coordination with the Commission for Monitoring, Promoting, and Verifying the Implementation of the Final Agreement (CSIVI).

Among other areas of progress, the Territorial Renewal Agency (ART) strengthened the Special Consultation Mechanisms (MEC) in 9 of the 16 PDET subregions.



This is important, as the MECs exist as spaces to promote operational capacity, implementation, and monitoring of PDET's ethnic initiatives. Despite the lack of resources and coordination necessary for their implementation, progress was made in reincorporation activities with an ethnic approach. One particular example is that the Mayasquer Indigenous Reservation, the Pastos Community in Cumbal, Nariño, and the Reincorporation and Normalization Agency (ARN) agreed on the first Harmonization and Reconciliation Route. The Route seeks to assist people in the process of reincorporation on this reservation to return to civilian life in their indigenous territory harmoniously.

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Challenges

Although progress was made in implementing ethnic stipulations during this period compared with previous reporting periods, the report shows that by November 2020 there was still a gap between implementation of these stipulations and the general Agreement. This gap corresponds to a difference of 15 percentage points between completed stipulations in the ethnic approach and general implementation, as illustrated in Graph 5. Among other reasons, this difference is due to the low level of progress on the ethnic stipulations in Point 3 related to the reincorporation route, security measures with a collective approach, and the effective inclusion of an ethic focus in the National Plans for Comprehensive Rural Reform. The report indicates that more than half of the commitments with an ethnic focus (56%) were at a minimal level of implementation as of November 2020. In other words, these stipulations were in the initial stages of planning or agreement, without specific activities at the territorial level. The reasons for this slow progress include a lack of coordination among responsible entities, lack of dialogue, and a lack of agreement among ethnic authorities to develop activities that benefit their communities.

The report also shows that four years after the National Comprehensive Program for the Substitution of Crops Used for Illicit Purposes (PNIS) was initiated, coordination of the ethnic route for the substitution process was still pending, even though ART made progress in 2020 in the consolidation of the technical proposal for ethnic approach program guidelines. Agreement on the PNIS ethnic route is highly relevant to implementation, as it would contribute to the sustainability of the program, which depends in large part on the socioeconomic development of ethnic territories. The Kroc Institute also underscores that the security guarantees with an ethnic focus derived from Decrees 2078 (from 2017) and 660 (from 2018), which implement Final Agreement commitments, did not demonstrate significant progress in 2020.

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The report includes opportunities to reduce the implementation gap mentioned earlier and to advance implementation of the ethnic approach. To guarantee the participation of ethnic communities, the Ministry of the Interior should provide guidelines for free, prior, and informed consultation on implementation of the Agreement. Additionally, the Territorial Renewal Agency (ART) could strengthen the MECs by linking them with the process of PDET Roadmap building to promote the prioritization of ethnic initiatives in these plans.

Other important opportunities include the joint work and coordination between ART, IEANPE, and ethnic organizations to agree on the ethnic roadmap with a collective PNIS focus, and the designation of financial and technical resources so that the Reincorporation and Normalization Agency (ARN) is able to move forward on the joint establishment of the Special Harmonization Program in regions where Indigenous and Afro-descendent communities are located. In the same vein, in order to confront risks that ethnic communities still face four years after the start of implementation, the report proposes coordinated efforts between the Comprehensive Security System for the Exercise of Politics (SISEP) and the entities responsible for providing security guarantees at the territorial level, all via the Office of the High Commissioner for Peace (OACP).



Gender Approach

►► <u>Progress</u>

Graph 6 shows that, by November 2020, of the 130 stipulations that make up the gender approach's sub-matrix, 10% were completed, 14% were in an intermediate stage, another 46% were at a minimal level, and 30% had not yet been initiated. The progress recorded during the reporting period is due to the fulfillment of some measures within the PMI gender indicators in Point 1 and progress on Point 6, as well as advances in specific programs, such as the Ministry of the Interior's political leadership schools. The report emphasizes the work done by the Office of the Presidential Councilor for Women's Equality (CPEM) and the Office of the Presidential Councilor for Stabilization and Consolidation (CPEC) to offer technical support to the 18 entities responsible for the 51 PMI gender indicators.

The efforts made by the Unit for the Search for Persons Deemed as Missing in the context of and due to the armed conflict (UBPD) to incorporate the gender approach in its mandate were particularly important in promoting the inclusion of the gender approach as a means to guarantee the participation of women and LGBTQ people in the SIVJRNR. For example, the UBPD deployed dissemination strategies for the Guidelines for Differential and Gender Approaches for the Search for Persons Deemed as Missing.

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GRAPH Implementation of the Gender Approach vs. General Implementation 06 Implementation of the 130 Commitments which 30% 46% 14% 10% Require a Gender-Based Approach // Not initiated Implementation of 578 Minimum 19% 35% 18% 28% Accord Stipulations Intermediate Complete 60% 0% 20% 40% 80% 100%

Challenges

Despite these areas of progress, by the end of 2020, there was still a gap between implementation of the gender approach and general implementation, as seen in **Graph 6.** By November 2020, delays existed particularly in the percentage of stipulations that had not been initiated and that were aimed at building the foundations for implementation of the gender approach, as well as those that must be completed to contribute to long-term gender equality. The greatest gap between general implementation of the Agreement and the gender stipulations exists between those that have been fully implemented, with 18% more stipulations completed among general Agreement stipulations. In general implementation, 19% of stipulations were reported as not initiated, compared to 30% of gender approach stipulations that were not initiated, representing a difference of 11 percentage points.

The report emphasizes that challenges remain in implementing the gender approach. The Kroc Institute identified difficulties in accessing information on land access measures and mechanisms for women and the LGBTQ population, as government and political sources have different criteria regarding its successful implementation. Additionally, disaggregated figures that allow for documentation of LGBTQ people in land programs and the PMI Point 1 indicators are missing. Likewise, the Kroc Institute documented delays in stipulations of the Agreement with a greater transformative capacity to close gaps in gender-based inequality, such as political-electoral reform measures that should include activities aimed at increasing the participation of women. Similarly, guaranteeing security conditions to enable women's participation was another main challenge, as there were confirmed killings and threats against female human rights defenders. Documented threats against members of the Special Forum for Women were also particularly concerning.



The Special Forum for Women was created by the Agreement to monitor implementation of the gender approach.

Finally, despite the fact that the JEP has made progress in the clarification of sexual violence, victims and their organizations continue to request the opening of a specific macro case that addresses this conduct, as well as reproductive violence and other crimes motivated by the victim's sexuality.

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The Kroc Institute identified various opportunities that can strengthen implementation of the gender approach and help overcome the reported risks. The report shows that implementation and the budget for the comprehensive program of guarantees for female leaders and human rights defenders must be ensured. At the same time, ART's prioritization of implementation of PDET and PISDA initiatives tagged as "rural woman and gender" in the 170 municipalities, and the opening of a macro case in the JEP on sexual violence related to the conflict and gender-based violence, are valuable opportunities to contribute to the gender approach.

Territorial Approach

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►► Progress

In the third cross-cutting approach, focused on implementing the Final Agreement in the territories, progress was made despite great challenges. Departmental and municipal governments, particularly in PDET regions, included aspects of the Final Agreement as medium- and long-term policies in their Development Plans for 2020-2023 (formulated during 2020). In its fifth report, the Kroc Institute presented the main findings from its review of the incorporation of components of the Final Agreement in 15 Departmental and 10 Municipal Development Plans for the 2020-2023 period. These 15 departments were chosen because they cover 150 of the 170 PDET municipalities. The 10 municipalities were selected based on their strategic importance for implementation. Among the main findings from this sampling was that all 15 Departmental Development Plans and 10 Municipal Development Plans contained at least one axis, pillar, or policy related to peace, post-conflict, victims, and/or reconciliation.

___* Challenges

The processes for consultation and participation in the issuance of the Departmental and Municipal Development Plans were affected by movement restrictions put in place due to the COVID-19 health emergency. The pandemic conditions meant that these processes had to be adapted to virtual formats. In addition, the report highlights the worsening of violence in priority territories, impacting both the normal development of implementation activities and the lives of the people and communities involved.

Strain Opportunities

Bearing in mind that a characteristic feature of the fourth year of implementation is the effort to expand implementation efforts in the territories, the Kroc Institute considers the effective execution of the Territorial Development Plans as essential to increasing the pace of execution. In its fifth report, the Kroc Institute identified two measures that could contribute to this process. On one hand, mayoral offices and municipal governments should directly involve communities through the mechanisms outlined in the Final Agreement and those that may arise through territorial interactions. On the other hand, the national government, via the Office of the Presidential Councilor for Stabilization and Consolidation (CPEC) and the Territorial Renewal Agency (ART), could promote compliance with these plans by identifying and channeling the necessary resources to implement peacebuilding initiatives, plans, and programs included in the Departmental and Municipal Development Plans.

Another opportunity that the report outlines is for CPEC, OACP, and territorial authorities to deepen and strengthen territorial dialogue on implementation in the Departmental and Municipal Councils for Peace. This opportunity is highly relevant, as these councils serve as a space for deliberation on the challenges and progress facing implementation of the Final Agreement and peacebuilding in general. In addition, there is also an opportunity to build technical capacity among ethnic authorities and at local levels within the framework of the ART Nation-Territory strategy.

Point 1

Toward a New Colombian Countryside: Comprehensive Rural Reform

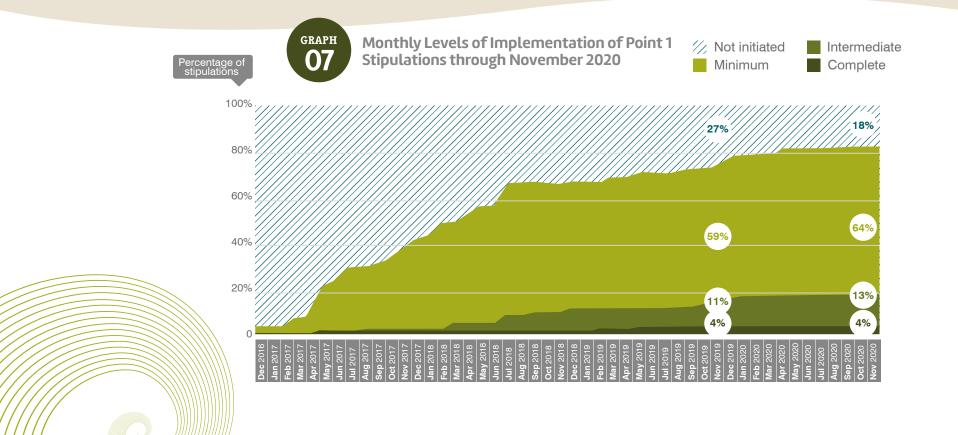
Point 1 Summary:

Comprehensive Rural Reform seeks structural transformation and comprehensive development in the Colombian countryside. Through executing plans and programs, this point's objective is democratization and the appropriate use of land while also stimulating the productive potential of agriculture and promoting institutional presence, mainly through offering public education, health, and infrastructure.

►► Progress

Graph 7 shows that the most significant progress in Point 1 was achieved in the reduction of stipulations that have not been initiated, which decreased from 27% in 2019 to 18% in 2020, and the corresponding increase in the stipulations at a minimal level of implementation from 59% in 2019 to 64% in 2020. Stipulations at the intermediate level of implementation progressed more slowly, increasing from 11% in 2019 to 13% in 2020, while completed stipulations did not see any change and remained at 4%. The high percentage (64%) of stipulations in a minimal state of implementation is explained by the fact that, since 2019, implementation in this area was focused on institutional planning efforts and technical design of strategies and roadmaps to execute medium- and long-term Point 1 commitments. In

fact, one of the areas of progress among the stipulations at a minimal stage corresponds to the approval and technical completion of three National Sectoral Plans. Other areas of progress that the report highlights are the development of the cadastral policy and updating cadastral information for 12 municipalities by the Geographical Institute Agustín Codazzi (IGAC). It was also verified that the National Land Agency (ANT) incorporated assets and resources into the inventory of the National Land Fund and reported some progress in the allocation of plots of land. During this study period, Territorial Development Plans adopted 11,913 PDET initiatives and macroprocesses, and tools were developed to implement 32,809 PDET initiatives.



Pending Regulations for Implementation of Point 1



TABLE

01

A law to create the Special Agrarian Jurisdiction allowing for resolution of legal conflicts related to land access and use, securing the institutional capacity/response to manage land disputes and bring justice to rural areas. By November 2020, Statutory Bill 134/2020, "By which a special rural and agrarian jurisdiction is created, mechanisms are established for the resolution of rural and agrarian disputes, and other provisions are issued," was under review by Congress

Regulatory adjustments to define the designation and use of land by ethnic and *campesino* communities, and advancing free and informed consultation with ethnic communities

Regulations to enact the National Plans for potable water and basic sanitation, rural health and social protection, technical assistance, formalization of rural property, environmental zoning, solidarity economy, and the right to education and food in rural settings

Challenges

One pending challenge corresponds to the coordinated formulation and approval of the 9 National Sectorial Plans for Comprehensive Rural Reform and overall acceleration of all plan implementation, including the 7 that have already been approved.

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Other urgent challenges include guaranteeing greater quantitative progress in the inclusion of people in the Registry of Beneficiaries of the Land Fund, Access, and formalization (RESO), as well as supplying the Land Fund with land through various sources. For example, the recovery of unused public land represents an opportunity to guarantee beneficiaries access to land. The issuing of pending regulations for implementation is another area that demands attention, including the law required to create the special agrarian jurisdiction, since progress in an essential part of Point 1 commitments depends on the enactment of these regulations.

r∲r Opportunities

The report illustrates the stimulation of social, environmental, and productive land-use planning, in accordance with the Agreement's provisions. To this end, the Ministry of Environment and Sustainable Development needs to issue the Environmental Zoning Plan. The report presents other opportunities to advance the recovery of unused public land to enrich the Land Fund and continue bringing justice to rural areas. These tools would allow for structural problems within the countryside to be addressed, as long as social dialogue is promoted in the territories on the topic of implementation.

Point 2

Political Participation: Democratic Openings for Peacebuilding

Point 2 Summary:

This point aims to build a more inclusive democracy in Colombia, which is necessary to overcome violence. To this end, the Agreement promotes democratic mechanisms for citizen participation at the national and local levels, recognizing the voices of social organizations, women, and ethnic communities, among others.

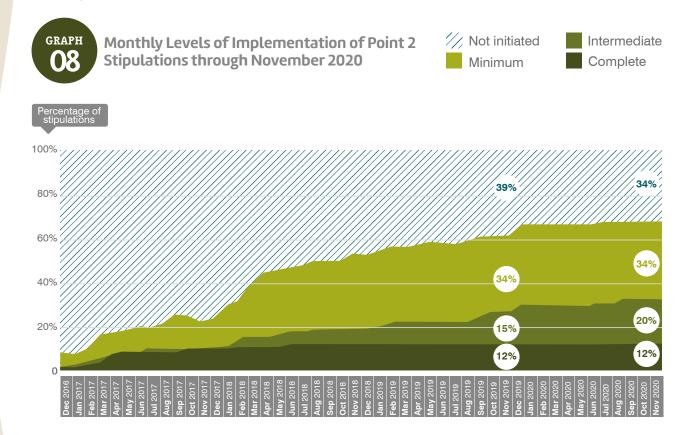
►► Progress

The implementation of Point 2 demonstrated slight changes compared to 2019, as shown in **Graph 8.** The percentage of completed stipulations (12%) and those in a minimal state of implementation (34%) remained at the same level. In contrast, during this period, non-initiated stipulations decreased from 39% in 2019 to 34% by November 2020. Stipulations at an intermediate level of implementation increased from 15% in 2019 to 20% in 2020.

Implementation Status after Four Years

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The progress recorded during this period was the result of the prioritization of public media, social control, and citizen oversight by the government. This increase was also due to the incorporation of cross-cutting approaches into some actions for the implementation of this point. For example, the Administrative Department for Public Service's (DAFP) design of the National Plan for Training Observers with an ethnic focus, in addition to the fact that the National Council for Peace, Reconciliation, and Coexistence (CNPRC) elected Francia Márquez, the first female Afro-Colombian, as the president of the Council and of the National Peace Committee. Other progress was driven by entities targeting their activities to comply with the goals established by the PMI related to Point 2; the intervention of actors like the Supreme Court of Justice, electoral authorities, and Congress in the implementation of commitments under Point 2; the urging of civil society; and the approval of the new Territorial Development Plans.



Pending Regulations for Implementation of Point 2



TABLE **O2**

Process Statutory Bill 409/2020 House of Representatives, 234/2020 Senate, "By which the Colombian Electoral Code is enacted and other provisions are issued" was approved in Congress, and is under constitutional review



Reform of the Law 152 of 1994 "Organic Law of the Development Plan", focused on reforms to participatory planning



Political and electoral reform following the recommendations of the Special Electoral Mission and the Final Agreement



Regulatory amendments, especially in the statutory law to guarantee citizen participation, demonstration, and peaceful protest



Creation of the Special Transitory Peace Voting Districts



Expansion of outreach spaces for political parties and movements, including media (i.e. institutional television channels)

Challenges

During the study period, the report notes a persistent standstill on commitments that would allow for progress toward reforms directed at the expansion and strengthening of democracy, in part due to a lack of political consensus. These reforms are the ones required to guarantee citizen participation, demonstration, and peaceful protest; political-electoral reform; reform of participatory and democratic planning; and the Special Transitory Voting Districts.

r∲r Opportunities

The report identifies opportunities to improve implementation levels, such as resolving technical discussions surrounding the expansion of public television to serve as a platform for political parties; overcoming obstacles to participation growing out of pandemic mobility restrictions; and strengthening measures aimed at reconciliation, non-stigmatization, and coexistence. Similarly, the report calls for the promotion of the implementation of public policies for citizen participation, social dialogue, and management of conflicts stemming from the National Development Plan, as well as regulatory reforms to strengthen democracy, in order to make progress in the Point 2 commitments that have stagnated.

Point 3

The End of Conflict

Point 3 Summary:

This point is structured around four areas whose objectives are to generate the conditions necessary to end the armed conflict between the national government and the former FARC-EP. These areas are the definitive and bilateral ceasefire, cessation of hostilities, and laying down of arms; reincorporation of the FARC-EP into civilian life in economic, social, and political matters; security guarantees; and comprehensive action against antipersonnel mines. The first of these areas has been almost fully completed, while the other three include stipulations meant to be implemented over the short-, medium-, and long-term.



At the end of 2020, Point 3 had the second highest percentage of stipulations in the process of implementation, with 14% not initiated, 19% at a minimal level of implementation, 19% at the intermediate stage, and 49% completed. **Graph 9** shows that slight changes were observed compared to 2019, such as an increase of 3% in the number of completed stipulations and an increase of one percentage point in intermediate-level stipulations. These advances are due to implementation of a pilot project by the Reincorporation and Normalization Agency (ARN) and the Ministry of Health to recognize more than 200 people with disabilities in the process of

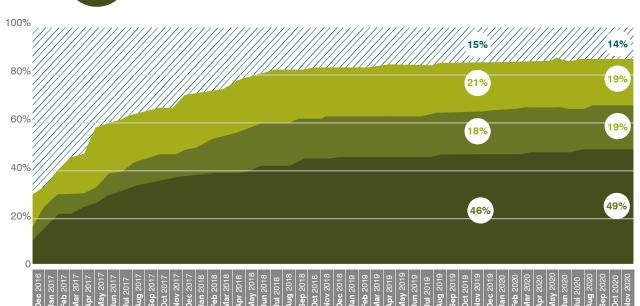
reincorporation. Another area of progress was that the Committee to Promote Investigations of Crimes Against Politicians was deployed by the High-Level Instance (IAN) of the Comprehensive Security System for the Exercise of Politics (SISEP). Two other important areas of progress were the official certification of the "Humanicemos DH Corporation" as the humanitarian demining operator and the building and rollout of the "#LíderEsColombia through prevention and protection we save lives" campaign by the Ministry of the Interior.



Monthly Levels of Implementation of Point 3 Stipulations through November 2020



Implementation of forums and measures related to the Final Accord's security and protection guarantees, such as the National Commission on Security Guarantees (CNGS), the Specialized Sub-directorate of the National Protection Unit (UNP), and the Comprehensive Security and Protection Program for Communities and Organizations in the Territories, were determined by judicial decisions that promoted their implementation and strengthened these forums.



Pending Regulations for Implementation of Point 3



TABLE

03

Review, amend, and update regulations on private security and surveillance services



Regulation of the Comprehensive Protection Program for members of the new movement or political party that emerges from the transition of the FARC-EP to legal entity, and established under article 12 of Decree 895 of 2017

Challenges

Although the reincorporation of ex-combatants had institutional support and commitment from people directly involved in the process, the pandemic and overall insecurity, especially the murder of 73 ex-combatants in 2020 and the displacement of this population, negatively impacted their economic development, lives, and their physical, mental, and moral integrity.

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Another main weakness in the execution of this process was the set of limitations in coordinating social and economic reincorporation activities with security and protections measures. In 2020, there were still adverse security conditions and violence worsened in the territories where the Agreement is most focused. This has affected populations that are of special interest for implementation, including people in the process of reincorporation, social leaders, ethnic communities, and rural communities.

r Opportunities

In order to confront these urgent situations, the main opportunities that the report identifies are: strengthen measures such as the formulation, adoption, and execution of the Strategic Plan for Security and Protection for ex-combatants; the implementation of the Reincorporation Route and the National Reincorporation System (SNR); and the adoption of public policy on dismantling criminal organizations and social leaders' security and safety.

Point 4

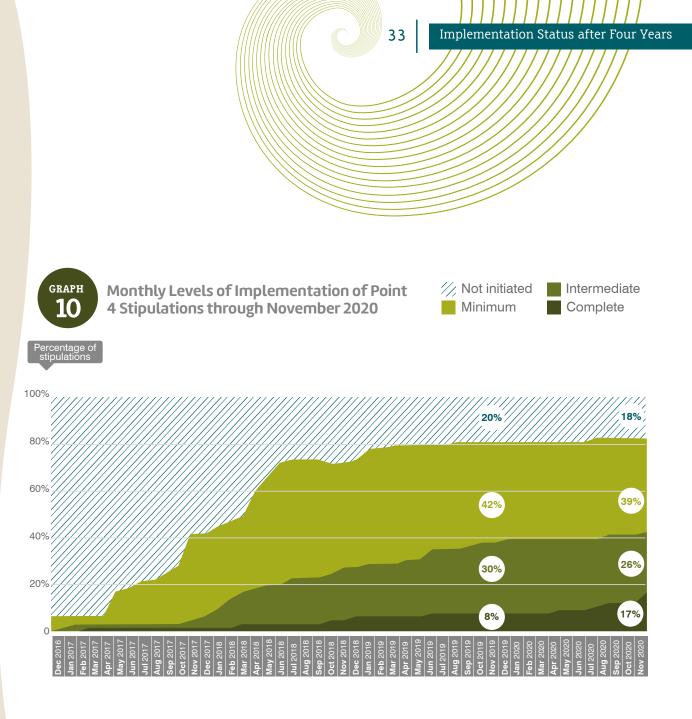
Solution to the Problem of Illicit Drugs

Point 4 Summary:

This point is structured around two national programs, PNIS and the National Program for Comprehensive Intervention into Illicit Drug Use. Together these measures are aimed at resolving the problem of the production and sale of narcotics. These measures include effective prosecution, strategies against drug trafficking assets and corruption, and the International Conference on the Fight Against Drugs. These commitments are interdependent and comprehensively address the problem of illicit drugs, aiming to end drug trafficking as one of the main causes of the armed conflict and prolonged violence. Each area seeks to intervene in the drug trafficking supply chain to address the problem comprehensively. ►► Progress

Graph 10 shows progress in the number of Point 4 stipulations completed, increasing from 8% in 2019 to 17% by November 2020. The stipulations at an intermediate level decreased over the same period, from 30% in 2019 to 26% in 2020, and those at a minimal level of implementation decreased from 42% in 2019 to 39% in 2020. The number of not initiated stipulations decreased from 20% in 2019 to 18% in 2020.

The increase in implementation levels resulted from the promotion of spaces for dialogue with regional organizations by the Ministry of Justice and Law and the Office of the Attorney General (FGN) in order to advance consensus-building around policies to combat drugs. Other areas of progress highlighted in the report are the signing of 8 Comprehensive Community Plans for Substitution of Crops and Alternative Development (PISDA) in regions that do not overlap with PDET and the publication of the National Consumption Survey on Psychoactive Substances Use.





Pending Regulations for Implementation of Point 4



Legislative amendments required to allow a transitional waiver of the exercise of criminal prosecution or proceed with elimination of criminal sanctions against small-scale farmers who are or have been linked to the cultivation of illicit use crops



Process legislative amendments required to impose sanctions on people who endorse candidates or elected officials who have been criminally sanctioned

Challenges

By November 20, the report shows that there were still challenges related to security and inter-institutional coordination between the National Land Agency (ANT) and the ministries that implement the National Comprehensive Program for the Substitution of Crops Used for Illicit Purposes (PNIS). The integration of the ethnic approach, the PNIS gender protocol, and the substitution model for families that are not in the program remained on hold. Related to the PMI, at the end of the reporting period, a delay in issuing regulatory measures for differentiated criminal treatment of small growers was documented. In addition, there were delays in adopting the regulatory framework of the Comprehensive Assistant Route and creating a high-level forum for the National Program for Comprehensive Intervention into Illicit Drug Use.

☆ Opportunities

Among the opportunities for action included in the report is the need to maintain and strengthen institutional and financial support to ensure the sustainability of livelihood projects. The report also suggests that executing the PISDA-PDET and PDET-PAI Community initiatives in PNIS hubs and the expansion of the "Territories in Conservation" program would bring positive results for the implementation of this point and have a positive impact on the legal formalization of the National Program for Comprehensive Intervention into Illicit Drug Use.

Point 5

Agreement on the Victims of the Conflict

Point 5 Summary:

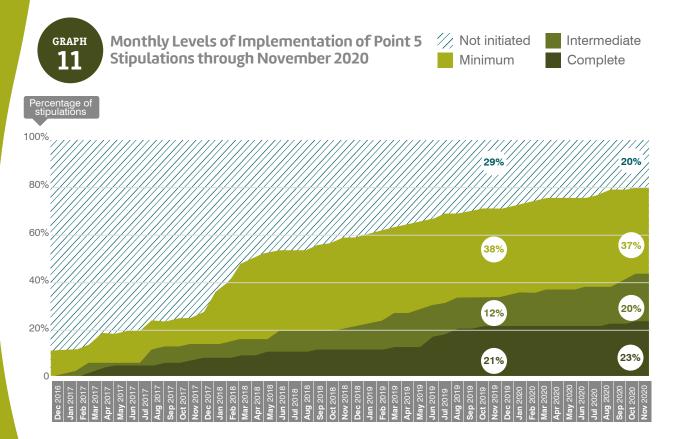
Including victims of the armed conflict as a central axis of the Final Agreement recognizes the importance of reparations and the essential role of victims in peacebuilding. Point 5 stipulated the creation of a comprehensive system to guarantee their rights to truth, justice, reparation, and non-recurrence. The implementation of this point's stipulations requires a high level of commitment from all parties, including public authorities and individuals who participated in the conflict and civil society. Implementation Status after Four Years

►► <u>Progress</u>

The implementation of Point 5 maintained a steady pace of progress, as shown in Graph 11. Stipulations that had not been initiated decreased from 29% in 2019 to 20% in 2020, while those at a minimal level of implementation recorded a slight decrease from 38% in 2019 to 37% in 2020. During the same period, stipulations at an intermediate and completed level of implementation increased from 12% to 20% and from 21% to 23%, respectively. Among the areas of progress that the report highlights, the Unit for the Search of Persons Deemed as Missing in the context of and due to the armed conflict (UBPD) carried out its mandate through 83 deliveries of forced disappearance victim remains and promoted alliances with 12 international and national organizations. The National Center for Historical Memory (CNMH) launched its Data Portal with georeferenced information on the paramilitary situation. The Truth, Coexistence, and



Non-Recurrence Commission consolidated its Mission Information System (SIM), as well as its communication strategy for dissemination and pedagogy, while the JEP's Investigation and Prosecution Unit (UIA) launched the Monitoring System for Risks and Prevention of Human Rights Violations in Colombia. The JEP's Judicial Panel for Determination of Legal Situations (SDSJ) also adopted criteria for prioritization and accumulation of investigations and judicial processes. Additionally, the Human Rights and Peace Commission became operational, and the UARIV finished creating a victimization map and made progress in activities for the recognition and reparation of victims abroad, among other activities described in the report.



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Challenges

SIVJRNR entities continued to make progress in fulfilling their mandates despite obstacles caused by the pandemic, the difficulties that the CEV faced in accessing essential information for the publication of its final report, and the absence of security guarantees for victims and appearing parties, which restricted their participation in the SIVJRNR. The main challenges through November 2020 are the opening of macro cases in the JEP that are of special interest to victims and civil society, reaching outlined goals in the search for persons deemed as missing, and increasing testimonies from armed conflict actors. Neglecting these areas could have a negative impact on the trust SIVJRNR has built with victims and civil society actors. Efforts made by the Unit for the Attention and Comprehensive Reparations of Victims (UARIV) to implement collective reparations remain low in comparison with the number of subjects of collective reparation (SCR) waiting to receive reparations, which is another pending challenge.



Pending Regulations for Implementation of Point 5



TABLE

05

Amendments to Law 1448 of 2011, "Victims and Land Restitution Law", on the basis of what was agreed to under point 5.1.3.7 of the Final Agreement. This includes broadening recognition of victims of all crimes against International Humanitarian Law or serious violations to international human rights law that occurred as a result of the armed conflict

Strate Opportunities

Some of the opportunities that the report includes are the development of pedagogical strategies so that society and victims are aware of and understand the JEP's Handbook for the Victims' Participation. Another opportunity for action lies in defining goals and timelines for the UBPD National Search Plan and increasing the number of testimonies before the CEV from all conflict actors. Finally, the report highlights the importance of promoting comprehensive implementation of the UARIV collective reparations program.

Point 6

Implementation, Verification, and Endorsement

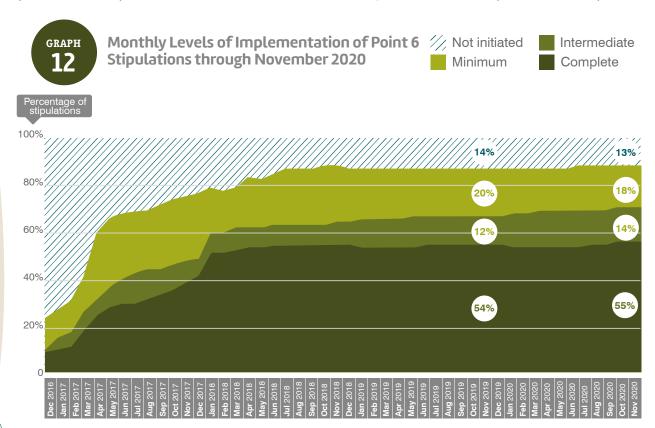
Point 6 Summary:

This point includes mechanisms to guarantee legal and financial sustainability in the medium- and long-term to meet the Final Agreement's objectives. Likewise, it creates forums to give continuity to the dialogue between the national government and the former FARC-EP. The implementation of Point 6 requires solid technical capacities to guide implementation planning, such as a high level of commitment by the parties and the international community to fully support verification

►► Progress

Point 6 has the highest level of stipulations in the process of implementation. There were no significant changes in its implementation levels during the reporting period, as shown in Graph 12. Stipulations that had been fully implemented increased from 54% in 2019 to 55% in 2020. This change in particular is a consequence of advances in the commitments contained within the Ethnic Chapter, whose general implementation remained low in 2020. Stipulations in an intermediate stage increased from 12% in 2019 to 14% in 2020 due to activities related to the initiation and operation of the SIIPO. Stipulations at minimum level а Of implementation decreased from 20% in 2019 to 18% in 2020, and not initiated stipulations decreased from 14% in 2019 to 13% in 2020.

During 2020, as in previous years, the International Verification Component (CIV) and international community contributed decisively to implementation of the Agreement's commitments. International accompaniment allowed for the channeling of resources, particularly through the Multi-Partner Trust Fund of the United Nations (MPTF), to support the United Nations Verification Mission, to promote spaces for dialogue and meetings, and to carry out detailed monitoring of implementation. The report compiles institutional sources that identify some limitations in the execution of financial resources allocated for peace. Most of the budget went toward the operating expenses of 22 public institutions (COP \$2.7 trillion), while fewer resources were allocated to peace investments (COP \$2.3 trillion).



Pending Regulations for Implementation of Point 6

TABLE

06

Reform of Law 152 of 1994, "Organic Law of the Development Plan"

Guarantee the right to prior consultation within the legislative process

Advance pending priorities for regulatory implementation of the Agreement's points

Challenges

During the reporting period, the mechanisms for implementation, promotion, and verification of the Final Agreement had technical and financial commitments to support their operations, especially the CSIVI and the gender and ethnic forums. However, these guarantees were not very effective for reaching consensus or promoting implementation in the territories. Although the CSIVI remained active through international accompaniment, it could not move the annual review of the PMI forward or make the necessary adjustments to SIIPO. In addition, its territorial agenda was limited. The report identified a gap of COP \$1.9 trillion in resources allocated to meet the goals established in the PMI for 2021, which significantly impacts Points 1 and 2.

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The main opportunities for Point 6 mentioned in the report include strengthening the CSIVI's internal dialogues. This is especially important related to reviewing the PMI and creating spaces at the territorial level, as well in the creation of a strategy that improves the timing and quality of reports from all entities with indicators in the SIIPO. The report also suggests that the increase in institutional, private, and international cooperation efforts is an opportunity to finance implementation of the Final Agreement and to strengthen coordination between state entities responsible for the execution of ethnic indicators and the IEANPE to improve the levels of implementation of the Ethnic Chapter. ⁴⁶ At the end of the fourth year of implementation, the Kroc Institute believes that successful implementation of the Final Agreement requires that the ambitious structural reforms and institutional changes reflected in the text of the Final Agreement be accompanied by transformations that are felt at both the personal and community level. As monitors, verifiers, and facilitators, we continue our commitment to build networks, highlight local realities, and offer narratives for proactive action to create generational change as part of this unique peacebuilding opportunity in Colombia. We remain determined to contribute to implementation, accompanying and supporting the hopes, plans, and programs of the institutions and organizations that represent millions of Colombians committed to ending conflict and building stable and lasting peace.⁹⁹



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

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