

A stylized map of Colombia is shown on the left side of the cover. The top half of the map is a dark orange color, and the bottom half is a light grey color, matching the background. The map is positioned on the left side of the cover, with the title text to its right.

# State of Implementation

of the Colombia Peace Agreement

## Report Two

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December 1, 2016  
May 31, 2018



**KROC INSTITUTE**  
FOR INTERNATIONAL PEACE STUDIES



UNIVERSITY OF  
NOTRE DAME

Keough School of Global Affairs

This policy brief presents the Kroc Institute's main findings regarding the implementation of the Colombian Final Agreement. The complete version of the "State of Implementation of the Colombia Peace Agreement: Report Two" can be found here: <https://kroc.nd.edu/research/peace-processes-accords/pam-colombia/>

**With the support of:**



# State of Implementation of the Colombia Peace Agreement December 2016-May 2018

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# Acronyms and Abbreviations<sup>1</sup>

<b>ANT</b>	National Land Agency	<b>PISDA</b>	Comprehensive Community Plans for Substitution and Alternative Development
<b>ANTV</b>	National Television Authority	<b>PMI</b>	Framework Plan for Implementation
<b>APC</b>	Presidential Cooperation Agency	<b>PNIS</b>	National Comprehensive Program for the Substitution of Crops Used for Illicit Purposes
<b>ART</b>	Territorial Renewal Agency	<b>SISEP</b>	Comprehensive Security System of the Exercise of Politics
<b>CEV</b>	Truth, Coexistence and Non-Recurrence Commission	<b>SIIPO</b>	Integrated Information System for the Post-Conflict
<b>CIV</b>	International Verification Component	<b>UARIV</b>	Unit for the Attention and Comprehensive Repair of Victims / Victims Unit
<b>CNGS</b>	National Commission on Security Guarantees	<b>UBICAR</b>	Police Basic Units
<b>CNPRC</b>	National Council for Peace, Reconciliation and Coexistence	<b>UBPD</b>	Special Unit for the Search for Persons Deemed as Missing in the context of the armed conflict
<b>CNR</b>	National Reincorporation Council	<b>UEI</b>	Special Investigation Unit
<b>CONPES</b>	National Council for Economic and Social Policy	<b>UIAF</b>	Financial Information and Analysis Unit
<b>CPA</b>	Comprehensive Peace Accord	<b>UN</b>	United Nations
<b>CSIVI</b>	Commission for Monitoring, Promoting and Verifying the Implementation of the Final Agreement	<b>UNGASS</b>	United Nations General Assembly Special Session on the World Drug Problem
<b>DNP</b>	National Planning Department	<b>UNIPEP</b>	Police Unit for Peacebuilding
<b>ETCR</b>	Territorial Training and Reincorporation Spaces	<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>FARC</b>	Fuerza Alternativa Revolucionaria del Común	<b>UNP</b>	National Protection Unit
<b>FCP</b>	Colombia in Peace Fund	<b>URT</b>	Land Restitution Unit
<b>JEP</b>	Special Jurisdiction for Peace	<b>ZOMAC</b>	Areas Most Affected by the Armed Conflict
<b>MADS</b>	Ministry of Environment and Sustainable Development	<b>ZRC</b>	Campesino Reserve Zone
<b>MMV</b>	Monitoring and Verification Mechanism	<b>ZVTN</b>	Transitional Local Zones for Normalization, or cantonment zones
<b>PAI</b>	Immediate Action Plans		
<b>PAP</b>	Broad Participation Process		
<b>PAPCOC</b>	Permanent Action Plan against Criminal Organizations		
<b>PATR</b>	Action Plan for Regional Transformation		
<b>PDET</b>	Development Plans with a Territorial Focus		

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<sup>1</sup> This report presents the Spanish version of all acronyms

# Policy Brief

## *Introduction*

Report Two on the State of Implementation of the Colombia Peace Agreement was presented to the Commission for Monitoring, Promoting and Verifying the Implementation of the Final Agreement (CSIVI) on July 2, 2018, by the Kroc Institute's Barometer Initiative. This policy report presents the main findings regarding the state of implementation at the 18-month mark.

In our first report, we showed that the combined efforts of the Government of Colombia and the FARC, with support from the international community, achieved significant progress in ending the armed conflict and taking initial steps to secure the peace. In this report, we look systematically at each point of the accord and assess the degree of implementation within that point, according to specific themes and subthemes, utilizing the Kroc Institute's unique quantitative methodology drawn from the Peace Accords Matrix, combined with the qualitative methodology particularly designed to follow-up on the implementation of Colombia's Peace Agreement. We assess implementation advances and gaps for all 578 stipulations in the accord, providing a whole-of-accord analysis to guide decision makers in identifying implementation priorities and avoiding negative cascading effects that could impede the consolidation of peace. We also compare the level of implementation of the Colombia accord with other comprehensive peace agreements (CPAs) at a similar stage in their development. We explain the obstacles to implementation and, where appropriate, identify possible solutions for achieving sustainable peace.

Our findings indicate that implementation of the Colombia agreement continues to advance. The number of stipulations in the accord that have completed implementation or that are at initial or intermediate levels of implementation has risen every month since the signing of the accord. The rate at which stipulations are initiated has remained steady at an average of 4% each month. Comparing the Colombian final accord with other comprehensive peace agreements, we find that the Colombian agreement is at the average pace of implementation at the 18-month mark. Despite the

progress achieved, however, advances have been slow in some points of the accord, and there are a number of problems that are impeding the process and could lead to setbacks and reversals in the months ahead.

Colombia has completed many of the initial short-term measures related to ending the conflict and establishing verification and monitoring mechanisms. The effectiveness of the cantonment and disarmament process and the joint verification and monitoring spaces showed the deep commitment of FARC-EP and the ability of both parties to work together. The process has now entered the more difficult phase of achieving rural reform, advancing economic development, enhancing citizen participation, reincorporating former combatants, substituting crops of illicit use, addressing the concerns of victims and providing mechanisms for transitional justice.

The Colombia accord goes beyond most other CPAs in seeking to provide political, economic, and social opportunities with a human rights-based approach in previously underserved territories and facilitating citizen participation in democratic structures of change. The many reforms outlined in the agreement are intended to correct social inequalities and institutional deficits in Colombia that are widely considered root causes of the armed conflict. The negotiated agreement envisions new structures and forms of public administration in Colombia to guarantee security, the rule of law, and the protection of rights, economic opportunity, and social services. The agreement calls for political and economic structures that are more inclusive, equitable, participatory, and accountable. It promises better delivery of economic and social goods through programs for promoting community-based economic development, facilitating rural reform, developing equitable patterns of land use, and substituting crops used for illicit purposes while ensuring environmental rights. It embodies principles of inclusion by providing guarantees of social and political participation in institutional structures fostering pluralism and strengthening civil and political rights as a means to prevent armed violence.

Achieving this ambitious agenda for structural transformation is a long-term process that will require a continuing commitment among public officials at the national, regional, and local level and from FARC, civil society organizations, religious bodies, community leaders, and the business sector. Implementation of the accord is the responsibility of the entire nation—government and society. All elements of government and society have a role to play in assuring the implementation of an agreement that reflects the principles of the 1991 Colombian Constitution and seeks to achieve widely shared national goals.

Enhancing institutional effectiveness depends upon building trust between state and society and strengthening accountability and transparency at the national level, while ensuring the presence of the State and the rule of

law in areas previously controlled by armed actors. Legitimacy is based on both performance (the effective delivery of public goods and services) and procedure (processes perceived as impartial and evenhanded). When institutional systems are accepted as legitimate they are more likely to generate sustainable peace and prosperity.<sup>1</sup>

To date, little progress has been achieved in implementing these long-term structural reforms. Our review of implementation over the past 18 months indicates few advances in achieving the envisioned political, economic and social transformations in the territories. Partly this is a matter of sequencing and the initial focus on ending the armed conflict and creating verification and monitoring systems. To sustain and build upon these achievements, however, it will be necessary now to emphasize the implementation of longer-term structural changes.

The need for a systemic approach is evident in the challenge of addressing the security and protection needs of social leaders, communities in the territories and FARC ex-combatants. The accord calls for providing security guarantees for these communities, but despite extensive force deployments, public forces have been unable to prevent continued violence and targeted killings. As we observe below, this is one of the most serious threats to the viability of the entire peace process. The most fundamental public good is still not fully assured in the affected communities. Structural changes are needed so that security forces can transition from a strategy of counterinsurgency to a framework of human security and community protection, working hand in hand with other ministries and entities providing protection and judicial services.

Sustaining the peace process and achieving necessary reforms will require advances in institutional capacity and quality. The accord establishes a number of new institutions for implementing provisions for economic development, citizen participation, and land reform, but most of these capacities have not been created or are not yet functional. Community development programs and alternatives for illicit crops have been promised and are in the early stages of operations. However, due to historic gaps in the delivery of public goods in the territories, government accountability and opportunities for citizen involvement remain inadequate. Overcoming these conditions will be necessary to fulfill the promise of Territorial Peace.

The accord's provisions for engaging society and enhancing the participation of women, ethnic communities and social leaders could be key to achieving these goals. These transversal provisions offer a means for harnessing

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<sup>1</sup> David Cortright, Conor Seyle and Kristin Wall, *Governance for Peace: How Inclusive, Participatory and Accountable Institutions Promote Peace and Prosperity* (Cambridge: Cambridge University Press, 2017), 30-45; David Roberts, "Post-conflict Statebuilding and State Legitimacy: From Negative to Positive Peace?" *Development and Change* 39, No. 4 (2008): 551.

the energy and creativity of civil society in support of peace accord implementation. Community groups, human rights defenders, ethnic communities and women in the territories tend to be the strongest supporters of the peace process and have the greatest stake in the success of the implementation process. Harnessing these social forces provides a way to move from the theory of Territorial Peace to the practice, overcoming the traditional limitations of Colombian governmental institutions at the local level. The “emergence” of the State in the territories requires more inclusive and participatory forms of governance for achieving the claimed structural reforms to secure the peace and create greater economic and social opportunity for the future.

## *An Overview of the State of Implementation of the Colombia Peace Agreement*

Implementation of the Colombian final accord continues to advance. As of May 31, 2018, of the 578 stipulations followed by the Barometer Initiative, implementation activity is underway in 353 stipulations (61%).

Since the beginning of the implementation process, there has been constant positive movement towards higher levels of implementation. Main achievements include the ceasefire, cantonment and laying down of arms processes, early reincorporation, and the FARC-EP’s transition to a political party. Many of the legal measures needed for implementation have been adopted, along with mechanisms to monitor and verify the accord. These advances have evidenced the strong commitment of both the government and the FARC to the peace process and the ability of both parties to work together.

As seen in Graph 1, which shows the progress of implementation from December 1, 2016 to May 31, 2018, there has been significant implementation activity over the past 18 months. The orange segment represents stipulations with minimum implementation status each month, the blue segment represents stipulations with intermediate implementation status, and the green segment shows stipulations with full implementation each month. The last 18 months of implementation can be summarized as follows.

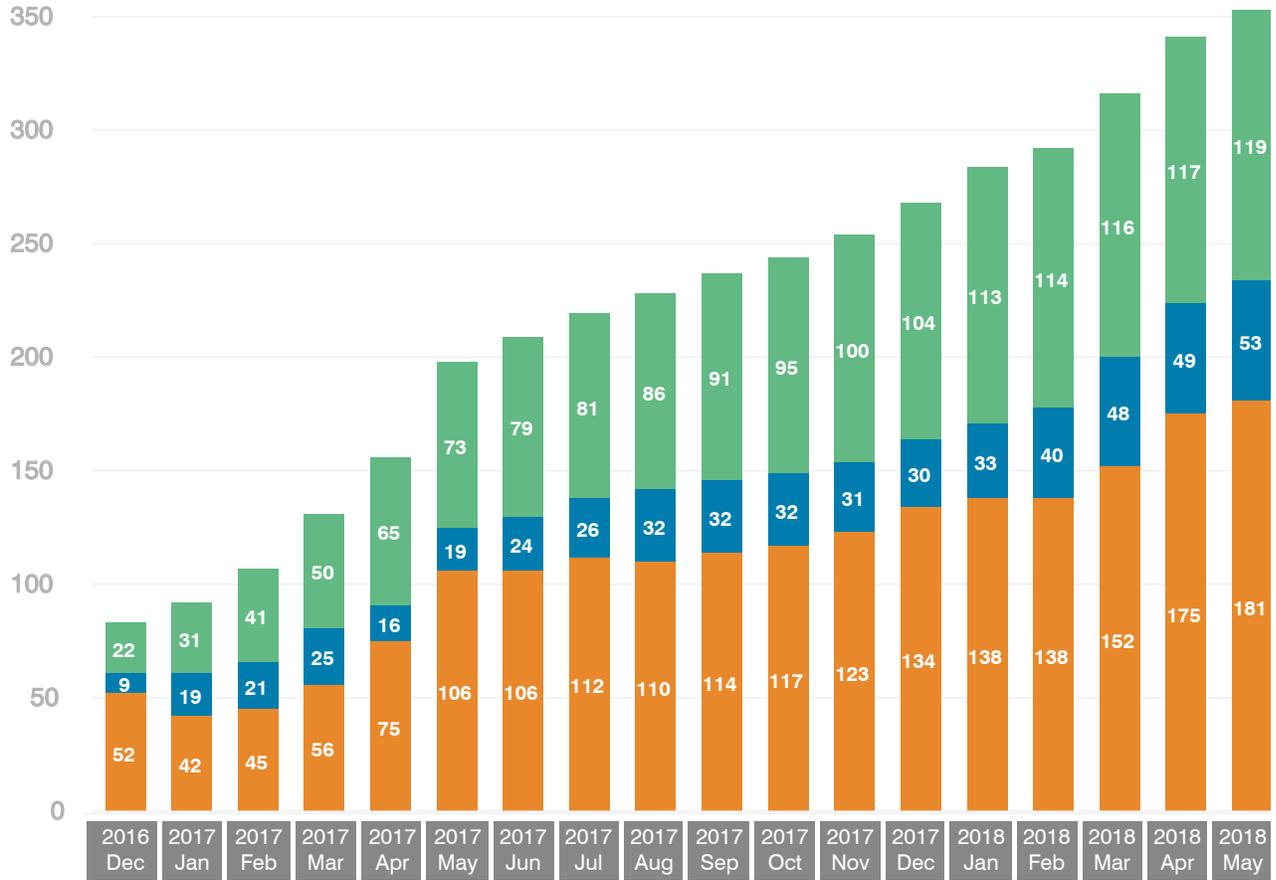
- Each month since December 2016, the number of stipulations that have moved from zero implementation into the categories of minimum, intermediate and complete implementation has increased.
- The percentage of stipulations in various stages of implementation has increased from 83 (14%) in December 2016 to 353 (61%) in May 2018.

- The percentage of stipulations that have been fully implemented has increased from 4% in December 2016 to 21% in May 2018, a five-fold increase in completed stipulations.

Graph  
1

Summary of monthly implementation status

Minimum Intermediate Complete



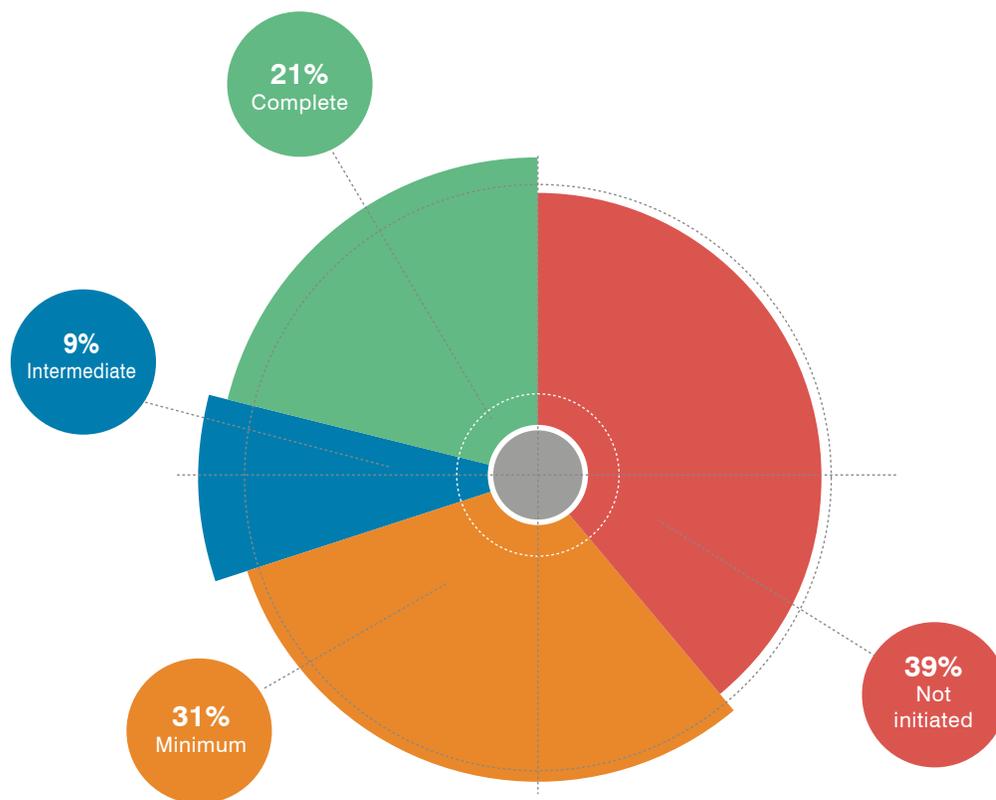
Graph 2 presents only those stipulations completed or in progress month to month. The monthly value represents the sum of all initiated stipulations (minimum, intermediate and complete) in the current month and in preceding months. As seen in the graph, the rate of initiation of stipulations has increased steadily.

Graph 2  
**2** Stipulations completed or in progress with measurements accumulated month by month



Graph 3 below shows that approximately 21% of the stipulations in the Colombian final accord have been fully implemented, 9% have an intermediate implementation level, and 31% have been minimally implemented. In summary, 61% of all stipulations in the accord are in some stage of implementation. Thirty-nine percent of the commitments in the accord have not been initiated. However, it is important to highlight that, according to Framework Plan for Implementation, and due to implementation sequencing, a subgroup of these commitments that have not been initiated (approximately 5%) are scheduled to begin in 2019 onward.<sup>2</sup>

Graph  
**3** Implementation status of the 578 stipulations (May 2018)

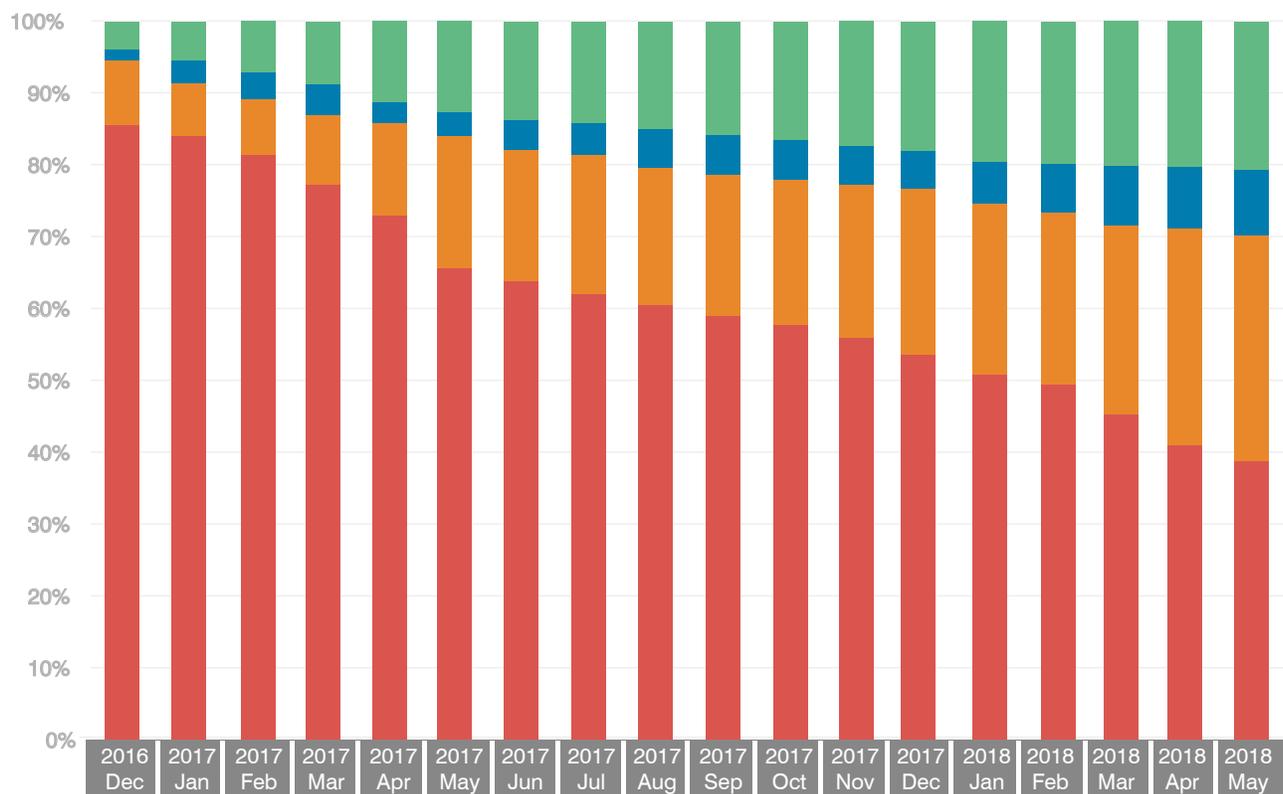


<sup>2</sup> In order to determine how many of the 225 non-initiated stipulations are scheduled to begin after year two of implementation (2019), the Kroc Institute team carried out a preliminary comparison between the 225 stipulations and the indicators of the Framework Plan for Implementation (PMI). The categorization of these stipulations was based strictly on the text of the final agreement and the PMI (year start – year end).

Graph 4 presents the monthly progression of implementation in a different way, displaying the proportion of the 578 stipulations falling within each category (not initiated, minimum, intermediate and complete) for each month of the process. In essence, each bar summarizes the state of implementation for the entire Colombian accord each month.

**Graph 4**  
Overall status of implementation of the 578 stipulations, month by month

N= 578  
■ Not initiated  
■ Minimum  
■ Intermediate  
■ Complete



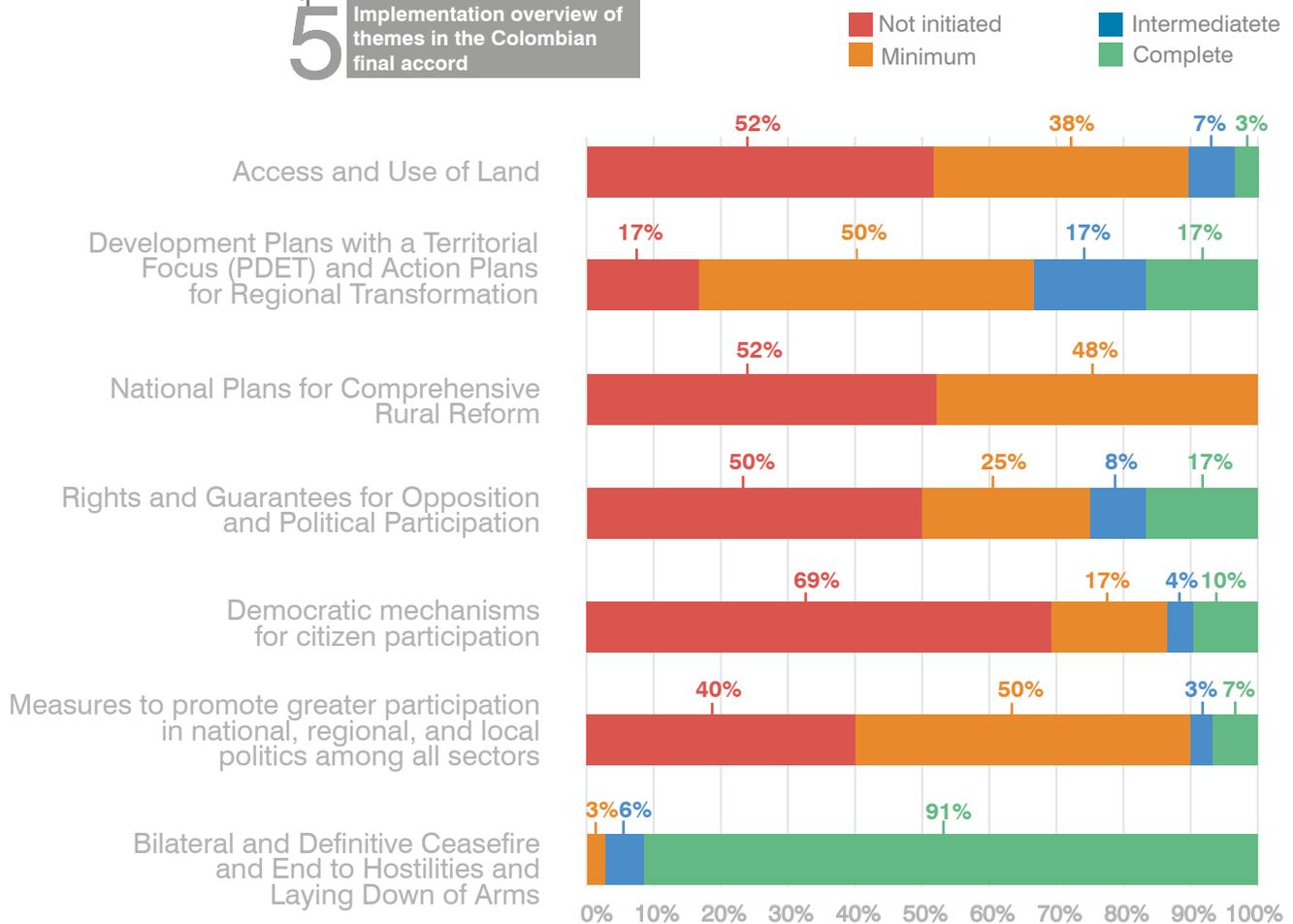
As evident in the graph above, over the 18 months of implementation, the percentage of stipulations that have been completed has increased every month (green). The largest increase has occurred within the ‘minimum’ implementation category (orange). This indicates that many commitments have been started—legislation has been presented or planning documents have been drafted.

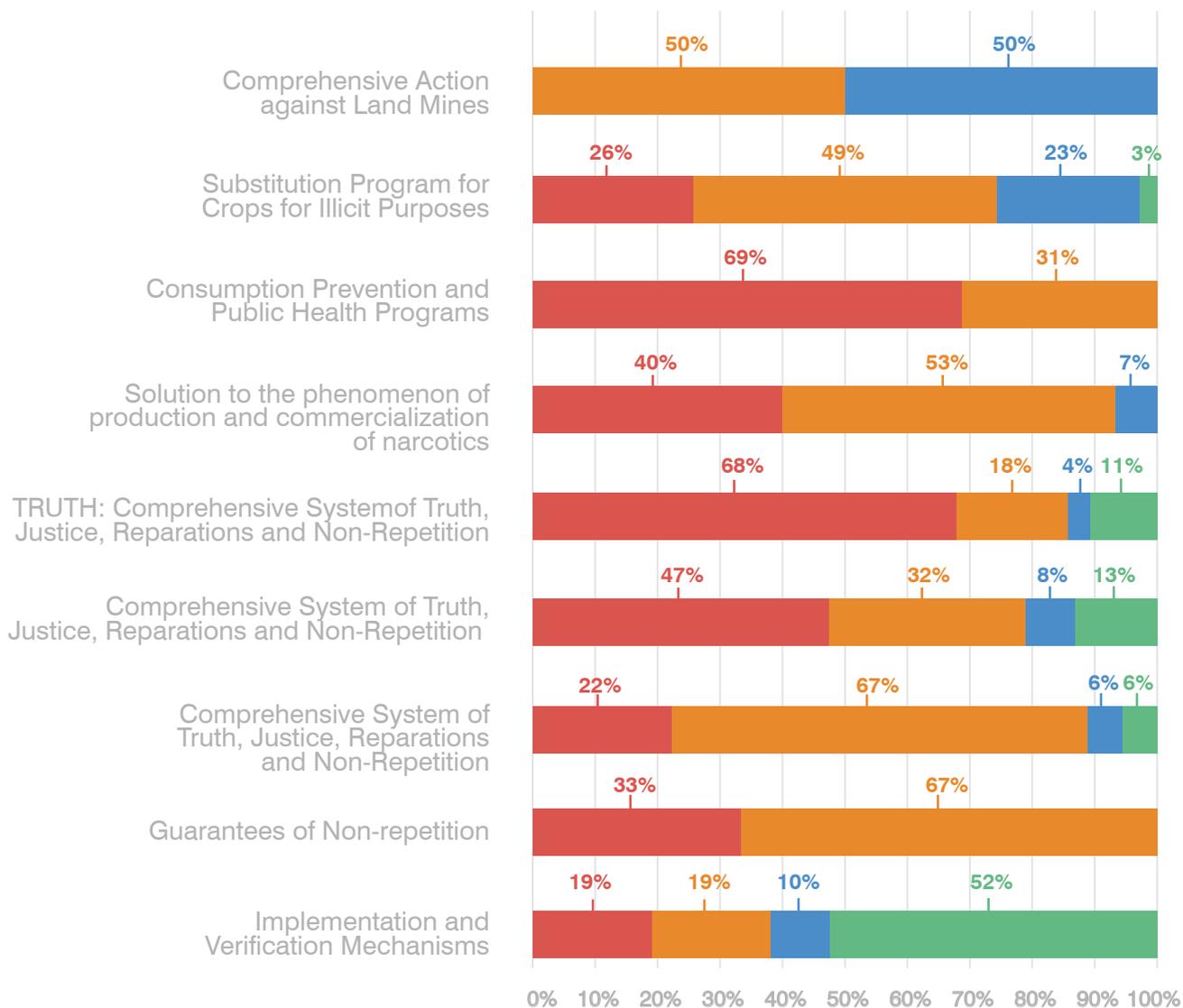
Although the initial steps are critical, all of the plans and programs envisioned in the accord require budgets, staff, and operations in territories to reach intermediate and full levels of implementation. In the coming years, it will be necessary to show constant increases in the number of stipulations at these levels.

Graph 5 shows the state of implementation across the 18 themes as outlined in the Colombian final accord. As the graph shows there are stark differences in overall implementation across themes. Higher levels of implementation are seen in themes related to the end of conflict such as ceasefire, laying down of arms, and reincorporation, specifically early measures for reincorporation. Likewise, higher levels of implementation are observed for implementation and verification mechanisms.

At the other end of the spectrum are the other themes with zero or nearly zero fully implemented or intermediate levels of implementation such as land access and use, and National Plans for Comprehensive Rural Reform. At the 18-month mark of the implementation process, it may also be appropriate to highlight those themes that have the largest proportion of non-initiated stipulations. Some of the themes that stand out are: democratic mechanisms for citizen participation, measures to promote greater participation in national, regional and local politics, and security guarantees. As mentioned above, 5% of these uninitiated stipulations are sequenced to begin in 2019 and onward.

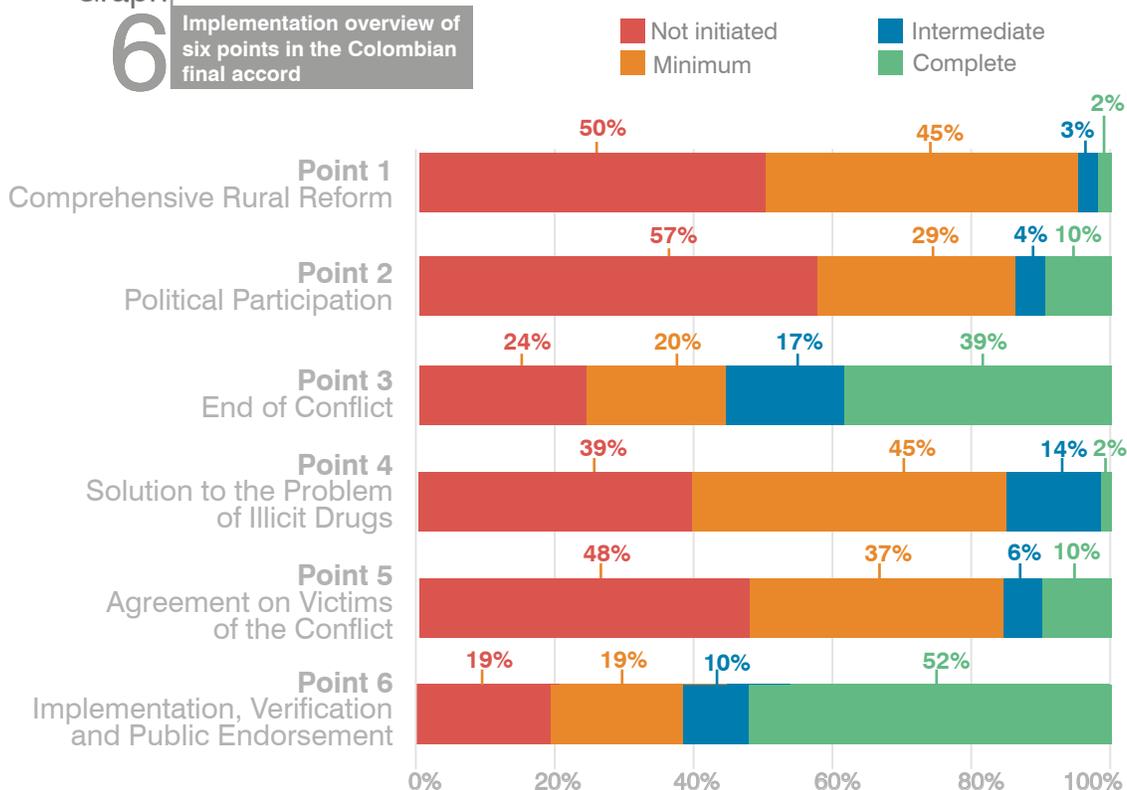
**Graph 5** Implementation overview of themes in the Colombian final accord





We can also examine the relative state of implementation across the six major points of the Colombian Final Accord. As seen in Graph 6, a substantial amount of variation in implementation is evident across the six points. Although there has been progress in all points of the accord in the past 18 months, the greatest amount of progress has occurred in point three (End of the Conflict) and in point six (Implementation, Verification and Public Endorsement). The lowest levels of implementation are seen in point one (Comprehensive Rural Reform) and point two (Political Participation).

Graph 6 Implementation overview of six points in the Colombian final accord



### Main Areas of Concern for Implementation

While progress has been achieved in many areas of the accord, serious concerns exist regarding the lack of progress in areas that are critical to the construction of a quality peace. In this report, as in our first assessment of implementation, we call attention to three major areas of concern.

#### Security guarantees and community protection

Dynamics of insecurity remain in the territories. Especially alarming have been the increase and persistence of homicides against human rights defenders and social leaders, particularly community-based leaders, indigenous and Afro-Colombian authorities, the deteriorating humanitarian situation in the areas most affected by the conflict, and the killings of FARC-EP ex-combatants and their families. Various armed groups, criminal gangs, successors of paramilitary groups, the ELN and dissident elements of FARC-EP are fighting for control of drug trafficking and other illicit economies. There are also reports of an increase in sexual violence and gender-based violence, especially in areas previously controlled by the FARC-EP.

Addressing these and other threats to security will require sustained concrete actions in the territories, better inter-agency coordination and

continued financial commitments. A failure to resolve these problems will have negative effects on the implementation of territorial peace. To overcome the security threats in the territories it will be necessary for security forces to adopt strategies and methods of human security and community protection.

### **The slow processes of long-term political, social, and economic reincorporation for ex-combatants**

The recently adopted National Policy for Reincorporation should be put into operation as soon as possible, so that ex-combatants and their families have a clear long-term horizon for integrating into civilian life. It is not yet clear how ex-combatants will gain access to the land they need for agricultural livelihoods. The absence of a robust long-term reincorporation strategy that integrates the visions and considers the special needs of ex-combatants by rank and regions has made the peace process more vulnerable. A lack of viable options for effective civilian reincorporation of ex-combatants in a context of incentives for illegality could undermine the peace process and prompt some former fighters to return to armed violence.

### **Pending regulatory and institutional adjustments**

While recently passed legislative measures and government regulations have contributed to building the foundations of the implementation of the peace accord, other legislative and regulatory measures are still lacking. These include regulations that are essential to achieving some of the central promises of the accord, including the political representation of historically marginalized areas (Special Transitory Peace Voting Districts), the centrality of victims (reform to Law 1448 of 2011 or Victims Law, among other actions), and improvement of the quality of democratic participation writ large. On this last point, greater progress is needed in legislation and regulation related to strengthening the policy for democratic and participatory planning, guarantees and promotion of citizen participation, and guarantees for social protest and mobilization.

In addition, concerns have been raised about adjustments made in legislation for the administration of justice through the Special Jurisdiction for Peace (JEP), and delays in regulatory measures for Comprehensive Rural Reform.

Below we present a point-by-point overview of the implementation of all themes and subthemes of the accord. We describe the main terms of each point, the highlights of implementation to date and issues needing attention. This is followed by tables and descriptions explaining each theme and subtheme and the considerations behind the coding of the various provisions. Each section includes a summary analysis of major issues in the relevant point.

# An Overview of Results

## for Each Point of the Final Agreement by Themes and Subthemes

### ***POINT ONE: Toward A New Colombian Countryside – Comprehensive Rural Reform***

#### Summary

#### Main strategies and programs

- **Access and use of land:** Creation of a Land Fund, mass titling processes for small and medium-sized rural property; mechanisms for resolving land tenure disputes (new agrarian jurisdiction); a comprehensive General Cadastral Information System; the closure of the agricultural frontier; environmental protection and land use planning, including the development of the Campesino Reserve Zones (ZRC).
- **Development Programs with a Territorial-Based Focus (PDET)**
- **National Plans for Comprehensive Rural Reform**
  - Infrastructure: roads, irrigation, electricity, and internet.
  - Social development: health and rural education, housing, potable water, labor formalization, social protection, and the right to food.
  - Incentives and technical assistance for agricultural production and for cooperatives and solidarity economies.

#### Main advances

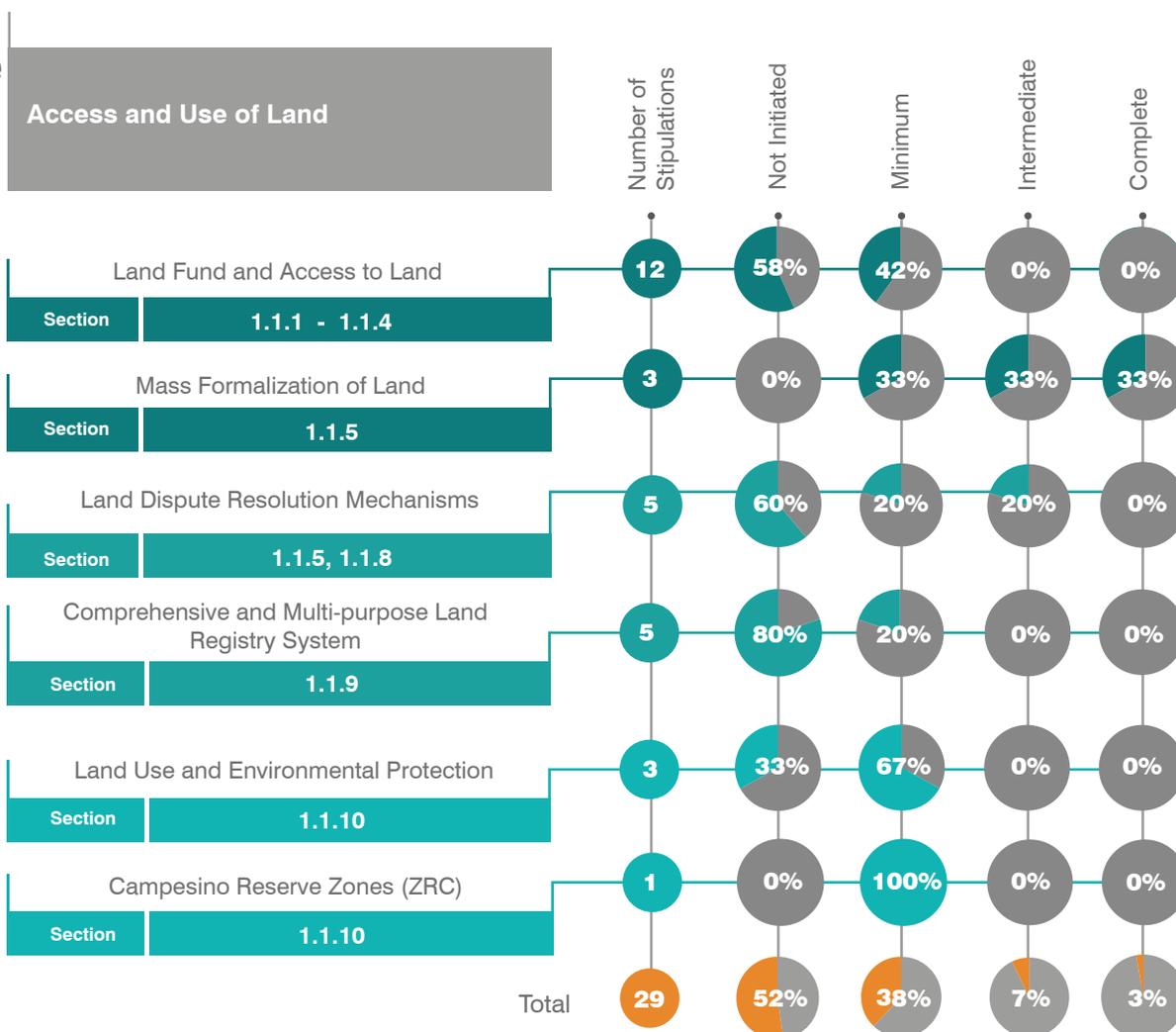
- Creation of the Land Fund (Decree Law 902 of 2017), with more than 525,000 ha transferred to it.
- New law that increases efficiency of the Property Confiscation Code.
- Pilot multi-purpose cadastral survey in 23 municipalities.
- Definition of technical bases for environmental zoning and delimiting the agricultural frontier.
- Creation of Payment for Environmental Services incentive.
- Advances in the participatory design of the PDET in 155 of 170 prioritized municipalities, and the convening of more than 1,236 pre-assemblies (75% of the total). Initiation of the municipal planning stage for the PDET.

## Main difficulties

- Initial increase in state presence in historically neglected areas. Dialogue established with hundreds of territorial social organizations, associations, and local authorities.
- Publishing of the CONPES 3932 Document
- Progress in drafting the National Plans for Comprehensive Rural Reform
- Fragmentation and legislative delay.
- Lack of clarity regarding coordination processes between the PDETs and other territorial programs and plans.
- Doubts about the financial sustainability of the PDET and the National Plans.

## Quantitative and qualitative analysis of implementation activity

Table 1



The subtheme on the **land fund and access to land** contains 12 stipulations of which five are in a state of initial implementation and seven have not started implementation.

Initial implementation is underway in creating regulations and administrative measures. The Land Fund was created by Decree Law 902 of 2017.<sup>3</sup> Law 1849 of 2017 which increases the efficiency of the Property Confiscation Code has been approved by Congress.<sup>4</sup>

As of July 2018, the National Land Agency (ANT) reported that more than 525,000 hectares have been added to the Land Fund inventory.<sup>5</sup> The Land Bill is being revised by ethnic communities.

The subtheme on the process of **massive formalization of land** contains three stipulations of which one has been fully implemented, one is at an intermediate level of implementation, and another is at the stage of initial implementation.

The commission of experts on land issues was created and presented recommendations in May 2017. Although, to date, the Massive Formalization Plan has not been published, initial plans for land formalization are included in Decree Law 902 of 2017. The ANT is formalizing properties under existing legal authority, which is a partial advance in the process. In addition, a presidential decree in March 2018 initiated the formalization of properties identified as having false titles or “false tradition,” a process with the potential to benefit 2.5 million campesinos.<sup>6</sup>

The subtheme on **land dispute resolution mechanisms** has five stipulations of which one has been initiated, one is at an intermediate level of implementation, and three have not started implementation.

The rating of initial implementation refers to regulatory advances, including Decree Law 902 of 2017, and preparation of a draft law that will create an

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<sup>3</sup> Decree Law 902 of 2017, “By means of which measures are adopted to facilitate the implementation of the Comprehensive Rural Reform contemplated in the Final Accord regarding land use, specifically the procedure for access and formalization of land and the Land Fund,” [Por el cual se adoptan medidas para facilitar la implementación de la Reforma Rural Integral contemplada en el Acuerdo Final en materia de tierras, específicamente el procedimiento para el acceso y formalización y el Fondo de Tierras] *Diario Oficial* No. 50.248, May 29, 2017.

<sup>4</sup> Law 1849 of 2017, *Diario Oficial* No. 50.299, July 19, 2017. This Law establishes, among other measures, that rural assets become part of the Land Fund.

<sup>5</sup> National Land Agency, “Gestión De La Subdirección De Administración De Tierras De La Nación De La Agencia Nacional De Tierras En El Marco De Los Acuerdos De Paz.” (Bogota, July 2018).

<sup>6</sup> Decree 0578 of 2018, “By means of which the functions of the Superintendent of Notaries and Registries are partially modified,” [Por el cual se modifican parcialmente las funciones de la Superintendencia de Notariado y registro] March 27, 2018.

agrarian specialty in jurisdiction and litigation and will define mechanisms for resolving conflicts.<sup>7</sup>

Intermediate implementation refers to the National Land Agency's efforts to issue Social Management of Property plans for the municipalities of Ovejas (Sucre), and Tarazá, Cáceres, Valdivia (Antioquia).<sup>8</sup>

Of five stipulations in the **Comprehensive and Multi-purpose Land Registry System**, four have not started implementation and one has a minimum level of implementation. The initial implementation rating reflects National Planning Department (DNP) review of the first multipurpose land survey pilot in seven municipalities. Three other pilots are underway for 16 more municipalities. The full implementation of the new land survey and registry system will take time. As noted below, these reforms in other comprehensive peace accords can take several years to fulfill.

The subtheme on **land use and environmental protection** contains three stipulations of which two are at the initial implementation level and one has not started implementation.

Initial implementation is underway with the creation of incentives to provide environmental services and solutions to land use conflicts, as specified in Decree 870 of 2017. In addition, the Ministry of Agriculture has presented a resolution for the definition of the agricultural frontier.<sup>9</sup> The Ministry of Environment and Sustainable Development (MADS) also has an advanced draft of the Environmental Zoning Plan that prioritizes 108 municipalities. The approval of this plan will accelerate the consolidation of the Land Fund. The Zoning Plan is key because it determines the areas available for agriculture production and the areas for conservation and protection and thus contributes to preventing the expansion of the agricultural frontier into special environmental areas.

The subtheme on **Campesino Reserve Zones (ZRC)** contains one stipulation which is at a minimum implementation level. The National Land Agency has taken initial steps to open two new Campesino Reserve Zones in Santa Rosa, Cauca and Pradera, Valle del Cauca. Campesino organizations estimate that there are 45 communities in the country who

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<sup>7</sup> Ministry of Justice, Draft Bill "By means of which law 270 of 1996 is modified, Statute of the Administration of Justice, and mechanisms for the resolution of disputes and agrarian and rural litigation are established, and other provisions are dictated," [Por la cual se modifica ley 270 de 1996, Estatutaria de la Administración de Justicia, se establecen los mecanismos para la resolución de controversias y litigios agrarios y rurales, y se dictan otras disposiciones] October 2017. This Bill has not been presented to Congress.

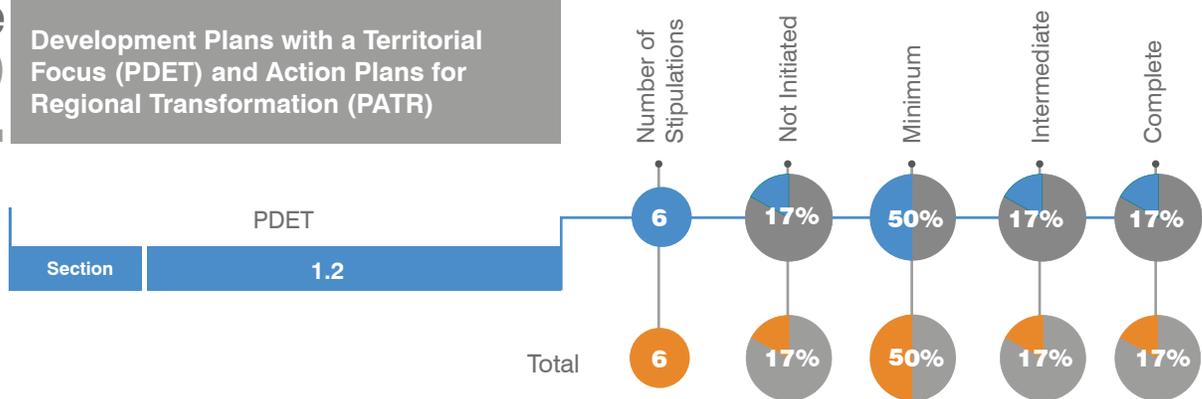
<sup>8</sup> National Land Agency, "Avances En Planes De Ordenamiento Social De La Propiedad Rural (PO-SPR)," (Bogota, April 2018).

<sup>9</sup> Ministry of Agriculture, Resolución No. 261 "Por medio de la cual se define la Frontera Agrícola y se adopta la metodología para la identificación general," June 21, 2018.

have requested to become Campesino Reserve Zones.<sup>10</sup> In addition, preparatory measures have been taken to formalize land in pre-existing Campesino Reserve Zones.

Table 2

Development Plans with a Territorial Focus (PDET) and Action Plans for Regional Transformation (PATR)



This theme contains six stipulations of which one has been fully implemented, three are at initial implementation, one has reached an intermediate implementation level, and one has not started.

The definition and designation of PDET zones has been completed, which constitutes full implementation. The participatory processes of the PDETs are in progress. More than 75% of the pre-assemblies and 79%<sup>11</sup> of the municipal steering committees have been completed, although community organizations report a lack of gender, ethnic and victim-centered approaches and urge more transparency and communication on the results of the planning processes.<sup>12</sup>

<sup>10</sup> Centro de Estudios para la Paz (CesPaz), “Mapa de ZRCs constituidas, en proceso y en proyección,” *CesPaz*, 2017, [http://cespaz.com/wp-content/uploads/2017/11/nacional\\_zrc.pdf](http://cespaz.com/wp-content/uploads/2017/11/nacional_zrc.pdf) (acceso mayo de 2018). Ver también, Instituto Humboldt, “Zonas de Reserva Campesina en el escenario del posconflicto,” <http://reporte.humboldt.org.co/biodiversidad/2017/cap4/404/index.html#seccion1>.

<sup>11</sup> Territorial Renewal Agency, Subdirección for Monitoring and Evaluation, “Ficha Nacional,” June 25, 2018.

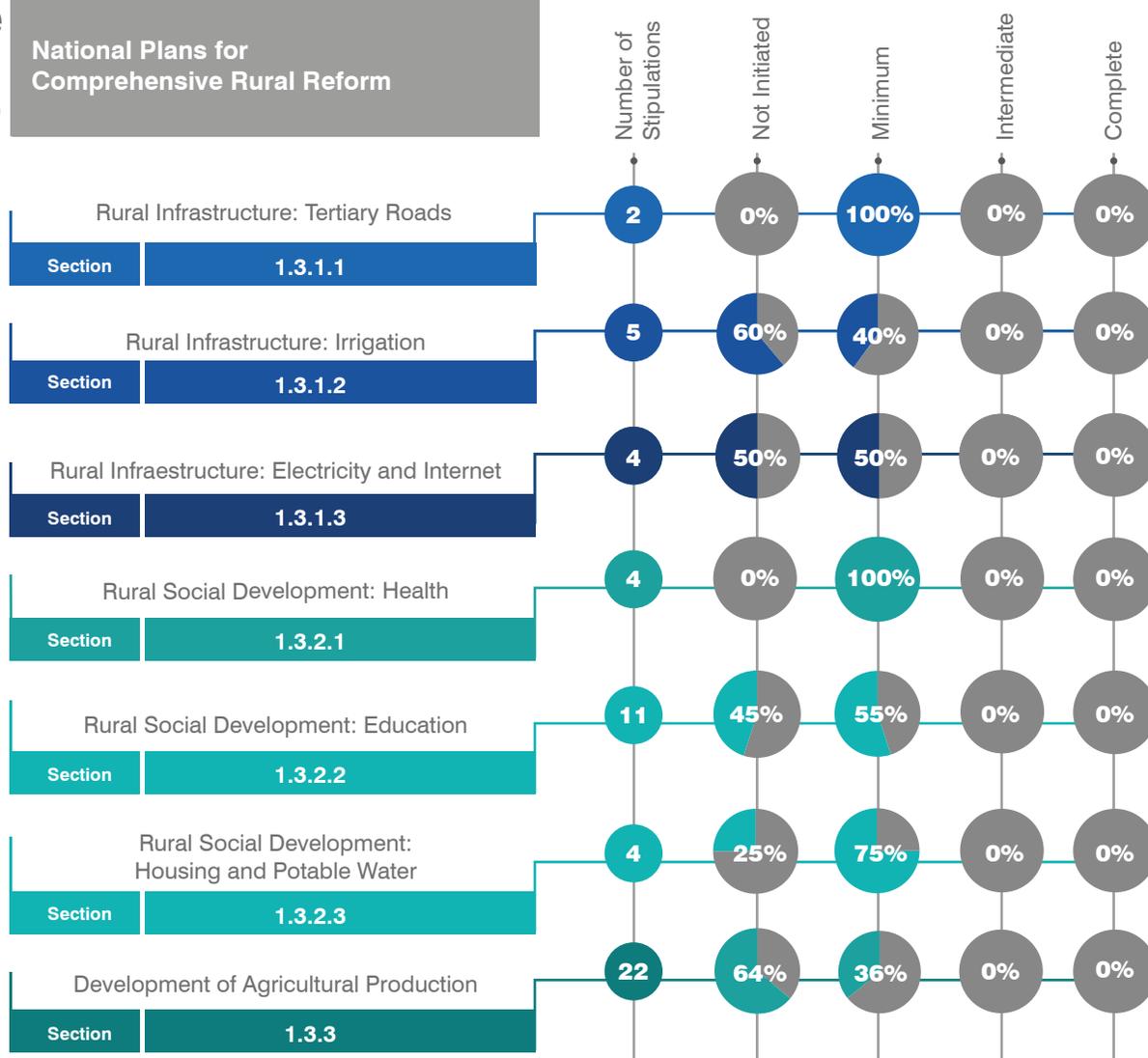
<sup>12</sup> Mesa Nacional de organizaciones sociales en torno a los PDET, “Diálogo Político en los territorios. Programa de Desarrollo con Enfoque Territorial – PDET,” (Conclusions, Political Dialogue Workshop, May 8, 2018). Within the framework of this dialogue/workshop, four regional workshops were carried out between March and April 2018 in Pitalito, Santa Rosa del Sur de Bolívar, Cali and Mahates, Bolívar. 210 people participated in these workshops in addition to representatives from the organizations that accompany the implementation of Point 1 of the Final Agreement (FAO, European Union, UNDP, Vía Campesina) and representatives from the following organizations: National Association of Colombian Campesinos (ANUC), National Association of Campesino Reserve Zones (ANZORC), National Federation of Agrarian Unions (FENSUAGRO), National Indigenous Organization of Colombian (ONIC), National Network of Family Agriculture (RENAF), Black Communities’ Process (PCN), human rights organization CODHES, Jesuit research center CINEP), DeJusticia, National Women’s Platform, and Lutheran World Relief, among many others.

Minimum implementation ratings reflect slow progress in creating legal and institutional measures for incorporating PDET plans into the national participatory planning processes. These measures are outlined in the CONPES 3932 Document, but must be further developed.<sup>13</sup>

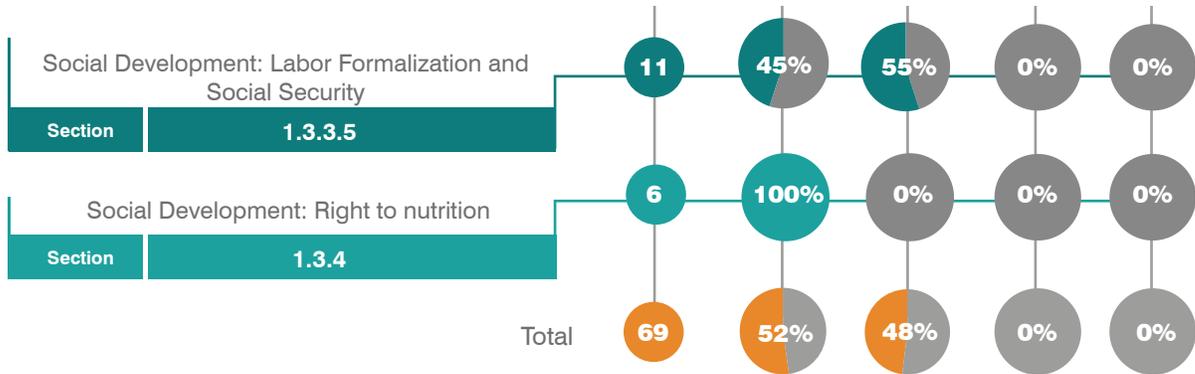
The implementation of the PDET process is still in its early stages. These plans are participatory processes for creating legitimacy, trust and constructive interaction between the State and the communities. In this sense, the implementation of the PDET is about endurance, not velocity.

Table 3

National Plans for Comprehensive Rural Reform



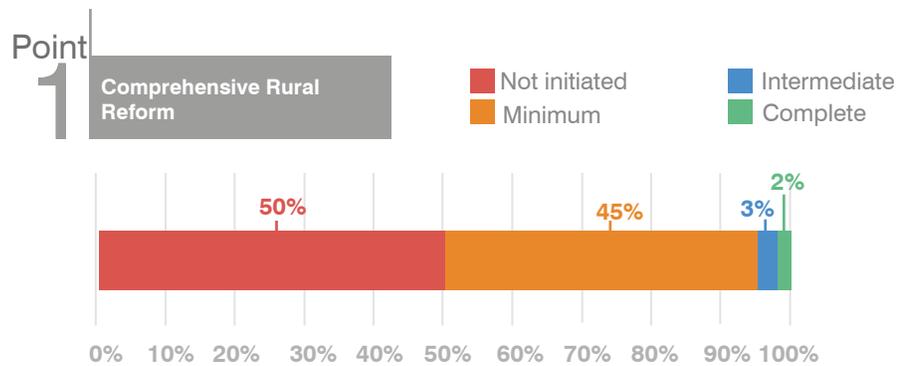
<sup>13</sup> National Council for Economic and Social Policy, Documento CONPES 3932, “Lineamientos para la articulación del Plan Marco de Implementación del Acuerdo Final con los instrumentos de planeación, programación y seguimiento a políticas públicas del orden nacional y territorial,” Bogotá, June 29, 2018.



This theme has 69 stipulations covering nine subthemes. Initial levels of implementation in these subthemes reflect normative and institutional development for the publication of the National Plans, in addition to some programmatic progress on activities included in the Plans. The National Plans aim to catalyze structural changes in Colombia and will likely take many years to complete.

### Assessment of Point One

The graphic below summarizes cumulative implementation results for all 104 stipulations in point one.



Rural reform is the first point of the accord in part because many believe that land issues are core grievances that led to the armed conflict, and that transforming these underlying structural injustices will be necessary for peace to be sustainable. The armed conflict in Colombia, as in other Latin American countries, was rooted in historic inequalities in access to land and control of property. Land reform is a fundamental issue of justice in the territories and is necessary to reduce poverty and marginalization, close the development gap between the territories and urban areas, and ensure socio-economic rights.

Rural reform may be point one in the accord, but it is near last compared to other points in its pace of implementation. As of May 31, 2018, the majority of the stipulations in point one have not been initiated. Implementation has begun in 48% of the stipulations, mostly at the minimal level. Only 2% of the stipulations in point one have been fully implemented.

Comparatively speaking the slow pace of implementing rural reforms in Colombia is not an anomaly. Two-thirds of all comprehensive peace accords have social and economic development provisions, with many rural reforms similar to those of the Colombia accord. In most of these cases at the end of year two implementation processes did not exceed the minimal level. In the El Salvador process, for example, land transfers to the Banco de Tierras were very slow, with only 200 people having received land at the 18-month mark. The land titling program was also delayed. In Guatemala at the two-year mark, the process was arguably slower, with no action taken on the proposed land trust. In Bangladesh, it took more than two years for the Land Commission to begin operations and four years for the creation of the Land Disputes Resolution Commission. In most cases it has taken an average of seven years to see substantial progress in reforms aimed at improving social and economic development.

The extended timeline required for the implementation of rural reform provisions is not an argument for complacency or inaction. On the contrary, steady consistent action is needed to advance land reform in the face of the bureaucratic inertia and resistance from vested interests that often stand in the way. In the case of Colombia this will require greater attention to the many inactive stipulations in point one.

## ***POINT TWO: Political Participation - Democratic Opening to Peacebuilding***

### **Summary**

#### Main strategies and programs

- **Rights and security guarantees for the opposition and for political participation.**
- **Democratic mechanisms for citizen participation:** Promotion and guarantees for social movements and organizations; guarantees of peaceful protest and mobilization; access to communication media for citizens, parties and political movements; guarantees of reconciliation, coexistence, tolerance, and non-stigmatization due to political and social action (National and Territorial Peace, Reconciliation, and Coexistence Councils); citizen control and oversight; the strengthening of democratic and participatory planning.
- **Measures to promote greater participation in national, regional, and local politics of all sectors, including the most vulnerable populations:** Greater political access; promotion of electoral participation, reform of the electoral system, and transparency; the political representation of populations and territories most affected by the armed conflict (Special Transitory Peace Voting Districts); promotion of the political and civic participation of women.

#### Main advances

- Approval of the Opposition Statute by the special legislative procedure for peace.
- Security and Protection Guarantees for the Exercise of Politics: Strengthening of the Early Warning System of the Ombudsman's Office; preventive security deployments; measures to strengthen prosecutions; Program for Individual and Collective Protection of leaders of organizations and social movements and human rights defenders.
- Dialogue Commission established and received civil society proposals and guidelines for the citizen participation law and guarantees of social protest.
- The National Council for Peace, Reconciliation and Coexistence (CNPRC) functioning with the participation of an increased number of civil society representatives and a representative of the FARC political party. A February 2018 presidential directive to promote the creation of Territorial Councils.
- Recommendations of the Special Electoral Mission.

Main difficulties

- Delays in the development of regulatory measures, particularly the citizen participation law and guarantees of social protest, Electoral and Political Reform, and Special Peace Voting Districts.
- Lack of effective coordination among citizen participation spaces created by the accord.
- Worrisome humanitarian conditions in Chocó, Cauca, Nariño, Guaviare, Putumayo, Córdoba, Valle del Cauca (particularly Buenaventura), Antioquia (Bajo Cauca and Urabá), and Norte de Santander (Catatumbo).
- An increase in the number of homicides and threats against human rights defenders and social leaders.
- Despite significant troop deployments, inadequate security and protection guarantees for implementation of the territorial and transversal dimensions of the accord.
- The lack of resources and institutional capacity to reach territories beyond the prioritized 160 municipalities.
- The challenge of implementing protection guarantees with a collective and communitarian approach, rather than an individual one.

Quantitative and qualitative analysis of implementation activity

Table 4

Rights and Guarantees for Political Opposition and Political Participation



The two stipulations on **guaranteeing political opposition** have been fully implemented. The Interparty Commission for the definition of the guidelines of the Opposition Statute was created and provided the necessary input for the

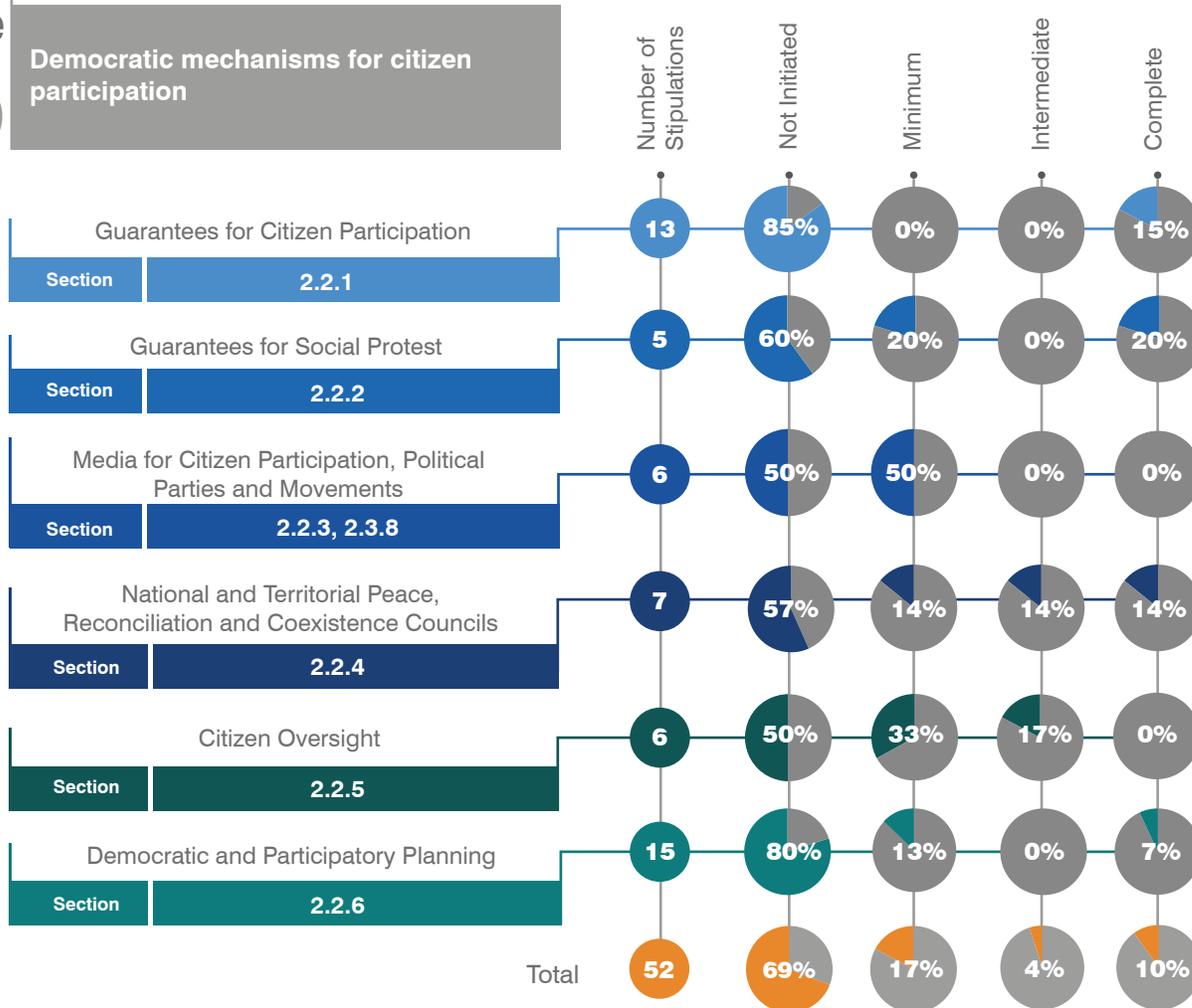
law approved by Congress at the end of April 2017. At the beginning of April 2018, the Constitutional Court declared the law constitutional.

The subtheme on **security guarantees for the exercise of politics** contains 10 stipulations of which six have not started implementation, three are at an initial implementation level, and one has reached an intermediate level of implementation.

The Early Warning System of the Ombudsman’s Office was strengthened with Decree 2124 of December 18, 2017,<sup>14</sup> and regulations have been issued for individual and collective protection of social leaders. These measures are at an initial stage of implementation and have not yet generated sufficient protection at the territorial level, while killings and threats against human rights defenders and social leaders have increased.

Table 5

Democratic mechanisms for citizen participation



<sup>14</sup> The early warnings system issued its first independent risk report (IR 026) on February 28 of 2018 under the new framework.

The subtheme on **guarantees for citizen participation** has 13 stipulations. So far two have been fully implemented and 11 have not started implementation.

The opening of a national space for discussing guidelines for a law that provides guarantees and promotes citizen participation was carried out successfully. The Dialogue Commission consolidated and presented inputs provided by civil society.

The bill on citizen participation did not go beyond the CSIVI review process and was not presented to Congress during the fast-track period. The government has proposed but not yet issued a package of measures and regulatory adjustments that would not require legislative approval.<sup>15</sup>

The subtheme on **guarantees for social protest** has a total of five stipulations of which one has been fully implemented and one has been initiated. The Special Analog Commission for discussing these guarantees was created and provided guidelines for legislative changes on the topic of protest guarantees. The Colombian government has created a draft protocol on guarantees for protest, but it has not yet been ratified.<sup>16</sup>

The subtheme on **media for citizens, parties and political movements** is composed of six stipulations of which three have not started implementation and the other three are initially implemented. The Ministry of Information and Communication Technology has identified broadcast frequencies and presented a draft plan for the technical training of community workers.<sup>17</sup> Programs are being developed for television and radio access for community organizations and social movements.

The subtheme covering the development of the **National Council for Peace, Reconciliation, and Coexistence** (CNPRC) and its territorial councils has seven stipulations. Of these, one has been implemented fully, two are in progress, and four have not started implementation.

The National Council for Peace, Reconciliation and Coexistence was created through Decree Law 885 of 2017 and is functioning.<sup>18</sup> The Council's internal regulations and work plans have been approved and its National Committee elected. The process of reactivating Territorial Councils of the National Council was strengthened through the presidential directive

<sup>15</sup> Technical team (CSIVI- Point 2) interview conducted by the Kroc Institute team, February 27, 2018.

<sup>16</sup> Ministry of the Interior, "Protocolo para la Coordinación de las Acciones de Respeto y Garantía a la Protesta como una Expresión de los Derechos de Reunión y Manifestación Pública y Pacífica," (May 24, 2018).

<sup>17</sup> Ministry of Information, Technology and Communications, "Proposal for the adjudication of community radio stations and technical training for workers in community media," [Propuesta para la adjudicación de radio comunitaria y capacitación técnica de trabajadores en medios comunitarios] (2017).

<sup>18</sup> Decree Law 885 of 2017, "By means of which Law 434 of 1998 is modified and the National Council for Peace, Reconciliation and Coexistence is created," [Por medio del cual se modifica la Ley 434 de 1998 y se crea el Consejo Nacional de Paz, Reconciliación y Convivencia] May 26, 2017.

of February 2018,<sup>19</sup> but the financing of the Territorial Councils is not yet consolidated. A technical team within the National Council is starting to develop the policy of reconciliation and coexistence.<sup>20</sup> To date, no progress has been observed regarding the training of public officials for non-stigmatization and conflict transformation.

In the subtheme on **citizen oversight**, three stipulations have not been initiated, two have reached an initial level of implementation and one has reached an intermediate level of implementation. As of May 2018, an online mechanism for citizens to report on corruption related to the implementation of the agreement was established.<sup>21</sup> The National Plan to Support the Creation and Promotion of Citizen Oversight was drafted by the Ministry of the Interior and presented to the Institutional Network of Support for Citizen's Oversight.<sup>22</sup> There has been progress on the first axis of the Plan. The Ministry of the Interior and the United Nations Development Program have held training programs for citizen observers at the local level.<sup>23</sup>

The sub-theme on **democratic and participatory planning** contains 15 stipulations, of which one is fully implemented, two are minimally implemented, and 12 have not been initiated.

Seven planning processes took place at the national level during and after the negotiation of the peace agreement to identify diverse opinions regarding participatory planning.

The results of these participation processes provided input for legislative adjustments and modifications to Law 152 of 1994, which has not yet been passed. This reform contributes not only to participatory planning but ensures financing of the implementation of the accord at the territorial level.

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<sup>19</sup> Presidential Directive 01 of 2018, "Support to the national council of peace, reconciliation and coexistence and to the creation and promotion of territorial councils of peace for reconciliation and coexistence," [apoyo al consejo nacional de paz, reconciliación y convivencia y a la creación e impulso a los consejos territoriales de paz para la reconciliación y la convivencia] February 2, 2018.

<sup>20</sup> Monsignor Héctor Fabio Henao (Director, National Secretariat of the Social Pastorate Caritas Colombiana), interview conducted by the Kroc Institute team, January 15, 2018.

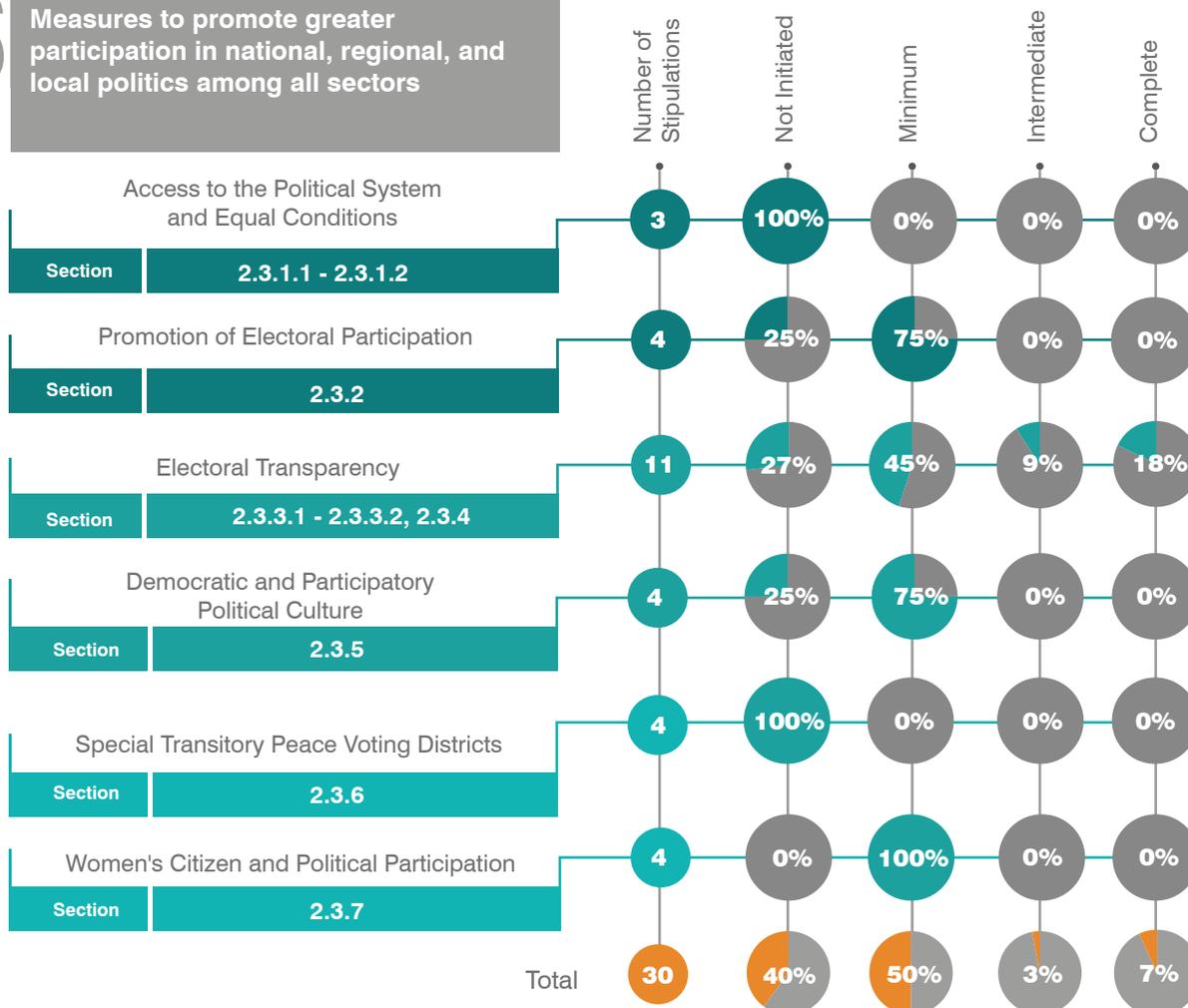
<sup>21</sup> "Denuncia de hechos de corrupción, asociados al posconflicto," *Urna de Cristal*, May 2018, <http://www.urnadecristal.gov.co/denuncia>.

<sup>22</sup> Advisor (Directorate for Democracy, Citizen Participation and Community Action, Ministry of the Interior), interview conducted by the Kroc Institute team, March 13, 2018.

<sup>23</sup> "Ministerio del Interior y PNUD promueven construcción pluralista y participativa de Plan Nacional de Veedurías y Fomento al Control Social", *United Nations Development Program*, May 3, 2018, <http://www.co.undp.org/content/colombia/es/home/presscenter/articles/2018/05/03/ministerio-del-interior-y-pnud-promueven-construccion-pluralista-y-participativa-de-plan-nacional-de-veedur-as-y-fomento-al-control-social.html>.

Table 6

Measures to promote greater participation in national, regional, and local politics among all sectors



The subtheme on **access to the political system under equal conditions** contains three stipulations, which have not been initiated. The commitments in these were presented initially to Congress under the Political and Electoral Reform but were not completed in the 2017 legislative session.

The subtheme on **promotion of electoral participation** covers four stipulations of which one has not started implementation and three have been initially implemented. The initiated efforts include measures by the National Registry to issue voter identification<sup>24</sup> and by the Ministry of the

<sup>24</sup> Delegate of the Electoral Registrar (National Registry), interview conducted by the Kroc Institute team, February 2 and April 20, 2018.

Interior to identify obstacles to exercising the right to vote.<sup>25</sup> As of June 2018, the Ministry presented a completed diagnostic document of the obstacles to exercising the right to vote.<sup>26</sup>

The subtheme on **electoral transparency** contains 11 stipulations of which two have been fully implemented, six are underway, and three have not started.

The full implementation rating reflects the creation of the Special Electoral Mission in early 2017 and the timely submission of its recommendations in April 2017. Discussions are underway about regulations on the allocation of official advertising and the implementation of electronic media in electoral processes.<sup>27</sup> Additionally, with the support of USAID, the Ministry of Interior made changes to the government system to monitor election complaints to assure more precision in complaint documentation.<sup>28</sup>

The subtheme on **democratic and participatory political culture** has four stipulations. To date, three stipulations are at a minimum level of implementation and one has not been initiated. Initial implementation refers to Ministry of Interior efforts to train nearly 1,000 individuals on their political rights.<sup>29</sup>

The subtheme that tracks the implementation of the **Special Transitory Peace Voting Districts** has four stipulations, none of which have been implemented. The constitutional reform to create the voting districts in areas particularly affected by armed conflict and historic neglect was not approved by Congress in 2017. During March and April 2018, several bills to create these special voting districts were submitted to Congress but were later tabled. This is a significant setback in keeping victims at the center of the peace process.

The subtheme on the **political and citizen participation of women** has four stipulations, all of which have been initiated. This reflects the substantial representation of women in the mechanisms created for the

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<sup>25</sup> A draft diagnostic report of the obstacles is currently under review. The georeferencing that took place includes ethnic communities. Pilots were carried out in El Tarra, San Vicente del Caguán, Montelíbano and Tumaco. The report includes recommendations for each of these communities.

<sup>26</sup> Ministry of the Interior and United States Agency for International Development, “Profundizar la inclusión electoral: diagnóstico de las barreras que impiden a poblaciones vulnerables y subrepresentadas en Colombia el ejercicio de su derecho al voto”, (Bogotá, June 2018).

<sup>27</sup> Advisors (Directorate for Democracy, Citizen Participation and Community Action, Ministry of the Interior) interview conducted by the Kroc Institute team, March 21, 2018.

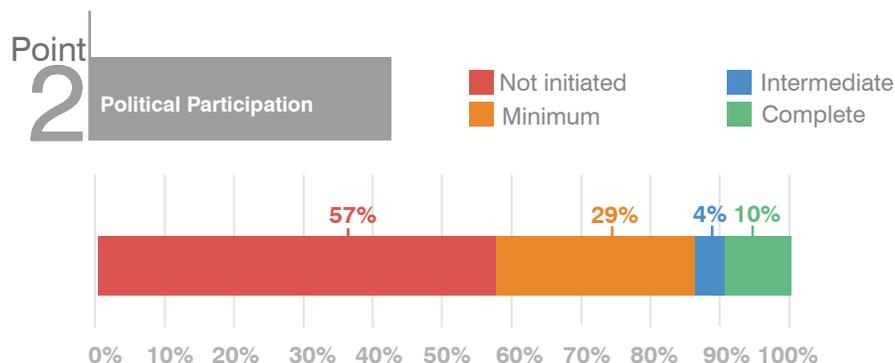
<sup>28</sup> Ministry of the Interior and United States Agency for International Development, “Matriz de clasificación de denuncias” (2018).

<sup>29</sup> Official (Vice Ministry for Participation and Equal Rights, Ministry of the Interior) interview conducted by the Kroc Institute team, July 18, 2018.

implementation of the agreement<sup>30</sup> and trainings programs for women on their political rights<sup>31</sup>.

### Assessment of Point Two

The graphic below summarizes cumulative implementation results for the 94 stipulations in point two.



As the figure shows, 57% of the stipulations in point two have not been initiated as of the end of May 2018. This is the highest percentage for non-implementation among the points of the accord. Ten percent of the stipulations have been fully implemented, and 33% are in progress, mostly at the minimum level.

Measures to enhance democratic participation and provide guarantees for opposition politics are developing slowly in Colombia. The same has been true in other comprehensive peace processes at this stage of the process. In El Salvador, for example, one third of potential voters were not included in the electoral rolls in the first post-CPA election. In Guatemala and Mozambique, electoral reform commissions created in the accords were not established until the second year of the process.

Unlike in most other comprehensive accords, the Colombia agreement does not include special elections in the post-conflict period. With the country’s strong tradition of regular elections, negotiators agreed to continue with the existing electoral schedule, but with special provisions for the transformation of FARC into a political party. In Colombia, the first post-conflict election took place just 16 months after the final signing of the accord. In previous CPAs, post-conflict elections took place within 2.65

<sup>30</sup> Working Group on Gender in Peace (GPaz), “Assessment of the First Year after the Signing of the Final Peace Agreement, Third follow-up report on the participation of women in the institutional framework of the transition,” [Balance Primer Año de la Firma del Acuerdo Final de Paz. Tercer informe de seguimiento a la participación de las mujeres en la institucionalidad de la transición] November 2017, <http://www.sismamujer.org/wp-content/uploads/2017/12/24-11-17-BALANCE-PRIMER-AÑO-FIRMA-ACUERDO-Tercer-informe-GPaz-participación-de-las-mujeres-en-la-institucionalidad-de-transición.pdf>.

<sup>31</sup> Convenio #M-1089 de 2018. Given to Kroc Institute Team by Ministry of the Interior (July 2018).

years on average.<sup>32</sup> The FARC political party had very little time to prepare for and participate in the congressional elections.

Some progress has been achieved in opening deliberative spaces for civil society to address key topics such as citizen participation and social protest, but these measures need to be better incorporated into law and governmental regulations. Comparative studies show that conflict risk declines as institutions become more inclusive and the political marginalization of ethnic groups and social sectors declines.<sup>33</sup> Political systems that include and empower women and diverse social groups are more likely to avoid violence.

Inclusion and citizen participation are important in their own right, as basic human rights, but they are also means of achieving many of the specific policy objectives of the accord. Participatory mechanisms in the agreement are designed to enable citizens to become active agents in advancing implementation. The Colombian accord partially embodies this concept of fostering civil and political rights and emphasizing the inclusion and participation of women, civil society and marginalized communities in supporting and monitoring peace implementation.

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<sup>32</sup> Madhav Joshi, Sung Yong Lee, and Roger Mac Ginty, “Just how liberal is the liberal peace?” *International Peacekeeping* 21, no. 3 (2014): 364-389.

<sup>33</sup> Lars-Erik Cederman, Kristian Skrede Gleditsch, and Halvard Buhaug, *Inequality, Grievances, and Civil War* (Cambridge: Cambridge University Press, 2013).

## POINT THREE: End of the Armed Conflict

### Summary

#### Main strategies and programs

- **Ceasefire and Laying Down of Arms**
- **Reincorporation** of FARC-EP members (economically, socially, and politically), including minors.
- **Security Guarantees** for political and socioeconomic reincorporation: commitment to the rule of law, human rights and international humanitarian law (National Political Pact); National Commission for Security Guarantees; Special Investigation Unit for Dismantling Criminal Organizations and Conducts; Elite Police Corps; guarantees for the exercise of justice; Comprehensive Security System for the Exercise of Politics (SISEP); Comprehensive Security and Protection Program for Communities and Organizations; Supervision and Inspection of Private Surveillance Services; and measures for the prevention and fight against corruption.
- **Comprehensive Action Against Land Mines**

#### Main advances

- Tripartite Monitoring and Verification Mechanism (MMV) support and monitoring of the ceasefire and laying-down-of-arms protocol. Bilateral ceasefire successfully maintained.
- The laying-down-of-arms process carried out effectively in an organized way, coordinated by the MMV. Collection of a total of 8,994 weapons. Final destruction of 750 caches of weapons and explosives.
- Significant progress in the preparatory measures for reincorporation and in the strategy of early reincorporation implemented in the Territorial Training and Reincorporation Spaces (ETCR). Implementation of the solidarity economy organization ECOMUN, for the collective economic reincorporation of FARC.
- The National Reincorporation Council (CNR) functioning actively with 73 sessions. Progress in designing the reincorporation program for minors, and creation of 25 Territorial Reincorporation Councils which have met 138 times.
- Approved National Policy for Reincorporation.
- Participation of six FARC speakers in Congress to discuss laws related to the implementation of the Final Agreement; the issuance of legal status of the political party *Fuerza Alternativa Revolucionaria del Común (FARC)*; approval of the legislative act that guarantees 10 seats for the FARC party.

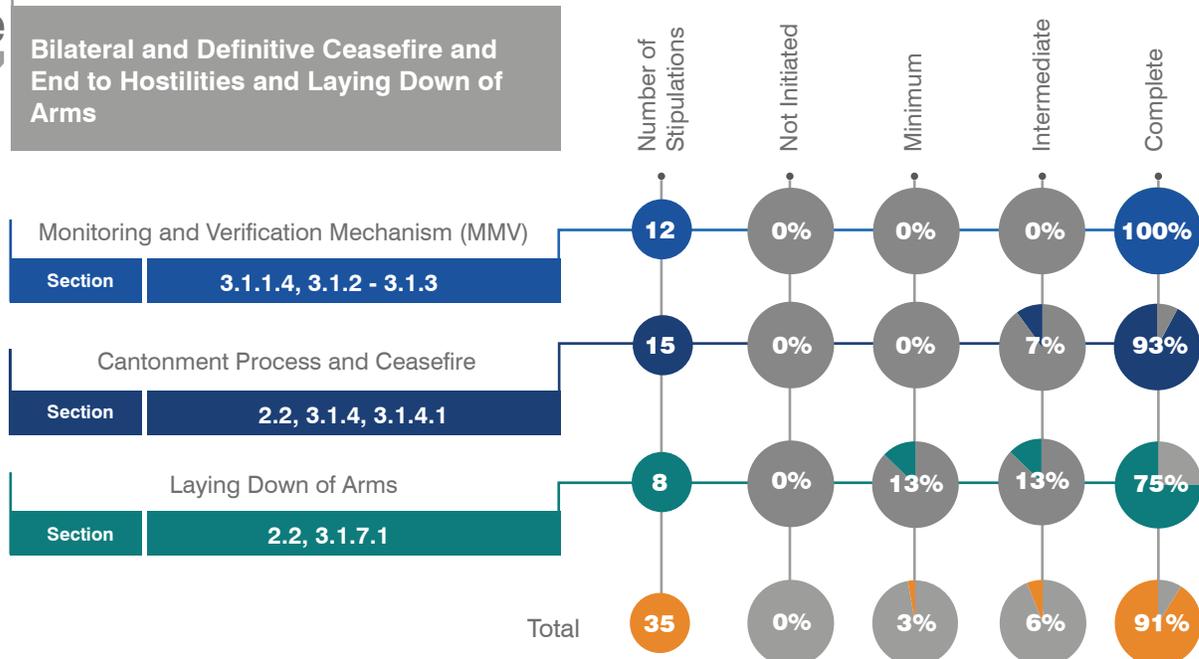
Main difficulties

- Strengthening of the Comprehensive Action Against Land Mines in Colombia, reduction of municipalities with suspected land mines, and improvement of information systems. A 38% reduction in the number of victims of land mines in 2017 compared to 2016.<sup>34</sup>
- Delays in the opening of bank accounts of the FARC political party, placing the party in an unequal position to compete in the electoral campaign.
- Suspension of the FARC party campaign because of concerns about a lack of security guarantees for its members and candidates.
- Lack of access to land for reincorporation projects with an agricultural focus.
- Slow progress in developing clear strategy and management plan for ECOMUN.
- Slow progress in approving livelihood projects for ex-combatants.
- The lack of sufficient security guarantees in the territories, including attacks on demining staff, causing the suspension of some demining operations.

Quantitative and qualitative analysis of the implementation activity

Table 7

Bilateral and Definitive Ceasefire and End to Hostilities and Laying Down of Arms



<sup>34</sup> Descontamina Colombia, “Base de datos de Víctimas por MAP/MUSE – de 1990 a 30 de abril de 2018,” Dirección para la Acción Integral contra Minas Antipersonal - Descontamina Colombia, May 17, 2018, <http://www.accioncontraminas.gov.co/estadisticas/Documents/1804-Base-Victimas-por-minas.zip>.

The subtheme of the **Monitoring and Verification Mechanism (MMV)** contains 12 stipulations that have been fully implemented. This reflects the successful work of the United Nations Mission from September 2016 to September 2017.

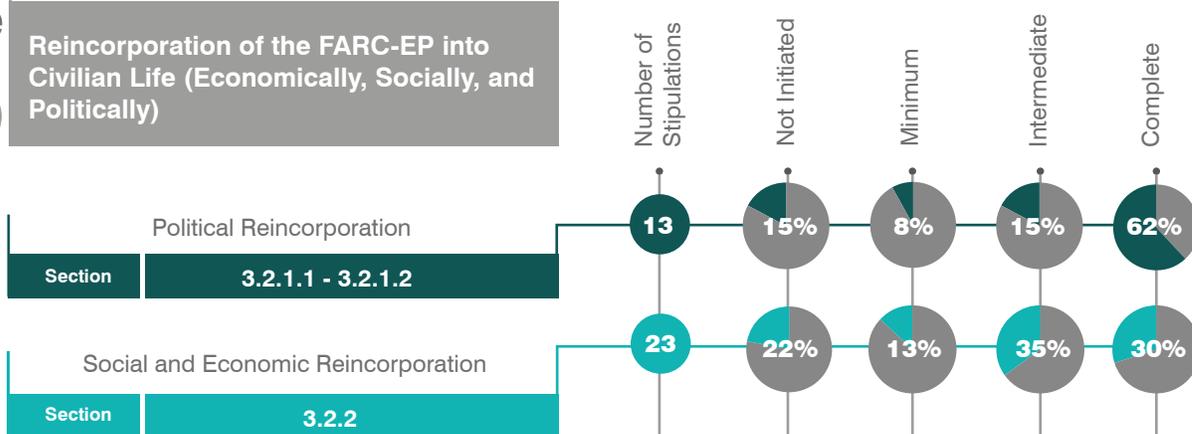
The subtheme on the **cantonment process and ceasefire** contains a total of 15 stipulations of which 14 have been fully implemented and one is at intermediate level.

Full implementation was achieved in establishing 26 Cantonment Zones (ZVTN) for the quartering of ex-combatants. A total of 9,190 ex-combatants in two phases arrived in the zones to carry out the certification and accreditation processes. In the ZVTN La Guajira, the “Special Pavilion for Peace” was installed, which housed 507 ex-combatants released from prison to receive the legal benefits of conditional freedom and amnesty.<sup>35</sup> Intermediate implementation activity in this subtheme refers to ongoing preparatory measures for reintegration.

The subtheme on the process of **laying down of arms** contains eight stipulations of which seven have been fully implemented. This process in Colombia was more complete and rapid than in most other comprehensive peace accords, showing the level of commitment of the FARC-EP to the peace process. The ratio of decommissioned weapons to fighters was higher than in any other post-civil war disarmament process since 1989.<sup>36</sup> The process of decommissioning and removing weapons in Colombia was exemplary compared to other international peace processes.

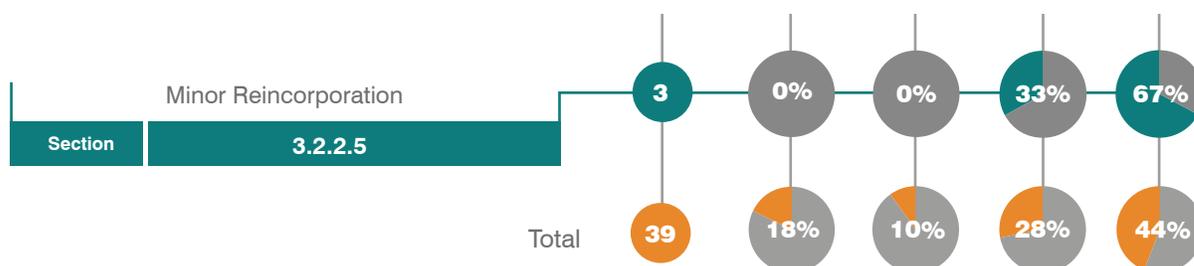
Table 8

Reincorporation of the FARC-EP into Civilian Life (Economically, Socially, and Politically)



<sup>35</sup> Monitoring and Verification Mechanism (MMV), “Informe de cierre de actividades del mecanismo de monitoreo y verificación,” (Bogotá, September 2017), [https://unmc.unmissions.org/sites/default/files/informe\\_final\\_publico\\_221530r\\_sept\\_17\\_v\\_final\\_-\\_prensa\\_i.pdf](https://unmc.unmissions.org/sites/default/files/informe_final_publico_221530r_sept_17_v_final_-_prensa_i.pdf).

<sup>36</sup> Calculations made by the Kroc Institute team based on information provided in: United Nations, “Report of the Secretary General on the United Nations Verification Mission in Colombia,” S/2017/1117 (September 2017), <http://www.un.org/es/sc/documents/sgreports/2017.shtml>.



The subtheme on **political reincorporation** has registered significant advances in implementation in recent months. Of the 13 stipulations in the subtheme, eight have been fully implemented, three are in progress and two have not been initiated.

Constitutional Reform 03 of 2017 provides legal status to the FARC political party, which was formally created in October 2017. The FARC political party participated in the 2018 congressional elections. Partial initial financing was provided to the FARC political party. As of July 2018, the FARC congressional representatives began their tenure in Congress.<sup>37</sup>

The subtheme on **economic and social reincorporation** contains a total of 23 stipulations of which seven have been fully implemented, three are at a stage of initial implementation, eight are in the intermediate category, and five have not started implementation.

Full implementation ratings reflect the creation of the institutional framework for economic and social reincorporation (National Council for Reincorporation, Territorial Councils for Reincorporation and ECOMUN), the delivery of the list of members of the FARC-EP, the application of the census of ex-combatants and the selection of FARC spokespeople.

Intermediate ratings refer to preparatory measures for reincorporation that are still in progress. These include the ongoing review of the lists of FARC members, the accreditation process, the allocation of monthly payments, the creation of local chapters of ECOMUN and the process of pedagogy led by ex-combatant commanders of the FARC.

In terms of social and economic reincorporation, it is important to implement the long delayed and recently approved National Policy for Reincorporation to provide former combatants a clear and long-term path toward full reincorporation into civilian society.<sup>38</sup>

<sup>37</sup> "FARC llega al Congreso de Colombia por primera vez en la historia: ¿quiénes ocuparán sus 10 curules?", *CMW*, July 19 2018, <https://cnnespanol.cnn.com/2018/07/19/farc-congreso-posesion-curules-nombres-colombia-integrantes/>.

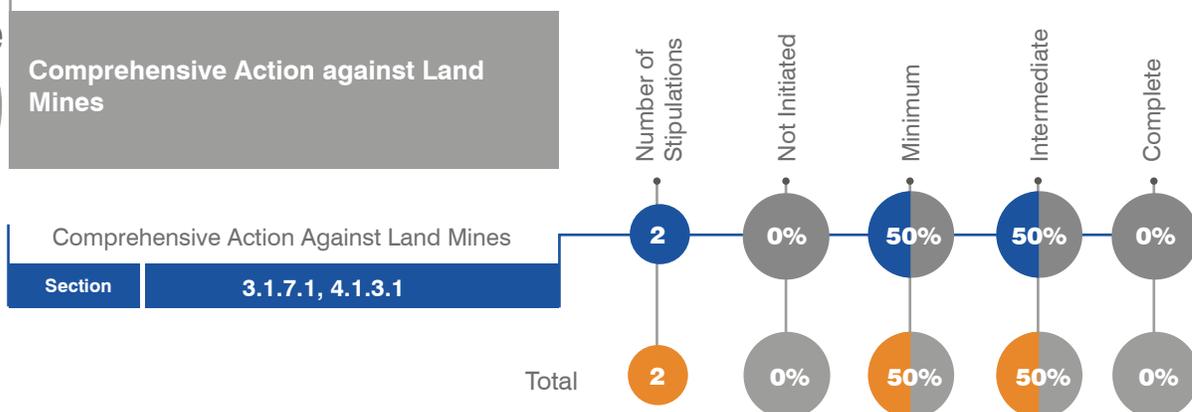
<sup>38</sup> National Social and Economic Policy Council, Documento CONPES 3931, "Política Nacional para la Reincorporación Social y Económica de Exintegrantes de las FARC- EP", June 22, 2018.

The subtheme on **reincorporation for minors** has three stipulations of which two have been fully implemented and one in the category of intermediate implementation.

Regulatory adjustments in this program have been fully implemented. In addition, the minor reincorporation program, “A Differential Way of Life,” plan was published.<sup>39</sup> The program itself is in progress but lacks institutional coordination for adequate implementation.<sup>40</sup>

Table 9

Comprehensive Action against Land Mines



The subtheme on comprehensive action against land mines contains two stipulations of which one is initially implemented and the other has reached an intermediate level of implementation.

The rating of intermediate implementation refers to the contribution of the FARC-EP to the cleaning and decontamination of territory. The demining program has made significant progress. As of June 30, 2018, there were 5,692 certified demining staff, compared to 1,300 in June 2016. From the second half of 2016 to June 2018, more than 3.9 million square meters of land were declared free of suspicion of land mines. More territory has been cleared of land mines in the first 18 months of the peace process than in the past decade.<sup>41</sup> Additional effort is required, however, to reach the stated goal of demining 52 million square meters by 2021.

<sup>39</sup> Government of Colombia, “Lineamientos del Consejo Nacional de Reincorporación (CNR) para el programa integral especial de restitución de los derechos de los niños, niñas y adolescentes que salgan de las FARC-EP”, February 5, 2018, <http://www.derechoshumanos.gov.co/observatorio/publicaciones/Documents/2018/180309-lineamientos-reclutamiento.pdf>.

<sup>40</sup> The Colombian Platform for the prominence of children and young people; the organizations of the project “Mi Buena Ventura es Protección en Paz”; the Colombia Program of *terre des hommes* – Germany, and the Coalition against the involvement of children and youth in the armed conflict in Colombia (COALICO), “II THEMATIC CONFERENCE: The Rights of Children and Youth, one of the Challenges of Peace in Colombia,” [II CONFERENCIA TEMÁTICA: Los derechos de los Niños, Niñas, Adolescentes y Jóvenes, uno de los Desafíos de la Paz en Colombia] November 2017.

<sup>41</sup> Descontamina Colombia, “Executive Progress Report, May 2016 - February 2018,” [Informe Ejecutivo Avances dirección para la acción integral contra minas antipersonal mayo 2016 – febrero 2018] 2018.

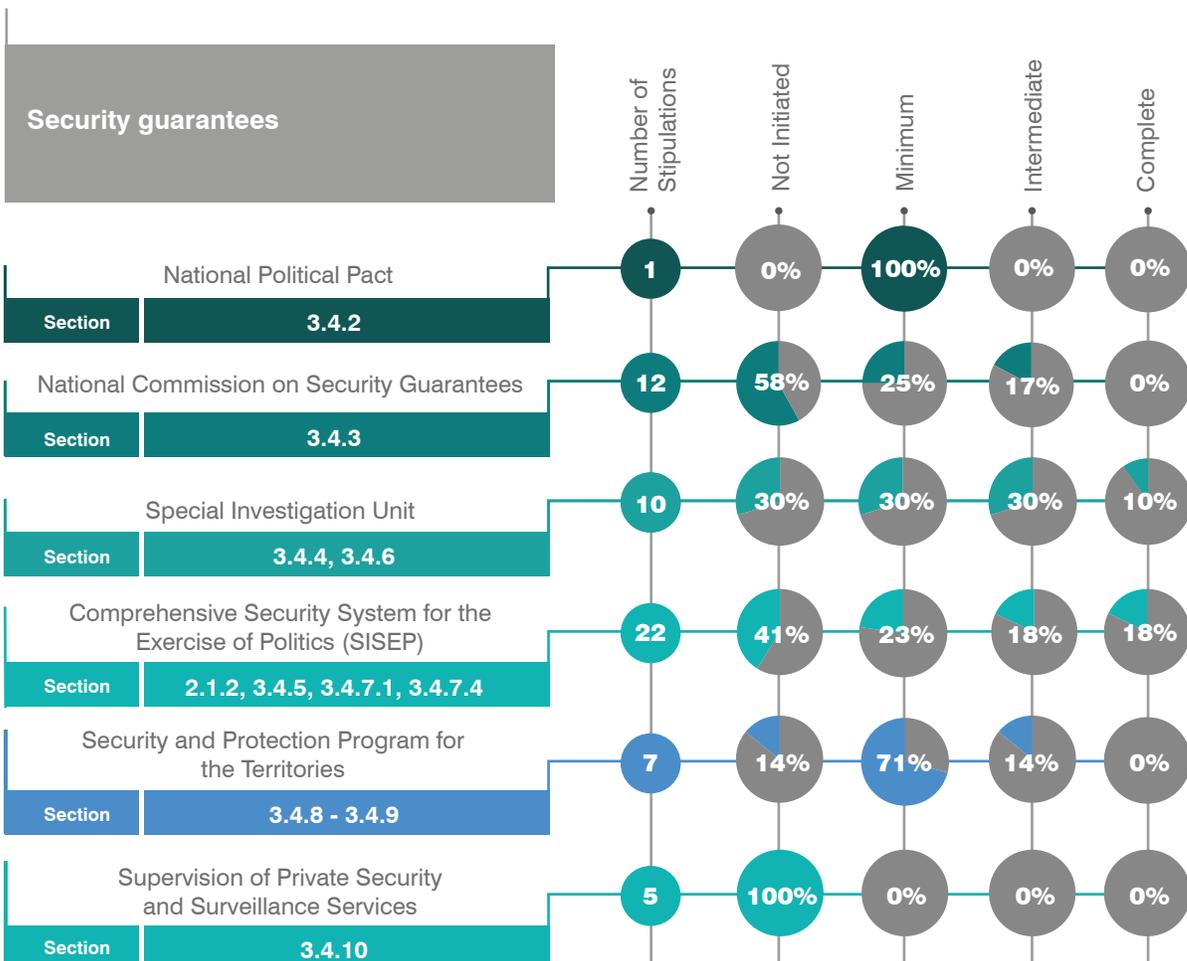
Progress in humanitarian demining can be a catalyst for reincorporation and reconciliation. It shows that ex-combatants can be a constructive force in society, breaking stigmas and building trust by creating collaborative opportunities among communities, the government and people in the reincorporation process.

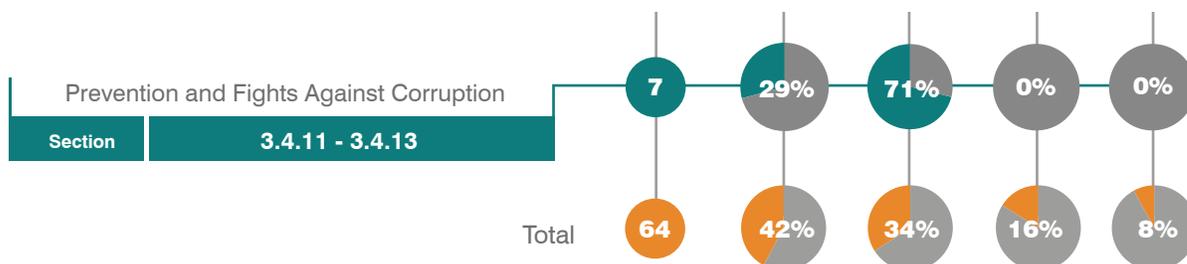
## SECURITY GUARANTEES

This section highlights the special importance of security guarantees for assuring sustainable peace. The gravest threat to the success of the peace process is the pattern of assassinations and attacks in prioritized municipalities against human rights defenders and social leaders who are seeking to advance implementation of the accord, and against former FARC members and their families. As we said in our first report and continue to highlight, progress in fulfilling security guarantees is an urgent requirement for assuring stability and peace.

### Quantitative and qualitative analysis of the implementation activity

Table 10





The subtheme on the **National Political Pact** has one stipulation that is currently at a minimum level of implementation. Efforts are underway at the national level, but there is no evidence of progress in generating regional political pacts.

The subtheme on the **National Commission for Security Guarantees** (CNGS) has 12 stipulations of which five are in progress and seven have not started implementation.

Since its creation through Decree Law 154 in 2017, the Commission has had eight formal sessions. The Commission’s Subcommittee on Security Guarantees agreed to internal regulations and has held 25 meetings, including territorial sessions in Tumaco, Riosucio, Montelíbano, Buenaventura, Apartadó, Ocaña, San José del Guaviare, Puerto Asis, Medellin, and Arauca, focusing on preparing the inputs for the Permanent Action Plan against Criminal Organizations (PAPCOC).<sup>42</sup> The Commission’s technical secretariat has made progress in coordinating with departmental and municipal authorities and creating committees to monitor criminal manifestations, complementing state efforts in 19 priority areas.<sup>43</sup>

Despite this progress, the Commission has not advanced sufficiently in its main objective: the design and monitoring of public policy. Nor has it been able to harmonize public policies related to criminal submission policy and the supervision of private surveillance services.

The subtheme related to the **Special Investigation Unit (UEI)** has 10 stipulations, of which one is fully implemented, six are underway, and three have not started implementation.

Although its director was not selected until November 2017, the Unit has been functioning informally with staff from the Attorney General’s Office and has made some progress in developing the strategy for investigations, prosecution, and sentencing related to homicides against human rights defenders. With the Constitutional Court’s ruling in March 2018 that

<sup>42</sup> Diana Pérez (Advisor to the Presidential Security Council) interview conducted by the Kroc Institute team, February 9, 2018.

<sup>43</sup> Presidential Advisor for Security. Report. Garantías de Seguridad: Un Año de Implementación. Bogotá, 2018.

Decree 898 is constitutional,<sup>44</sup> the Unit is now able to enter into operation, appropriate resources, establish a team, and design and implement the investigation action plan. Currently, the UEI has hired 43% of its staff.<sup>45</sup>

The subtheme that covers the monitoring of the implementation of the **Comprehensive Security System for the Exercise of Politics (SISEP)** is composed of 22 stipulations of which four have been fully implemented, nine are in progress, and nine have not started implementation.

The rating of full implementation reflects advances in the normative and institutional architecture of the system. Decree 895 of May 29, 2017 created the SISEP and established its different programs. Decree 300 of 2017 created the Sub-Directorate for Security and Protection in the National Protection Unit (UNP). The High-Level Forum and the Technical Working Group on Security and Protection have convened 19 sessions. The government has deployed 1,088 members of the Elite Police Corps. Intermediate implementation reflects the Security and Joint Protection Corps hiring 935 people (including 545 ex-combatants) out of a projected force of 1,200; these individuals are currently being trained.<sup>46</sup>

Initial implementation efforts are underway in preventive security measures, mainly in the Plan Victoria military strategy of stabilization and consolidation involving the deployment of more than 80,000 troops in 160 prioritized municipalities.<sup>47</sup> Plan Victoria is complemented by the National Police strategy for Secure and Peaceful Communities,<sup>48</sup> the deployment of 65 Police Basic Units (UBICAR), and the Police Unit for Peacebuilding (UNIPPEP), in coordination with a citizen security strategy. In December 2017, the “Horus Plan” was launched,<sup>49</sup> deploying 61,463 members of the Military Forces in 67 municipalities and 595 villages.<sup>50</sup> Since August 2016, the Ministry of Defense has led the implementation of the inter-institutional “Carpa Azul” or “Blue Tent” strategy in the Territorial Training and Reincorporation Spaces (ETCR).

These institutional advances and the deployment of armed forces have been substantial, but they have not yet managed to prevent attacks by organized armed militias, common criminals and other illegal armed groups. According to MAPP/OEA, the public perception in affected

<sup>44</sup> Constitutional Court of Colombia. Statement No.10. File RDL-031, Judgment C-013/18, March 14, 2018.

<sup>45</sup> Presidential Security Advisor, “Garantías de Seguridad: Un Año de Implementación,” 2018, 60.

<sup>46</sup> United Nations “Report of the Secretary-General on the United Nations Verification Mission in Colombia,” S/2018/279 (April 2, 2018), 4.

<sup>47</sup> National Police, “Plan de Control Territorial Integrado,” February 2018.

<sup>48</sup> National Police, “Comunidades Seguras y en Paz,” 2017.

<sup>49</sup> National Police, “Presentación Plan de Control Institucional Integrado del Territorio – Fase 2 Horus,” February 2018.

<sup>50</sup> Government of Colombia, “Balance General de la Implementación,” January 2018, 11.

territories is that the Armed Forces have not positioned themselves adequately and efficiently especially in regions such as Bajo Cauca and Sur de Córdoba.<sup>51</sup>

The sub-theme on the **Security and Protection Program for the Territories** contains seven stipulations, of which six are underway and one has not started implementation.

Minimum and intermediate implementation ratings reflect regulatory advances such as the adoption of Decree 660 of April 17, 2018 on the Comprehensive Security and Protection Program for communities,<sup>52</sup> and Decree 2124 of 2017 regarding Early Warning systems for communities.

Very little activity has occurred in the subtheme on the **supervision of private security and surveillance services**, resulting in a rating of no implementation to date.

The subtheme on **measures to prevent and fight corruption** contains seven stipulations, of which two have not yet begun implementation and five are at an initial level of implementation. Regulatory advances in the fight against corruption are reflected in the issuance of decrees for preventing corruption in the public service sector and a decree that creates a system to purge counterintelligence and intelligence files. In addition, in June, Law 1908 of 2018, which allows for criminal organizations and FARC dissidents to receive alternative sentences if they submit to justice, was passed by Congress.<sup>53</sup>

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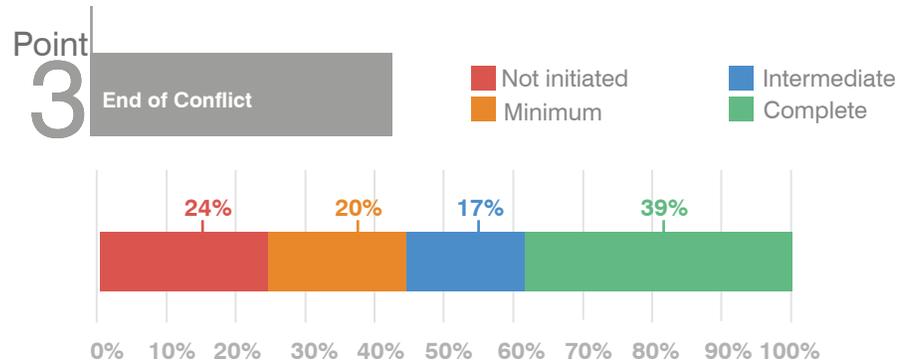
<sup>51</sup> MAPP-OAS in Inter-American Commission on Human Rights (IACHR), “Annual Report 2017. Chapter V Follow-up on Recommendations Made by the IACHR in its Country or Thematic Reports,” [Informe Anual 2017. Capítulo V Seguimiento de Recomendaciones Formuladas por la CIDH en sus Informes de País o Temáticos] (Washington D.C., March 22, 2018), 714.

<sup>52</sup> Decree 660 of April 17, 2018. Among other stipulations, this decree creates and regulates the Comprehensive Security Program and Protection for Communities and Organizations in the Territories.

<sup>53</sup> Ley 1908 de 2018, “Por medio de la cual se fortalecen la investigación y judicialización de organizaciones criminales y se adoptan medidas para su sujeción a la justicia,” July 9 2018.

### Assessment of Point Three

The graphic below summarizes cumulative implementation results for the 140 stipulations in point three.



As the graphic shows, 39% of stipulations in point three have been fully implemented, 37% are in progress, and 24% of the stipulations have not yet started. Point three has the second highest rate of implementation among the other points in the accord.

The results for this point are mixed, however. On the one hand, many of the provisions for ending the conflict have been implemented fully. The ceasefire and laying down of arms processes in Colombia have been more successful than in many other peace processes. Comparatively speaking, compliance with the ceasefire was high and the movement of forces to the cantonment zones was swift and relatively smooth, despite a lack of public utilities and infrastructure in some of the zones. In many respects, these processes in Colombia were implemented more quickly than in other peace processes. It is important to acknowledge the effective and highly committed contributions of FARC-EP to this effort.

However, progress has been slower in social and economic reincorporation programs. This rate of progress is matched in other peace processes. In El Salvador, job training programs, access to credit, and subsistence allowances were developed during the second year of the process but didn't begin fully functioning until the third year.

On the other hand, despite extensive force deployments in the affected rural areas, violence remains a threat in local communities in the territories. While general forms of violence have declined (e.g. armed conflict, homicides), attacks and assassinations have continued against social leaders, human rights defenders and some former combatants and their families. Promised security and protection guarantees have not been fully delivered.

In addition to its human costs, the continuing violence impedes implementation of some of the accord's core programs and poses a grave threat to the peace process. In previous CPA implementation processes,

a lack of security in rural areas and the targeting of former combatants returning to their communities have had dire consequences, leading to remobilization and renewed armed conflict.

The ongoing increase in killings and threats against human rights defenders and social leaders generates negative cascading effects in the implementation of the Final Agreement. Both national and international organizations agree that the lack of security and protection guarantees mostly affects social leaders that work and advocate for issues closely related to the implementation of the accord. This includes rural development, and particularly land restitution and environmental protection, citizen participation and social protest, substitution of crops of illicit use, victim's reparations and the inclusion of transversal approaches to implementation.<sup>54</sup>

Greater governmental coordination and increased financial, technical and human resources are needed to provide security, protection and effective prosecutions in prioritized regions. Steps to provide more effective security guarantees in the territories include the following: providing greater resources and trained staff for the Ombudsman's Office; ensuring the territorial presence of prosecutors, investigators, and judicial police, especially in the 160 municipalities prioritized by the High Council for Post-conflict; and coordinating with local officials and social leaders in the territories in the deployment of security forces. Protective measures are especially needed for women, members of the LGBTQI community, indigenous leaders, and Afro-Colombians.

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<sup>54</sup> Office of the Ombudsman, "Alerta Temprana," (No.026-18, February 28, 2018), 44; Programa Somos Defensores, "Piedra en el Zapato. Informe Anual 2017 Sistema de Información sobre Agresiones contra Defensores y Defensoras de DD.HH. en Colombia SIADDHH," (Bogotá, 2017), 10; United Nations, Office of the High Commissioner for Human Rights, "Annual Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia," A/HRC/37/3/Add.3 (March 2, 2018), 3; United Nations, "Report of the Secretary-General on the United Nations Verification Mission in Colombia," S/2018/279 (April 2, 2018), 11.

## POINT FOUR: Solution to the Problem of Illicit Drugs

### Summary

#### Main strategies and programs

- **Substitution Programs for Crops of Illicit Use:** PNIS (National Comprehensive Program for the Substitution of Crops Used for Illicit Purposes) and PISDA (Comprehensive Community Plans for Substitution and Alternative Development)
- **“Formalize to Substitute” Program:** Legalizes family farms that abandon or never cultivated illicit crops despite being in areas of high concentration of crops.
- **Programs of Drug Use Prevention and Public Health:** National Comprehensive Intervention Program Against Illicit Drug Use.
- **Solution to the phenomenon of production and commercialization of narcotics:** Strategy against the laundering of assets involved in drug trafficking and control of inputs; effective prosecution; anti-corruption strategy against drug trafficking; International Conference on the Fight against Drugs

#### Main advances

- Voluntary Substitution Agreements have been signed with more than 123,000 families throughout the country. 77,659 families have been registered in the voluntary substitution program.<sup>55</sup>
- As of May 2018, 25,614 hectares of coca had been voluntarily removed. The UNODC has certified 12,142 of these hectares and found a 90% compliance rate.<sup>56</sup>
- 981 illicit use crop harvesters have been registered for job training programs.
- Programmatic preparation and participatory adjustment of the policy and national plan for the prevention of consumption.
- 1,065 families that previously grew crops of illicit use have received land titles as part of the “Formalize to Substitute” program.
- Participation in global and regional forums in pursuit of an evidence-based global policy, alternative development and respect for human rights.

<sup>55</sup> Government of Colombia, “Así construimos paz. Avances en la implementación,” (Public presentation, May 2018).

<sup>56</sup> United Nations Office on Drugs and Crime (UNODC), “Informe Ejecutivo Consolidado No. 11- Monitoreo y verificación de compromisos de sustitución de Cultivos Ilícitos, PNIS”, (June 5, 2018).

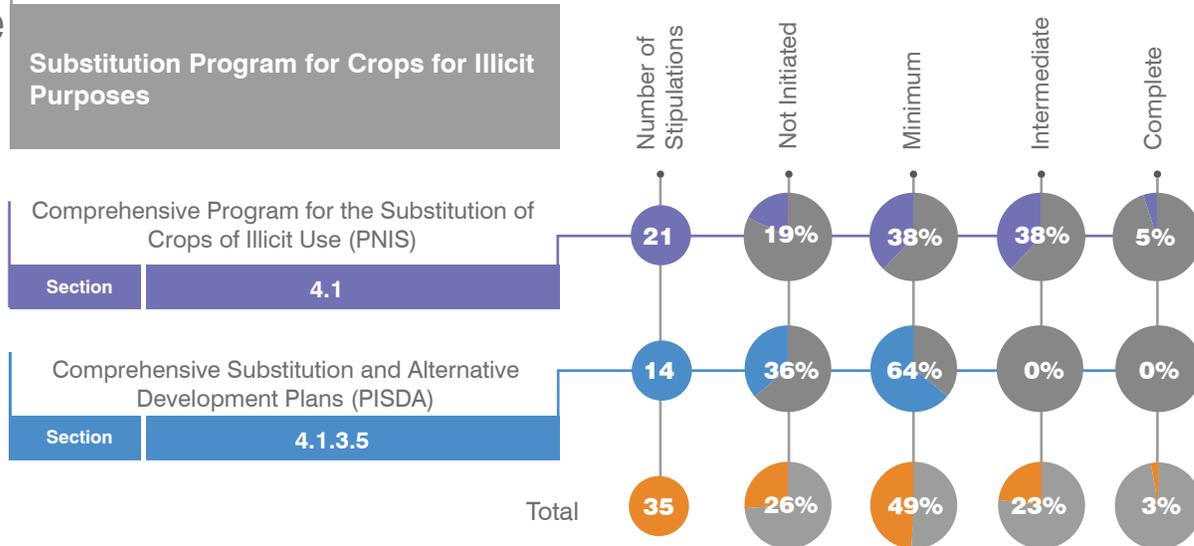
Main difficulties

- Inadequate security and territorial control by the state in affected localities.
- Lack of sufficient technical assistance for new crops.
- The need for a clear commercialization strategy for substitution products.
- Poor inter-institutional coordination at national and territorial levels.
- The bill which aimed to provide differentiated penal treatment for small growers and legal security for families who provide information and enroll in the PNIS was tabled in Congress.

Quantitative and qualitative analysis of the implementation activity

Table 11

Substitution Program for Crops for Illicit Purposes



The subtheme on the **Comprehensive Program for the Substitution of Crops of Illicit Use (PNIS)** has 21 stipulations. Of these, one has been fully implemented, 16 are in progress and four have not started implementation.

The active participation of the FARC in the process of education efforts and consensus building of the PNIS constitutes full implementation. An intermediate rating is assigned to efforts such as the legal conformation of the PNIS, the signing of collective voluntary substitution agreements, the individual registration of families in the program, the acceleration of the formalization process for growers, and the voluntary substitution of 12,142 hectares verified by UNODC.<sup>57</sup>

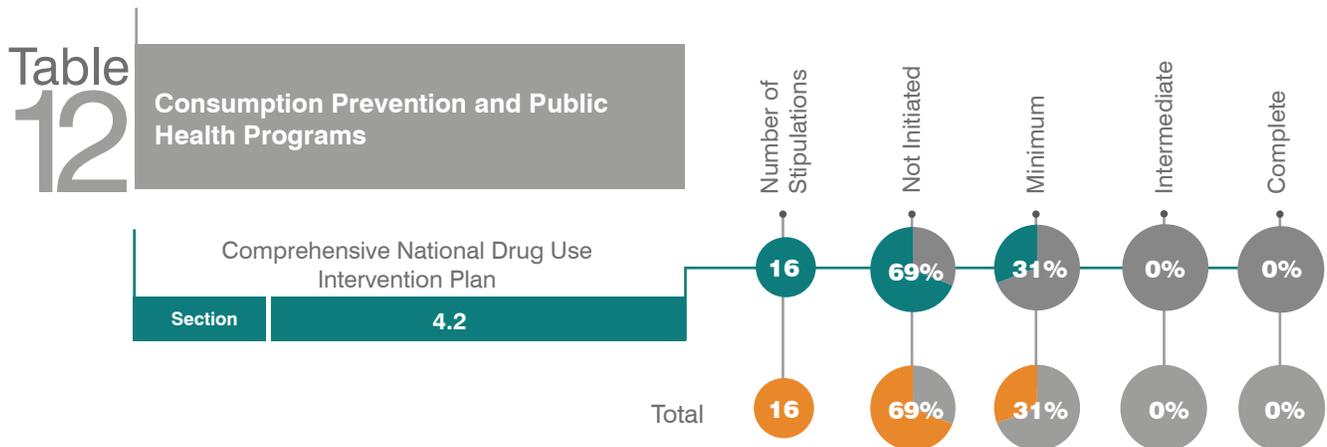
<sup>57</sup> United Nations Office on Drugs and Crime (UNODC), “Informe Ejecutivo Consolidado No. 11- Monitoreo y verificación de compromisos de sustitución de Cultivos Ilícitos, PNIS,” (June 5, 2018).

In addition, the Protocol for the Implementation of Community Immediate Action Plans (PAI) was released in April 2018. The Plans include components such as health services, kindergartens, and technical assistance for crop substitution.<sup>58</sup>

There is a continuing tension between the strategies of forced eradication and voluntary substitution. Clashes between the Armed Forces and coca growers deepen the distrust between citizens and the state. Greater inter-institutional coordination in these programs is needed to advance implementation and build public trust.<sup>59</sup>

The subtheme on the **Comprehensive Substitution and Alternative Development Plans (PISDA)** has 14 stipulations. Of these, nine have started implementation and five are inactive.

In November 2017, the Territorial Renewal Agency (ART) issued internal guidelines for coordination between the PDET and the PNIS.<sup>60</sup> In addition, Decree 362 of 2018 regulates the functioning of the PISDA and the guidelines for include it in the Action Plans for Regional Transformation (PATR).<sup>61</sup> These are initial steps toward implementation. Progress has started in extracting illicit use crops, granting subsidies, and starting new crops. The long-term development strategy contemplated in the PISDA is in early stages.



<sup>58</sup> Government of Colombia, “Protocolo de implementación del Plan de Atención Inmediata – PAI – comunitario en el marco del Programa Nacional de Sustitución de Cultivos de Uso Ilícito – PNIS,” (Bogotá, versión 8, April 2018).

<sup>59</sup> “Campesinos dejan en libertad a 14 policías en Tumaco,” *El Espectador*, February 8, 2018, <https://www.elespectador.com/noticias/politica/campesinos-dejan-en-libertad-14-policias-en-tumaco-articulo-738080>.

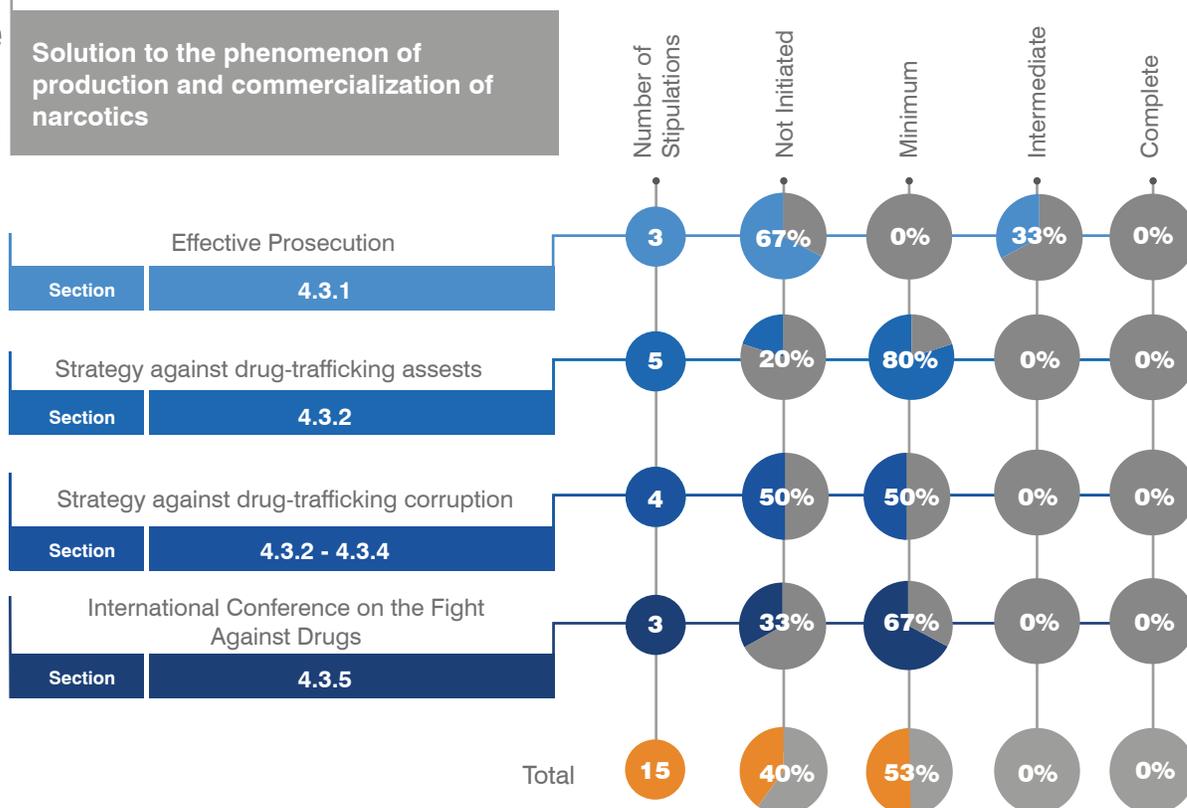
<sup>60</sup> Presidency, “Articulación de la Agencia de Renovación del Territorio y la dirección para la Sustitución de Cultivos Ilícitos,” Internal Notice 017 of November 22, 2017. This Notice provides guidelines for coordination between the Territorial Renewal Agency and the Program for the Substitution of Crops Used for Illicit Purposes.

<sup>61</sup> Decree 362 of February 22, 2018. This decree regulates the execution, coordination and management of the National Comprehensive Program for the Substitution of Crops Used for Illicit Purposes.

The subtheme on **consumption prevention and public health programs** has 16 stipulations. Of these, five are in initial stages of implementation, and 11 have not started. Preliminary efforts by the Ministry of Health are underway with the participation of the Ministry of Justice to develop the High-Level Forum that will coordinate efforts in this area.<sup>62</sup>

Table 13

Solution to the phenomenon of production and commercialization of narcotics



The subtheme on **effective prosecution** has three stipulations, one of which is at an intermediate level of implementation, while the other two have not been initiated. The intermediate level of implementation represents the Colombian government’s efforts to expand regional cooperation with countries such as Brazil, Bolivia and Mexico in the fight against drug trafficking.

The subtheme on the **strategy against drug trafficking assets** contains five stipulations of which four are at the initial stage of implementation and one has not started implementation.

Minimum implementation reflects actions taken in the development of a Statute for the prevention and fight against illicit finances (ECOFI) and the first workshop with international experts that took place in November 2017.

<sup>62</sup> Officials (Prevention of Drug Use, Ministry of Health), interviewed by the Kroc Institute team, January 24, 2018.

In addition, the Ministry of Justice in collaboration with UNODC have begun activities to develop a mapping of drug trafficking value chains, initially focusing on production.

The subtheme on the **strategy against drug-trafficking corruption** contains four stipulations. Of these, two have started implementation and two are inactive.

Law 1849 of 2017 has increased the efficiency of the Property Confiscation Code to combat organized crime, drug trafficking and corruption.<sup>63</sup> The new law speeds up legal processes, encourages citizens to report crimes or corruption, and allows for proper disposal or use of confiscated goods.

Also, the Office of the Inspector General, the Financial Information and Analysis Unit (UIAF), and the Ministry of Finance have signed initial agreements for the exchange of information, allowing the detection of money laundering operations and corrupt activities of public officials.

The subtheme that covers the implementation of the **International Conference on the fight against drugs** contains three stipulations. Of these, two have started implementation and one has not been initiated.

The Colombian Government has maintained a clear and consistent strategy at international forums in support of evidence-based anti-drug policies. This was reiterated recently in the 61st session of the Commission on Narcotic Drugs of the United Nations (UN). Colombia participated in the United Nations General Assembly Special Session on the World Drug Problem (UNGASS) Conference in 2016 and will follow up in 2019 for the revision of the conference's Political Declaration and Action Plan.<sup>64</sup>

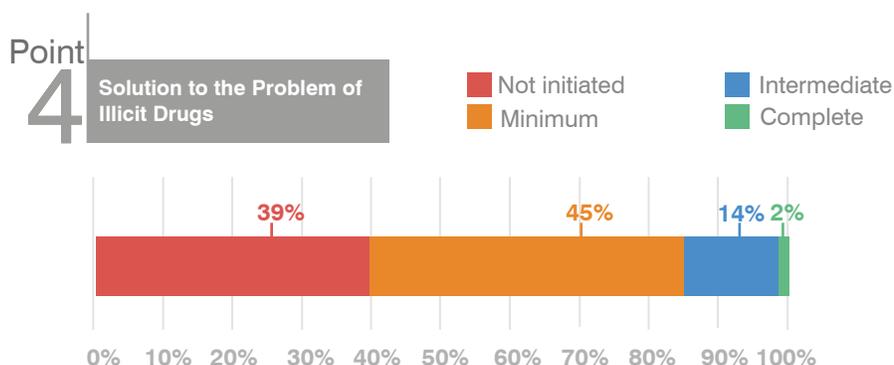
#### Assessment of Point Four

The graphic below summarizes cumulative implementation results for the 66 stipulations in point four.

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<sup>63</sup> Law 1849 of July 19, 2017, *Diario Oficial* No. 50.299. This Law increases the efficiency of the Property Confiscation Code.

<sup>64</sup> "¿Y ahora qué?, opciones después de la UNGASS para 2019/2020," *International Drug Policy Consortium (IDPC)*, December 2, 2016, <http://idpc.net/es/publications/2016/12/idpc-que-sigue-opciones-para-2019-2020-despues-de-la-ungass>.



The Colombia accord is unique in its focus on the problem of crops of illicit use. No other comprehensive peace agreement contains such an extensive program for stemming the production and consumption of narcotics. Despite the extensive attention paid to this issue, only 2% of the stipulations have been fully implemented. Thirty-nine percent have not been initiated. The rest are in progress, mostly at the initial stage. As with comprehensive rural reform, this is a long-term process that requires consistent implementation over many years.

The global comparative record for national programs to eradicate drug production is not encouraging, but some countries have made progress through long-term multidimensional approaches based on negotiation and cooperation with communities that grow illicit use crops and a commitment to alternative economic development.

Bolivia has made progress recently in reducing the cultivation of coca, registering a 34% net drop in coca production from 2010 through 2014. Bolivia's cooperative coca reduction program allows each registered coca grower to cultivate only 1,600-2,500 square meters of coca. Compliance is assured through agreements with local coca growers' unions, a sophisticated coca monitoring system, land titling, a registry of growers, and implementation of a systematic database. The program has reduced coca cultivation and the violence and social conflict associated with it.<sup>65</sup> The key to this success, according to the UNODC representative in Bolivia, is the "reduction of coca cultivation through dialogue, participation of coca growers' unions, and a policy based on respect for human rights."<sup>66</sup> This confirms the importance of implementing the voluntary crop substitution strategies that are central to the Colombia accord.

<sup>65</sup> Coletta A. Youngers, WOLA, and Kathryn Ledebur and Andean Information Network, *Building on Progress: Bolivia Consolidates Achievements in Reducing Coca and Looks to Reform Decades-old Drug Law*, Washington Office on Latin America (WOLA), August 17, 2015, <https://www.wola.org/sites/default/files/Drug%20Policy/WOLA-AIN%20Bolivia.FINAL.pdf>.

<sup>66</sup> Quoted in Youngers, WOLA, Ledebur and Andean Information Network, *Building on Progress*.

The Colombia accord acknowledges the necessity of alternative development plans for reducing coca cultivation. Alternative development policies were successful in eliminating poppy production in southern Thailand.<sup>67</sup> In Colombia plans are being created for the development of alternative crops to substitute for coca production. These require effective coordination with the PDETs and other national economic development plans. The resources provided for these efforts have been inadequate.

We note that point four and point one currently have the most uninitiated and the fewest fully implemented stipulations of the accord. These processes—crop substitution and rural development—are interconnected and typically have a long-term implementation horizon. Both of these points contribute to the advancement of social, economic and environmental rights, which are essential to fighting against illicit economies and transnational crime.

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<sup>67</sup> Vanda Felbab-Brown, “What Colombia Can Learn from Thailand on Drug Policy,” *The Brookings Institution*, May 4, 2017, <https://www.brookings.edu/blog/order-from-chaos/2017/05/04/what-colombia-can-learn-from-thailand-on-drug-policy/>.

## POINT FIVE: Agreement on Victims

### Summary

#### Main strategies and programs

- **Truth:** Truth, Coexistence and Non-Recurrence Commission (CEV) and Special Unit for the Search for Persons Deemed as Missing due to the Armed Conflict (UBPD).
- **Justice:** Special Jurisdiction for Peace (JEP)
- **Reparations:** Early acts of recognition of responsibilities and concrete actions to contribute to reparation; Collective Comprehensive Reparation Measures for Peacebuilding; Psychosocial Rehabilitation; Collective Processes of Return of People in Situation of Displacement and Reparation for Victims living abroad; Land Restitution Measures; Strengthening of the Comprehensive Attention and Reparation to Victims Policy.
- **Guarantees of Non-Repitition:** Promotion of a culture of respect for human rights; strengthening mechanisms for the protection of the work done by human rights defenders and their organizations; and prevention and protection of human rights.

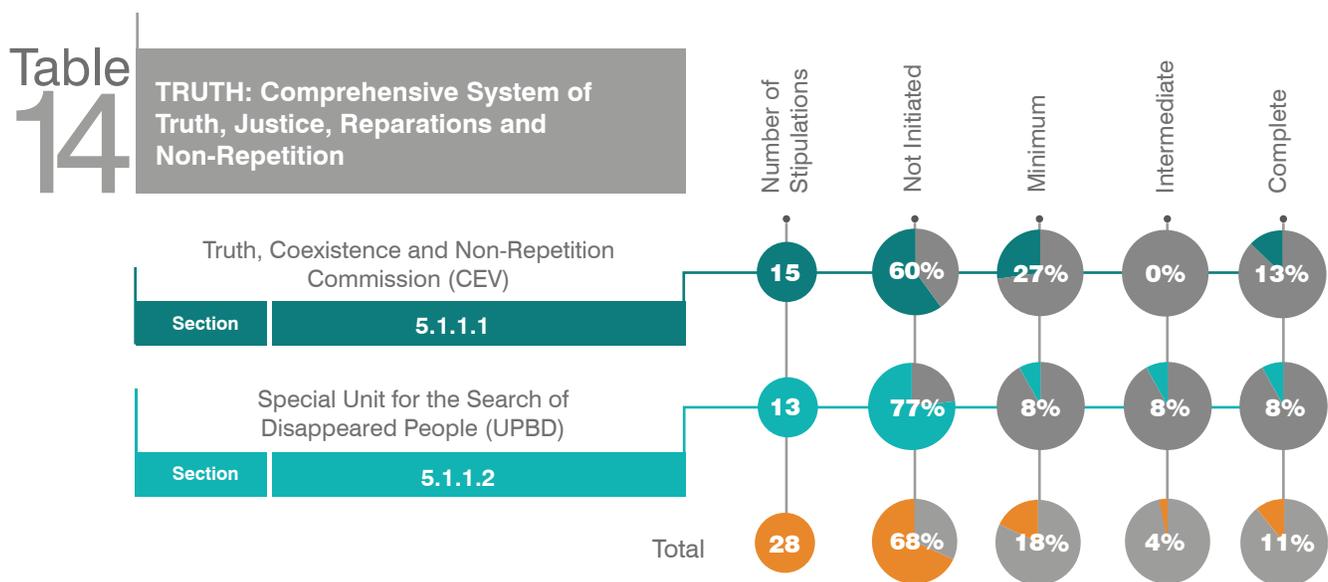
#### Main advances

- Completion of the selection process and the swearing in of the 11 commissioners of the CEV; appointment of the Director of the UBPD. Legal mechanisms in place for the enlistment and effective start-up of these entities. Decision C-017 of 2018 of the Constitutional Court validating, with some exceptions, the constitutionality of Decree Law 588 of 2018 that creates the CEV.
- The Special Jurisdiction for Peace (JEP) started operations and is now open to the public.
- Three (3) acts of acknowledgment of responsibility by FARC and two by the National Government.
- Broad Participation Process (PAP) for discussing adjustments to Law 1448 of 2011 carried out successfully, contributing to the adjustment of existing comprehensive reparation plans.
- Design of the National Psychosocial Rehabilitation Plan advancing with the Ministry of Health.

Main difficulties

- More progress needed in the design and implementation of the Autonomous Advisory and Defense System and other provisions of the JEP.
- Adjustments required in Law 1448 of 2011, and additional financial resources needed for the implementation of reparations measures.

Quantitative and qualitative analysis of the implementation activity



The subtheme on the **Truth, Coexistence and Non-Repetition Commission (CEV)** has 15 stipulations, of which two are fully implemented, four are in progress and nine have not started implementation.

The commissioners of the CEV took office in May 2018, officially activating the Commission for three and a half years. The territorial-based approach of the CEV is just beginning: they have identified 27 working territories. Advances have been made in efforts to build the CEV’s relationship with social actors.<sup>68</sup>

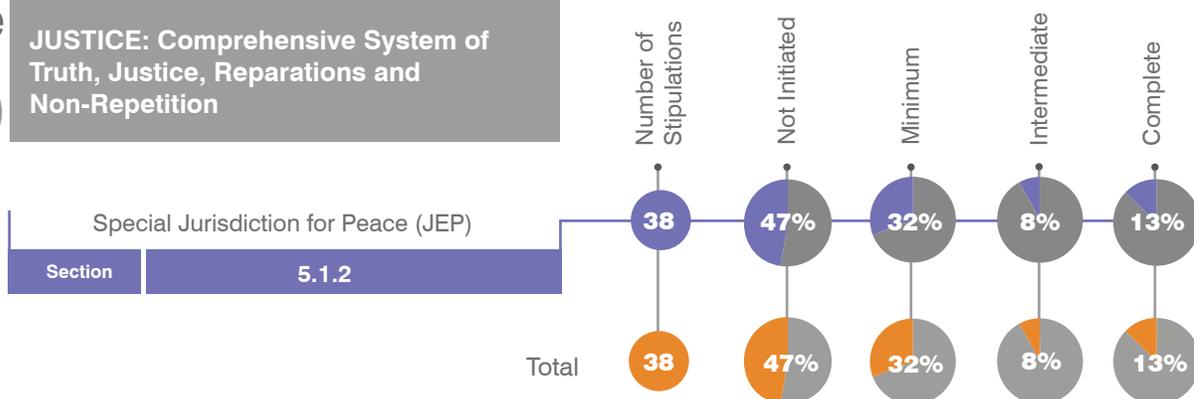
The subtheme covering the **Special Unit for the Search of Disappeared People (UPBD)** contains 13 stipulations, of which one has been fully implemented, two are underway, and 10 have not started implementation.

<sup>68</sup> According to the Constitutional Court, the CEV’s 6-month preparation period starts counting from the moment all commissioners are selected, and have begun to exercise their functions. Constitutional Court of Colombia, “Communique No. 11,” March 23, 2018, <http://www.corteconstitucional.gov.co/comunicados/No.%2011%20comunicado%2021%20de%20marzo%20de%202018.pdf>.

The full implementation rating refers to the selection of the UBPD director in September 2017 and her swearing-in in February 2018. Legislative and administrative efforts to begin its operations began with Decree of 589 of 2017 and three subsequent decrees that determine its structure and staff. However, on July 15 the Unit’s preparatory phase ended. In August, the three decrees that determine its structure were signed by the President which allows the Unit to formally start operating.

Table 15

JUSTICE: Comprehensive System of Truth, Justice, Reparations and Non-Repetition



The subtheme on the **Special Jurisdiction for Peace (JEP)** has 38 stipulations, of which five have been fully implemented, 15 are at initial or intermediate stage, and 18 have not started implementation.

Full implementation has been achieved in the creation of the Selection Committee of the Comprehensive System of Truth, Justice, Reparation and Non-Repetition; the selection of the judges; the installation of the Executive Secretary; and the creation of the JEP itself. The JEP opened its doors to the public on March 15, 2018. The Supreme Court of Justice has forwarded to the JEP the first 18 cases for investigation of crimes committed by guerrilla organizations and agents of the state.<sup>69</sup> The JEP is yet to deliberate on these cases.

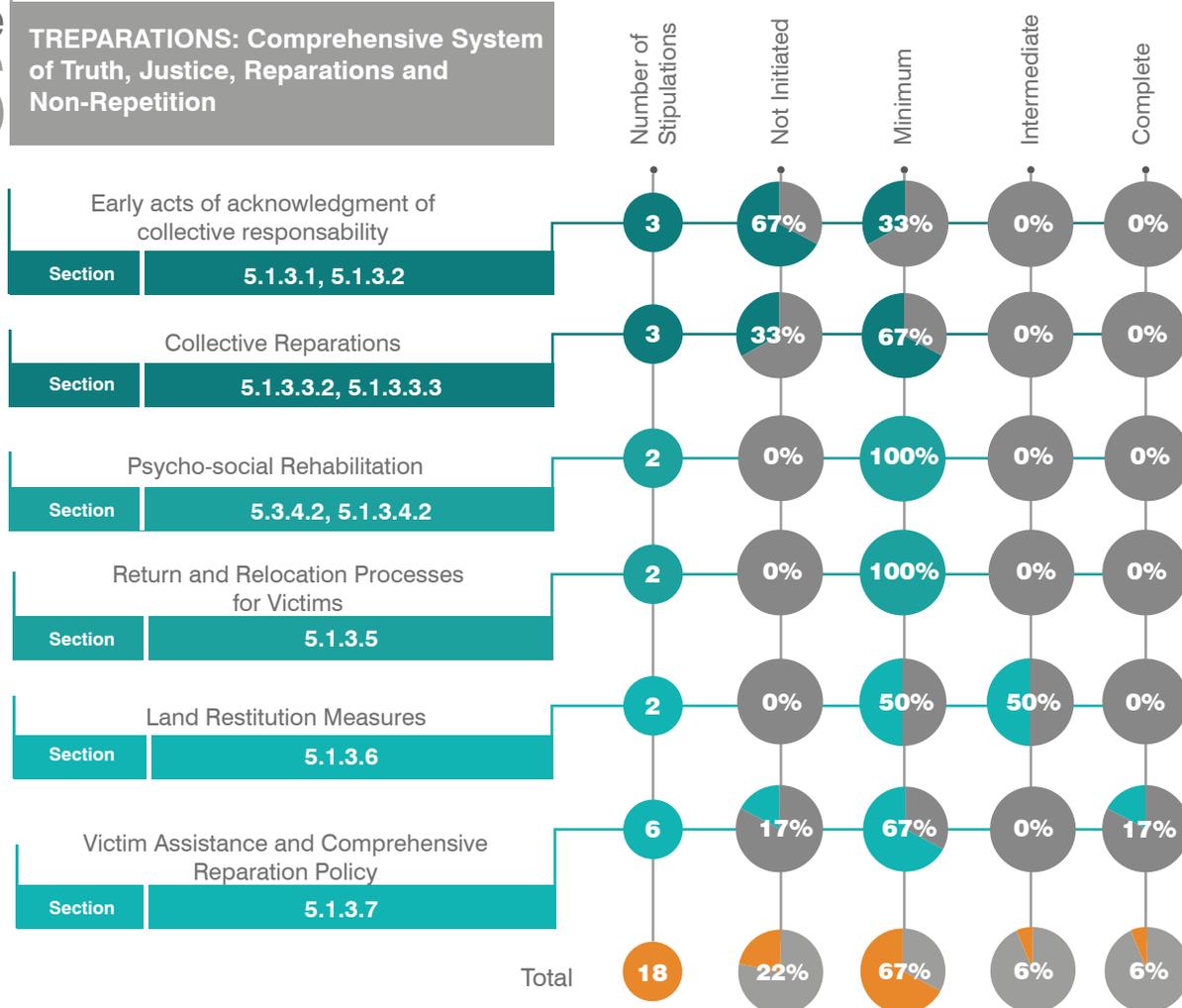
The passage of Law 1820 in 2016 has led to amnesty and pardon benefits for a total of 3,130 members of the FARC-EP and 1,109 members of the Armed Forces, as of November 2017.<sup>70</sup> Early measures are underway for the design of the Special Program of Integral Protection for victims, witnesses and other interveners and for methodologies for receiving information from victims.

<sup>69</sup> Special Jurisdiction for Peace, “Corte Suprema de Justicia entregó los primeros expedientes a la JEP,” *Comunicado No. 11* (March 23, 2018), <https://www.jep.gov.co/Sala-de-Prensa/Paginas/JEP-recibe-18-expedientes.aspx>.

<sup>70</sup> Special Jurisdiction for Peace, “Balance de suscripción de actas aplicación Ley 1820 de amnistías y tratamientos especiales – infografía,” *Jurisdicción Especial para la Paz*, November 24, 2017, <https://www.jep.gov.co/Infografias/24%20de%20noviembre%202017.pdf>

Table 16

TREPARATIONS: Comprehensive System of Truth, Justice, Reparations and Non-Repetition



In the subtheme on **early acts of recognition of collective responsibility**, two stipulations have not started implementation and one is in the initial stage of implementation.

The FARC has completed three early acts of recognition with the communities of Bojayá, Chocó and La Chinita and with family members of congressional representatives abducted in the Department of Valle.<sup>71</sup> As for the State, there have been two acts of recognition, one with the Unión Patriótica in September 2017 and another for the massacre in El Placer, Putumayo in January 2016.

<sup>71</sup> Officials (Office of the High Commissioner for Peace) entrevista interview conducted by the Kroc Institute team, May 7, 2018.

So far, no implementation is reported on specific reparations contributions by the FARC or the Government. There are advances by FARC in performing work in the communities surrounding the ETCR (paving roads, maintenance of public works, demining exercises with the army, forest recovery, among others) but, these actions have not yet received accreditation from the JEP to be either considered as part of their sentence or acts of reparations.

The subtheme on **collective reparations** is composed of three stipulations of which one has not started implementation and two are in a state of initial implementation. Early efforts have started to strengthen the collective reparation plans and modifications taken from the recommendations of the Broad Participation Process (PAP).

The subtheme on **psychosocial rehabilitation** contains two stipulations that show initial implementation. Efforts are underway for the preparation of the National Psychosocial Rehabilitation Plan for Coexistence and Non-Repetition involving both emotional recovery measures at the individual level and psychosocial rehabilitation for communities.<sup>72</sup>

The subtheme on the **return and relocation processes for victims** shows low levels of implementation. Both stipulations contained in this subtheme are in early stages of implementation. The Victims Unit is preparing a proposal to improve the process of reparations for victims living abroad.<sup>73</sup>

The subtheme on **land restitution measures** has two stipulations of which one is in initial implementation and the other has reached an intermediate level of implementation. The latter is reflected in the development of a system to share information between the Land Restitution Unit (URT) and the Victims Unit (UARIV).<sup>74</sup> The URT is starting to coordinate its work with other institutions, including the National Land Agency (ANT).<sup>75</sup>

The subtheme on the **Policy for the Attention and Comprehensive Reparation of Victims** contains a total of six stipulations of which one has been fully implemented, four have started, and one has not been implemented.

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<sup>72</sup> Technical development team (Ministry of Health) interview conducted by the Kroc Institute team, February 17, 2018.

<sup>73</sup> Unit for the Attention and Comprehensive Reparation of Victims / Victims Unit, document provided to the Kroc Institute via email, March 20, 2018.

<sup>74</sup> *Ibid.*

<sup>75</sup> Official (Land Restitution Unit) interview conducted by the Kroc Institute team, February 20, 2018.

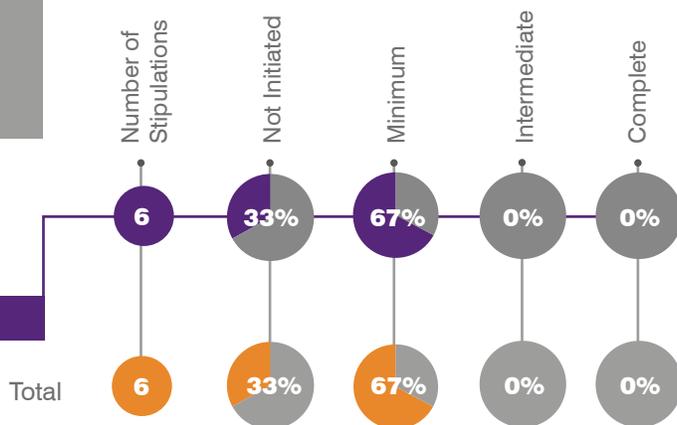
The comprehensive process for the revision of the Victim’s Law, the Broad Participation Process (PAP), was completed in March and April of 2017.<sup>76</sup> A lack of resources has slowed the implementation of efforts to strengthen the reparation policy.<sup>77</sup>

Table 17

Guarantees of Non-Repetition

Promotion, prevention and protection of human rights and strengthening of mechanisms for the protection of human rights defenders and their organizations

Section	5.2.1 - 5.2.3
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In the subtheme **promotion, prevention and protection of human rights and strengthening of mechanisms for the protection of human rights defenders and their organizations** there has been initial progress in four of the stipulations, including the strengthening of the Human Rights Information System with the launch of a new website in April 2018.

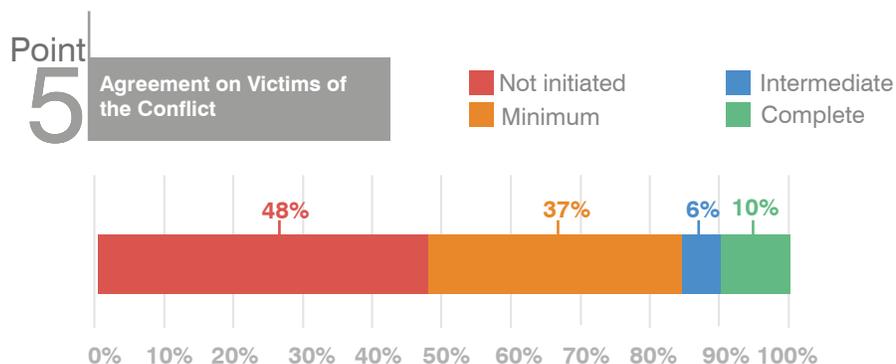
While there is constant dialogue between the government and human rights organizations on measures for the prevention, protection and promotion of human rights, there have been few substantive advances in protecting human rights defenders in the territories from threats and attacks.

**Assessment of Point Five**

The graphic below summarizes cumulative implementation results for the 90 stipulations in point five.

<sup>76</sup> Within the framework of the PAP, a national meeting was held, 14 regional, four (4) with authorities of the SNARIV, five (5) with victims living abroad, two (2) spaces for the participation of victims, two (2) with women’s organizations, two (2) with control bodies and two (2) with academic experts. All these meetings had four (4) common methodological moments.

<sup>77</sup> Monitoring Commission for the Implementation of Law 1448 of 2011. Fourth Report to the Congress of the Republic on the implementation of the Victims Law and Land Restitution [Cuarto Informe sobre la implementación de la Ley de Víctimas y Restitución de Tierras al Congreso de la República -2016-2017] 2017, <https://www.contraloria.gov.co/documents/20181/462047/Cuarto+Informe+Comisi%C3%B3n+de+Seguimiento+y+Monitoreo+al+cumplimiento+de+la+Ley+1448+de+2011/b2d461a7-b742-42fb-a47d-8aa89f7dab76?version=1.2>.



The Colombian accord, more than any other peace agreement, establishes a highly complex set of provisions for dealing with transitional justice challenges through mechanisms for truth, justice, reparations and the rights of victims. The Colombia negotiations were innovative in providing a voice for victims. Sixty victims in five delegations provided testimony at the Havana negotiating table in support of efforts to pursue peace and reconciliation.<sup>78</sup> The accord has been described as the most victim-centered comprehensive peace agreement ever negotiated.<sup>79</sup>

Point five of the accord establishes this extensive system for justice and victims' rights across 90 stipulations. As the graphic shows, nearly half of these stipulations have not been initiated. Thirty-seven percent of the commitments in the section are progressing at a minimal level of implementation, with only 10% fully implemented.

Transitional justice issues are always contentious in peace processes, as countries wrestle with the paradox of bringing to justice those who have committed crimes in the past while attempting to negotiate a comprehensive peace that prevents further atrocities in the future.

Progress is underway in the core programs of point five. The Jurisdiction for Peace (JEP) opened its doors in March 2018, and the Truth Commission became operational in May 2018, with commissioners now sworn in and the 3-year operating mandate underway.<sup>80</sup> In South Africa, it took a couple years of additional negotiation after the signing of the initial agreement to establish and begin the operations of the Truth and Reconciliation Commission. In Nepal, at the year and a half mark, the draft Truth and Reconciliation Commission bill had not been approved by

<sup>78</sup> Priscilla Hayner, *The Peacemaker's Paradox: Pursuing Justice in the Shadow of Conflict* (New York: Routledge, 2018), 207.

<sup>79</sup> Kristian Herbolzheimer, "Innovations in the Colombian Peace Process," NOREF Report, June 2016, [http://www.c-r.org/downloads/NOREF\\_CR\\_Report\\_Colombia%20Innovations\\_final.pdf](http://www.c-r.org/downloads/NOREF_CR_Report_Colombia%20Innovations_final.pdf).

<sup>80</sup> "Vamos a buscar la verdad sin importar quién sea el presidente": padre Francisco de Roux," *El Espectador*, May 6, 2018, <https://colombia2020.elespectador.com/verdad-y-memoria/vamos-buscar-la-verdad-sin-importar-quien-sea-el-presidente-padre-francisco-de-roux>.

parliament. In Guatemala and El Salvador, by contrast, truth processes proceeded quickly. In El Salvador, the Commission on Truth released a 200 page final report before the 18-month mark, documenting 22,000 human rights violations between 1980 and 1991.

Generally speaking, the implementation of Colombia's Truth Commission is well ahead of Truth Commission implementation processes in other accords. Overall, in the 12 previous CPAs that called for a Truth Commission, none achieved full implementation in the first year. By the end of the second year, only the El Salvador commission completed its work, and 67% of the other comprehensive accords were inactive or minimally implemented.

Some have criticized amnesty provisions in the Colombia accord, but comparative analysis shows that amnesties of one form or another are part of most successful peace processes and are contained in other CPAs. The amnesty provisions in the Colombia accord are conditional and do not apply to those who have committed crimes against humanity and other serious war crimes.

Implementation of amnesty provisions has proceeded relatively swiftly in Colombia compared to other processes. At the 18-month mark, over 90% of FARC members have been granted general amnesty, and over 80% have been released from prison. In the 20 previous CPAs with amnesty programs, less than half were fully implemented by the end of year two, while 55% had completed the release of war prisoners.

## ***POINT SIX: Implementation, Verification and Public Endorsement Mechanisms***

### **Summary**

#### Main strategies and programs

- Implementation and Verification Mechanisms: Commission for Monitoring, Promoting and Verifying the Implementation of the Final Agreement (CSIVI), Framework Plan for Implementation (PMI) and other mechanisms to help ensure implementation.
- Measures and programs to incorporate the agreement into the planning and territorial financing cycles.
- Legal implementation priorities.
- Ethnic Chapter.
- International Verification Component (CIV) and International Accompaniment to Implementation.
- Comprehensive Information System and Transparency Measures.
- Pedagogy, dissemination and communication of the final accord.
- Endorsement of the final accord.

#### Main advances

- CSIVI approval of the final version of the PMI.
- Completion of the CONPES Document related to the PMI.
- Activation of the International Verification Component (CIV) and engagement of international actors and the Notables to support implementation.
- Promotion of the participation of the business sector in the implementation of the final agreement through programs such as Works for Tax and receipt of international cooperation funds.
- Creation of the joint communications committee and the launch of the “Mimbre” television program.
- Approval of laws and regulations that cement the implementation of the agreement, including 11 legislative initiatives, of which five are constitutional reforms, and the rest are laws.

#### Main difficulties

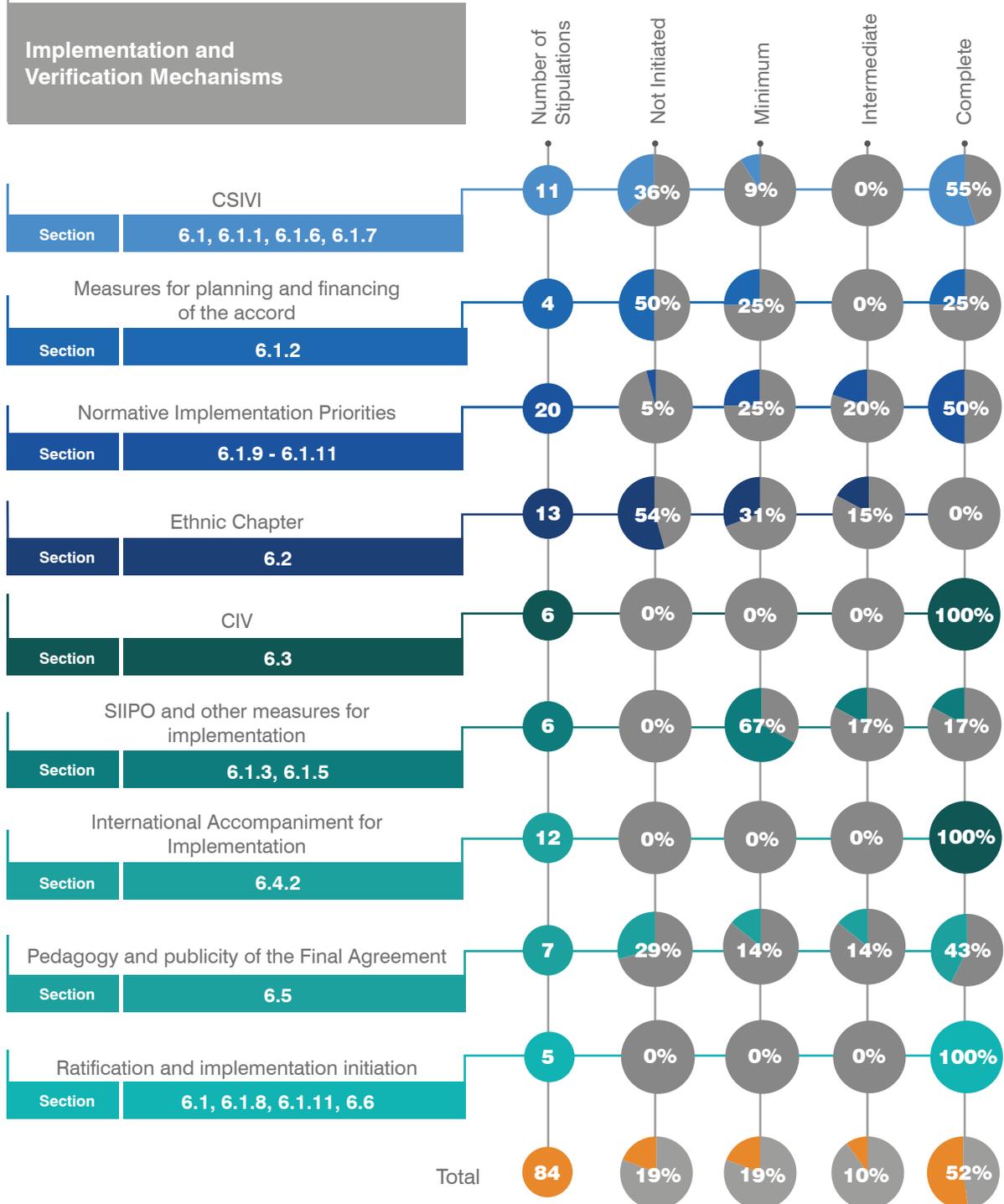
- A delay of almost one year in the approval of the PMI, creating challenges for transparency, citizen oversight, and the pedagogy, dissemination and communication of the Agreement.
- The slow pace of participatory processes for implementation in the territories.

- Few advances in the implementation of the Ethnic Chapter.
- The lack of knowledge about the final accord and its implementation among civil society and the private sector.

**Quantitative and qualitative analysis of the implementation activity**

**Table 18**

**Implementation and Verification Mechanisms**



The subtheme on the **Commission for Monitoring, Promoting and Verifying the Implementation of the Final Agreement (CSIVI), the Framework Plan for Implementation (PMI)** contains 11 stipulations, of which six have been fully implemented, one is in initial stages of implementation, and four have not yet begun implementation.

The CSIVI was fully operational until key FARC and government members stopped their participation. On the FARC side, Ivan Marquez left Bogotá and returned to an ETCR, and Jesús Santrich was detained. On the government side High Councilor for Post-Conflict Rafael Pardo was absent due to health issues for many months. Because of these issues, the government designated a special group of senior officials to meet regularly with the FARC to jointly foster the implementation process.

The PMI and the CONPES 3932 Document of the PMI were approved.<sup>81</sup> The Special High-Level Forum for Women has been created and is functioning.

The subtheme on **measures for the planning and financing of the accord** contains four stipulations. Of these, one stipulation has been fully implemented, one has been initiated and two have not started implementation.

Mechanisms and measures for financing the implementation of the Agreement were established through Legislative Act 04 of 2017 and creation of the Colombia in Peace Fund (FCP).

Reforms are needed in Law 152 of 1994 incorporating the final agreement in the State's planning and financial cycles before implementation can begin in the remaining stipulations in this subtheme.

The subtheme regarding **normative implementation priorities** contains 20 stipulations of which 10 have been fully implemented, nine are in progress and one has not been initiated.

Legal measures were approved through the fast-track to proceed with implementation of the accord. The national government has used the extraordinary powers granted to it by legislation (Constitutional Reform 01 of 2016) to issue 35 decrees with force of law and 77 other decrees aimed at implementing aspects of the final accord. To date, the court has conducted a constitutional review of 39 pieces of legislation, including constitutional reforms and decrees with force of law. Among them is

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<sup>81</sup> National Planning Department, "Lineamientos para la articulación del Plan Marco de Implementación del Acuerdo Final con los instrumentos de planeación, programación y seguimiento a políticas públicas del orden nacional y territorial," (CONPES Document 3932, Bogotá, June 29, 2018). The National Council for Economic and Social Policy (CONPES) is the highest authority for planning since 1958 and serves as an advisory body to the Government in all things related to economic and social development. CONPES Documents are key for guiding economic and social public policy.

Constitutional Reform 02 of 2017, which gives legal stability to the final accord. Rules and legal norms processed after the fast-track period are currently in the phase of initial or intermediate implementation. The Special Peace Voting Districts Law has been presented to Congress twice but was tabled both times.

The subtheme that refers to the **Ethnic Chapter** is composed of 13 stipulations of which six are underway and seven have not started implementation.

The Special High-Level Forum with Ethnic Peoples has been created and is monitoring implementation of the agreements. However, dialogue mechanisms have not been established between the High-Level Forum and the CSIVI, except during conversations on ethnic indicators for the Framework Plan for Implementation (PMI). Less progress has been achieved in the prior consultation process.<sup>82</sup> Stipulations measuring greater access to information, pedagogy for peace programs, and measures that consider the particular needs of ethnic peoples have not been implemented.<sup>83</sup>

The subtheme on the **International Verification Component (CIV)** contains six stipulations that have been fully implemented.

The CIV has been created. The Notables made a public pronouncement on January 4, 2018, based on materials provided by the Technical Secretariat of the CIV, and the first public report of the Kroc Institute. In addition, the Technical Secretariat of the CIV published a report focused on implementation of gender commitments in the accord in June 2018.<sup>84</sup>

The United Nations Political Mission has provided significant support in verifying reincorporation and the implementation of protection and security

<sup>82</sup> Javier Betancourt (liaison with the Special High Level Forum with Ethnic Peoples), interview conducted by the Kroc Institute team, February 9, 2018.

<sup>83</sup> Public complaints were made during the first national ethnic hearing before the Office of the Inspector General. Luis Fernando Arias, "Balance General," (Intervention, First National Ethnic Hearing before the Office of the Inspector General, Office of the Attorney General, Bogotá, December 20, 2017); Víctor Vidal, "Balance General," (Intervention, First National Ethnic Hearing before the Office of the Inspector General, Office of the Attorney General, Bogotá, December 20, 2017). Also in the Orinoquia region, indigenous youth demand inclusion and participation in the peace process. National Indigenous Organization of Colombia (ONIC), "Declaración del Primer Encuentro de Jóvenes de la Macro-Orinoquia – ONIC," *ONIC*, June 21, 2017, <http://www.onic.org.co/comunicados-onic/1911-declaracion-del-primer-encuentro-de-jovenes-de-la-macro-orinoquia-onic>; "Foro Internacional, Territorios, mujeres y paz, Buenaventura," (meeting notes drafted by the Kroc Institute team, Buenaventura, November 14, 2017).

<sup>84</sup> Technical Secretariat of the International Verification Component, "Primer Informe de la implementación del Enfoque de Género en los Acuerdos de Paz en Colombia para los verificadores internacionales Felipe González y José Mujica (A.F. 6.3.2), la CSIVI y el Fondo Multidonante de las Naciones Unidas para el Posconflicto", Centro de Investigación y Educación Popular (CINEP)/ Centro de Investigación y Educación Popular (CINEP), June 2018, Bogotá. <http://www.cinep.org.co/Home2/component/k2/item/606-primer-informe-de-la-implementacion-del-enfoque-de-genero-en-los-acuerdos-de-paz.html>.

measures, and the mandate of the United Nations High Commissioner for Human Rights has been partially renewed.<sup>85</sup>

The subtheme on the **Integrated Information System for the Post-Conflict (SIIPO) and other measures for implementation** consists of six stipulations. One is fully implemented, another is at the intermediate level, three are in the initial stage, and one has not started implementation. The SIIPO was created by Decree 1829 of 2017. However, the system is not operational yet. The implementation of this mechanism is key for assuring access of information on the implementation process and accountability.

The full implementation rating reflects the government's and CSIVI's efforts in promoting international cooperation funds. Four funds have been created: the UN Multi-donor Fund, the World Bank, the European Union, and the Sustainable Colombia Fund-IDB.<sup>86</sup> These funds are an integral part of the Colombia in Peace Fund (FCP), which functions as a source of funding for international cooperation and participation. The U.S. government and other countries have also provided significant funding.<sup>87</sup> According to data from the Presidential Cooperation Agency (APC), international cooperation support during 2017 amounted to more than 660 million dollars, the highest amount the Agency registered since its creation in 2011.<sup>88</sup> These resources reflect the strong commitment of the international community to the peace process in Colombia.

Partial progress has been made in promoting the participation of the business sector in the implementation of the agreement.<sup>89</sup> Decree 1650 of 2017 created the Areas Most Affected by the Armed Conflict (ZOMAC) in order to grant tax benefits for companies that invest in development projects in these areas.<sup>90</sup> The government has prioritized 344 municipalities

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<sup>85</sup> United Nations Security Council, "Letter dated 29 March 2017 from the Secretary General addressed to the President of the Security Council," S/2017/272 (New York, April 21, 2017), [https://colombia.unmissions.org/sites/default/files/s-2017-272\\_s.pdf](https://colombia.unmissions.org/sites/default/files/s-2017-272_s.pdf).

<sup>86</sup> "Colombia en Paz, un Fondo de Fondos para llegar a los territorios afectados por el conflicto" *Alta Consejería Presidencial para el Posconflicto*, February 14, 2017, <http://www.posconflicto.gov.co/sala-prensa/noticias/2017/Paginas/20170214-Colombia-en-Paz-un-Fondo-de-Fondos-para-llegar-a-los-territorios-afectados-por-el-conflicto.aspx>.

<sup>87</sup> Government of Colombia, "Así construimos paz," (government document, April 2018).

<sup>88</sup> APC-Colombia, "Colombia recibió más de 660 millones de dólares de Cooperación Internacional en el 2017," March 13, 2018. <https://www.apccolombia.gov.co/noticia/colombia-recibio-mas-de-660-millones-de-dolares-de-cooperacion-internacional-en-el-2017>.

<sup>89</sup> This mechanism of works for taxes did not come into force until 2018. "Empresarios podrán pagar impuestos con obras en zonas afectadas por el conflicto," *Presidencia de la República*, November 22, 2017, <http://es.presidencia.gov.co/noticia/171122-Empresarios-podran-pagar-impuestos-con-obras-en-zonas-afectadas-por-el-conflicto>.

<sup>90</sup> Decree 1650 of October 9, 2017. This decree defines what zones are the Zones most affected by the armed conflict (ZOMAC).

for special tax benefits and the Works for Taxes program.<sup>91</sup> To date, 27 projects are registered in construction, potable water, sewerage, energy development, education and road infrastructure services in 28 ZOMAC municipalities in 14 departments.

The subtheme on **International Accompaniment of Implementation** is composed of 12 stipulations, all of which have been fully implemented.

During the second half of 2016, all the actors mentioned in the agreement expressed their willingness to provide accompaniment of implementation, as stipulated in the final accord. On April 6, 2017, the protocol for accompaniment was officially delivered. For each thematic group the named actors are jointly supporting accord implementation, which merits coding these stipulations as fully implemented. However, these efforts were not coordinated by the CSIVI: the accord stipulates that the thematic groups should have formal dialogue with the CSIVI, jointly prepare a work plan and reports.

To date, international accompaniment has focused mainly on rural reform, substitution programs, the different components of the SIVJNR, the rights of victims, and the gender approach.

The subtheme on **pedagogy and communication of the final agreement** is composed of seven stipulations of which three have been fully implemented, one has a level of intermediate implementation, one is initiated, and two have not started implementation.

Important advances have been achieved in implementing the *Mimbre* television program. To date, 13 one-and-a-half hour programs have been issued via the Institutional Channel, and the remaining 52 chapters were contracted in February 2018. Half of the funding for this comes from the National Television Authority (ANTV) and the other half from the Colombia in Peace Fund.<sup>92</sup>

Intermediate implementation has been achieved with the activation of the joint communications committee since December 2016 and efforts to generate pedagogical material on the progress of implementation. Slower progress has been achieved in the creation of 20 public access community broadcast stations in the areas most affected by the conflict. Agreement on the location of three stations came in November 2017, but to date funding is guaranteed for only two stations.

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<sup>91</sup> High Presidential Council for the Post-Conflict, “Incentivos para el sector privado en la construcción de paz,” Alta Consejería Presidencial para el Posconflicto, May 26, 2017, <http://www.posconflicto.gov.co/consejeria/Paginas/direccion-de-inversion-privada-para-el-posconflicto.aspx>.

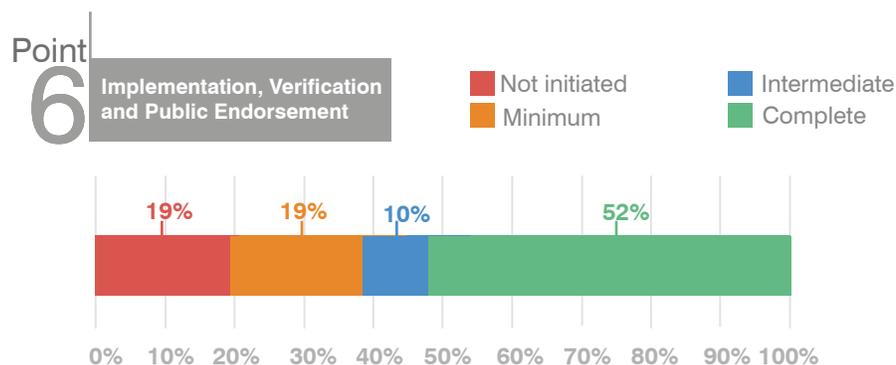
<sup>92</sup> Jorge Enrique Rodríguez (FARC liaison to the joint communication committee and editorial committee of *Mimbre*), interview conducted by the Kroc Institute team, March 22, 2018.

The subtheme regarding **ratification and implementation initiation** is composed of five stipulations which have been fully implemented.

The plebiscite took place in October 2016 and official endorsement of the modified final accord by the Colombian Congress occurred in late November 2016. The Agreement has been signed as a Special Agreement of Common Article 3 of the Geneva Convention.<sup>93</sup>

### Assessment of Point Six

One of the distinctions of the Colombian accord is its extensive set of arrangements for verification and monitoring. The final agreement has the largest and most comprehensive monitoring and accompaniment provisions of any comprehensive peace accord. As the numbers indicate, point six has the highest level of implementation of any of the points in the accord.



Almost half of the 84 stipulations in point six are fully implemented (52%). Almost a third are in progress, and 19% have not started implementation.

This high rate of implementation is a positive sign for the sustainability of the peace process. Many of the necessary legal and regulatory steps for implementing the accord have been adopted, although there are delays in some legislative measures, and the financing of some mechanisms is still uncertain.

In addition, comparative research indicates that the fulfillment of verification mechanisms increases the overall implementation rate of a peace process by 28%.<sup>94</sup> The CSIVI is functioning, but as noted its membership has changed recently, and it could benefit from being adjusted to address new political realities. Joint high-level spaces play a crucial

<sup>93</sup> “Gobierno entregó ejemplar de Acuerdo de Paz a Suiza, depositario de Convenios de Ginebra,” *El Mundo*, September 27, 2016, [http://www.elmundo.com/portal/noticias/nacional/gobierno\\_entrego\\_ejemplar\\_de\\_acuerdo\\_de\\_paz\\_a\\_suiza\\_depositario\\_de\\_convenios\\_ginebra.php#.Wz-m-9JKibi](http://www.elmundo.com/portal/noticias/nacional/gobierno_entrego_ejemplar_de_acuerdo_de_paz_a_suiza_depositario_de_convenios_ginebra.php#.Wz-m-9JKibi).

<sup>94</sup> Madhav Joshi, S.Y. Lee, and R. Mac Ginty, “Built-in Safeguards and the Implementation of Civil War Peace Accords,” *International Interactions* 43, vol. 6 (2017), 994-1018.

role in the architecture of the peace process, providing a platform where representatives of FARC and the government can work together to assure implementation and resolve their differences. This function of peaceful dispute resolution is central to the overall implementation process.

International comparative experience shows that the most successful dispute resolution and verification bodies are those that have third party accompaniment. Particularly successful are those that are chaired by third-party actors. A third-party chair can help to convene meetings and set the agenda for action, and in some settings can help unravel bureaucratic and policy deadlocks. Often the third-party player is the UN, but not always. In the case of Colombia, the third-party role could be performed by another international agency or guarantor country. Adopting this approach may be an option for the incoming government and FARC to strengthen this vital mechanism for advancing overall accord implementation.

# Conclusion

Peace processes are complex and contentious, often continuing for years with advances and setbacks, triumphs and disappointments. It is difficult in the midst of the process to get one's bearings, to know whether the train is on track or about to go off the rails—to determine, as we have said, whether the glass is half full or half empty.

Quantitative data, in-depth assessment and comparative analysis can help to navigate the dense terrain of the implementation process and provide an objective standard for evaluating where the process stands at this critical moment in Colombia.

In general, the process is moving ahead steadily, with more than half of the stipulations of the accord in various stages of implementation, and 21% now completed. Compared to the 34 other CPAs in the Peace Accords Matrix at the 18-month mark, the implementation process in Colombia is average.

This does not mean that success is guaranteed, or that the risk of renewed conflict has disappeared. On the contrary, as our report indicates, there are many problems and uncertainties in the implementation process to date, some of which pose a grave danger to the prospects for sustaining an end of the conflict. Concerns about the lack of security guarantees and the pace of reincorporation are particularly acute in the near term, and the slow progress of rural reform and crop substitution over the long run could undermine the goal of sustaining peace and achieving development.

As the process unfolds in the months ahead, the focus must turn increasingly to institutional and structural reforms, especially in the territories, together with greater social inclusion, public participation, respect for human rights and government accountability. The new government should persist in working to achieve these goals to assure sustainable peace and development and create a more democratic and equitable society in Colombia.

The Barometer Initiative is a program of the Peace Accords Matrix at the Kroc Institute for International Peace Studies, part of the Keough School of Global Affairs at the University of Notre Dame, in partnership with the National Secretariat of the Social Pastorate - Cáritas Colombiana.

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