



KROC INSTITUTE
FOR INTERNATIONAL PEACE STUDIES

State of Implementation of the Colombian Final Accord

December 2016 – April 2019

EXECUTIVE SUMMARY

Kroc Institute for International Peace Studies
Keough School of Global Affairs
University of Notre Dame

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UNIVERSITY OF
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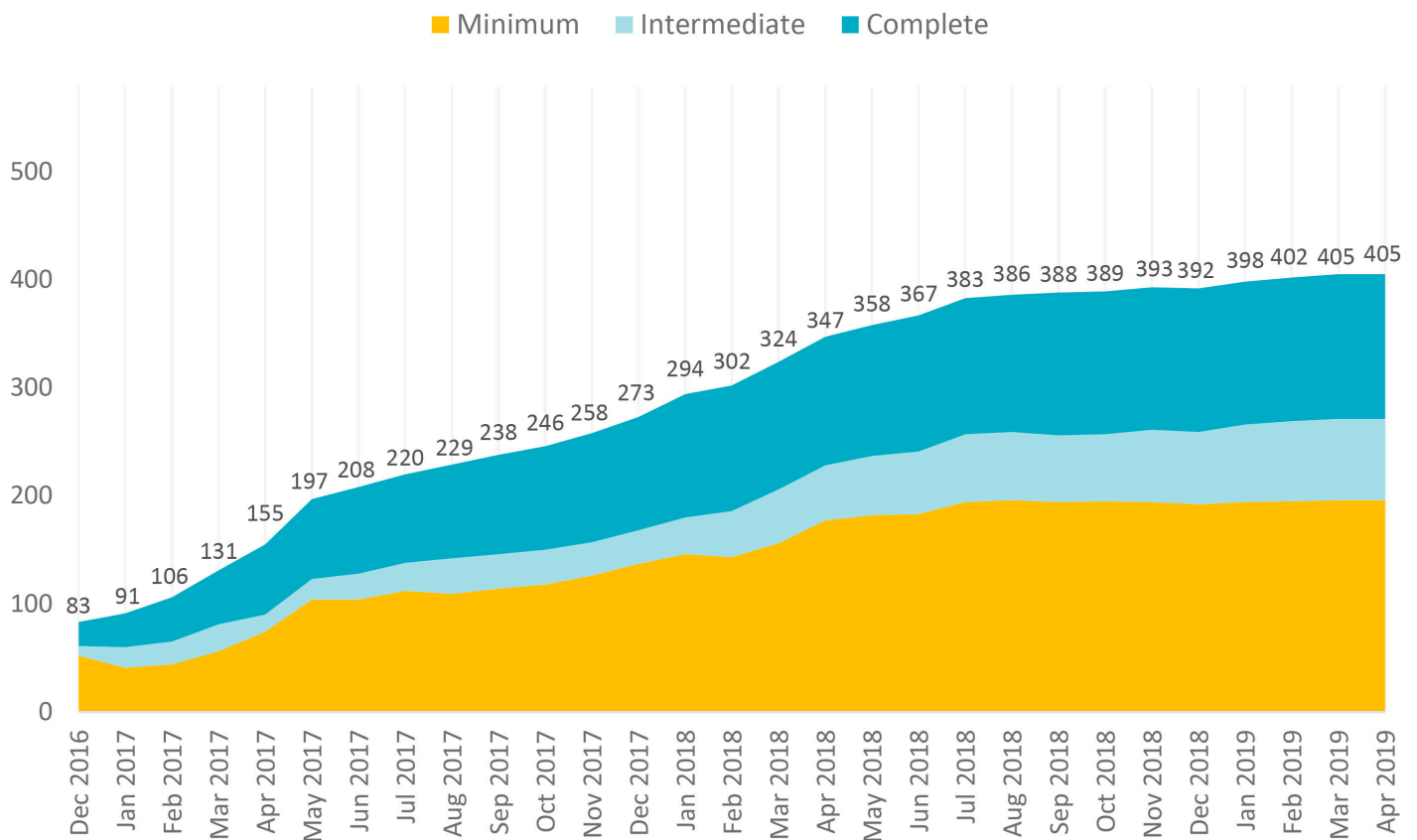
KEOUGH SCHOOL OF GLOBAL AFFAIRS

Implementation has continued to progress in the two years since the signing of the Colombian Final Accord. More than two thirds of the commitments in the accord have been initiated, and more than one-third have been completed or have achieved substantial progress. While many challenges exist in the Colombian peace process, the level of implementation at the two-year mark is comparable to other comprehensive peace agreements analyzed by the Kroc Institute in its Peace Accords Matrix (PAM) database.

As shown in Figure 1, implementation activity has increased almost every month since the signing of the accord. From December 2016 to April 30, 2019, the number of fully and partially completed stipulations has steadily advanced. The largest share of stipulations in the accord are currently in a minimum stage of implementation. This reflects the laying of the legal and institutional foundations and the creation of public policies, plans, and programs stipulated in the final agreement.

In the first eight months of the new Duque administration, the rate of progress has slowed slightly in some areas as the new administration took office and leadership in the responsible agencies changed hands. The government has introduced a new political and conceptual framework centered on equity, stabilization, and legality incorporating some of the key commitments in the agreement. Meanwhile, the institutions and programs created under the previous administration have been maintained. In order to sustain the momentum of the implementation process, it is necessary to continue efforts to align the new government policy framework with existing peace agreement infrastructure.

FIGURE 1. Summary of monthly implementation status



As shown in Figure 2, of the 578 total commitments followed by the Barometer Initiative, implementation is underway in 405 stipulations (70%). Therefore, implementation is underway in roughly two thirds of the commitments agreed to in the accord. Twenty-three percent of total stipulations have been fully implemented, and 13 percent are on track to be fully implemented within the timeframe stipulated by the Agreement. Thirty-four percent of total stipulations have been initiated, but due to sequencing factors or limited progress to date, completion of these commitments is not yet assured. Thirty percent of the commitments have not yet been initiated.

FIGURE 2. Implementation status of the 578 stipulations (April 2019)

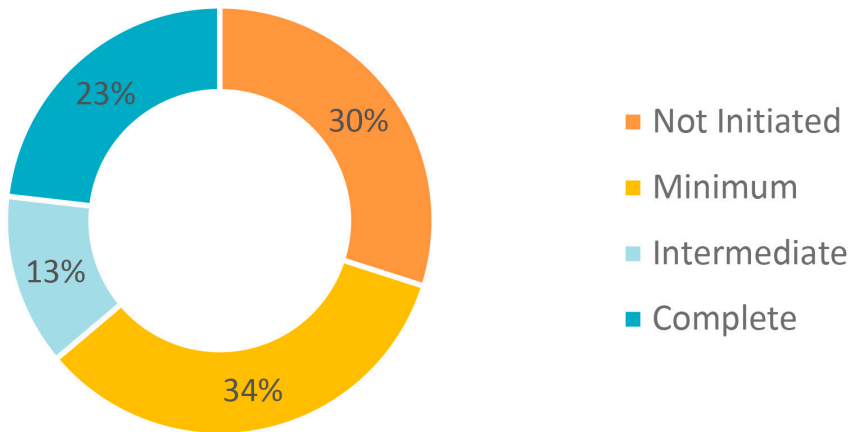
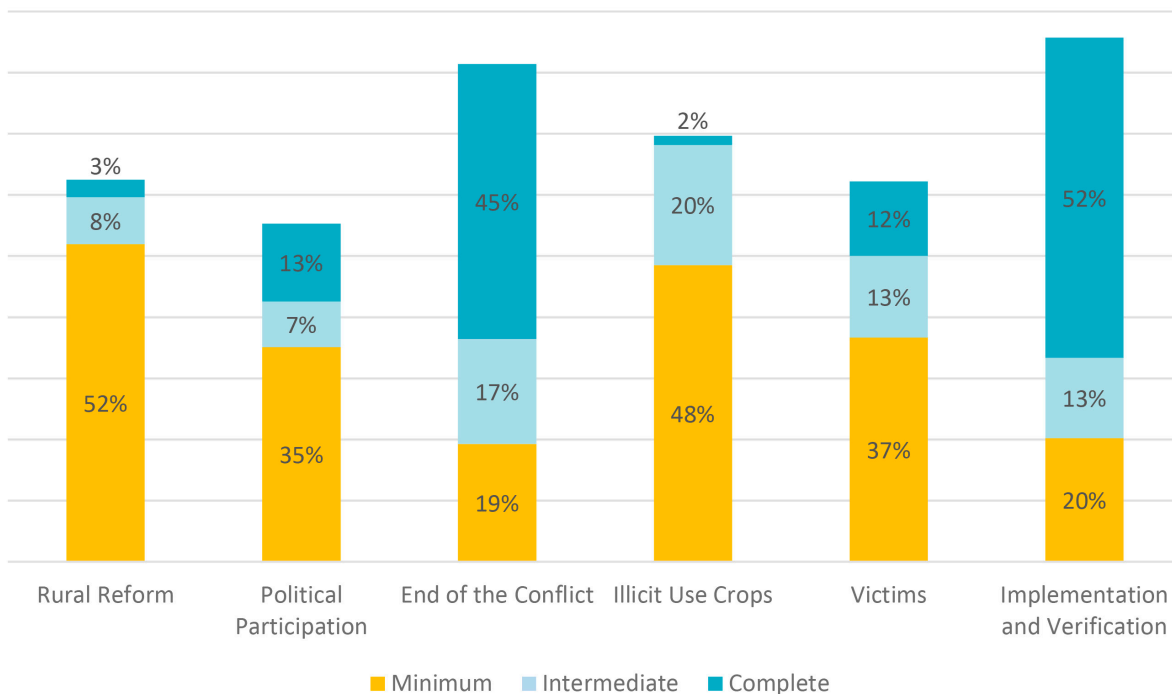


Figure 3 displays implementation progress according to the six major points of the accord. Some of the highest levels of implementation have been in Point 3 regarding the end of the armed conflict and the transformation of the FARC-EP into a democratic political party. Despite evidence of violence in some rural territories, the ceasefire and processes for ending internal armed conflict have been maintained. Comparative studies of peace processes show that passing the two-year mark without the resumption of armed conflict is an important milestone that bodes well for the Colombian peace process.

FIGURE 3. Implementation overview of six points in the Colombian Final Accord



Delays have occurred in the socio-economic reincorporation of ex-combatants. This has generated dissatisfaction and distrust among some ex-FARC-EP fighters. Allocating sufficient resources to the reincorporation of former guerrillas back into civilian life is essential for preventing a return to violence.

Point 6 represents another significant area of progress, which covers various instruments of verification, monitoring, conflict resolution, and international accompaniments established in the accord. Relative to past peace processes, these mechanisms in Colombia have very high levels of implementation. Since the start of the process, the government and Congress have developed a wide set of normative, political, and programmatic measures that have created an institutional framework that grants legal stability to the central mechanisms needed for implementation. Getting this institutional architecture in place represents a major accomplishment that will allow continuous progress of implementation on many fronts.

Significant areas of concern also exist. A major challenge is advancing and protecting the transitional justice mechanisms, including the Special Jurisdiction for Peace (JEP) and the Truth Commission. The Colombian model of transitional justice creates a comprehensive and coordinated system that can make significant progress in achieving a balance between the need for peace and justice, based on truth, reparations, and guarantees of non-repetition. The goal of transitional justice processes is to break the vicious cycles of violence and replace them with virtuous cycles of reconciliation. The UN Security Council has recently requested the government to support the Statutory Law for the JEP as soon as possible to prevent further challenges to its legitimacy. As in many post-agreement contexts, transitional justice has been controversial in Colombia, but support for the process should gain greater momentum over time as the benefits of truth, justice and reconciliation are realized.

Another serious challenge is the lack of adequate security guarantees for FARC-EP ex-combatants and their families as well as social leaders and human rights defenders in the territories. Many territories lack effective protection, putting communities in danger of attack from illegal armed actors and criminal gangs. In its April 2019 report, the UN Verification Mission in Colombia documents the killing of 99 FARC-EP ex-combatants since the signing of the accord in December 2016. There are several organizations documenting the increased killings of social leaders and human rights defenders. According to the Ombudsman's Office, over 400 human rights activists and social leaders have been killed since 2016. Effective responses to these security threats will require building consensus between communities and the government on effective protection strategies

for the affected territories. Priorities should include mechanisms of community policing and collective protection, the National Political Pact to eliminate violence from politics, the Comprehensive Security System for the Exercise of Politics (SISEP), and more effective use of prevention strategies at the territorial level, including the Early Warning System of the Ombudsman's Office and locally based community protection mechanisms.

A comprehensive response to these security concerns must also focus on structural programs in the accord that improve the quality of life of the communities in the affected territories and guarantee their rights. Greater progress is needed in fulfilling the many commitments in the final agreement that help guarantee an effective integral presence of the State in the territories. These include measures for land access and use in Point One of the accord, the Development Programs with a Territorial Focus (PDET), provisions for broadening political and citizen participation, and the voluntary substitution of crops for illicit use.

The implementation process of the Colombian Final Accord is one of the most carefully planned and managed peace processes to date. Much of the accord addresses long neglected territories and socio, economic, and political problems that require long-term solutions. The Colombian peace agreement stands out in its planning and prioritization of these territories with development programs, some designed as ten to fifteen year projects. The challenge is to promote the accord programs as national public goods and sustain the implementation process by insulating it from the divisiveness of everyday politics. The objective of a peace agreement is not to end all political disagreements or quickly eliminate all social problems, including armed violence, but to create a national political dialogue centered around a large scale reform process. Colombia is not unique with respect to the presence of residual violence. In cases like Lebanon, Nepal, Angola, Tajikistan, Cambodia, Sierra Leone, and Ivory Coast, significant levels of residual violence continued in territories previously affected by the conflict. Despite the violence, which lasted in some cases for several years, implementation continued and all of these countries achieved country-level peace. The Colombian process has overcome many obstacles, and this resilience is due to the high level of commitment to implementation shown by the government and FARC-EP as well as through civil society and local community participation.

For more information and to read the Kroc Institute's full April 2019 report on the status of Colombian peace accord implementation, visit kroc.nd.edu/colombia.