

## COLOMBIA'S PEACE ACCORD: THE FIRST YEAR

Colombia's Final Peace Accord was signed on November 24, 2016 in the Colón Theater in Bogotá. Six days later, on December 1st, "D-Day" marked the first day of implementation of the 310-page document. The first year has seen dramatic successes, such as the near elimination of conflict related deaths (an estimated 2,796 military and guerrilla lives have been saved, along with 688 civilians)<sup>1</sup>. It has also met with significant challenges, such as the slow construction of the transitional zones where the FARC gathered to lay down their arms, and the continued rise in social leader assassinations. This Spotlight analyzes core achievements and challenges in the first 365 days of implementing the accord, along with a detailed consideration of Point 1: Rural Reform and Point 2: Political Participation.

Among the key milestones in the first year was the successful grouping of the FARC guerrillas in transitional zones by February of this year without major breaks in the bilateral ceasefire agreement. This was a major achievement and showed strong political will on all sides, given significant uncertainty generated by the No vote on the October 2nd plebiscite last year, and the logistical delays in facilitating the movements to the zones and preparing the zones themselves. Additionally, by June 27th of this year, the U.N. Mission in Colombia had successfully disarmed the entirety of the half-decade old guerrilla group.

August 16th marked the official end of the FARC as an armed insurgent group, and the beginning of their political party: the Alternative Revolutionary Force for the Common People. The FARC political party currently has its presidential, senate, and house of representative candidates lined up for the upcoming 2018 political election cycle.

For those who had grown cynical over the delays in implementing the Accord, Pope Francis' visit in the first week of September brought new life and commitment for many in terms of peacebuilding in the country; his speeches and masses focused on themes forgiveness and reconciliation, and commitment to a peaceful Colombia.

The peace process has been nothing if not polarizing in its first year, and Colombian politics and society remain divided on many of the fundamental tenets promised in the Havana document. Nonetheless, many gains have been made in the interim. The statistics below reflect some of these gains, though they are by no means exhaustive. Following, the lower section of this page analyzes some of the most pressing near term challenges moving forward.



**8,994**  
decommissioned  
weapons



**79%** reduction  
in annual  
displacement rate



**26%**  
of municipalities with  
antipersonnel mines cleared



Planned **100,000**  
hectares of coca crops (of  
146,000 total) eradicated



**8** of 27 laws passed  
related to Accord  
implementation

## SIGNIFICANT NEAR TERM CHALLENGES FOR THE COLOMBIAN PEACE PROCESS

Recently, President Juan Manuel Santos gave a speech commemorating the first year of implementation.<sup>2</sup> In this speech, Santos called for unity among Colombians in order to implement the peace accords effectively, noting the protracted nature of peacebuilding processes. In this speech, he cited a study by the Kroc Institute of Notre Dame, which argued that, of the 34 peace processes analyzed in the study, Colombia was the most complete, best designed, and most advanced within the first year of implementation. He also asked for patience, acknowledging the sense of urgency for resolving major issues around peacebuilding, but conceding that, to do things right, time and planning were required. Santos was adamant about not repeating past errors of producing results for the sake of showing immediate gains, and failing over the longer term.

President Santos named three categories of priorities for peacebuilding, each with its own portfolio of challenges and opportunities: security, opportunities, and reconciliation. The greatest threats to security are the social leader and former guerrilla assassinations – estimated at 111 and 30, respectively – and the related ongoing presence, and even growth, of organized illegal armed group activity, largely fueled by illicit economies. And though the GoC has worked to draw in the private sector more and provide more well-designed economic opportunities for former guerrillas and rural populations, challenges in infrastructure and insecurity continue to limit access to markets and viable productive projects. Finally, regarding reconciliation: some of the primary initiatives intended to facilitate this complex construct, such as land restitution and crop substitution, have met with slow and sporadic implementation, in part due to lack of institutional resources, and in part due to inter-institutional coordination challenges. Santos emphasized in his speech the importance of contributing to truth,

transitional justice, and historical memory processes to facilitate national reconciliation after a half century of war.

Arguably most worrying for the peace process in the aggregate is the upcoming 2018 political election cycle. Already, high rates of absenteeism in Congress, politicization of any and all aspects of the Peace Accord, and congress person flip-flopping has weighed down the generation of the legal framework for implementation throughout the first year – a framework that is not only critical on the whole but sequentially critical for moving forward in any capacity. The campaign cycle has already started, diverting political attention and will away from a fragile accord; this will only become more acute moving forward. Even more pressing still, is the uncertainty related to the political priorities of President Santos' successor and whether or not he or she will provide the backing necessary to ensure that the complex portfolio of no fewer than 558 provisions created in the Peace Accord land effectively in the territories.

<sup>1</sup> <http://asilavacia.com/historia/la-reglamentacion-de-la-jep-una-pelea-aplazada-61082>

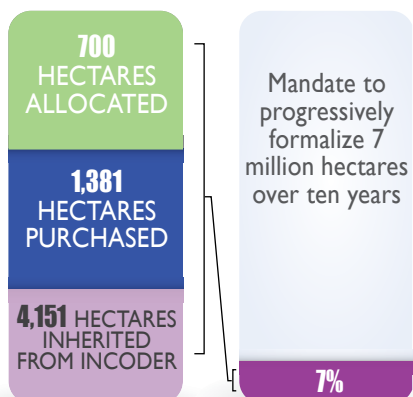
<sup>2</sup> Commemoration Speech, President Juan Manuel Santos

POINT 1: RURAL REFORM

More equal access to land is a generally agreed upon root cause of Colombia's protracted conflict. The purpose of Point One is to address this long-standing tension by redistributing land holdings more evenly, providing comprehensive support to rural populations, and guaranteeing them the means and the infrastructure required to realize their vocational activities with dignity and security. However, the formalization of land holdings has been a challenge for the GoC since the 1970s. Currently at least 10 rural and indigenous populations' cases remain unresolved or with only fragmented advances.<sup>3</sup> Additionally, given the rise in assassinations of social leaders since the signing of the accord, land restitution claims are also a risky business on the part of those organizing the claims.

The two government agencies that will be crucial for advancing rural reform are the National Land Agency (ANT) – a young agency with only two years under its belt following on the dissolution of its predecessor INCODER - and the Unit for Land Restitution (URT). The statistics depicted below, though only available up through the end of 2016, begin to suggest slow and incomplete processes on the part of the agencies to date. Indeed, in more recent findings, the Kroc Institute for International Peace Studies found that advances in Point One of the Accord more generally have seen little in the way of gains. For example, 48 of the 65 initiatives have not reported implementation plans. Seventeen (26%) have begun some kind of activity, but none has seen full implementation. In terms of improving access to and use of land alone, less than half of the proposed actions have initiated. Based on these and other findings, the Kroc report concludes that real gains in Point One will only be achieved over the longer term. As has historically been the case, access to accurate and updated data on land holdings is a complicated domain in Colombia. Additionally, local populations and national-level officials continue to face the ongoing tension between a “centralist vision” that comes from developing and implementing policies and achieving backing at the national level versus the local realities and necessities of the rural populations in the immediate term.

ANT ADVANCES IN FORMALIZING LAND HOLDINGS IN 2016



Source: ANT Annual Report

POINT 2: POLITICAL PARTICIPATION

On May 29th of this year, Legal Decree 895 initiated the formation of the Comprehensive System for Security for the Exercise of Politics (SISEP). The law explicitly supports Point 2 (and in particular, Point 2.1.2 Security Guarantees) of the Final Accord. The purpose of the legal mandate is to create a political environment free from persecution and stigmatization in which all are able to participate and experience solidarity, peaceful coexistence, and tolerance. SISEP's four components are explained through the below figure.

SISEP COMPONENTS



Source: Legal Decree 895

Despite the creation of this legal framework, however, events such as the October massacre of six rural protestors by Mobile Ant-Disturbance Squadron of the National Police (ESMAD) or the steadily ascending count of assassinated social leaders, suggest that SISEP has not been entirely effective in its implementation to date. Additionally, analysts have identified a lack of institutional capacity to address the security cases that have been presented to the Early Alerts System (within the Prevention component).

In general, the legal framework has been slow to emerge. For example, the Legislative Act that creates 16 temporary special constituencies for peace – intending to increase political participation in historically marginalized territories and analyzed in detail in July Spotlight – remains under review in Congress and contains several changes that affect the spirit of the original agreement. For example, the final proposed version would change the population voting requirements and make it technically very difficult for the election oversight committee to realize the elections as a result. It would also loosen residency requirements for potential candidates in a way that allows those who are not from the territory originally to be nominated for candidacy.

<sup>3</sup> <http://www.agenciadetierras.gov.co/wp-content/uploads/2017/03/Articulacion-Victimas.pdf>