

## D+180: A BALANCE OF ACCOUNTS ON THE IMPLEMENTATION OF THE PEACE ACCORD

The first six months of implementing the peace accords has seen both tremendous advances and significant obstacles. The politics of implementation, while surprising to none, have nonetheless created worrying delays and resulted in a prevailing climate of mistrust and uncertainty among various actors, exacerbated by the recent Constitutional Court decision to strike down key elements of the fast track mechanism. Despite this lack of concertation, key actors on all sides continue to show commitment and political will in implementing the accords.

In particular, President Juan Manuel Santos signed 24 decrees in the last weekend of the month in order to advance the implementation of the peace accords, on topics ranging from land, education in conflict zones, rural electrification, demining, and the creation of the National Council for Peace. Significant emphasis on the legal framework for implementation has received disproportionate attention in these

early months because (1) launching the initial legislative framework is necessary to normalize the process from the GoC standpoint, (2) there is an explicit time limit of one year for the fast track mechanism used to process these legal changes, and (3) the upcoming 2018 presidential elections and campaign season will create a significant drag on the implementation process. However, to date, only 12.7% of the legal framework for the implementation of the accords has been executed.<sup>1</sup> And, even when laws or decrees are passed, they are not always implemented urgency or enthusiasm. For example, the Amnesty Law passed in February of this year. However, as of May 3rd, of the 2,736 guerrillas eligible for prison release under this law, only 196 have been let go. This Spotlight provides a balance of accounts on a few of the key initiatives within each of the five points of the final peace accord signed on November 24, 2016.

## POINT 1: COMPREHENSIVE RURAL REFORM

1  
Million

Hectares currently being registered by the state that were property of the nation but previously controlled by FARC-EP

3  
Million

Hectares total needed to fulfill the requirements of the Land Trust as outlined in the accords

3.3%

Of Point 1: Comprehensive Rural Reform implementation completed

One of the principal objectives behind the RRI is to formalize the landholdings in rural territories. The National Land Agency (ANT, by its Spanish acronym) is the state institution charged with this task along with improving access to potential land holders, and addressing the historical problems with uneven land ownership that are often cited as a root cause of the armed conflict. The ANT, however, had to launch with a blank slate, receiving absolutely no data on land ownership from its institutional predecessor, INCODER.<sup>2</sup> It has for this and other reasons experienced significant delays to date. As of May 5th, the Technical Team for Comprehensive Rural Reform CSIVI-FARC were tracking 16 normative initiatives related to Point 1, and

had seven projects in various stages of execution. Decree 902 (May 29, 2017) will ostensibly facilitate the implementation of this point of the final accord, and creates the regulations for formalizing the Land Trust. The Trust is an accord provision which seeks to provide those rural farm workers who do not have formal land holdings, or who have insufficient land holdings access to land. Among those who will be permitted to access this trust are women, members of ethnic minority groups, and other historically marginalized populations.<sup>3</sup> Debate over lands and rural reform will continue well into the implementation process.

## POINT 2: POLITICAL PARTICIPATION

At the end of April, Congress approved the creation of ten seats for representatives in the new FARC-EP political party, split evenly between the Senate and the House of Representatives. FARC-EP candidates under their new political party will need to compete in the 2018 elections, and the provision only lasts for two election cycles (8 years total). For these two cycles, no matter the outcome at the polls, FARC-EP political party candidates will receive five total seats in each chamber. Beginning in 2026, candidates will secure only the seats that they win the ordinary electoral process.

For its part, the FARC-EP released its April Thesis, a 56-page document outlining the ideological grounds for its political party and the creation of what it calls a “popular democracy.” The six chapters address the following: (1) a crisis of capitalism and geopolitical configurations in America; (2) elements of the context of the final accord

and areas of contestation; (3) implementation of the final accord and the process of reincorporation; (4) political perspectives guiding the emerging party; (5) the proposed political strategy in the historic present; and (6) political transition and the transition.<sup>4</sup>

Currently under review in Congress is the Special Electoral Mission proposal that, among other things, formulates the 16 special constituencies throughout Colombia that would have privileged voting processes for the two election cycles beginning in 2018 based on having been disproportionately affected by the armed conflict. The project looks to foreground those marginalized regions of the country that have not been able to previously participate in the democratic process, ensure their representation in Congress, and allow their representatives to be involved in tracking and implementing the peace accords.<sup>5</sup>

<sup>1</sup> <http://colombia2020.elespectador.com/pais/la-implementacion-legal-del-acuerdo-de-paz-solo-ha-avanzado-en-un-127>

<sup>2</sup> <http://www.verdadabierta.com/lucha-por-la-tierra/6625-el-estado-no-tiene-ni-idea-donde-esta-la-acumulacion-de-baldios-miguel-samper>

<sup>3</sup> <http://es.presidencia.gov.co/normativa/normativa/DECRETO%20902%20DEL%2029%20DE%20MAYO%20DE%202017.pdf>

<sup>4</sup> <https://www.arcoiris.com.co/2017/04/estas-son-las-61-tesis-de-abril-que-defendera-el-partido-politico-de-las-farc/>

<sup>5</sup> <http://www.eltiempo.com/politica/congreso/curules-para-el-partido-de-las-farc-en-el-congreso-82310>

## POINT 3: END OF CONFLICT

1,000  
armsOfficially  
collected and  
controlled by the  
United Nations4 weapons  
cachesFound with  
FARC-EP  
intelligence and  
controlled and/  
or destroyed12  
guerrillasOfficially  
certified in  
their dis-  
armament  
process

4%

Advance in  
dismantling  
paramilitary  
organiza-  
tions

As of Friday, May 5th, 1,000 arms had been controlled by the United Nations operations. While the total number of personal arms remains unclear – the FARC-EP says they will not know until they have finished laying down their arms, Colombian military intelligence claims roughly 45,000, and President Santos announced 14,000 in April – even the more generous of accounting suggests that more time will be required to complete the process of laying down their arms. President Santos also announced on May 29th that the transitional zones would continue through August 1st, providing an additional 20 days for the FARC-EP to lay down their arms and an additional 60 days for beginning their reincorporation process while still in the zones.

Delays have marked both sides of implementing this point, with the GoC slow to mount the transitional zones and release those incarcerated guerrillas who qualify for the Law of Amnesty and Pardon, and the FARC-EP presenting delays with handing over information about the location and size of their weapons cache.

Among the challenges complicating relations between the GoC and the FARC-EP, is the ongoing discovery of guerrilla weapons caches by the Ministry of Defense. As of early May, Minister of Defense Luis Carlos Villegas said that the Ministry did not have the inventory list of the caches' locations.

Nonetheless, conversations have advanced in thinking about the future of the transitional zones after the guerrillas have finished laying down their arms. Manager of these zones, Carlos Córdoba, has said that they will change their legal status after the disarmament process, and the guerrillas will continue their reincorporation process in these zones, which will be completed irrespective of the D+180 timeline and whose future use in supporting ex-combatants' transition to legality will be determined on a site-by-site basis. One example provided was the provision of six month SENA course might result in a six month extension of the former guerrilla's stay in the transitional zone.

## POINT 4: ILLICIT DRUGS

81,849  
familiesInvolved  
in crop  
substitution  
programs63,524  
hectaresOf  
illicit crops  
covered in  
substitution  
programs13  
departmentsImpacted  
by these  
first  
phase  
efforts2.9 billion  
COP(Roughly \$1  
million USD)  
required budget  
for coca growers'  
stipends alone  
under this plan

The key institution formed in order to manage this point of the accords is the Comprehensive National Program for Illicit Crop Substitution (PNIS). Those families participating in voluntary substitution programs have been promised roughly \$345 USD monthly for one year to invest in new crops, a one-time payment of about \$620 USD to invest in food security or subsistence projects, eligibility for a one-time payment of \$3,100 USD for short-term initiatives such as fish or bird operations, and, starting in year two, possible investment of up to \$3,400 USD per family in order to consolidate productive initiatives. Primary actions on this point of the accord thus far have come in the form of crop substitution programs, enumerated above. As of the

beginning of May, the GoC has signed 23 accords. While a strong initiative, analysis remained concerned about the lack of specificity around the subsidies for families willing to participate and crop substitution, and the general lack of clarity about whether and how necessary investment in public goods and services will occur as part of the program. Additionally, it is not clear where the substitution programs will operate voluntarily, and where they will use forced eradication techniques, the latter process of which has continually met with rural resident resistance, sometimes culminating in violent encounters.

## POINT 5: VICTIMS

Decreces 578 (selection committee for members of the Comprehensive System for Truth, Justice, Reparations, and Non-repetition), 588 (Truth Commission), and 589 (Unit for the Search for Disappeared Persons), signed by the President on April 5th of this year, represent among the more significant advances in implementation of the Victims' component of the peace accords beyond the much larger Special Jurisdiction for Peace (JEP) deliberations.

The principle organism that will manage the various components addressing victims of the armed conflict is called the Comprehensive System for Truth, Justice, Reparations, and Non-Repitition (SIVJRNR). Within the System are the Special Unit for the Search for Disappeared Persons (UBPD), which serves the victims' rights to truth and reparations for crimes committed within the framework of the armed conflict, and is charged with searching for those persons presumed to be disappeared, and cataloging and managing the remains of those who have not survived. Additionally, the Truth Commission (CEV) is responsible for providing Colombian society and its victims with a thorough accounting of what happened during the armed conflict.

<sup>6</sup> <http://www.elespectador.com/noticias/paz/este-5-de-mayo-habra-1000-armas-de-las-farc-almacenadas-en-los-contenedores-articulo-692236>

<sup>7</sup> <http://colombia2020.elespectador.com/pais/se-retrasa-la-dejacion-de-armas-de-las-farc>