

COLOMBIA'S PEACE ACCORD: THE FIRST YEAR – PART II

The November Spotlight offered an analysis of several aspects of the first year of implementation of the Final Accord between the FARC-EP and the GoC (Points 1 & 2 and general achievements and remaining challenges), which marked the end of more than fifty years of war, and which went into effect December 1, 2016. This month's Spotlight compliments that analysis by assessing implementation of Points 3-5 of the Accord to date, along with a look at one of the innovative transversal elements: a tailored approach to gender.

POINT 3: END OF CONFLICT

Some elements of Point Three: End of Conflict in the Final Accord have met with clear success. For example, the ten-month bilateral ceasefire was executed without serious incident. While 473 requests for verification review were submitted, only ten were considered grave violations of the agreement, and none threatened the stability of the ceasefire. Despite significant logistical challenges and slow construction preparations, the former guerrillas eventually successfully gathered in 26 transitional points and zones in order to lay down their arms, now Territorial Spaces for Training and Reincorporation (ETCR). In the disarming process, the United Nations took control of nearly 9,000 firearms and decommissioned 750 weapons caches, with more of the latter currently the responsibility of the Colombian armed forces. Nonetheless, some ETCR that are planned to remain grouping zones for the former guerrillas still require legalization of land titling, additional infrastructure and materials, more robust involvement of the surrounding communities in reincorporation processes, and better access to land for socioeconomic productive projects.

In terms of security guarantees for reincorporation, the results have been more precarious. A persistent and growing number of murders and

attacks against human rights defenders and social leaders has undermined the social and political reincorporation of the FARC members and opposition leaders in general in Colombian society. And while two programs have been launched in order to address these threats – the Comprehensive System for the Exercise of Politics (SISEP) and the National Commission for Security Guarantees – the Kroc Institute estimates that 92% of the initiatives associated with the latter have not begun to take shape.¹

Regarding reincorporation more generally, the restoration of the rights of minors who have exited the ranks of the FARC and the formation of the National Council for Reincorporation (CNR) have seen the most gains, while political and socioeconomic reincorporation have advanced to a lesser degree. Significant advances in reincorporation are depicted in the graphic to the left below. Remaining challenges include the following: former guerrillas leaving the ETCR before linking to the formal reincorporation program (attributed to delays in various aspects of implementation), slow implementation of key reincorporation programs and frameworks in general, and an overall increase in mistrust between the excombatants population and the government/implementation process.

PRINCIPLE ADVANCES IN REINCORPORATION IN THE FIRST YEAR²**93%**

Of transitioning FARC have received one-time normalization payments

5,358

Former guerrillas trained in solidarity economics

11,354

FARC accredited by the OACP

+90%

Have received basic rents

42

Cooperatives in the ECOMÚN framework

- Collective economic reintegration organization formed – Social Economies for the People (ECOMÚN)
- Social Census conducted in ETCR by Universidad Nacional
- National Council for Reincorporation (CNR) formed through Decree 897 (2017)
- Technical Unit for the Reincorporation of the FARC formed within the ARN
- Increased private sector participation when compared to previous reintegration processes

POINT 4: ILLICIT DRUGS

After one year of accord implementation, gains on Point 4 of the final accord include the following: 1) focus on the most impacted territories, 2) offers that genuinely result in individuals giving up coca production, 3) support achieved from the FARC, 4) greatest impact on rural farmer families, and 5) good inter-sector collaboration. Among the challenges and pitfalls faced were the following: 1) the solution is a small stop-gap to a much larger-scale systemic problem, 2) follow-up sustainability strategies are weak, 3) there is not sufficient budget for guaranteeing sustainability, 4) there are still no workable solution in ethnic territories and national parks, and 5) violence in many of these zones is increasing.³

Analysts have offered recommendations that tend to fall along three categorical lines: state processes, inter-institutional and inter-sector collaboration, and specific tactics.⁴

State

- Effectively criminalize & develop internal strategies against corruption
- Neutralize state actors who are complicit in narco-trafficking networks
- Ensure sufficient financial backing.

Collaboration

- Create the necessary architecture for illicit drug eradication programs to transcend trends in political
- Involve communities, rural residents, indigenous and Afro-Colombian communities
- Identify opportunities for collaboration with international cooperation

Tactics

- Focus repressive tactics on narco-trafficking and organized crime networks.
- Co-develop crop substitution and antinarco-trafficking initiatives with Point 1: Rural Reform Programs.
- Present alternatives to coca production that offer sustainable

¹ <http://static.iris.net.co/semana/upload/documents/informe-kroc.pdf>

² Ibid

³ <http://pacificista.co/proyecto-coca/>

⁴ <http://www.indepaz.org.co/wp-content/uploads/2017/11/Balance-an%CC%83o-uno-punto-cuatro.pdf>

POINT 5: VICTIMS

Among the hallmark innovations touted by the forgers of the Final Accord is the recurring assurance that the victims have been placed at the center of the negotiations and implementation processes. The core mechanism developed in the Accord in service of victims is the Comprehensive System for Truth, Justice, Reparations, and Non-Repetition (SIVJRNR). Already, two of the three components of the system have legal backing: the Truth Commission and the Unit for the Search for Disappeared Persons.

The Special Jurisdiction for Peace (JEP), however, has seen a more tumultuous launch, and it is the principle transitional justice mechanism created in the accords. On December 14th, the Constitutional Court issued a ruling regarding the JEP that changed the requirement for third parties named in the proceedings that occurred before the JEP to voluntary. This undermined a promise made in the accord process that all participants in the armed conflict (e.g., non-military state officials, private funders of illegal activities) would be held to account. Third parties named in the JEP processes are now to be relegated to the ordinary justice system.

Additionally, as the statutory law regulating the JEP passed through the Senate, it underwent further contentious revisions, notably in the requirements for the magistrates. The Senate voted that magistrates who had participated in the last five years in cases of human rights violations related to the armed conflict would not be eligible to participate in the JEP, disqualifying a handful of already selected officials. The conciliation process, which took into account the proposals by the Senate and the 205 additional ones presented in the House of Representatives was a major hurdle for putting the JEP in motion and serving the victims' right to justice. The status of the JEP is currently in the hands of the Constitutional Court, and will be determined in the first part of 2018.

Other challenges related to the Victims component of the Final Accord include securing significant political backing at the national level in order to ensure effective participation of victims' organizations, and ensuring timely, fair, and effective processes for reparations.

A BALANCE OF TRANSVERSALS IN THE FINAL ACCORD:

The Final Accord contains several transversal themes – gender, ethnicity, and territory – which were innovative additions to the peace negotiations never before seen in comparable settings. This Spotlight reviews the gender component, comprising no fewer than 122 distinct compromises written in the Accord, and which, in the aggregate, aims to attain equitable leadership and participation of women in the peace process. This participation, in turn, would ameliorate structural discrimination and the disproportionate effects that the armed conflict has had on women and girls. The below figures present the balance along three axes: participation, affirmative measures, and reincorporation.⁶

PARTICIPATION AND REPRESENTATION



Affirmative action processes in selection proceedings have resulted in measurable representational gains of women in some domains related to the peace process.

The Special Authority for Gender was created at the national level within the CSIVI.

Participation of women in some key implementation bodies is weak (none in the CNR, one in the 14-member CNGS, one in the 6-member CSIVI). Some operationalizations of initiatives promoting participation and representation are underfunded and still suffer from underrepresentation of women of non-hegemonic ethnicities.



REINCORPORATION



An inter-sector and inter-institutional collaboration between IOM, CSIVI, the Presidential Council for Women's Equity, the National University of Colombia, and the Swedish Embassy resulted in a train-the-trainer certificate program in the ETCR for the prevention of gender-based violence. Representing 21 ETCR, 240 former guerrillas received their diplomas at the end of November.

Physical and institutional infrastructures in the ETCR have not been differentially designed to accommodate the specific needs of female former combatants, including, among other things, healthcare for pregnant and nursing mothers, nurseries for the children (so that their mothers may participate in sociopolitical life), and adequate provision of physical security.



AFFIRMATIVE MEASURES



June 30, 2017 saw the issue of several decrees that contain tailored approaches to gender. For example, the Development Plans with a Territorial Focus (PDET) are charged with strengthening rural women's organizations.

The vast majority of the language in the Final Accord and subsequent decrees related to affirmative measures for a tailored approach to gender and the LGBTI populations lacks clarity and is too vague to have measurable impact on public policy.



⁵ <http://www.elcolombiano.com/colombia/entrevista-con-enrique-gil-botero-ministro-de-justicia-LL7915397> and <http://www.verdadabierta.com/procesos-de-paz/farc/6824-implementacion-de-la-jep-persiste-la-deuda-con-las-victimas>
⁶ <http://static.iris.net.co/semana/upload/documents/informe-kroc.pdf>