

(This is a provisional “printer-friendly” PDF created on November 23, 2021.)

A Long Way to Go

Implementing Colombia’s peace accord after five years

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November 23, 2021

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Numbers alone hardly convey the horror of Colombia’s long armed conflict. Perhaps they at least convey the urgency and importance of ending it at the negotiating table.

Since two rural leftist guerrilla movements formed in 1964, then after right-wing paramilitary groups emerged in the 1980s, fighting on several fronts—often fueled by illicit profits—killed 260,000 Colombians and left 80,000 more missing.¹ Of today’s population of just over 50 million people (including nearly 2 million recently arrived Venezuelans), violence forced 8.2 million to leave their homes, and 9.2 million have registered with the government as conflict victims.² Well over 20,000 people were kidnapped for ransom. Tens of thousands were recruited as children. The amount of

sexual violence is no doubt shocking, but still untold. U.S. aid to Colombia's security forces totaled US\$7.7 billion between 1996 and 2016 alone.

The enormity of these numbers only begins to convey the importance of the 2016 peace accord that disarmed and demobilized the Revolutionary Armed Forces of Colombia (FARC), by far the largest existing armed group. This fourth major attempt to negotiate with the FARC since 1982 finally stuck. The 2016 accord was the product of four years of negotiations in Havana and won the Nobel Peace Prize for Colombian President Juan Manuel Santos (2010-2018). An ambitious document, it seeks to undo some of the main structural causes of Colombia's long armed conflict, as well as its related, persistent organized crime challenges.

These causes are often rooted in rural areas. In the Western Hemisphere's fourth most-populous country (seventh in land area), armed-group violence has been worst in the countryside or in marginal urban areas. Illicit drug production is largely rural, too. Outside of cities and towns, the government has been almost completely absent: it is rare for citizens to see representatives of their state, especially those not in uniform. Meanwhile, impunity is chronic: it is rare to see powerful people brought to justice for crimes like corruption or human rights abuse. Colombians have seen what happens when security forces are allowed to operate with near-total impunity.

Those two self-reinforcing factors—state absence and impunity—have combined to send Colombia, one of the most economically unequal places on the planet, through repeated cycles of violence while

10 notable facts from this report

1. As of March 2021, Colombia was 29 percent of the way into the peace accord's implementation timetable, but had spent just 15 percent of what implementation is expected to cost.
2. One third of the way into the implementation process, the PDETs—the vital plans to bring the government into historically conflictive areas—are only one-seventh funded, and that's according to the most optimistic estimate.
3. A nationwide mapping of landholdings, expected to be complete by 2023, was only 15 percent done as of March 2021.
4. 2021 is on pace to be Colombia's worst year for homicides since 2013, and worst year for massacres since 2011.
5. Analysts' estimates coincide in finding significantly less than 10 percent of demobilized ex-FARC members taking up arms again. "Dissident" groups' membership is mostly new recruits.
6. Estimates of the number of social leaders murdered in 2020 range from 133 to 310. But the justice system only managed 20 convictions of social leaders' killers that year, while the Interior Minister argued that "more people die here from cell phone thefts than for being human rights defenders."
7. Of coca-growing families who signed up for a "two-year" package of crop substitution assistance three or more years ago, just 1 percent had received a complete package of payments by the end of 2020.
8. If the transitional justice tribunal is correct, half of the Colombian military's claimed combat killings between 2002 and 2008 may have been civilians whom soldiers executed and then falsely claimed were members of armed groups.
9. 20 of the transitional justice tribunal's 38 magistrates are women. 4 of 11 Truth Commissioners are women.
10. Since accord implementation began in fiscal 2017, U.S. assistance to Colombia has totaled about US\$3.1 billion, roughly half of it for the military and police.

illegal economies thrive. These cycles have been brutal. In the 1900s and 1950s, political parties fought each other in bloody civil wars that killed hundreds of thousands. In the 1980s and 1990s, giant drug cartels, abetted by a weak rule of law, traumatized the country with campaigns of violence. From the 1990s to the 2010s, illicit economies fueled territorial conflict between irregular groups on the right and left.

In all of these cycles, civilians have been the vast majority of the dead, disappeared, tortured, sexually abused, forcibly recruited, and displaced. Colombia—especially rural Colombia—remains the most dangerous place on the planet to be a civil-society leader, human rights defender, or environmental defender, while journalists and opposition political leaders remain very vulnerable. The U.S. government has often been involved in the war effort. A small sector of society—wealthy, often with one foot in the “legal” world and one in the criminal underworld—has benefited.

Colombia’s cycles of violence have so far been impossible to break. But in 2016, hope for breaking out—for curbing state absence and impunity—reached a new high.

The government and FARC signed a 310-page document, the product of four years of negotiations facilitated by Cuba and Norway. The FARC demobilized in 2017: 6,804 fighters turned in 8,994 weapons, about 2,250 support militia members registered themselves, and more than 4,000 were released from prison. The government set about reintegrating ex-fighters into society. The worst human rights violators would be put on trial, compelled to admit to their crimes and make reparations to victims, and sentenced to several years of “restricted liberty.”

More important, though, is what the accord promised to do for Colombia as a whole. In historically abandoned and conflictive rural areas, a window opened. The long-dominant FARC really did exit. Violence levels dropped, and space opened up for civil society leaders. For the first time in decades, the government could enter lawless territories without having to shoot its way in.

The accord is comprehensive and multifaceted: the Peace Accords Matrix at Notre Dame University’s Kroc Institute, which closely documents such agreements worldwide, called it “the most varied and complex implementation agenda of all the peace agreements signed since 1989.”³ It does not put in place a revolution: there is no land reform, it doesn’t touch the security forces, and it doesn’t raise taxes on the wealthy. But it offers a blueprint for how to work with communities—most of whom had almost no prior contact with their government—to address their isolation, poverty, uncertain land tenure, dependence on illicit economies, and lack of protection.

Five years later, though, the window is closing. Implementing the accord has gone more poorly than anticipated, and opportunities to break the cycle of violence are evaporating.

In historically conflictive territories all around the country, violence is on the rise again. New armed groups are quickly filling the vacuums of authority that the government would not or could not fill on its own. As massacres, displacements, and confrontations increase again, in too many regions—including many Afro-descendant and Indigenous communities—it no longer makes sense to speak of a “postconflict.”

The accord's opponents, primarily on the political right, came to power in August 2018 and allowed many commitments to languish, keeping investments well below the necessary tempo and encouraging skepticism through messaging that regularly disparages the agreement.

The administration of President Iván Duque (2018-2022) disputes this: "all implementation has practically taken place in the last three years," Colombia's vice president and foreign minister, Marta Lucía Ramírez, told the UN Security Council in October 2021.⁴ The Kroc Institute, which the accord gives a formal role in verifying compliance with the accord's commitments, found otherwise. Its most recent monitoring report notes that Colombia fulfilled 86 percent of its commitments that had to be completed in 2017, but only 61 percent of those for 2018, 42 percent in 2019, and 50 percent in 2020.⁵ A key reason, the monitors' report reads, is

the absence of actions to complete some of the Agreement's commitments, which should have been fulfilled before the beginning of the fifth year. The insufficient allocation of financial resources and the lack of laws and other norms, among other preconditions, hinder the implementation of approximately 50% of the provisions that have not been initiated or are at a minimum. There is evidence of a lack of action on different points of the agreement by the executive branch and the Congress of the Republic.⁶

Emilio Archila, who as the presidential counselor for stabilization and consolidation is the Duque government's top official for peace accord implementation, frequently criticizes the administration of Duque's predecessor, Santos, for leaving behind vague plans and unfunded mandates. He also recalls, correctly, that the timeframe for implementation is 15 years, expiring at the end of 2031.⁷ Nonetheless, as this report will illustrate, even on that timeframe much of the accord's implementation is well behind where it should be after five years.

This report walks through many of the most important commitments Colombia's government made, evaluating the extent to which each has truly been implemented after five years. The discussion passes through 17 sections.

- The first looks at the overall budget and use of resources, finding that Colombia is well behind where it should be after five years.
- The next four cover commitments to Colombia's countryside, like addressing land tenure, making rural economies viable, and improving security and governance. These commitments, too, are falling alarmingly behind: state presence has not been increasing, land tenure programs are struggling, and violence indicators are worsening.
- The sixth, seventh, and tenth sections explore commitments to expand political participation and protect social leaders. Despite some important steps forward, the continued pace of attacks and killings and occasional government displays of indifference show how much remains to be done.
- The eighth and ninth evaluate assistance and security for demobilized ex-combatants. Assistance efforts have been worthy, but security lags amid a low probability of killers being brought to justice
- The remaining seven sections look at separate sets of commitments: crop substitution, transitional justice, inclusion of ethnic communities, the accords' gender focus, laws that remain to be passed, verification mechanisms, and the U.S. government's role. There are

positive notes here, like the transitional justice system's development, useful external verification, and more supportive recent U.S. rhetoric. For the most part, though, these seven sections sound alarms as ground continues to be lost.

Finally, this report's conclusion explains why, despite the many setbacks documented here, this is no time to give up on the peace accord and its promise. To the contrary, WOLA expects this five-year evaluation to motivate and inform the government that will take power after Colombia's May 2022 elections, which will need to redouble efforts to get the process back on track.

Though the picture is grim, there are bright spots. More than nine in ten demobilized guerrillas remain committed to the peace process. The transitional justice system is functioning, earning recent praise from the International Criminal Court.⁸ Though beleaguered by threats and attacks, Colombia's civil society and free press remain vibrant, and the country is headed into 2022 elections with a broad spectrum of candidates.

The window has not closed all the way. All is not lost, yet. By taking the temperature of implementation at the five year mark in the most clear-eyed possible manner, WOLA hopes to contribute to Colombians' effort to resume and rethink their fight to curb state absence and impunity.

1. The implementation budget is falling behind its 15-year target

Bringing government into long-neglected territories and reducing impunity are two big, costly projects, even for a middle-income country of 50 million people. And the 2016 peace accord proposed to pay for many things.

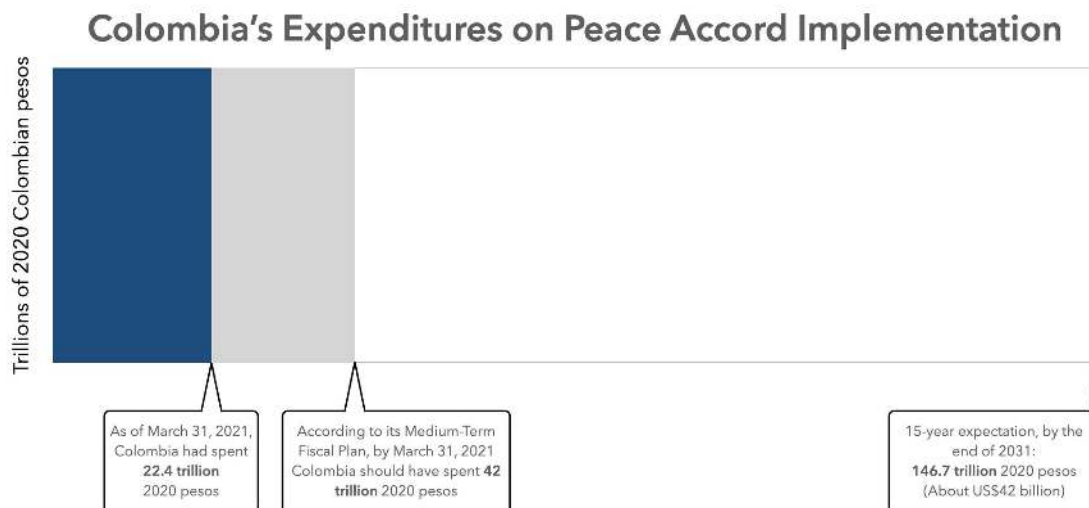
Its first chapter lays out an ambitious program of state presence, land formalization, and basic services, calling it "comprehensive rural reform." The second chapter seeks to make Colombia's political system more democratic, broadening space for participation and opposition. The third chapter would reintegrate more than 13,000 former guerrillas into civilian life, while protecting them, and social leaders, from violent actors. The fourth chapter would help nearly 100,000 farming households to abandon the coca crop. The fifth sets up a transitional justice tribunal, a truth commission, and a unit to search for disappeared people. And the sixth chapter builds international and domestic mechanisms to verify that all this is happening. Some of the most important accord provisions follow a 15-year timetable, though some elements (like the Truth Commission and the coca substitution program) are to finish their work sooner.

A 2017 Framework Implementation Plan estimated that implementing the accord would cost Colombia 129.5 trillion of that year's pesos (about 41 or 42 billion 2016 U.S. dollars) between 2017 and 2031.⁹ Adjusting for inflation and exchange rates, Colombia's Comptroller-General's Office (*Contraloría*, an independent auditing agency) increased that estimate in August 2021, to 146.7 trillion 2020 pesos,

with a similar dollar amount, over 15 years.¹⁰ (The November 2021 exchange rate is about 3,800 pesos per U.S. dollar.)

Colombia is now one-third of the way into the 15-year implementation timetable. This first third includes many up-front costs associated with launching new efforts, from founding new government agencies to demobilizing guerrilla fighters. If Colombia's government were on a 15-year pace, then by now it would have spent, or at least appropriated, about one-third of the total cost of accord implementation, or about 49 trillion pesos.

As of March 31, 2021, the cutoff date for the Comptroller-General's last report, that agency calculated that Colombia should have spent 42 trillion pesos on peace accord implementation. That number comes from the government's 2018 medium-term spending plan. In fact, it was far from that. Considering all funding sources, including foreign aid, the government's financial watchdog found that Colombia had spent 22.4 trillion pesos by March 31—only 65 percent of the amount that the medium-term spending plan had called for by that date.



As of March 2021, 29 percent of the way into the accord's 15-year implementation timeframe, Colombia had only spent about 15 percent of its expected cost. At the current pace, the Comptroller-General finds, it will take Colombia 26 years to implement the accord.

This is despite steady increases in expenditure. Citing the Comptroller, the UN Verification Mission in Colombia's most recent report notes that "peace-related expenditures have grown, on average, by 5 per cent annually since the signing of the Final Agreement."¹¹ The Mission added that the government's 2022 budget proposal would increase peace-related funding by another 3.8 percent over 2021.

The increases help, but are nowhere near enough to make up the gap between actual spending and needed spending. In order to catch up fully, in fact, the Duque government would have had to multiply its spending, appropriating 23.4 trillion pesos (about US\$6.7 billion) between March 2021 and August

2022, when it leaves power. That estimate comes from the Technical Secretariat of the International Component of the Commission for Monitoring, Promoting, and Verifying the Implementation of the Final Agreement, a monitoring mission managed by the Colombian think-tanks CINEP and CERAC (henceforth referred to as the “Technical Secretariat”). The failure to keep up, the Technical Secretariat points out, “negatively impacts the rhythm of implementing peace accord commitments, especially chapters 1 [rural reform] and 5 [transitional justice and victims].”¹²

The Duque government insists that the budgetary shortfalls aren’t an attempt to “slow-walk” peace accord implementation. “It all comes down to one word: money. The issue is not the lack of will, but the lack of resources,” presidential counselor Archila told a Washington audience in June 2019.¹³

Colombia’s fiscal situation, already strained in 2019 by large-scale Venezuelan migration and low global prices for many of the commodities it produces, was hit even harder in 2020 by the COVID-19 pandemic. Still, Colombia is both a middle-income country and one of the world’s most unequal—second only to Brazil in economic inequality among Latin American nations, according to the World Bank.¹⁴ There are Colombians whose wealth the government could tap in order to keep its peace accord commitments on track, and thus sustain hope of breaking historic cycles of violence. For the Duque government, at least, such revenue collection appears to be a political impossibility.

2. The crucial territorial development programs are running behind

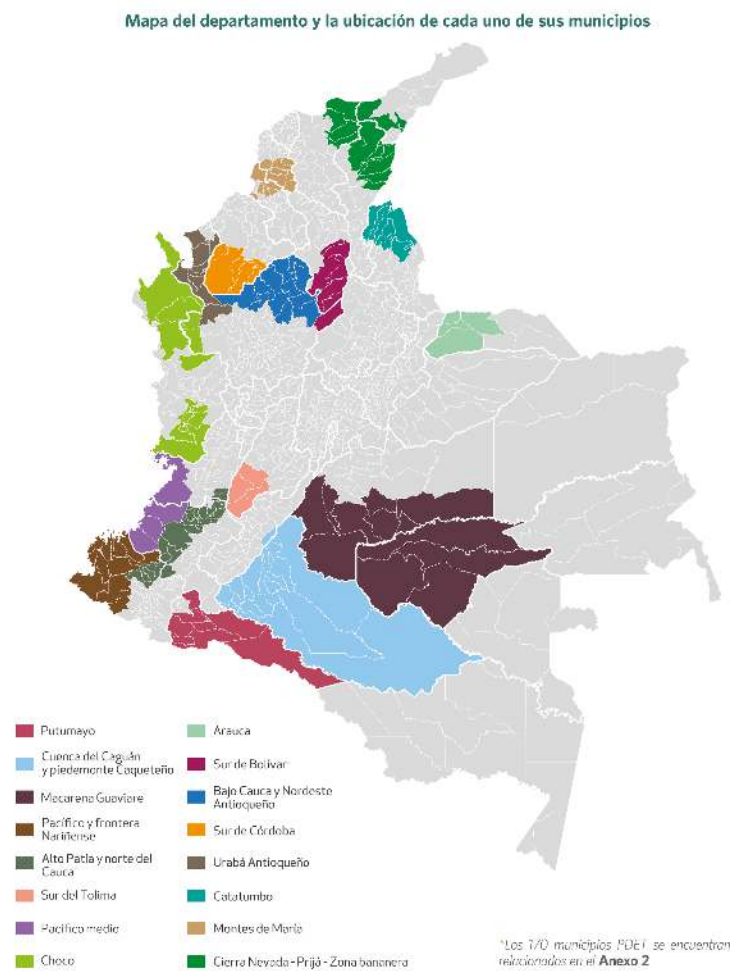
This section looks at the peace accord’s effort to take on Colombia’s historic lack of state presence in rural areas. The strategy the accord foresees, the Territorially Focused Development Programs or PDETs, are a central initiative that, for conflict-affected rural areas, represent the beating heart of the peace accord.

The peace agreement’s first chapter, Comprehensive Rural Reform, seeks to address two of the central causes of Colombia’s mostly rural conflict, and of its farmers’ recurrence to illicit crops. These are unequal and informal landholding, and a history of government neglect and abandonment of the countryside.

These are deeply rooted problems, and addressing them is expensive. Because of that, the price tag of Chapter 1 dwarfs those of all other chapters. The peace negotiators in Havana reached agreement on this chapter in 2013, a time when the government’s budget was buoyed by historically high prices for oil and other commodities, which fell sharply in subsequent years. The government’s 2018 Medium-Term Implementation Plan estimated that Comprehensive Rural Reform would account for 85.4 percent of the accord’s entire 15-year implementation costs.¹⁵ The Comptroller-General estimated that spending on this chapter would make up 74.2 percent of the government’s 2021 peace implementation budget.¹⁶

Chapter 1's efforts to address unequal and informal landholding, and to improve the viability of the small-farmer economy, include 16 sectoral plans for new government investment, a land formalization program, a land distribution fund, a mapping of all landholdings, and other measures. This report's next section discusses those commitments.

The PDETs are a series of plans, developed in consultation with local leaders, to address long-neglected governance and development priorities. Negotiators agreed on 16 zones of the country that have been hit hardest by the conflict, and where government presence has been scarce. These 16 zones include 170 of Colombia's 1,122 municipalities (counties), comprising 11,000 hamlets, villages, and towns; 452 Indigenous and 305 Afro-descendant communities; 36 percent of the national territory, 6.6 million people (13 percent of the population); and 31 percent of registered victims, all with poverty rates well above the national average.⁴⁷



Territorially Focused Development Programs or PDETs.⁴⁸

In 2017 and 2018, the government of President Juan Manuel Santos launched an ambitious process of consulting with communities about the PDETs' design, throughout the 170 municipalities. Coordinated by a new agency created by the peace accord, the Territorial Renewal Agency (ART), central government representatives traveled to areas—many of them long under the influence of the

departed FARC—where residents had rarely seen central government representatives before. They held over 1,600 meetings with about 200,000 citizens, discussing their development needs and drawing up detailed lists of projects and priorities to carry out within the PDET framework.¹⁹ These lists, known as Action Plans for Regional Transformation (PATR), together added up to 32,809 discrete initiatives: territorial use arrangements; infrastructure, healthcare, education, housing and sanitation, food security, and economic projects; and peaceful coexistence efforts.²⁰

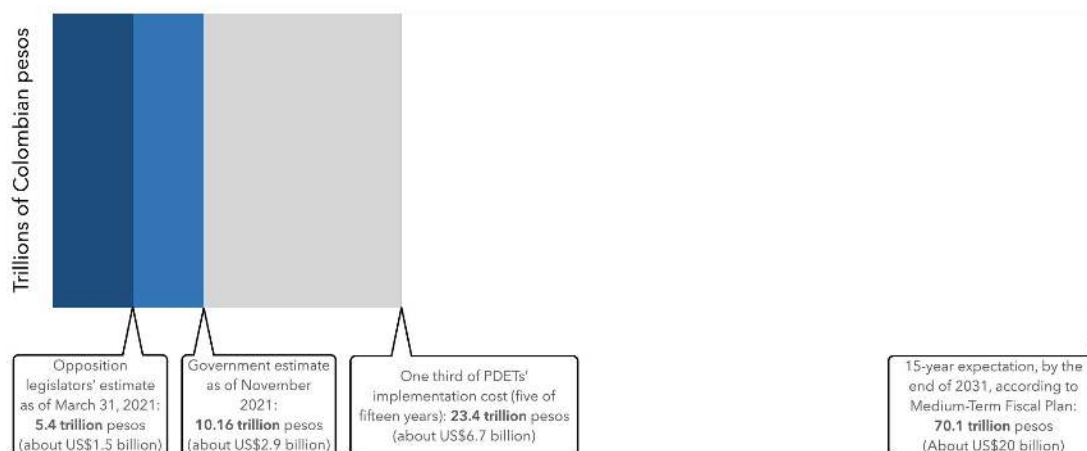
The ART had not finished up the job of drawing up the PATRs by August 2018, when Juan Manuel Santos handed over the presidency to Iván Duque. In fact, only two of the sixteen PDET subregions had plans in place, signed just days before Santos left office.²¹

Though Duque's political party sharply criticizes much of the 2016 accord, his administration took on the PDETs with evident enthusiasm. Emilio Archila, the official in Colombia's Presidency who leads much of the accord implementation effort, changed his office's title from "post-conflict counselor" to "counselor for stabilization and consolidation," and the Duque government clearly views the PDETs as a mechanism for achieving stability and consolidating state presence, or what it prefers to call "legality." Archila's office completed the PATR consultation process by March 2019. To this day, Archila and ART director Juan Carlos Zambrano travel often to PDET areas, donning PDET-themed t-shirts and ball caps, and their websites offer an admirable amount of transparency, with a wealth of detailed (if unevenly curated) information about the programs' implementation.

Still, the PDETs are under-resourced and falling behind. Spending on the programs is behind its expected five-year pace, and crucial time appears to have been lost to a lengthy process of re-planning and revision.

The government's 2018 Medium-Term Implementation Plan estimated that planned investment in PDETs would require 70.1 trillion pesos (US\$20 billion) over 15 years.²² As Colombia is now one-third of the way through that period, it would be reasonable to expect its government to have spent one-third of that amount, or 23.4 trillion pesos, by now. (It could also be reasonable to expect this amount to be lower, since so much of the early phase is taken up by planning. However, it would also be reasonable to expect the government to build trust and overcome skepticism by spending robustly during the program's initial phase.)

Colombia's Expenditures on Territorially Focused Development Programs (PDETs)



Cumulative current expenditure on PDETs is nowhere near the one-third mark of 23.4 trillion pesos. Archila offered a figure of 10.16 trillion in remarks on November 9, 2021: that is just one-seventh of needed spending, one-third of the way through the implementation period.²³ A group of independent and opposition members of Colombia's Congress, including Rep. Juanita Goebertus, a former member of the Santos government's negotiating team in Havana, came up with a much lower estimate of PDET spending in the latest of a series of data-filled reports: 5.4 trillion pesos spent as of March 31, 2021, barely over half of Archila's November estimate, and not much more than the 4.67 trillion that the government would have to spend every year in order to stay on its 15-year pace.²⁴

Both estimates take into account funding from the central government budget, royalties from sales of oil and other commodities (known as the OCAD Paz program), a "works for taxes" program that allows corporations to finance PDET projects and deduct the cost from their taxes, and foreign aid. The wide discrepancy between the two estimates may owe to differences between funds set aside or appropriated and funds actually spent.

The Technical Secretariat notes, too, that the government may be inflating its numbers by counting "projects associated with traditional social programs offered by the government," which are "relevant investments, but not necessarily oriented to the objectives of Comprehensive Rural Reform."²⁵ A September 2021 study of the PDET in northeastern Colombia's Catatumbo region by the *La Silla Vacía* investigative journalism website finds further evidence of padded numbers. While the government claimed to have dedicated 684 billion pesos (about US\$200 million) to this PDET as of August 2021, only 357 billion had actually been spent. "That is to say, of the money that the government says adds up to more than had been invested in 15 years in Catatumbo, only half is being invested. In addition, some of the largest projects had been in the pipeline for years."²⁶

Spending, and as a result the government's presence in territories, has been further slowed as officials keep adjusting and revising plans. Though the Duque government completed all of the PATR agreements listing priority development projects, it did not act on them right away. It developed a new mechanism, "Roadmaps" (*Hojas de Ruta*), a managerial "business plan" approach that seeks to

prioritize among the long lists of projects listed for each PDET zone, assigning resources and timetables and helping local authorities to “structure” plans into proposals with measurable objectives and budgets. The ART hired the consulting firm Deloitte to help guide the Roadmap process. (This contract is no longer in effect.)

The Roadmap process has gone slowly. By late 2020, when the peace accord hit its fourth anniversary, only one had been approved, a pilot Roadmap in Catatumbo. By May 2021, there were only four. As of November there are 11, with 5 still awaiting finalization—and the Duque administration ends in 9 months.²⁷

As the government emphasized the new Roadmaps over the heavily consulted PATRs, “communities perceive[d] a decrease in participation, and the percentage of initiatives with an active implementation pathway is low,” the Technical Secretariat reports.²⁸ The group of legislators finds that the Roadmaps so far commit to carrying out only 12.9 percent of the initiatives foreseen in the PATRs, and “there is no clarity about what happens with the initiatives that were not prioritized and how they will be funded.” In fact, they continue, the Roadmaps “allocate only between 20 and 50 percent of what is needed for each subregion’s implementation. This is worrisome to the extent that the Roadmaps would not be reflecting the total cost of implementing the PDETs.”²⁹

Archila and other government officials insist that, despite the long planning process, the PDETs are delivering visible results in historically conflictive and ungoverned territories. They point to the “PDET Works” (*Obras PDET*) program, a series of small, quick-impact public works projects intended as a “foot in the door.” These projects, like building classrooms or narrow pavements for motorcycles and light traffic (*placa huella*), intend more to build public trust and show that “the state is coming” than to transform Colombia’s countryside.

During the peace accord’s first four and a half years of implementation, the government spent 414 billion pesos (US\$120 million) on PDET Works projects, just over half of it allocated during the Duque administration. As of March 31, 2021, the 170 PDET municipalities had received 1,282 of these projects, with another 730 on the way.³⁰

Five years after the peace accord’s signing, it is common for residents of PDET territories to have seen nothing but these small, short-term projects. “They’ve made a few pieces of road and to get there you have to ‘fly over’, go through areas where the mud covers more than half of your boot and you almost have to carry your motorcycle over a small board to get to the little piece of road that they built,” *campesina* leader Margarita Palacio, from Antioquia’s Bajo Cauca region, told *El Espectador* in November 2021.³¹

The independent legislators’ latest oversight report worries that the PDET Works program is dwindling. It notes that three of the sixteen subregions are only receiving their first projects in 2021, and eight got nothing new at all in 2020.³² The government, however, cites a steadily growing number of approved (but not all yet executed) projects, from 218 in 2018 to 600 approvals during the first half of 2021.³³ In the Mid-Pacific PDET, which includes the port municipality of Buenaventura and lags behind

the rest by most measures, PDET Works has either finished 29 projects (according to the government) or 2 projects (according to local leaders), according to a November 2021 *La Silla Vacía* investigation.³⁴

The Duque government has sought to speed the PDETs' timetable in five sub-regions, comprising some of the most conflictive bits of 45 of the programs' 170 municipalities. What the presidential national security advisor's office has called "Future Zones" (*Zonas Futuro*) adds extra investment and a larger security component to the state-building effort: military and police deployments, at times with accelerated coca eradication.³⁵

The five Future Zones are in parts of Arauca; Antioquia's Bajo Cauca region and neighboring southern Córdoba; Catatumbo; Guaviare and southern Meta; and Nariño's Pacific coast. The program is set to last as long as the Duque government—that is, until August 2022. It received mention in a September 2021 statement of the U.S.-Colombia Bilateral Counternarcotics Working Group; diplomats from both countries called it "a development and security approach that contains a long-term vision for territorial transformation, a culture of lawfulness, licit economies and advancing rural Colombia's transition to peace."³⁶

Critics of the Future Zones, including some former FARC leaders, lament that the Duque government's new plan deviates from what the peace accords envisioned, that it was designed with far less community input, and that it includes a significant military component. "This is nothing more than handing over these peace-building tools to Colombia's National Security Council, i.e., to the Colombian army," Juan Carlos Quintero of the Catatumbo *Campesino* Association told *El Espectador* in November 2021.³⁷ The Kroc Institute's latest monitoring report cautions, "The Future Zones strategy presents significant challenges, such as avoiding the subordination of PDETs and rural development to security priorities. As well as the development of agile mechanisms to prevent human rights violations and to constantly verify security conditions."³⁸

WOLA has not obtained current data on expenditures for Future Zones, or on numbers and types of projects carried out. From discussions with officials and experts, WOLA understands that this effort, too, has been slow to get underway, and that some Future Zones were only getting started in 2021 as the Duque government entered its final year.

The Territorially Focused Development Plans could hardly be more crucial to fulfilling the peace accords' promise of breaking Colombia's cycles of violence. The PDETs are the accords' main tool for addressing the government's long absence from mostly rural territories where millions of people live amid weak rule of law, illicit economies, and armed groups.

While the Duque government deserves praise for maintaining the PDETs and supporting their planning and development, the slow pace of investment and the years lost to planning revisions are lamentable. Residents of conflictive rural areas have seen well-intentioned Bogotá technocrats' state-building plans wither away before. The PDETs' slow, tentative first five years likely did little to dispel their distrust.

In the 1,600 meetings and events that led to the PATRs' development, people who had little prior contact with their government came together with that government's representatives, and agreed on tens of thousands of priorities. Letting those people down would be disastrous for the credibility of Colombia's state. It would do more damage than not having made promises in the first place. Colombia's next government must speed up and expand the PDETs. This will mean moving beyond small, quick-impact projects to the larger, more transformative, collaborative efforts foreseen in the PATRs and the Roadmaps. These documents must not gather dust on officials' shelves.

3. Other big rural reform commitments are also running behind

The PDETs are just one of several crucial components of the peace accords' Comprehensive Rural Reform chapter. The government has also assumed historic commitments to take on another historic cause of Colombia's armed conflicts: land tenure. Rural Colombia is plagued by unequal landholding, a scarcity of formal land titles, and a lack of investments that threaten the viability of the small-farmer model.

Few countries on Earth exhibit such a stark gap between rural landholders. "According to the latest surveys available," Jacobo Grajales notes, "just 0.2 percent of producers own estates of more than 1,000 hectares, which together encompass a total of 32.8 percent of the country's farmland. Conversely, 69.5 percent of producers occupy plots of just 5 hectares or less. Their properties account for only 5.2 percent of the country's available farmland."³⁹ Colombia is one of few Latin American countries never to undergo a land reform in the 20th century; by the 1980s and 1990s, in fact, a brutal "counter-land reform" was underway as armed groups, often backed by landowners and narcotraffickers, displaced millions of small farmers.⁴⁰

"Comprehensive Rural Reform," as foreseen in the accords' Chapter 1, is not "land reform": FARC negotiators did not compel the state to take legally held parcels from large landholders and distribute them to small farmers. The chapter instead focuses on formality and economic viability, with several ambitious provisions that run parallel to the PDETs. This section examines the implementation of five of them.

1. National Sectoral Plans. Chapter 1 commits the government to drawing up, funding, and carrying out 16 ambitious 15-year investment plans that aim to reduce rural poverty by about half.⁴¹ These cover long-unmet rural needs like potable water, electricity, irrigation, health, education, food security, and building up the country's nearly nonexistent rural road network. These plans are made publicly available, with elements like expected budgets, measurable objectives and criteria, and monitoring mechanisms.

2. Land formalization. A stunning portion of Colombia's small farmers do not hold free and clear title to their land. This makes them vulnerable to land grabs, a big cause of past local conflicts. It makes it difficult to obtain credit (though drug traffickers may offer it freely). It also deprives municipalities of

the ability to collect property taxes. Within a span of 10 years, the peace accord sets out to “formalize” —to provide legal titles for—7 million hectares of informally owned farmland around the country. (A hectare is about two and a half acres; Colombia’s entire national territory is about 113 million hectares.) While 7 million hectares sounds like a lot, The Technical Secretariat cites a government estimate of 20 million hectares of informally held land—about 300,000 individual plots without titles—in the PDET zones alone.⁴²

3. Cadaster. Only 3.9 percent of Colombia’s territory has an updated mapping of existing landholdings, known as a cadaster.⁴³ Chapter 1 commits the government to completing a national cadaster, a project with an estimated cost of about 5.3 trillion pesos (US\$1.5 billion).⁴⁴ The plan is to complete this national mapping within seven years; the objective by the end of 2022 is to have mapped out 60 percent of the national territory, including 100 percent of PDET municipalities.⁴⁵

4. Land Fund (*Fondo de Tierras*). Chapter 1 creates a Land Fund for rural residents who lack land, or who have insufficient land. Land would come mainly from government-owned plots that are presumed to be unoccupied (known as *baldíos*) or from assets seized from narcotraffickers and other criminals. While this sounds a bit like land reform, the Land Fund’s target is 3 million hectares, a significant but not transformational amount.

5. Other notable measures. Chapter 1 calls for passage of a law adding an “agrarian jurisdiction” to the justice system, able to settle land disputes and other rural issues and addressing a gaping vacuum of judicial presence in the countryside. It also calls for formalization of more “*Campesino* Reserve Zones,” areas where, according to a 1994 law, the size of landholdings is limited and communities follow common zoning and development plans. The government is meanwhile committed to continuing a process of land restitution, giving land to farmers who lost their holdings as a result of the conflict, under a 2011 “Victims and Land Restitution” law whose 10-year deadline was recently extended through 2031.

These initiatives, like the PDETs, are not getting enough resources. “Core parts of the envisaged package of rural reforms are underfunded by at least 50 per cent,” the International Crisis Group observed in November 2021.⁴⁶ The UN Verification Mission noted in September 2021 that the government’s 2022 budget proposal sought funding cuts to agencies key to comprehensive rural reform implementation, including the National Land Agency (ANT) and the Territorial Renewal Agency (ART).⁴⁷

Chapter 1 initiatives other than the PDETs, like those discussed in this section, “are in incipient and intermediate stages of implementation,” the Kroc Institute reports, adding that they lack the PDETs’ “institutional image that unifies the National Government around them.”⁴⁸

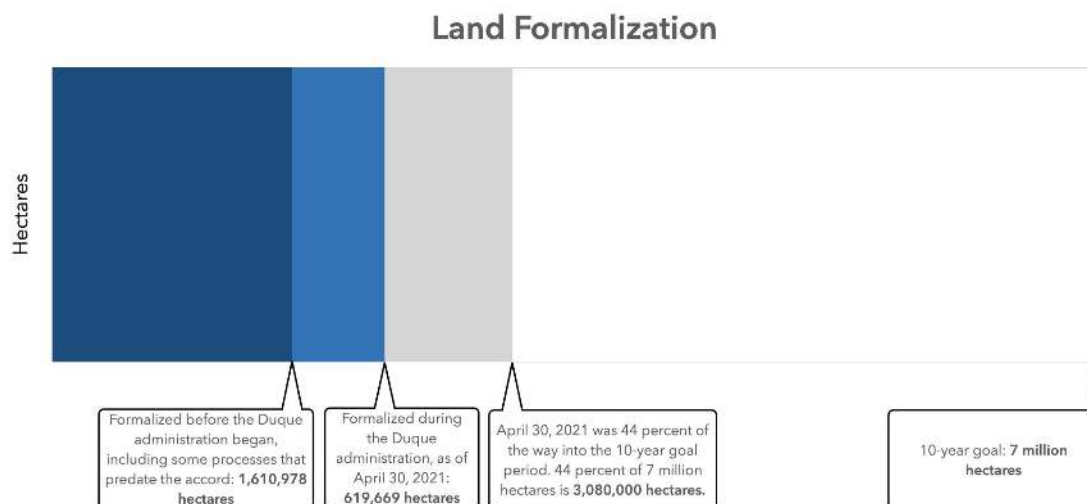
The 16 National Sectoral Plans are running behind. With the November 2021 addition of the plan for environmental consolidation, the government has now finalized nine of the sixteen sectoral plans.⁴⁹ Drafts of two others are nearing completion.⁵⁰ “Finalized” merely means that the government has reached agreement on future investments and published a plan—it does not necessarily mean that communities have seen any change to their circumstances. Nine of sixteen plans finalized is a

troubling result after five years of implementation; in fact, the accords' Framework Implementation Plan expected all sixteen to have been ready by 2018.⁵¹

Delays in drawing up the plans “have hindered comprehensive implementation and the correspondence between the different Rural Reform measures, especially in the PDET subregions,” notes the Technical Secretariat.⁵² The group of pro-peace legislators’ most recent report laments that “The issuance of the National Plans has been very delayed and disjointed from the PATRs and the Roadmaps. The initial vision of the Peace Agreement has been diluted: with management-oriented indicators, the National Plans do not seem to be an additional driving force for the transformation of the Colombian countryside, nor an instrument to respond with greater relevance to the needs of the territories, particularly the PDETs.”⁵³ The Comptroller-General notes especially “low progress” with regard to the Plan for building tertiary and farm-to-market roads, which are one of isolated rural communities’ most urgent demands.⁵⁴

Land formalization is not on pace to reach 7 million hectares in 10 years. Colombia’s National Land Agency (ANT) reported formalizing 2.23 million hectares of landholdings between 2016 and July of 2021. That is 32 percent of the 10-year goal of 7 million hectares, 50 percent of the way into that 10-year period.⁵⁵ About 48 percent of that formalized land is in the 170 PDET municipalities.⁵⁶

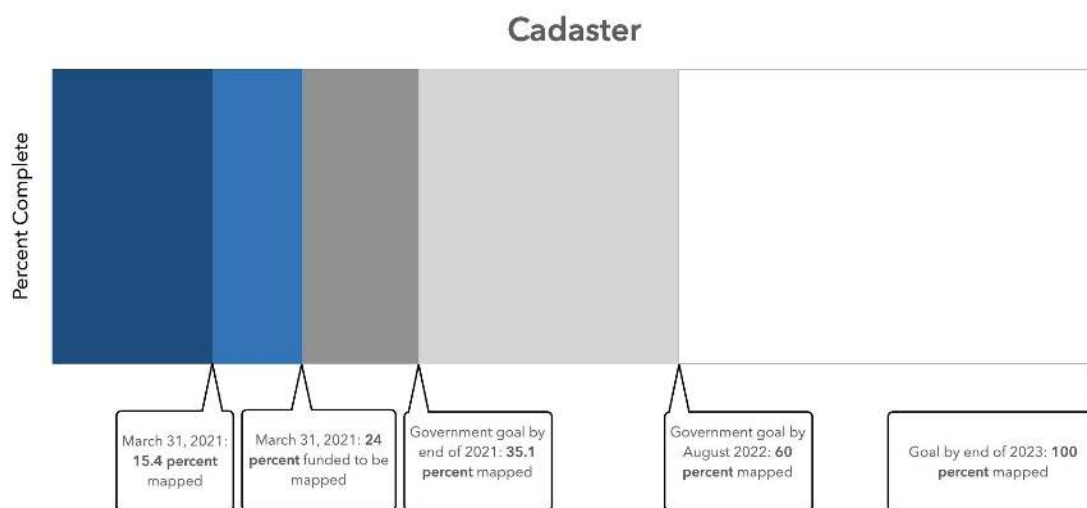
Unfortunately, though, Colombia’s Inspector-General’s Office (*Procuraduría*) has reported that much of those 2.23 million hectares “correspond to formalization processes completed before the implementation of the Peace Agreement,” the group of legislators’ latest report reminds us. “That means the real number of formalizations is much lower, evidencing the government’s intention to inflate the figures.”⁵⁷ Meanwhile, data indicate that only 619,669 of those hectares were formalized during the Duque administration, as of April 2021. At the current government’s rate of roughly 200,000 hectares per year, it would take Colombia more than 20 years to reach its 10-year goal of 7 million formalized hectares. On the “good news” side, at least, the Duque government appeared to pick up the pace during the first four months of 2021, formalizing over 131,000 hectares.⁵⁸



The cadaster is far behind its intended pace. An August 2021 Colombian Presidency document assured, “President Iván Duque is committed to ensuring that, by the end of the four-year term, 650 municipalities, including all PDET municipalities, will have the Cadaster.”⁵⁹ That would mean mapping out 68.7 million hectares of Colombia’s national surface area by August 2022, 9 months from this report’s publication. The accords’ Framework Implementation Plan was even more ambitious, committing Colombia to a cadaster of the entire national territory by the end of 2023.

“By the year 2021,” the Presidency explains, “the goal is to update 35.1 percent of the national territory, which means 40 million hectares will be updated, of which 27.11 million hectares are already funded, representing 24 percent of the national territory.”⁶⁰ Even if it meets that incompletely funded goal by the end of 2021, the Duque administration would then have to map out a staggering 28 million hectares of landholdings during its final seven months in office to reach its goal of 60 percent by August 2022.

But the government seems to be far from its 2021 goal, too. The Comptroller-General’s Office found that as of March 31, 2021, the government had completed only 15.4 percent in the more than four years since the process began.⁶¹ That left it nine months to map another one-fifth of the national territory, if it were to stay on track for 35.1 percent by the end of 2021.



As of a few months earlier, at the end of 2020, the Technical Secretariat found that only 47 of the 650 target municipalities had completed cadasters; of these, only 4 were in PDET territories.⁶² The congressional oversight group found that of the 170 PDET municipalities, “half—86 municipalities—had no funding source assigned to them as of December 2020.”⁶³

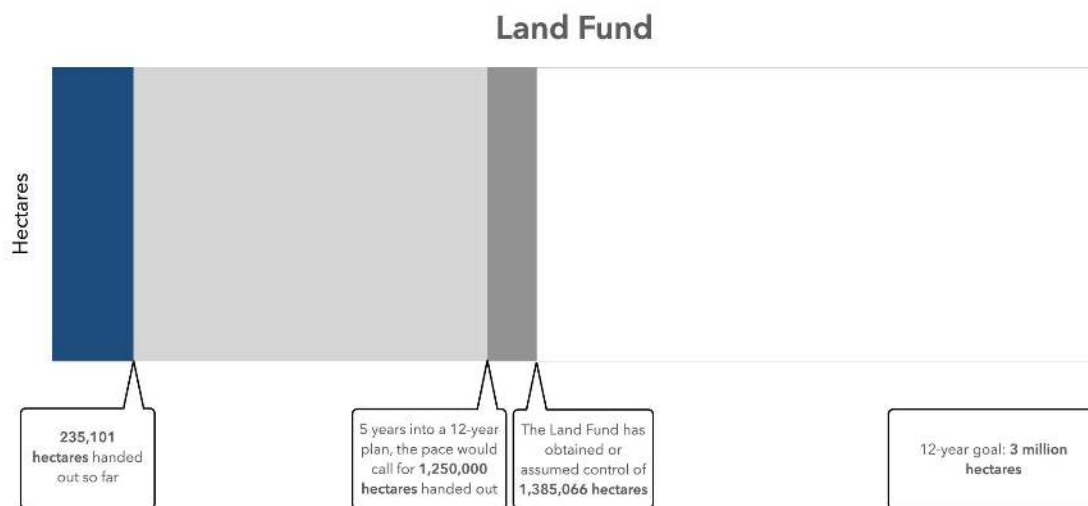
The funding sources that do exist, this report adds, are mostly external. Of the 84 PDET municipalities with funded cadasters, 39 were supported by a World Bank loan, 23 by the United Kingdom, and 10 by USAID. The other 11 used domestic funding.⁶⁴

Between this dependence on external donors and the inability to remain close to the cadaster’s original seven year pace, the Comptroller General declared “a risk of underfunding for this initiative.”⁶⁵

“In addition,” the Technical Secretariat warns, “given that regulations define that the cadaster is outdated every five years, there is a risk that by 2023, the municipalities updated in 2017 will once again be lagging behind.”⁶⁶

The Land Fund is also in trouble. This Chapter 1 commitment intends to have three million hectares of land (about 2.5 percent of national territory) distributed, or ready to distribute, by 2028 to farmers without land or with insufficient land. As of June 30, 2021, Colombia’s National Land Agency (ANT) reported having obtained or assumed control of 14,751 plots totaling 1.39 million hectares, nearly half of the Land Fund’s 12-year goal.⁶⁷ Just over half were presumably unused government-owned lands, and the rest were obtained through other means, including seized assets. About 35 percent were in PDET territories.⁶⁸

Actual handovers of land from the Fund have been delayed, in part because the government needs to verify that these plots are truly unoccupied. “The latest figure reported by the ANT is 235,101.35 hectares delivered in 1,250 titles benefiting 9,777 families,” the congressional oversight group reported in October 2021. About 73 percent of these handovers took place in PDET territories.⁶⁹



The 235,000 hectares represent only about 17 percent of the land that the government claims is in its possession. Of this land, nearly all—229,636 hectares—was distributed to ethnic communities, mostly in the southern department of Caquetá. A far smaller amount, 2,245 hectares, went to small farmers without land. In six of the sixteen PDET regions, the Land Fund has yet to deliver a single hectare, whether to small farmers or to ethnic communities.

The UN Mission’s September report cites the Inspector-General’s finding that “despite the progress made, the objective of equitable redistribution of land, as included in the Final Agreement, is not being achieved, owing to titling disputes and other legal issues.”⁷⁰ Distributing 235,000 hectares in 60 months is a pace of less than 4,000 hectares per month; at that rate it will take the Land Fund 62 ½ years to deliver the 3 million hectares that it committed to handing out.

This pace picked up notably during the first four months of 2021, the legislators point out: 126,651 hectares distributed, entirely to ethnic communities, between January and April.⁷¹ Nonetheless, the Comptroller-General sees a cloudy future amid uncertain funding: “The Land Fund... does not have monetary resources for the purchase or subsidy of land. Likewise, the special credit line shows scarce results. This, together with the non-adoption and non-implementation of the Plan for the Mass Formalization of Rural Property and the non-creation of the agrarian jurisdiction [discussed below], does not allow for the best perspectives in this pillar and in the peaceful resolution of land conflicts.”⁷²

Other Comprehensive Rural Reform commitments have also failed to move. In June 2021, as its session ended, Colombia’s Senate failed to bring to a vote the Agrarian Jurisdiction law, foreseen in the peace accord, that would have established a system of judges specializing in rural issues. This, the Comptroller-General observed, “is one of the points of serious non-compliance. It should have been in operation 3 years ago and the two times that the respective bill has been presented it has been shelved.”⁷³ “Even less progress has been made in creating more Campesino Reserve Zones,” the International Crisis Group found in November. “These have been absent from national development plans and largely ignored by the Duque government.”⁷⁴ Meanwhile, as of June 2021, ten years after Colombia passed its landmark Victims and Land Restitution law, courts have ruled on only 6,642 of 129,211 restitution requests.⁷⁵

State absence and unequal or informal land tenure underlie a great deal of Colombia’s armed conflict, going back for more than a century. Progress toward resolving them is essential to averting the outbreak of a new cycle of violence in the countryside. It is hard to understate the importance of the peace accord’s rural reform provisions. That’s why it is so disheartening to find that every single one of these provisions is running behind schedule and behind budget, often quite badly. Every aspect of this chapter needs faster and more financially generous implementation.

All is not lost, but key ground was certainly lost during these five years. The comprehensive rural reform foreseen in the accord’s first chapter is at risk of becoming a monumental lost opportunity, and it will be up to Colombia’s next elected government to get it back on pace.

4. Rural reform is becoming less participatory

Communities have criticized past “state-building” efforts for failing to include them in decision-making. The peace negotiators, and initial implementers at the Territorial Renewal Agency (ART), sought to avoid repeating that experience with the Territorially Focused Development Plans (PDETs). Between 2016 and 2019, planners held about 1,600 meetings with community members in the PDETs’ 170 municipalities.

At each, the group of congressional implementation monitors recounts, “the eight pillars of the PDETs were discussed and people were asked about problems, opportunities, and initiatives. In addition, each assembly was asked to define a ‘Driving Group’ (*Grupo Motor*) of eight people.”⁷⁶

This process, moving from the village to the municipal and sub-regional level, built the Action Plans for Regional Transformation (PATR), agreements laying out lists of priority projects for each of the 16 PDET regions. The PATRs are publicly available at the ART's website.⁷⁷ Together, they list 32,809 possible projects. The PDETs' participatory nature was reinforced after Colombia's 2019 municipal and gubernatorial elections, as most newly elected mayors and governors included the plans' priorities in their own government development plans.⁷⁸

Participation deteriorated, though, as the PDETs moved from the PATR phase to the Duque government's new "Roadmaps," discussed in this report's PDET section above. Communities felt less represented in this new effort, guided in part by the consulting firm Deloitte, to re-prioritize and add a more detailed planning component to the proposed projects.

In their visits to PDET zones, the congressional groups heard "constant... criticisms of participation in the definition of the Roadmaps. They denounce that the prioritization of initiatives did not include sufficient discussion and participation of the grassroots organizations, nor of the Driving Groups... This situation has worsened during the COVID-19 health emergency, because—according to the meetings' participants—the territorial validation was carried out in a short time and by virtual means."⁷⁹ The Kroc Institute's latest report adds, "some social organizations in the territories and communities, which have promoted the PDET process since its inception, said they felt excluded from the prioritization mechanisms and were stigmatized."⁸⁰

In the mid-Pacific PDET, one of those most behind on implementation, leaders "stated that the community does not agree with the prioritization or with the Roadmap, so they will present a tool of their own to the ART."⁸¹ Elsewhere in this region, leaders told *La Silla Vacía* that the ART moved away from meeting with communities in favor of mayors' offices, causing the communities "to begin to disappear."⁸²

The Duque government's "Future Zones" plan, calling for more intense activity in a subset of PDET regions, has also faced criticism for downgrading community participation. "The concern is that it is unclear whether and how communities were involved in the prioritization of these initiatives," the Technical Secretariat noted.⁸³ In 2020, community leaders told the *Verdad Abierta* investigative website that the Future Zones "privilege foreign military advice to the detriment of dialogue with communities, which could increase human rights violations."⁸⁴

Participation in rural reform programs has deteriorated to such a degree that the Ideas for Peace Foundation, a Bogotá think tank founded by members of the business community, published a September 2021 report voicing concern for the security of the PDETs' local-level "Driving Groups."⁸⁵ These leaders, made locally conspicuous by the process of drawing up the Action Plans for Regional Transformation, are facing threats from armed groups, which seek either to extort development projects or to block any effort to bring government into their territories of influence. The "Driving Groups" are also under fire from local corruption networks, particularly political machines operating mainly out of mayors' offices, which see in the PDETs an opportunity for personal political gain, or for financial gain through crooked contracting.

Perhaps worse, the PDETs' local civil-society companions are threatened by the anger of their neighbors. "Intra-community tensions are arising from delays and non-compliance with the Peace Agreement, which may fall on the delegates of the Driving Groups," the Ideas for Peace Foundation finds. "Some of them warn that there are cases in which the community complains to them about the delay in PDET initiatives." Unprotected, they voice disappointment with the "ineffectiveness, bureaucratization, and slowness" of the national government's protection apparatus.⁸⁶

Among the tasks that await Colombia's next government is to restore the credibility and effectiveness of the rural reform process by bringing community leaders back in and ensuring that their concerns and priorities return to the center of local security and development plans. "A territory is not 'built' if the community is not there explaining how it should be built," Margarita Palacio, representative of the Asociación de Campesinos del Bajo Cauca, told *El Espectador* in November 2021. "The institutions come and visit for a moment and then go back to their desks, but who remains there is the community."⁸⁷

5. With the state still absent, criminal and armed-group violence is increasing

As the comprehensive rural reform foreseen in Chapter 1 falls behind, so does Colombia's effort to govern its own territory—especially its effort to govern democratically, with the whole state, not just the security forces—in parts of the countryside where that has never happened before.

As Colombia's government loses ground in the effort to fill territorial vacuums, those vacuums are rapidly being filled by armed groups and other violent criminal actors. After years of moving generally in the right direction, Colombia's security indicators are worsening across the board. The numbers are grim.

- All armed groups have grown since 2017, the year of the FARC's disarmament. Government estimates of guerrilla groups' strength obtained by Colombian media are not far from those of the Bogotá think tank INDEPAZ. Both should be understood as very rough educated guesses.
 - They place the current troop strength of the National Liberation Army (ELN, a smaller, more regionally rooted guerrilla group that, like the FARC, formed in 1964) at 2,200 (government) to 2,450 (INDEPAZ) fighters, some of them inside Venezuela.
 - The various ex-FARC dissident groups meanwhile combine to add up to perhaps 5,200 (INDEPAZ) to 5,500 (government) people, many of them members of support networks, and most of them new recruits with no background in the old FARC.⁸⁸
 - According to INDEPAZ, Colombia's heavily armed organized crime groups—many of which, like the "Gulf Clan," can trace their lineage to the paramilitary groups of the 1980s-2000s—cumulatively total about 8,350 members.⁸⁹

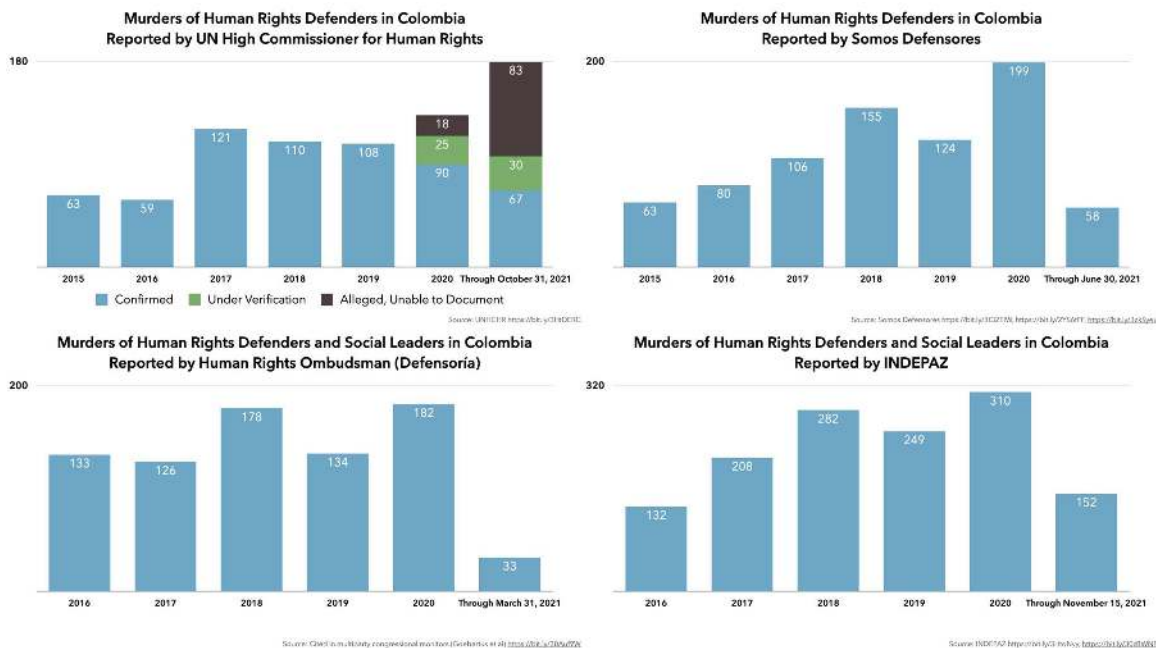
- On a more positive note, this combined strength of perhaps 17,000 people is far less than twenty years ago, when guerrilla and paramilitary fighters around the country combined to total at least 50,000.
- Homicides have increased 18 percent during the first nine months of 2021, compared to the same period in 2020. This is the first time since 2013 that Colombia has finished a September with more than 10,000 recorded homicides. During the first six months of 2021, 1,642 homicides had occurred in the 170 PDET municipalities, a 22.9 percent increase over the pandemic year of 2020 and about a 1 percent increase over 2019.⁹⁰ Homicides increased the most in two PDET regions near the Caribbean coast (Montes de María and southern Bolívar) and in the central Pacific PDET (Buenaventura and its environs).



Images from the Defense Ministry's monthly "achievements and challenges" report.⁹¹

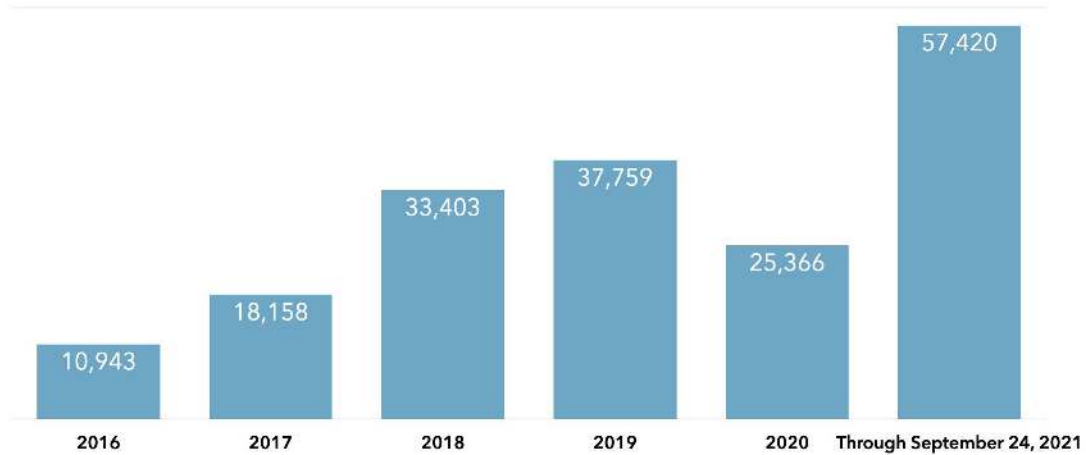
- Massacres, which the Defense Ministry defines as the killing of four or more people in a single event, have increased 9 percent during the first nine months of 2021, compared to the same period in 2020. This is the first time since 2011 that Colombia has finished a September with more than 25 recorded massacres. Organizations that maintain a lower threshold for "massacre"—three homicides at a time—find them now occurring several times per month. The UN High Commissioner for Human Rights counted 76 in 2020; INDEPAZ counted 90 massacres in 2020, and 88 through November 15, 2021.⁹²
- Murders of social leaders and human rights defenders jumped in 2020 and remain stubbornly high. Four sources keep counts of the number of social leaders and human rights defenders who are murdered in Colombia: a UN agency (the High Commissioner for Human

Rights), a government agency (the Human Rights Ombudsman, or *Defensoría*), and two non-governmental organizations (Somos Defensores and INDEPAZ). The organization with the lowest confirmed count, the UN High Commissioner, still finds that a social leader was murdered in Colombia about once every 3.2 days since the peace accord went into effect in December 2016. All other sources document more frequent homicides. According to the *Defensoría* as of March 2021, 59.5 percent of post-accord social leader murders had taken place in the 170 PDET municipalities. Furthermore, the UN Verification Mission noted in September 2021, “the killings of former combatants, social leaders and human rights defenders continue to be concentrated in the 25 municipalities highlighted in previous reports,” 20 of them PDET municipalities.⁹³



- Forced displacement and confinement are also worsening. Citing data from the UN Office for the Coordination of Humanitarian Affairs, the UN Mission reported that violence had forcibly displaced 57,420 people in mass events through the end of September 2021.⁹⁴ That already more than doubles OCHA's total count of people forced to flee in mass events in 2020.⁹⁵ Armed-group violence is forcing tens of thousands more people to be confined to their communities, where they suffer from hunger and lack of medical care. The UN Mission reported in September that “46,321 persons have been forcibly confined in 2021, 96 per cent of which are Indigenous and Afro-Colombian.”⁹⁶

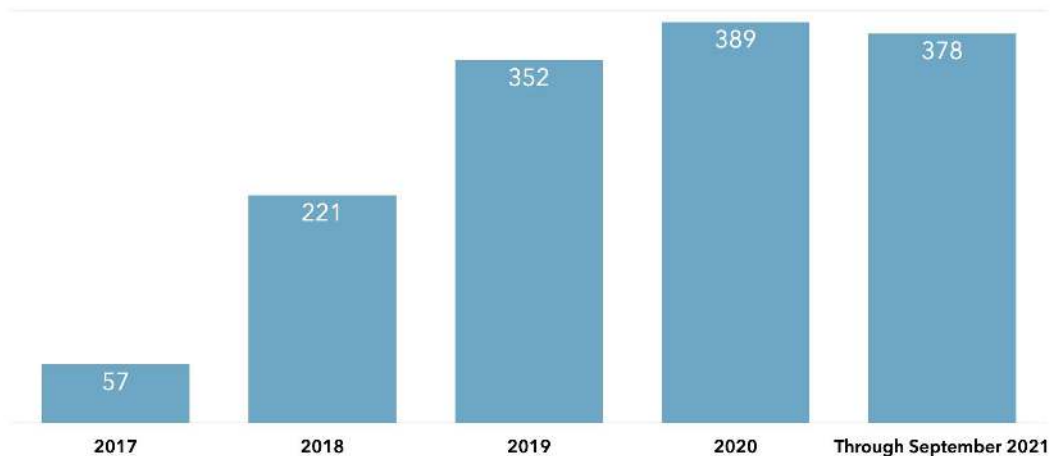
Victims of Mass Displacement Events



Source: OCHA <https://bit.ly/3qGGHQp>, cited in UN Mission <https://bit.ly/3HupGP7>

- The International Committee of the Red Cross (ICRC) counted 389 victims of landmines and other explosive ordnance in 2020. 226 of them were civilians, including 39 minors. 61 of the 389 died.⁹⁷ The number of landmine and explosive ordnance victims has surpassed the previous year ever since 2017, and 2021 is likely to continue this grisly trend: through September 2021, the ICRC had already counted 378 victims. 207 of them were civilians, including 30 minors. 33 of the 378 have died.⁹⁸

Victims of Landmines and Unexploded Ordnance



Source: ICRC <https://bit.ly/3kFemWI>, cited in *El Espectador* <https://bit.ly/3CmrcPO>

- Another consequence of the Colombian state's failure to establish itself in ungoverned areas is a disturbing rise in illegal deforestation. Congressional monitors cite data pointing to a 36.9 percent increase in deforestation in Colombia's Amazon basin between 2019 and 2020.⁹⁹ A November report from the International Crisis Group calculates, "While the deforestation rate increased after the [2016] ceasefire in areas both with and without a significant FARC presence, ...the increase was substantially larger in areas where the FARC had been active" and the state failed to fill the vacuum before guerrilla dissidents, cattle ranchers, and corrupt politicians swept into areas like southern Meta and Guaviare departments.¹⁰⁰
- Some other security phenomena are more difficult to quantify, but anecdotal reporting in Colombia's media points to a likely increase in child recruitment and sexual violence in the past year or two.¹⁰¹
- Coca cultivation, too, is an indicator that a territory seriously lacks government presence. U.S. and UN reports show that planting of the illicit crop is currently at or near an all-time high.¹⁰² And as a September 2021 *New York Times* photo series illustrated, some areas of rural Colombia remain so stateless that coca paste is easier to obtain than the national currency. Instead of pesos and cash registers, people in these territories may buy groceries by weighing crumbs of the illicit substance on scales.¹⁰³

In 2017 and 2018, after the FARC pulled out, the inhabitants of vast areas of former guerrilla influence seemed to be holding their breath. For a fleeting moment, people who had always lived amid danger saw a big drop in the likelihood that they would encounter it. Measures of violence dropped to levels not seen since the 1970s.

Now, in 2021, we know what happened next. The state never arrived to cement in the governance gains. It saddens all who wish Colombia well to see the consequences of that playing out. Indicator after security indicator is showing progress stalling and reversing. Colombians, especially those in nearly stateless areas, don't want to go back to how things were. The numbers show the urgency of a renewed, reinvigorated effort to bring government into these territories.

6. Though the accord created space for political participation, it is closing

The peace accord's second chapter focuses on "political participation": establishing guarantees for people seeking to petition the state or to practice opposition politics. Before and during the decades of the armed conflict, people with reformist or leftist views participated in politics at great personal risk. Thousands were killed, including much of the membership of a political party originally linked to the FARC, the Patriotic Union, in the late 1980s and early 1990s.

Guerrillas have pointed to the violence suffered by movements like the Patriotic Union to justify their choice of taking up arms. But even when able to participate with minimal threat, demobilized guerrillas, social movement leaders, and left-of-center politicians have had limited access to mass media and other mainstream spaces of public discourse. Chapter 2 of the accord sought to address that with protection mechanisms and legal changes intended to increase political space, much of them in an Opposition Statute passed in 2017.

Five years later, though, political participation guarantees did not go much further than these normative changes. The Kroc Institute's last monitoring report found "that there is still stagnation in the commitments that would allow progress towards structural reforms of democracy...due to the absence of political consensus for their substantial and comprehensive progress."¹⁰⁴ The Comptroller-General meanwhile found steadily declining spending on Chapter 2 commitments in Colombia's national budget, including an 18 percent drop from 2020 to 2021. This, it argues, "contributes to increasing the lags in the implementation of the Comprehensive Security System for Political Participation" that the chapter set up.¹⁰⁵

This part of the accord is less costly to implement, so the lags instead owe heavily to those in power resisting calls to cede space to opposition voices. This resistant attitude has been starkly on display in the Colombian government's response to social protests on the streets of major cities, in November 2019, in September 2020, and especially in April-June 2021.

Following accord commitments, Colombia's Inspector General and Human Rights Ombudsman developed a "guide" for proper government intervention in protests. This guide, however, was not followed by "regulatory adjustments to guarantee the full exercise of these rights, as established in Point 2," the Kroc Institute observed.¹⁰⁶ Without these legal changes, in the view of the Technical Secretariat, "it is not yet clear how the spaces created... contribute effectively to achieving greater guarantees" during social protest events.¹⁰⁷

The official response to Colombia's 2021 "Paro Nacional" protests, which began on April 28 and escalated for weeks, shows how little political space has opened up in the five years since the accord went into effect. The accord gets some credit for these protests' massive turnout: with the FARC no longer a factor, Colombians felt freer to express their anger at the government's perceived failure to deliver and lack of empathy, with less risk of being stigmatized as "guerrillas" or "terrorists" as in the past. But the violent and blatantly abusive response of security force personnel, especially those of the feared National Police Mobile Anti-Disturbances Squadron (ESMAD)—captured in innumerable mobile phone videos and testimonies of detained protesters—exemplified the sort of repression that the peace accord's second chapter meant to abolish.

As with most large-scale protests, Paro Nacional participants included a fringe of people who were not peaceful. Some vandalized or looted property, barricaded highways, and pelted police with rocks, projectiles, and fists. While this is unacceptable, almost none of it rose to the level of requiring that government personnel use lethal force in self-defense. Examples of these mobs using firearms or other life-threatening force against government personnel were rare. And dozens of the protesters killed, tortured, or injured by security forces were, in fact, peaceful participants or even bystanders.

Through July 1, 2021, the Defense Ministry counted 3 security force members killed and 1,548 injured in the context of the Paro Nacional, along with up to 54 civilians killed (24, in the Ministry's view, protest-related, 19 "having no tie to the protests," and 11 under verification) and 1,140 civilians wounded.¹⁰⁸ By June 26 Temblores and INDEPAZ, the non-governmental organizations that most closely monitored the government response to the Paro Nacional, had counted higher numbers of casualties. The groups alleged 44 civilians killed; 82 victims of eye damage, often from close-range firing of "less-lethal" weapons at protesters' faces; 28 cases of sexual violence and 9 cases of gender-based violence; 2,005 people arbitrarily detained; and 1,617 "victims of physical violence," all in 784 different cases of "violent interventions in the framework of peaceful protests."¹⁰⁹

The statistics barely convey the chilling effect on the right to protest of the videos of police firing indiscriminately, the testimonies of people tortured after being brought to irregular detention facilities, the images of armed civilians firing at protesters while police stood by, and the accounts from human rights defenders (including UN accompaniers) of police agents' using threatening language and firing weapons to intimidate them.¹¹⁰ This all runs directly counter to what the peace accord contemplated. "At a general level, there is no evidence to support that there are greater guarantees for peaceful mobilization and protest, or at least not as established in the final accord," reads the sober assessment of the Technical Secretariat.¹¹¹

Just as troubling from a "political space" perspective were frequent statements from top Colombian political and law enforcement officials stigmatizing protesters who participate in blockades and civil disobedience, calling them guerrillas, terrorists, or unwitting dupes of criminals. Defense Minister Diego Molano repeatedly insisted on calling people who blockade streets "terrorists."¹¹² He, Chief Prosecutor Francisco Barbosa, Police Chief Jorge Luis Vargas, and other officials repeatedly said that acts of vandalism on the protests' fringes were the work of the ELN, FARC dissidents, and narcotraffickers.¹¹³ They provided little or no proof then or since.

Even stranger was a May 6, 2021 incident, revealed in October by Colombia's Press Freedom Foundation, in which the Defense Ministry and security forces staged a fake cyberattack on some of their own websites and social media accounts.¹¹⁴ This was apparently done to accompany the Ministry's launch of a new campaign of "cyber-patrolling" against those who, in its view, make false online statements about its activities.

Senior officials' evidence-free stigmatization of political opponents and critics continues. After an October 2021 incident in which Catatumbo coca-growers surrounded and immobilized 180 heavily armed soldiers on an eradication mission, Gen. Ómar Sepúlveda, the commander of the Army's Second Division, went after some of the region's *campesino* organizations, telling media that Ascamcat [Catatumbo *Campesino* Association] and Coccam [National Coordinating Committee of Coca, Poppy and Marijuana Growers] are "dedicated to the illicit drug trafficking business." Juan Carlos Quintero of Ascamcat replied, "They branded us as kidnappers and associated us with drug trafficking organizations. These accusations are extremely serious, we had never seen them before."

¹¹⁵

As the Kroc Institute has noted, the COVID-19 pandemic damaged the government's ability to carry out its Chapter 2 "political participation" commitments "due to restrictions on meetings and gatherings."

¹¹⁶ Obstacles to carrying out these commitments, however, are also coming from within the Duque government. Its heavy-handed, at times violent, and rhetorically stigmatizing response to the Paro Nacional and other social protests shows a lack of will to create political space for the exercise of reformist or opposition politics. This runs counter to the spirit and content of the peace accord.

7. Special congressional districts for victims are a major, but fragile, advance

Chapter 2 sought specifically to give a political voice to conflict victims. The government committed to creating 16 special congressional districts ("Special Transitory Peace Circumscriptions") for representatives of victims' organizations. The districts would correspond to the 16 PDET zones. In each, conflict victims unaffiliated with existing political parties would be able to run for newly created seats in Colombia's House of Representatives. These districts and seats would exist for eight years, or two four-year congressional terms.

The idea was for victims to have strong representation in the legislature's lower chamber between 2018 and 2026. But it didn't happen by 2018, and victims' representatives had to carry out a bruising legal fight to make the special congressional seats a reality by 2022.

Many in Colombia's traditional political parties disliked the idea of sharing their legislative representation with unaffiliated victims. In 2017, a law to create the congressional seats ahead of March 2018 elections needed at least some votes from these politicians. The legislation passed Colombia's House but died in the Senate: even though it won a majority of Senate votes, the absence of many senators from the chamber raised questions about whether a quorum existed. A quorum did exist if one excluded the seats of senators who had been suspended for corruption or similar reasons, but the legislation was ruled as failing to pass, and the special districts were not part of the 2018 legislative elections. "The lack of political will for this bill's approval was evident," the Technical Secretariat determined.¹¹⁷

Legal challenges on the quorum question went in 2019 to Colombia's Constitutional Court, which decided that the special congressional seats bill did indeed pass. In May 2021 the Court ordered the Congress to send the bill to President Duque for his signature. Duque promulgated the law at the end of August 2021, and by November the House chamber was being remodeled to make room for the 16 new seats to be filled following March 2022 legislative elections.¹¹⁸ The victims' representatives will be a part of Congress until 2030.

The special districts' opponents, mostly members of the ruling Centro Democrático party and other conservatives, never went so far as to say "we oppose seats for victims." They most frequently argued that allies of the FARC would exploit them to increase the ex-guerrillas' representation in Congress.¹¹⁹ "If the 16 seats are not for victims, former kidnap victims, relatives of terrorism, wounded military and

police officers, etc., but end up in the hands of people related to drug trafficking or criminal groups or sectors that justify terrorism, it would be negative for our democracy,” tweeted Colombia’s ambassador to the United States, Juan Carlos Pinzón, in August 2021 just weeks before the bill became law.¹²⁰

To the contrary, victims’ groups worry that, five years after the peace accord, their weakness and insecurity in still-conflictive areas could create an opening for “traditional” powers, like landowners and machine politicians, to control the new legislative seats. In Chocó, sources told *El Espectador*’s Camilo Alzate in November 2021, “many believe that the greatest risk for the election is not violence, but the clientelist logic in place. ‘It is a fact that the seat will be lost,’ assures a political scientist who prefers not to be quoted. The expert accompanies several ethnic processes in the region and affirms that the divisions could weaken the aspirants. ‘The organizations are so divided that they will not be able to compete with the traditional politicians; but this will happen all over the country: part of the seats will be lost due to disagreements.’”¹²¹

8. Demobilization was largely successful.

Reintegration is flawed but progressing

A bright spot of the FARC peace process was the guerrillas’ 2017 disarmament and demobilization, a smooth operation notable for its lack of major drama or setbacks.

Colombia’s Congress ratified the peace accord on December 1, 2016. In the months that followed, as envisioned in the peace accord’s third chapter, the FARC’s membership journeyed from “temporary pre-grouping points” to 26 sites around the country. By February 18, 2017, all had arrived at 19 village-sized “Transitional Normalization Concentration Zones” (ZVTNs) and 7 encampment-sized “Temporary Normalization Zones (PTNs), and a six-month demobilization and disarmament process began.

Each ZVTN was guarded by a 1,200-person special police unit (Police Peace-Building Unit, UNIPPEP) and military personnel maintaining a special security zone around the perimeter. No serious incidents took place within the zones’ perimeter during the demobilization phase. A tripartite arrangement, linking representatives of the government, FARC, and UN mission, oversaw security issues and verified alleged ceasefire violations. The mission documented only 10 “serious” ceasefire violations.¹²²

6,804 FARC fighters registered themselves and gradually turned 8,994 weapons over to representatives of the UN Verification Mission at each of the demobilization sites. At least 2,256 guerrilla militia members—part-time participants in the FARC’s support network, who lived clandestinely among the population—also registered at the ZVTNs, where they were required to remain for a few days.¹²³ A few thousand more guerrillas, amnestied for sedition or related crimes—though not for war crimes—were released from prisons. Many of them, along with other at-large guerrillas, await trial for serious war crimes in the Special Jurisdiction for Peace (JEP), the post-accord transitional justice system (the JEP, discussed below).

Today, 13,608 former FARC members, 3,139 of them women, are accredited as demobilized, the UN Mission reported in September 2021, adding that “an additional 165 (133 men and 32 women) remain to be located and accredited, and 530 (331 men and 199 women) have yet to be notified of their accreditation.”¹²⁴ This differs slightly from the 14,020 ex-guerrillas accredited by Colombia’s Reincorporation and Naturalization Agency (ARN) during the entire duration of the process.¹²⁵



The Colombian government came under criticism at first, however, for the slow pace of construction at the ZVTN and PTN demobilization sites. By early March 2017, none was fully built, and half had barely begun their preliminary phase of construction; demobilizing guerrillas at several sites—including some pregnant or with children—were living under plastic sheeting with poor sanitation.¹²⁶ By July 2017, nearly six months into the demobilization process, the UN reported that seven sites remained less than 75% built.¹²⁷ In its defense, the government contended that the FARC had insisted—in part seeking to pull government services into rural zones—on demobilizing in sites so remote that transporting construction materials was difficult. The government ended up spending more than double its expected budget on the zones’ construction.¹²⁸

By August 15, 2017, the demobilization process was complete: the Revolutionary Armed Forces of Colombia ceased to exist. Its members were free to leave the ZVTNs, whose name was changed to Territorial Training and Reincorporation Spaces (ETCRs). The accord’s third chapter entered its more complex “reintegration” phase: the process of adjustment to being civilians making a living in the legal economy.

More than half of former FARC members left the ETCRs within months, seeking opportunities or reuniting with family elsewhere. All ex-guerrillas were eligible for a monthly stipend of 90 percent of Colombia's minimum wage (about US\$250 per month) for two years, along with a package of education, training, help with productive projects, or similar support. The stipend has been extended, and continues to be in effect for most. The government has also preserved the ETCRs (now officially referred to as “former ETCRs”), which were meant to expire some time ago but continue to house about a quarter of ex-combatants.¹²⁹ Duque administration representatives, like Vice President and Foreign Minister Marta Lucía Ramírez in October remarks at the United Nations, correctly point out that “our government has gone well beyond what the accord foresaw” in these areas.¹³⁰



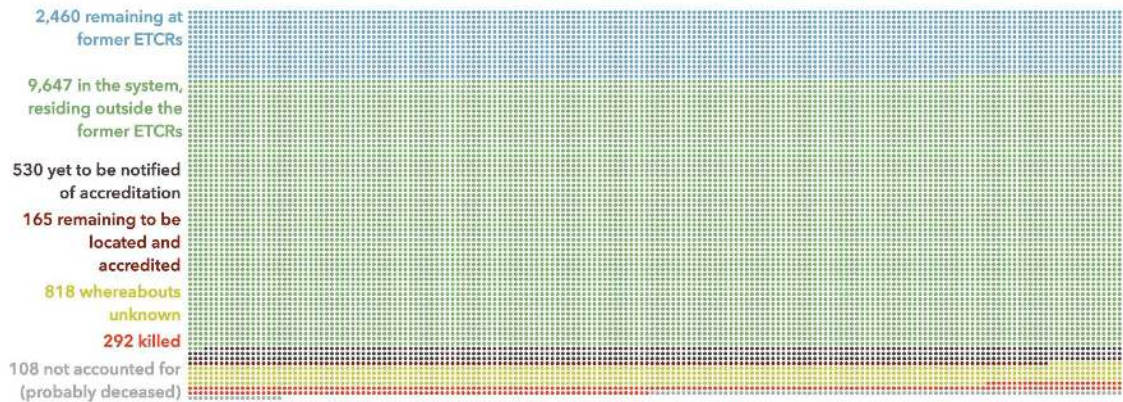
Reincorporation and Naturalization Agency (ARN) map of the existing former ETCRs.¹³¹

The ARN, which had run reintegration programs for thousands of individual FARC members who demobilized during the conflict, manages the government's ex-combatant reintegration programs. There are two routes: “reintegration” for individual ex-combatants, and “reincorporation” for those demobilizing collectively.

Unlike past groups' demobilizations, most of the FARC chose to demobilize collectively, as foreseen in the peace accord, remaining in the ETCRs or forming alternative sites in rural areas elsewhere. By 2021, the Kroc Institute reported, more than 70 of these “New Reincorporation Areas” (NAR) now exist

around the country.¹³² In October 2021 the ARN reported that 2,460 ex-guerrillas remained at the former ETCR spaces and 9,647 were elsewhere. The whereabouts of 818 more was unknown.¹³³

14,020 accredited former FARC members, as of October 2021 (with minor approximations):



Source: ARN <https://bit.ly/3kUtyzh>, UN Verification Mission <https://bit.ly/3Dt1bRo>

A June 2017 National University survey of more than 10,000 demobilizing guerrillas found that 23 percent were women, 81 percent were of rural or “urban-rural” (small town) origin, 54 percent were parents of children, 77 percent lacked a place to live, and a significant majority hoped to find work in farming or other rural pursuits. The ARN has since cumulatively surveyed 12,400 people, finding that 62 percent hope to work in agriculture, 86 percent wish to study, and 77 percent say they are “optimistic about the future.”¹³⁴

The ARN has offered opportunities to ex-combatants who wish to study. As of December 2020, according to the group of legislators closely monitoring implementation, 7,058 former combatants had “successfully passed some grade, cycle, or level of education,” 32 percent at the primary school level, 33 percent at the high school level, and 35 percent with vocational training. About 313 people have received some professional, university-level, or technological training.¹³⁵

For the majority who indicated a desire to farm, the reintegration process has funded “productive projects”—efforts to start farms or agricultural businesses—both individually and collectively. The UN Mission reported in September 2021, “To date, 54 percent of accredited former combatants are benefiting from productive projects. This includes 99 collective projects benefiting 3,478 former combatants (2,512 men and 966 women) and 3,190 individual projects benefiting 3,849 people (2,968 men and 881 women).”¹³⁶

Obtaining land for these projects has posed a challenge, as the peace accord did not commit the government to furnishing land for ex-combatants who wished to farm. “Land tenure remains a key aspect for the sustainability of productive projects,” the UN Mission’s latest report noted, “especially those related mainly to agriculture, 79 percent of which were being implemented on leased land.”¹³⁷ A November 2020 government decree eased the process of distributing to ex-combatants land obtained by seizing criminals’ assets.¹³⁸ Through this and other mechanisms, by October 2021 the Technical

Secretariat had counted the acquisition of 1,552 hectares, benefiting approximately 2,200 former combatants.¹³⁹ In addition, the UN Mission noted that the government had purchased the land of nine of the twenty-four former ETCRs, and aimed to purchase eight more by the end of 2021.¹⁴⁰

Reintegration is a complex process requiring the government to attend to a variety of needs, like housing, education, psychosocial support, basic income, and security. It is not terribly expensive, though, compared to some other peace accord commitments. Supporting 13,000 people for a few years costs a very small fraction, for instance, of what it will cost to build the PDETs over 15 years. The Technical Secretariat reports that the government spent about 1.02 trillion pesos (about US\$300 million) on ex-combatants' economic and social reincorporation between 2017 and 2020.¹⁴¹ That is roughly 5 percent of all peace accord implementation spending over those four years.

Still, some ex-combatants have slipped away, abandoning the reintegration process and reverting to violence. While 13,104 FARC members formally demobilized during 2017 (a few others did so later), perhaps 800 rejected the peace accord entirely before the accord was signed in 2016, and refused to disarm. The main FARC unit to take this "dissident" path was the 1st and 7th Front organization active in south-central Colombia, loosely led by Miguel Botache alias "Gentil Duarte." Others went through the demobilization process, then took up arms again later, like Luciano Marín alias "Iván Márquez," who was the FARC's lead negotiator in Havana but abandoned the process in 2019.

As noted above, about 5,200 to 5,500 people may now be affiliated with about 30 dissident bands around the country. INDEPAZ, the source of the 5,200 estimate, estimates that only 795 of that number are ex-FARC members who went through the demobilization process. The rest are dissidents who rejected the peace accord outright, or new recruits with no FARC background. The 795 are about 5 percent of those who demobilized; "95 percent are complying with the process," INDEPAZ finds.¹⁴² In 2019, the Peace and Reconciliation Foundation estimated that about 6 percent of demobilized guerrillas (about 830) had rearmed.¹⁴³ The Conflict Responses Foundation, which published a July 2021 investigation of the dissidents, abstains from attempting an estimate.¹⁴⁴

As their reintegration process proceeds, the former FARC political party, now known as Comunes, is in crisis. During 2018 congressional elections, its candidates won 0.34 percent of the national vote for Senate, and 0.21 percent of the national vote for the House of Representatives, failing to gain a seat in either chamber.¹⁴⁵ The new party had difficulty convincing other political movements, including those on the left, to run in coalition with it. Two ex-combatants running outside the Comunes party were elected to mayors' offices in 2019, in Bolívar and Putumayo departments.

The peace accord gives ex-FARC leaders 10 automatic legislative seats during the 2018-2022 and 2022-2026 congressional terms, and they currently occupy 5 in the Senate and 4 in the House. (The fifth was occupied by Seuxis Hernandez alias "Jesús Santrich," who abandoned the process in 2019 after a controversial arrest for conspiring to traffic drugs, discussed in the U.S. policy section below.) FARC Senator Griselda Lobo served as the Senate's second vice president during the 2020-21 legislative session.

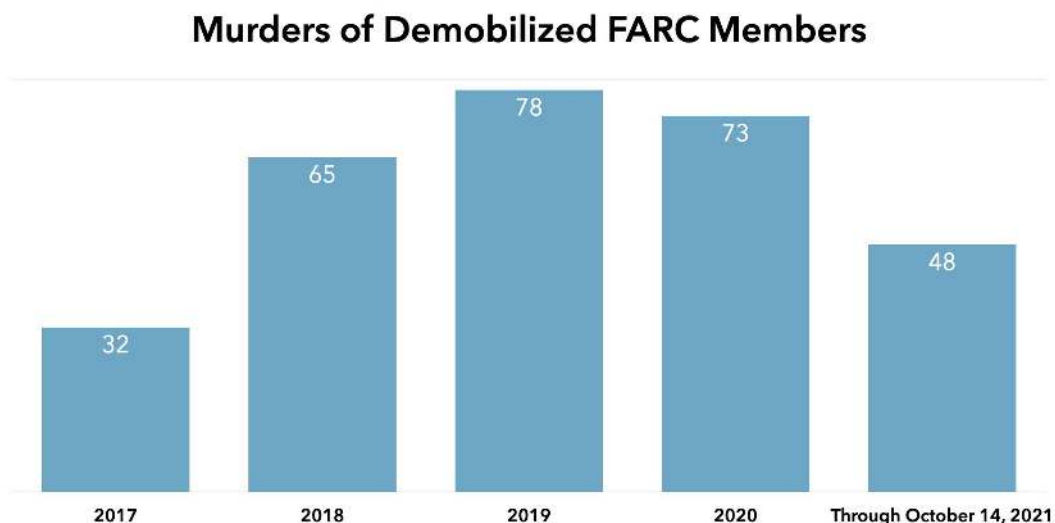
Today, as elections approach, the Comunes party is splintering. Historic leaders like Joaquín Gómez, Victoria Sandino, and Andrés París (all aliases) are departing the party, claiming that they feel unrepresented and excluded by top leaders, whom they allege are out of touch with the ex-FARC rank and file.¹⁴⁶

9. Protecting ex-combatants requires punishing their killers

November 9, 2021 saw two former FARC members murdered in different corners of Colombia. Hugo Gilberto Córdoba was shot by assassins who followed him into a motorcycle workshop in Samaniego, Nariño.¹⁴⁷ Gunmen meanwhile took Mario Alejandro Eslava Fuentes to the rural zone outside Arauca's capital and shot him to death.¹⁴⁸

With those murders, the Comunes (ex-FARC) political party counted 291 former combatants killed since the peace accord was signed.¹⁴⁹ INDEPAZ counted 293 murders, 44 of them so far in 2021. The UN Verification Mission had reached 296 ex-combatant murders by October 14, 2021.¹⁵⁰ This is a pace of more than one killing per week in the first five years of the peace process. It is equivalent to 2.1 percent of the demobilized FARC population: one in every 47 ex-guerrillas has died a violent death.

At the current rate, at least, 2021 may end up being the least deadly year for ex-combatants since 2017. Still, the UN Mission notes, “risks, including threats, continue to affect their reintegration, as some former combatants have been forced to relocate.”¹⁵¹



Source: UN Verification Mission <https://bit.ly/3cuGs2y>

This is the third-largest number of combatants killed, among seven demobilizations of armed groups that have taken place in Colombia since 1990. Measured as a *percentage* of combatants killed, though, after five years the FARC has so far lost a smaller portion of its membership than any of the past 30 years' other demobilized groups, according to a 2021 study by Germán Darío Valencia Agudelo of the University of Antioquia.¹⁵²

Killings of Demobilized Ex-Combatants in Colombia

Demobilized Group	Number Demobilized	Number Killed	Percentage Killed
Socialist Renewal Current (CRS, an ELN faction)	433	79	18.2%
Popular Liberation Army (EPL)	2,200	321	14.6%
Revolutionary Workers' Party (PRT)	200	29	14.5%
United Self-Defense Forces of Colombia (AUC)	31,761	3,589	11.3%
Quintín Lame Armed Movement (MAQL)	157	5	3.2%
19th of April Movement (M-19)	900	25	2.8%
Revolutionary Armed Forces of Colombia (FARC)	13,608	~292	2.1%

Source: Germán Darío Valencia Agudelo, Universidad de Antioquia <https://bit.ly/3kHG8BW>

Colombia's southwest Pacific is the most dangerous region for ex-combatants. Though 11th in population among Colombia's 32 departments plus Bogotá, the department of Cauca has seen more ex-combatant murders than any other. (As discussed below, it also leads all departments in social leader killings.) It combines with the neighboring southwestern departments of Nariño (2nd place) and Valle del Cauca (7th place) to account for about 40 percent of all ex-combatant murders.¹⁵³

Nationwide, an October 2020 investigation by the transitional justice tribunal (JEP) found that 53 percent of killings by that date were concentrated in just 20 municipalities.¹⁵⁴ As of the end of 2020, when the UN Mission's death toll stood at 248, only 2 ex-combatants had been murdered on the premises of the ETCRs. About 35 percent had been killed in the vicinity of the New Reincorporation Areas (NARs).¹⁵⁵

The JEP's 2020 report found that only 2 percent of killings had happened within the context of "everyday" violence like fights. 36 percent appeared to be the work of the FARC dissident groups, attacking their former comrades.¹⁵⁶ At an event accompanying that report, the vice-prosecutor general (*Vice-Fiscal General*) blamed dissidents for about 44 percent of cases, at least in the less than half of all cases for which the *Fiscalía* had identified a likely assassin. (Similarly, during the 2000s re-armed paramilitaries were allegedly responsible for the largest number of killings of demobilized United Self-Defense Forces of Colombia (AUC) fighters.)

The Gulf Clan, an organized crime network founded by former members of the old AUC paramilitaries, is believed responsible for the second-largest number of ex-combatant murders, followed by the ELN and regional organized crime groups. A September 2021 *El Tiempo* analysis also cites "local powers

threatened by the leadership of some reinserted ex-combatants,” and recalls the case of Dimar Torres, a former fighter killed by Colombia’s Army, allegedly at the orders of a colonel, in Catatumbo.¹⁵⁷

The government has taken several measures to protect ex-combatants, like hiring 1,200 bodyguards—most of them demobilized guerrillas—who as of April 2021 were arrayed among 316 security arrangements for top leaders and threatened collectives of ex-combatants.¹⁵⁸ The overwhelming majority of those killed during the past five years have been lower-ranking ex-guerrillas, who do not receive this costly level of protection—or if they do, only after a slow process of risk evaluation from the Interior Ministry’s National Protection Unit.

That Unit was to expand its capacity this year by 40 risk analysts and 686 new bodyguards, but the UN Mission notes that this effort, too, has been tripped up: “Although 470 of the 686 additional bodyguards ordered by the Special Jurisdiction for Peace in July 2020 have been hired, budget shortcuts are affecting protection schemes’ funds for travel and per diems.”¹⁵⁹ The Mission further notes deep disagreements between the ex-FARC and the government about how they should be protected. As a result, a promised Strategic Plan for Security and Protection of ex-combatants remains paralyzed.

The peace accord’s second chapter sought to strengthen an Early Warning mechanism, dating back to the 2000s, under which the Human Rights Ombudsman’s Office (*Defensoría*) carries out risk assessments and calls on other government ministries, especially Interior and Defense, to respond to imminent threats. Ombudsman Carlos Camargo told *El Espectador* in September 2021 that his office had issued 81 early warnings in 23 departments since 2017 regarding threats to ex-combatants.¹⁶⁰ One hopes that these warnings were acted on often enough to have prevented the already very high rate of ex-combatant murders from being even higher. But as *El Tiempo*’s Jhon Torres observed, “It is clear that most of the demobilized combatants are in the areas of the country where the state was not able to occupy the territories from which their structures demobilized.”

It is of course impossible to station a bodyguard alongside every ex-combatant. Instead, along with early warnings and other collective protection measures, the most effective way to stop them from being killed is to increase the probability that the killers might be punished and brought to justice. That probability must apply not just to the trigger-pullers or hitmen, but to the actual masterminds or “intellectual authors” of these murders.

Colombia claims to be making progress on investigating and trying these homicide cases. Vice President Ramírez told the UN in October that the Prosecutor-General’s Office has “made advances” on 182 out of 300 investigations of homicides and other harm done to ex-combatants.¹⁶¹ The *Fiscalía*’s Special Investigations Unit claimed in August to have “clarified” about 54 percent of cases, a term that essentially means “identified a likely suspect” or just “moved the case forward.”¹⁶² (See the “social leaders” section below for further discussion of this questionable “clarifications” statistic.) The UN Verification Mission reported that, as of late September, the Unit had achieved 44 convictions, including 4 masterminds of attacks. Another 46 cases had reached the trial phase and 25 others were in the investigative phase. The Unit had issued 51 arrest warrants for these cases, with another 132 pending—39 of them against believed masterminds of attacks.¹⁶³

While these numbers are more robust than those for regular homicide cases in Colombia, they are far from enough. The justice system's progress lags way behind the pace of new killings. While killings average about one per week, the UN Mission reported only three new convictions during its most recent three-month reporting period. One conviction per month, few of them for "masterminds," is not enough to convince would-be ex-combatant killers that they face a real probability of being brought to justice. Many cases are going uninvestigated because of security: the *Fiscalía* told the UN that danger has prevented its personnel from visiting about 35 percent of crime scenes involving ex-combatants.¹⁶⁴

Also standing in the way are dismissive and stigmatizing attitudes voiced by some high Duque administration officials. These officials seem to harbor a belief that the dissident groups killing so many ex-combatants are somehow aligned with the people they kill, coordinating from their jungle hideouts with the leaders of the ex-FARC in Bogotá, to whom they represent a sort of "Plan B." In prepared April 2021 remarks before the UN Security Council, then-foreign minister Claudia Blum bizarrely blamed demobilized guerrillas in the Comunes party for the violent dissident groups: "The existence of FARC dissident groups should be considered as an example of non-compliance, precisely, of the former guerrillas who are now converted into a political party."¹⁶⁵ Defense Minister Diego Molano, meanwhile, has said on several occasions that the FARC have divided into three: a party in Congress, the dissidents in Colombia, and those inside Venezuela.¹⁶⁶ FARC leaders who are respecting the process complain that this language, backed up by no evidence, places the demobilized in danger.

Colombia's armed groups, including the FARC, have long justified their decisions to remain armed in Colombia's jungles with the argument that they would be killed if they disarmed. Despite that belief, the FARC's membership turned in their weapons and entered civilian life in 2017, taking a leap into the unknown. It hardly needs to be pointed out that the entire credibility of the peace process—as well as that of future negotiations in Colombia—depends on these individuals managing to stay alive.

Agile protection measures, including skilled bodyguards and rapid responses to early warning alerts, are necessary for doing that. But so is the justice system's ability to ensure that those who order and carry out attacks on ex-combatants are swiftly investigated, tried, and punished, no matter how powerful they are.

10. Social leaders and human rights defenders remain unprotected

As with ex-combatants, the peace accord's future depends on all Colombians being able to exercise basic rights without fearing for their lives. These rights include freedom of assembly, freedom of speech, and the freedom to peacefully organize, advocate, protest, investigate, and monitor the powerful. Those are rights essential to the work of human rights defenders and social leaders: members of communal action councils (JACs, elected village-level advisory boards), *campesino* organizers, labor leaders, Afro-descendant and Indigenous community leaders, women's groups, drug policy reformers, youth organizations, and many others.

Their work continues to be very dangerous in Colombia, where social leaders' killers are rarely held accountable. As noted above in this report's security discussion, a social leader was murdered in Colombia once every 3.2 days or less since the peace accord went into effect in December 2016. In 2020, by the count maintained by the NGO INDEPAZ, the homicides happened nearly daily. About 60 percent of murders of social leaders and human rights defenders have happened in the 170 PDET municipalities, where peace accord implementation is most crucial.

More than half of all the world's murders of human rights defenders happened in Colombia in 2020, according to Front Line Defenders.¹⁶⁷ Colombia also led the world in killings of environmental defenders that year, with more than a quarter of the global total, Global Witness reported.¹⁶⁸ As this report documents above, the number of new murders remains high so far in 2021.

In 2020, of the killings that the UN High Commissioner for Human Rights was able to verify, "25 percent were reportedly committed by criminal groups: 15 percent by FARC-EP dissident groups, 13 percent by ELN, and 4 percent by the police or the military."¹⁶⁹ The perpetrators were unknown in the remaining 43 percent. Between 60 and 70 percent of 2020 killings of both ex-combatants and social leaders happened in only 25 of Colombia's 1,122 municipalities, according to UN Verification Mission Head Carlos Ruiz Massieu.¹⁷⁰

INDEPAZ estimates going back to 2002 show murders of social leaders peaking at over 1,900 in 2003, during the most intense years of the armed conflict, dropping below 500 per year after 2009, falling below 100 (to 61) in 2014, then climbing again, to more than 300 in 2020.¹⁷¹ While others' counts aren't as high, all show similarly increasing trendlines since 2016.

Mechanisms in the peace accord sought to protect space for social leaders. It set up a National Commission on Security Guarantees to "design and oversee public and criminal policy with regard to dismantlement" of paramilitary, organized crime, and other violent structures targeting social leaders. A new Special Investigative Unit within the Prosecutor-General's Office (*Fiscalía*) would investigate and prosecute criminal and paramilitary networks carrying out attacks on ex-combatants and civil society. An Elite Corps within the National Police, created in 2017, would be charged with rapid response to protect threatened individuals and communities, and to participate in efforts to dismantle violent networks.¹⁷² As noted in the last section, plans also called for strengthening the Early Warning System centered in the Ombudsman's office.

With laws passed and administrative procedures completed, the Security Guarantees Commission, Special Investigative Unit, and Elite Corps have all been created and are operational. "However," as the latest Technical Secretariat monitoring report explains, "in the fulfillment of their mandates aimed at dismantling criminal organizations, they have had delays and limitations."¹⁷³

For instance, the Early Warning System's alerts foresaw many attacks but responses did not come in time. A key reason, the Kroc Institute reports, is that "there are entities" within the rest of the government "that dispute or are unaware of the risk scenarios described in the early warnings."¹⁷⁴ Prominent among these "entities" are the Interior and Defense ministries.

The peace accord intended for the National Commission on Security Guarantees to play a central role. It was to develop, debate, and update a policy for protecting vulnerable people and for dismantling the nexus of criminals, corrupt politicians, retrograde security force factions, and large landowners that often gets labeled as “paramilitarism.” That just hasn’t happened: the Commission is badly stuck. In its September 2021 report, the UN Verification Mission lamented that “while the Final Agreement stipulates for the plenary of the Commission to meet on a monthly basis, it has not met for the past six months. Two technical sessions were held, but no progress was made regarding the development of the public policy to dismantle illegal armed groups, criminal organizations and their support networks. Challenges persist for the Government and civil society members of the Commission to engage in more constructive dialogue and reach consensus on the functioning of the Commission.”¹⁷⁵

Colombia continues to lack the policy for the dismantlement of criminal and paramilitary groups that the accord envisioned. Rather than work through these structures, the Duque government started its own separate initiative to guide efforts to protect social leaders. Three years after its creation, “instead of contributing to the articulation of efforts between the programs created by the Agreement and the government’s existing programs,” this new “Opportune Action Plan” has “contributed to the dispersion of measures,” in the Technical Secretariat’s assessment.¹⁷⁶ The post-accord moment of sharply rising murders and attacks was not an opportune time to “disperse” badly needed protection resources.

As with former combatants, one of the most effective ways to protect social leaders is to increase the probability that their killers, and their sponsors, get investigated, tried, and punished by the justice system. That goal remains far off. In 2020 the *Fiscalía* achieved just 20 sentences for people who killed human rights defenders, the UN High Commissioner for Human Rights’ Colombia field office reported—a small fraction of the number of social leaders who were newly killed that year.¹⁷⁷ Moreover, the data don’t make clear whether those condemned were trigger-pullers or masterminds. The High Commissioner noted that another 97 cases were pending, and that 10 “intellectual authors” or masterminds were arrested in 2020. It voiced concern “about persistent challenges in the identification and prosecution of the intellectual authors in other cases.”

20 sentences and 10 masterminds arrested over 12 months are very small numbers when a social leader is killed every few days. They are certainly not enough to support any claim that the probability of punishment or accountability has increased enough to deter future murders.

The *Fiscalía*’s reporting continues to emphasize the statistic of “clarifications” (*esclarecimientos*) of crimes against human rights defenders, social leaders, and ex-combatants. *La Silla Vacía* investigator Juan Pablo Pérez tried to unpack what the Prosecutor’s Office means by this term, and determined that it is not a measure of accountability. In fact, the *Fiscalía* may count a case as “clarified” merely if “progress has been made in the identification of the possible victimizer.”¹⁷⁸ WOLA advises journalists, diplomats, and others monitoring social leader and ex-combatant killings to regard the “clarification” statistic with a healthy dose of skepticism. It can be misused to hide inaction.

The government’s will to act is also called into question by public comments that senior officials in both the Santos and Duque administrations have made about social leader killings. Some of these statements are legendarily outrageous.

In 2017, the defense minister at the time, Luis Carlos Villegas, told *Noticias Uno* that more than half of social leader killings had nothing to do with the victims' local roles. "There have been cases from the ELN, and there have been cases from the FARC, I leave those apart. The rest have been, in their immense majority, the result of an issue with land boundaries, of an issue about 'skirts' [women], of an issue with unmet demands, of an issue with a fight over illicit incomes."¹⁷⁹ In March 2020, then-interior minister Alicia Arango made a splash on social media when, asked at a forum in Putumayo about sharply rising killings of social leaders, she retorted, "More people die here from cell phone thefts than for being human rights defenders. It seems unbelievable, but we have to defend all Colombians and we have to defend the leaders, of course, and that is what we are doing."¹⁸⁰

Colombia's next presidential administration must offer the world's most endangered population of activists, advocates, and community leaders more than "clarifications," "skirts," and "cell phones." The road to curbing this epidemic of homicides and attacks—and thus to consolidating the peace accord's promise—runs through a justice system that brings masterminds to justice. It runs through a Security Guarantees Commission and other accord bodies that are truly dedicated to dismantling paramilitarism. And it runs through a National Protection Unit and Early Warning System with the resources and political backing necessary to work in a far more agile fashion than they do now.

11. Voluntary crop substitution has nearly ground to a halt

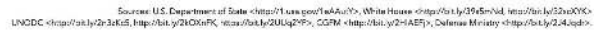
Colombia has been the world's number one producer of cocaine since at least the late 1970s, and the largest producer of coca, the plant used to make cocaine, since the mid-1990s. The product's illegality inflates its profitability, creating a torrent of resources for armed and criminal groups. Due largely to state absence and impunity in the countryside, the crop has flourished. For farmers in abandoned areas, it offers a product—coca paste—that can be marketed and transported in areas with no roads. For farmers whose lack of land titles makes access to credit difficult, the coca crop offers a product whose buyers often provide financing.

Since the 1980s, the United States backed forced eradication campaigns, first with security forces destroying coca bushes, and after the early 1990s with herbicides sprayed from aircraft, a tactic that didn't require government to be present on the ground. "Fumigation" with the chemical glyphosate sharply expanded after 2000, when the Plan Colombia aid framework multiplied U.S. security assistance. Between 1994 and 2015, 1.8 million hectares (4.4 million acres) of Colombian territory was fumigated from the air, a land area 3 1/2 times the size of the state of Delaware.¹⁸¹

■ Substitution
 ○ Coca Cultivation (US)

■ Manual Eradication
 ○ Coca Cultivation (UN)

■ Aerial Fumigation



It established forced eradication as a last resort for coca cultivators who refuse to participate in the accord's crop substitution regime, and limited aerial fumigation only to circumstances in which security conditions made manual eradication too dangerous. (The government made sure that the dormant fumigation program remained an option on the table, while the FARC put its opposition into the accord's text.)

At Chapter 4's heart is the National Comprehensive Substitution Program (PNIS), a voluntary eradication and assistance effort launched in January 2017. Households would receive short-term support payments to cover basic needs while transitioning away from their voluntarily eradicated coca and towards legal crops. They would receive technical and financial assistance for that transition. The PNIS design called for two years of assistance, totaling 36 million pesos (about US\$10,000) for each household:¹⁸⁴

First year: 12 months of income support payments	12 million pesos
First year: incentive payment for food security	1.8 million pesos
First year: assistance with short-term productive projects for quick income	9 million pesos
First year: technical assistance	1.6 million pesos
Second year: assistance with long-term productive projects	10 million pesos
Technical assistance	1.6 million pesos

Critics, including the authors of the State Department's annual narcotics control strategy reports, argued that offering cash to coca cultivators, and making the agreement's text public two years before the final accord was ratified, created a perverse incentive that may have added to Colombia's late-2010s coca boom.¹⁸⁵ Farmers who planted the crop would be entitled to a package of financial assistance, while most farmers without coca would not.

Starting with a June 2016 pilot project in Briceño, Antioquia, and accelerating after January 2017, the Santos administration began inking framework agreements with entire communities in more than a dozen departments. These were "pre-agreements" in which the government committed to assisting community members in a subsequent phase, during which individual families would register for the PNIS. 106 of these collective agreements were signed in 98 municipalities, almost entirely before the Santos government left power in August 2018. It is not clear how many eligible coca-cultivating families lived in these 106 communities; the Santos administration used a figure of 130,203, while the Duque administration estimated 215,244.¹⁸⁶ The group of legislators monitoring implementation uses an intermediate figure of 188,036 families.¹⁸⁷

The next phase involved signing agreements with individual households. Again, mostly during the Santos administration, the government signed agreements with 99,097 households in 56 municipalities: 68 percent coca cultivators, 17 percent landless coca-pickers, and (in an attempt to diminish perverse incentives) 15 percent non-cultivators.¹⁸⁸ Each would begin receiving assistance once the government's contractor (for most of the PNIS period, the UN Office on Drugs and Crime) verified that they had eradicated their illicit crops.

During the 2018 campaign, candidate Iván Duque, a critic of the peace accord, made clear his desire to halt the PNIS model.¹⁸⁹ Shortly after taking office in August 2018, his government stopped signing new collective and individual agreements, shutting down new entries into the program. "The program

was received in disarray, with no planning and underfunded,” Presidential Counselor for Stabilization and Consolidation Emilio Archila contended.¹⁹⁰ As a result, said Hernando Londoño, the Duque government’s PNIS director, “The government responsibly decided not to link more families in individual agreements and committed itself to seek resources to comply with them, since there was not a single peso in the expenditure framework.”¹⁹¹ Archila added at the time, “I know this is not so popular, but it has to be said in plain language: growing coca is illegal.”¹⁹²

Duque agreed to fulfill commitments made to the 99,097 families, but the others covered by the pending community framework agreements—about 89,000 families, using the legislators’ estimate, in 42 municipalities—were left out. This appears to violate the commitment in Chapter 4 to give all coca cultivating households a chance to access alternative development assistance programs before forcibly eradicating their crops.

Of the 99,097 participating households, 36.4 percent were headed by women. 8,227 coca plots were in Afro-descendant communities’ collectively held lands, and 1,817 were in Indigenous reserves. The largest number of participants, just over half of the total, are in the southern departments of Putumayo, Nariño, and Caquetá.¹⁹³ The process of signing agreements, verifying eradication, and delivering assistance required government representatives to be physically on the ground in very remote areas, many of which have become more dangerous to visit as security has deteriorated.

As has occurred with most other peace accord commitments, the government’s delivery of PNIS assistance to these households has been slow. What was envisioned as a two-year program is becoming at least a five or six-year program. As of December 31, 2020, the state of PNIS assistance deliveries to households, not counting landless coca harvesters and nearly 5,000 removed from the program, was as follows:¹⁹⁴

Families that had received some income support payments	90.9 percent
Families that had received full 12 months of income support payments	71.7 percent
Families that had received some technical assistance	82.3 percent
Families that had received some food security assistance	78.2 percent
Families that had received some assistance with productive projects	6.7 percent

The promised assistance with productive projects has fallen far behind the other PNIS components. This is troubling because it makes up more than half of promised assistance, and it is the only part of the program that seeks long-term sustainability, rather than being just a short-term handout. As of December 2020, the Comptroller-General found, less than 1 percent of PNIS signatory families (726 of them) had received the entire package of assistance promised in 2017 and 2018.¹⁹⁵ “At this rate, it would take another 71 years for all the families (with individual agreements) to have a productive project,” the legislative monitors warn.¹⁹⁶

Despite this uneven implementation, PNIS participants have tended to honor their commitments to the program. As of July 2021, the 67,235 cultivating families in the program had eradicated 44,294 hectares of illicit crops.¹⁹⁷ Of the territory where families eradicated coca, 98 percent remained without coca at the end of 2020, according to the UN Office on Drugs and Crime, which found replanting or regrowth in just 0.8 percent.¹⁹⁸

This was all achieved with a cumulative budget of US\$369 million, the UN mission reported in September 2021.¹⁹⁹ This leaves a long way to go, however: according to the Comptroller-General, the full cost of complying with commitments made to the PNIS signatory families will cost about 2.8 trillion pesos, or US\$600 million.²⁰⁰ While the productive projects await delivery, the government spent only 19.6 percent of funds allocated for the program in 2020, in part due to the pandemic.²⁰¹

While much 2020 aid remained unspent, the Duque administration appeared to be moving ahead with very deep budget cuts: the Comptroller General calculated that planned spending for the PNIS dropped by 98 percent from 2020 to 2021. This year, the office reports, Chapter 4 commitments make up barely 0.2 percent of the resources the government is spending on peace accord implementation.²⁰²

Instead of continuing the PNIS model, the Duque government—which leaves power in just over half a year—promotes vague alternative plans. “We have done very judicious work to have a long-term vision of the possibilities of voluntary substitution,” Archila told *El Espectador* in October 2021. “And in this long-term vision of voluntary substitution, we are working on the *Colombia Sustituye* model,” a proposal that appears to promote tailored crop substitution outside of the PNIS and peace accord framework.²⁰³ Another noteworthy but slow-moving program, the National Land Agency’s “Formalize to Substitute” effort, promises land titles to farmers who eradicate their illicit crops.

“These families have shown their willingness to substitute illicit crops, and the government has a commitment to them,” the legislative monitoring group wrote in February 2021. “However, they have not received opportunities. On the contrary, they have been subject to forced eradication.”²⁰⁴ The mayor of the embattled municipality of Argelia, Cauca told *El Espectador* in November 2021, “There is always a clamor from the community: compliance with the PNIS. People want to have an option for voluntary crop substitution, but they say that this has not been fulfilled.”²⁰⁵

Campesino leaders around the country say they are losing patience with the program’s slow delivery of assistance. “They tell us every year that there are delays, that there is no money and to wait... but they never come up with anything. There are people who gave their lives and their land to peace, in exchange for a trickle of drool [*chorro de babas*],” José David Hernández of the *Campesino* Association of North and Northeast Antioquia told *El Espectador* in November 2021, adding that his organization hadn’t been able to dialogue directly with PNIS or Defense Ministry representatives during the previous six months.²⁰⁶ “As a result, the only presence of the state is seen in eradicators and in the military and Esmad (the riot police).”

In many areas, forced eradication—much of it U.S.-supported—is outpacing substitution, or happening in areas where farmers never had a chance to sign up for the PNIS. The Technical Secretariat cites

information from the Inspector-General's Office (*Procuraduría*) indicating that 953 hamlets (*veredas*) were covered by PNIS framework agreements but excluded from PNIS individual-family agreements. Of these, 396 saw forced eradication operations between 2016 and 2019, accompanied by little or no assistance to the mostly smallholding coca farmers who had their income sources taken away. The Technical Secretariat correctly considers this to be “a breach of the final accord,” which allows forced eradication only when growers refuse offers of PNIS support or cheat on their commitments.²⁰⁷

As forced manual eradication operations intensify—including a record 130,000 hectares during the pandemic year of 2020—conflicts between security forces and protesting coca cultivators are becoming more frequent. Between November 2016 and February 2021, the Land Observatory, a network of researchers at three Colombian universities, counted 129 “incidents” or episodes of confrontation between growers and government eradicators, two-thirds of them during that period's last year.²⁰⁸ They counted nine people killed in these confrontations during 2020. For its part, the National Police counted 224 confrontations in 2020, during which 3 police agents were killed and 35 wounded.²⁰⁹ The Army, which carries out its own eradication operations, meanwhile counted 1,107 “demonstrations or blockades” by growers in 2021 through October 30, up from 1,050 in all of 2020.²¹⁰

The Colombian government has been under strong pressure to show quick results against coca cultivation, especially from a U.S. government that closely watches annual estimates of how many hectares are under cultivation. A result is the social conflict we are witnessing now in rural areas that are priorities for comprehensive rural reform, as eradication outpaces peace accord implementation.

Pressure for quick results probably also explains why Colombia rushed to implement Chapter 4 and the PNIS even though it is not a state presence-building program. Chapter 4 provides only a few years of services in ungoverned territories, and then ends. WOLA has questioned the choice to deliver PNIS assistance before implementing the slower-moving Chapter 1, which intends to create a longer-lasting government presence in these territories.²¹¹ Without more permanent government infrastructure in place, it is likely that when the program ends and the government presence declines, farmers—still disconnected from markets and the rule of law—may face the same strong incentives to plant coca again.

Nonetheless, to the extent that it was implemented, the PNIS program performed surprisingly well, as the 98 percent compliance indicator shows. It did require civilian government representatives to be on the ground in very remote areas, often for the first time in many years, dialoguing with families, getting them connected to the larger economy, and providing them with basic sustenance.

Unless Colombia's next government reinvigorates Chapter 4 and the PNIS, the hardest moment is coming up. What happens when the program ends, and farmers are left with neither income nor state accompaniment? What happens to the strong majority of farming households who were promised productive-project assistance that remains undelivered?

The Colombian government has made promises to people in rural areas crucial to the country's security and rule of law. Many of these people already distrusted the national government. Officials

may dislike the PNIS model, but it would be most unwise to compound citizens' distrust by breaking the promises that were made.

12. Transitional justice has made progress. 2022 will be a make-or-break year

As they sought to end a conflict in which all parties committed large numbers of serious war crimes, one of the thorniest questions that peace negotiators had to face was how to hold accountable those responsible. International human rights standards had moved on from the late-20th century model of peace accords with mutual amnesties. On the other hand, as these were not battlefield surrender negotiations, FARC leaders were not about to turn in their weapons only to spend many years in prison. The challenge was to find a solution that included some degree of retributive punishment while honoring and dignifying the conflict's victims.

The model the negotiators came up with, in Chapter 5 of the peace accord, has no precedent in prior peace processes. That chapter sets up a "Comprehensive System for Truth, Justice, Reparations and Non-Recurrence" with three components. The Special Jurisdiction for Peace (JEP), a transitional justice tribunal, is prosecuting the most serious human rights abusers. A Truth Commission is working to reveal the dynamics behind the conflict, assist victims, and recommend ways to ensure the conflict's non-repetition. A Unit to Search for the Disappeared is working with victims and communities in an endeavor to locate some of the 80,000 people who went missing during the years of the FARC conflict.

This system's budget totaled 1.8 trillion pesos (about US\$510 million) over the four years between 2017 and 2020. The Comptroller-General reported that it was appropriated another 667 billion (US\$190 million) for 2021.²¹² According to the UN Verification Mission, the Colombian government's draft 2022 budget proposal includes further increases for the JEP and the Unit to Search for the Disappeared.²¹³ That draft had included no budget for the Truth Commission, whose mandate was set to expire in November 2021. Due to delays caused by the COVID-19 pandemic, the Constitutional Court agreed in October 2021 to extend the Commission's mandate until June 2022, when it will release its final report.

For 15 years, extendable to 20 (until 2037), the JEP is hearing cases of conflict-related crimes that may not be amnestied: genocide, serious war crimes, hostage-taking, torture, extrajudicial execution, forced disappearance, sexual violence, child abduction and recruitment, and forced displacement. Former FARC members and security force personnel who stand accused of such crimes must appear before this tribunal. Civilians, including government officials, who participated as third parties (like sponsors of paramilitaries who committed massacres) may appear voluntarily, or they may choose to keep their cases in Colombia's regular criminal justice system, where penalties are more severe but verdicts have been rare. A small number of "persons involved in conduct committed in contexts of social protest or internal disturbances" also fall under the JEP's purview.²¹⁴

Defendants who appear before the JEP have three choices:

1. Recognize responsibility for the crimes they committed, share the truth about what happened, and agree to make reparations to victims. Those who choose this route may be sentenced to five to eight years of “effective restriction of liberty in non-prison establishments” if they are most responsible for the crimes, two to five years if they did not play a decisive role in the crimes.
2. Deny responsibility and challenge the charges. If the JEP decides that the evidence points to guilt, the defendant may be sentenced to 15 to 20 years in regular prison.
3. Accept responsibility late, but before sentencing, at which point the defendant receives five to eight years in regular prison.

It is still not clear what “effective restriction of liberty” means: the legislation governing the JEP does not specify it, nor does international law. It is being left up to the tribunal’s sentencing judges, who are likely to issue their first sentences in 2022. The UN Verification Mission reports that the JEP “is advancing in the certification of 77 potential ‘tasks, works and activities with reparatory and restorative content’ [known by the acronym TOAR] in 16 departments, most of them carried out by former FARC-EP combatants. If certified, the Special Jurisdiction for Peace will determine whether and how these activities could be counted as early progress in compliance with restorative sentences.”²¹⁵

With three chambers and a Peace Tribunal, the JEP has 38 magistrates, a majority (20) of them women, 4 of them Afro-descendant, and 4 Indigenous. As of November 12, 2021 it had carried out 169 hearings, received 469 evidence reports from victims’ organizations and state institutions, and accredited 322,857 individual victims.²¹⁶

Defendants currently before the JEP are, as of November 12, 2021:

Former FARC members	9,819 (73.9 percent)
Security force personnel	3,313 (24.9 percent)
Civilian government personnel	151 (1.1 percent)
People who committed crimes in the context of social protest	12 (0.1 percent)

495 current and former members of the security forces who were already imprisoned or detained for human rights crimes have been provisionally freed, pending trial before the JEP.

The tribunal has divided most of its current work into seven “macro-cases” covering large bodies of war crimes, with many defendants. These are, as of November 12, 2021:

The JEP's 7 "Macro-Cases"

(as of November 12, 2021)

	Estimated number of victims	Accredited victims	Number of victimizing events	Indictments
1. Hostage-taking and other serious deprivations of freedom by the FARC-EP	21,396	2,695	21,396	1
2. Situation in the municipalities of Ricaurte, Tumaco and Barbacoas in the department of Nariño	unknown	105,193	3,000	
3. Deaths illegitimately presented as combat casualties by State agents	unknown	1,352	6,402	2
4. Territorial situation in the Urabá region	787,000	39,833	3,582	
5. Territorial situation in northern Cauca and southern Valle del Cauca	unknown	178,239	4,787	
6. Victimization of members of the Patriotic Union (UP)	8,205	189	9,522	
7. Recruitment of boys and girls in the armed conflict	18,667	335	18,677	

Source: JEP <https://bit.ly/3cua2Fs>

Victims' groups and the Human Rights Ombudsman have been urging the JEP to add an eighth macro-case for sexual violence committed in the context of the conflict.²¹⁷ The JEP's president, Eduardo Cifuentes, does not rule that out but explains that the decision is up to the tribunal's prosecutors, not him.²¹⁸

The strongest reservation expressed by the peace accord's critics is the prospect of seeing individuals responsible for destroying hundreds or even thousands of lives given five to eight years in "non-prison establishments," while some even get automatic seats in Congress for eight years. President Duque is among those alleging that the JEP allows "impunity." In 2019 he delayed passage of the JEP's basic law for months by issuing a series of objections (loosely similar to a line-item veto) which ultimately failed to win backing of Congress or the Constitutional Court.²¹⁹ The chief prosecutor (*fiscal general*) in Colombia's regular justice system until 2019, Néstor Humberto Martínez, was a strong critic of the JEP; the first years of the implementation process, as a result, got bogged down in a sort of rivalry between the existing justice system and the new post-conflict system. A November 2020 investigation by *El Espectador* even alleges that Martínez may have been intercepting communications and manipulating evidence in an effort to entrap former FARC leaders whose cases were before the peace tribunal.²²⁰

Criticisms of the JEP calmed a bit after it issued its first indictment, in January 2021, accusing the FARC's seven most senior leaders for the kidnapping of more than 21,000 people during the conflict.²²¹ The ex-leaders later accepted their responsibility for the crimes. This "Macro Case 01" continues in a top-down manner as the JEP investigates and prosecutes mid-level guerrilla leaders in several regions who played important roles in kidnappings.

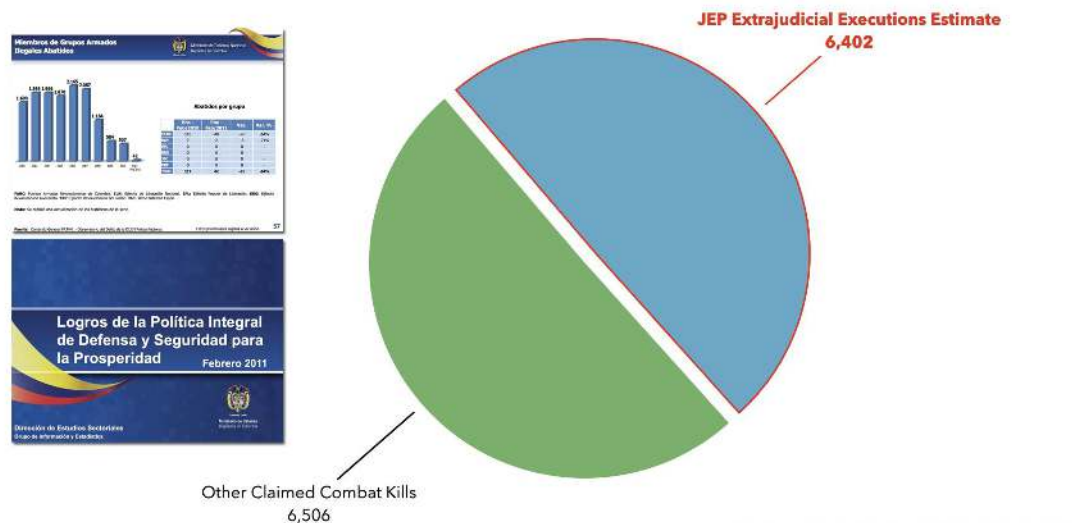
In February 2021 the JEP issued its second indictment, this time of military officers for their role in so-called "false positive" killings—extrajudicial murders of civilians who were later falsely presented as

combatants in order to pad “body counts”—in Norte de Santander department. It was the first of two indictments issued so far for false positive killings (Macro Case 03); the second covers Cesar department. The JEP is prosecuting these in a bottom-up manner, starting local and presumably leading up to the generals who led the Army when the murders took place.

The February announcement shocked the country, as it presented a number of false positive killings greater than most had previously believed: 6,402 civilians killed by Colombia’s military in just seven years, between 2002 and 2008.²²² Defense Ministry documents had reported that Colombia’s security forces killed 12,908 combatants during those years.²²³ If the JEP’s indictment is accurate, then, Colombia must reckon with the possibility that half of all the government’s claimed combat killings were false, during seven of the conflict’s most intensely fought years.

2011 Defense Ministry data + 2021 JEP data

2002-2008: **6,402** known false positives ÷ 12,908 reported combat kills = **49.6%**



Uncomfortable facts like these may put the JEP on a collision course with Colombia’s powerful military. Already, lower-ranking officers have been giving testimony very damaging to former top officers like Mario Montoya. Gen. Montoya commanded the Army during the mid-2000s, has been accused of demanding high body counts, and has so far denied wrongdoing in his appearances at the JEP.²²⁴ Defense Ministry attorneys, through subtle intimidation, have allegedly been encouraging lower-ranking military witnesses to abstain from implicating senior commanders before the JEP.²²⁵ Meanwhile, members of President Duque’s party have introduced legislation (unlikely to pass) that would alter the JEP by sending military defendants to a separate chamber excluding judges with any past background as human rights defenders.²²⁶

The Truth Commission began work on November 28, 2018. The peace accord required it to produce a final report on the conflict within three years, a deadline that was extended until June 2022 because

the pandemic interrupted much of its work. In the meantime, it has been building a large body of work that is available online, including blog entries, multimedia presentations, and a few videos per week documenting hundreds of interviews and events with victims, social leaders, former security force personnel, ex-combatants, ex-presidents, experts, and many others (including WOLA researchers).²²⁷ As of the end of 2020, the Truth Commission had held 12,492 interviews with 23,362 people, received 482 reports and 251 case files, carried out 8 “Encounters for Truth” meetings, 9 “Non-Repetition Dialogues,” and 30 “Listening Spaces” with victims.²²⁸

The Commission and its president, Fr. Francisco de Roux, have weathered criticism from the political right, which accuses them of bias against the security forces. One example among many was a July 2020 tweet from Juan Carlos Pinzón, now the Duque government’s ambassador to the United States: “The country requires truth and reconciliation. The @ComisionVerdadC Is not credible for the whole society. It has a biased vision. Most of the commissioners have ideological affinity or links with armed groups. It should be expanded and incorporate new members to provide balance and trust.”²²⁹

The Commission may have assuaged rightist concerns at least slightly by holding some moving events with victims of the FARC, among them former senator Ingrid Betancourt, and by recording and sharing long conversations that gave high-profile platforms to conservative ex-presidents Andrés Pastrana and (at his ranch) Álvaro Uribe.

The Truth Commission has had difficulty obtaining information from the Defense Ministry, even though a 2018 Constitutional Court decision requires all state agencies to share “reserved” information. The Commission, as the Technical Secretariat puts it, “has pointed out the ‘irreparable damage’ that this reluctance to provide information has caused to its work, and the different actions it has taken to solve the obstacles that have been put in place.”²³⁰

The Unit for the Search for the Disappeared began work in 2017; it faced many initial budgetary, normative, and administrative obstacles, but is now producing results. It “has recovered 193 bodies, returned 123 of them to their families, and reunited four victims, who had been declared missing, with their families,” the UN Verification Mission reports.²³¹ As of the end of 2020, it had begun the long process of identifying approximately 25,000 bodies, many buried in mass graves.²³² The Technical Secretariat reported in October 2021 that “its main achievement is the elaboration of the National Search Plan and the implementation of several Regional Search Plans.”²³³

The peace accord’s fifth chapter also calls for the FARC’s members and leaders to turn over all illegally obtained assets, which would go to benefit victims’ reparations. This process has not been smooth: either the FARC is a poorer organization than anyone—including its leadership—thought, or many important assets remain to be uncovered.

On August 15, 2017, just as it completed its demobilization, the FARC turned over an inventory listing 12.07 billion pesos (US\$3.5 million) in cash, 252,500 grams of gold, 722 real estate properties, 319 vehicles, 51,992 units of personal property and household belongings, and 24,456 head of livestock. Four years later, the Technical Secretariat explains, “the percentage of delivery of the goods initially inventoried does not exceed 20 percent of the total reported in the inventory and, in some cases, is

less than 5%, as is the case with furniture and fixtures, real estate, vehicles and livestock.” The ex-guerrillas have come up with only 18 percent of the cash they claimed in their 2017 inventory.²³⁴

The ex-FARC party’s maximum leader, Rodrigo Londoño, insists that this owes more to logistics than foul play. “When an organization is so large and clandestine and has a presence throughout the national territory, something unregistered can always appear. But that does not mean that there is deception. In the circumstances of the war not everything is black and white. Since by definition all our activities were clandestine and our areas of operation were fundamentally wilderness zones or areas without state presence, it is difficult to know what is what.”²³⁵

The transitional justice system—the Comprehensive System for Truth, Justice, Reparations and Non-Recurrence at the heart of the peace accords’ fifth chapter—continues to move ahead on many judicial and investigative fronts. Despite overcoming external obstacles like a lack of political support, and the internal logjams inherent to newly established institutions, the system holds out an important hope of meting out truth, closure, respect, and dignity to thousands if not millions of conflict victims.

2022 will be a “make or break” year for the system’s ability to achieve that goal. The Truth Commission will release its report and finish its work on coexistence and non-repetition. The JEP will issue its first sentences and probably release more findings that could inspire saber-rattling in some quarters of the military and the political right. As one of the aspects of the peace accord that is easiest to criticize, the system’s lack of austere, prison-like punishments could become a campaign issue, as it did during the ill-fated 2016 peace plebiscite.

The U.S. government has been supportive of the Truth Commission, including with financial assistance. Recent statements from U.S. diplomats, including an ambassadorial meeting in 2021 with JEP President Cifuentes, point to at least some warming to the JEP, a body from which Washington has kept more distance because its lighter sentences are an alternative to extradition for some FARC leaders wanted by U.S. justice.²³⁶ The transitional justice system may find itself passing through some tense moments in the next year, and timely displays of diplomatic support, from the United States and other states and international organizations, will be crucial.

13. The vision laid out in the Ethnic Chapter remains far from realization

“In the early phase of the peace negotiations, it became obvious that neither the Colombian government nor the FARC guerillas recognized the historic, significant, and differentiated challenges faced by Afrodescendant and Indigenous communities,” observes WOLA’s *Con Líderes Hay Paz* campaign.²³⁷ It took a concerted effort from Afro-descendant and Indigenous territorial authorities, grassroots groups, and victims organizations to press the parties, months before finalizing the peace accord, to incorporate an innovative “Ethnic Chapter,” which appears as a subsection (6.2) of the accord’s sixth chapter. This provision mandates that, when implementing the accord’s commitments, the government transversally include an ethnic and cultural perspective.

In this context, the word “ethnic” refers to members of the country’s 115 Indigenous ethnicities; Black, Afro-Colombian, *Raizal*, and *Palanquera* communities; and a population of several thousand Roma people. Colombia’s 2018 census claimed that, of a total population of 48.3 million, 4.7 million are of African descent and 1.9 million are Indigenous.²³⁸ Colombian ethnic organizations dispute those numbers, claiming irregularities and chronic undercounting.²³⁹

The CSIVI International Component Technical Secretariat’s May 2021 report on the implementation of ethnic commitments found “a general trend of stagnation.” It warned of “risks of regression in the rights these peoples have acquired, particularly those corresponding to progressive access to land. Furthermore, to the extent that there are currently no minimum guarantees of security and protection for ethnic communities and their leaders and, on the contrary, victimizations and disproportionate affectation against them have persisted, there is a worrying general trend of regression in their special rights.”²⁴⁰ A January 2021 Kroc Institute evaluation of ethnic implementation found the government had either minimally complied, or had not even begun to comply, with 81 percent of commitments relevant to ethnic communities. Those most behind were the relevant commitments in Chapter 1 (rural reform, 96 percent either not started or minimally executed) and Chapter 4 (crop substitution, 100 percent).²⁴¹ Colombia’s Comptroller-General calculated that the government spent about 200.9 billion pesos (US\$60 million) on implementation of ethnic indicators in 2020, about 3.3 percent of that year’s total accord implementation budget and about 4 percent less than in 2019.²⁴²

If implemented, the peace accord’s first chapter, on comprehensive rural reform, would be of great relevance for Colombia’s ethnic communities: “According to the 2014 Agricultural Census, approximately 25% of the rural population self-recognizes as ethnic,” the Technical Secretariat notes.²⁴³ During 2020, though, the Kroc Institute found that “no significant progress was made in consolidating the ethnic approach in Point 1.”²⁴⁴

Kroc finds fault with the government’s implementation of the Territorially Focused Development Plans (PDETs) at the heart of Chapter 1, citing a “lack of coordination, dialogue, and consultation with ethnic authorities for the development of measures that benefit their communities, for example, in the implementation of the ‘strictly ethnic’ initiatives included in the PDETs.”²⁴⁵ Instead, the Technical Secretariat concludes, “ethnic communities have perceived the bureaucratization, co-optation, and prolongation of the processes and the parallel functioning of several participation spaces, which has led to confusion and exhaustion among ethnic leaders and authorities.”²⁴⁶

The consultative process that led to the PDETs’ Action Plans for Regional Transformation (PATR) got generally good marks for ethnic inclusion. 715 Indigenous councils and 517 Afro-descendant community councils participated, contributing a quarter of the 32,808 hoped-for initiatives listed in the PATRs.²⁴⁷ In Chocó, local authorities worked with the government on a PDET with an ethnic focus, a “PDETE,” whose PATR took into account much of communities’ existing plans.²⁴⁸

Ethnic participation diluted somewhat when the Duque government moved to channel the PDETs into its more managerial “Roadmap” framework. In territories with large ethnic populations, like the Mid-Pacific PDET, the Roadmap model “is not flexible enough for the local context and there are no guarantees that allow full and effective participation according to traditional practices,” the Technical

Secretariat found. However, its report appears to point to a higher percentage of projects benefiting ethnic populations within the Roadmaps than within the PATRs.²⁴⁹ (Either way, as noted in the discussion of the Rural Reform chapter above, five of sixteen Roadmaps are not yet complete, and projects have barely begun to be executed or delivered.)

The parties agreed to set up a Special Consultative Mechanism (MEC) to ensure that the PDETs apply “an ethnic and cultural perspective.” As of November 2020, though, MECs only existed in three of the sixteen PDET territories, the congressional monitoring group reported.²⁵⁰

Other aspects of the Comprehensive Rural Reform chapter have a mixed to poor record of responding to ethnic priorities. The government reports formalizing 83 collective titles covering 495,544 hectares of land for ethnic communities, but the Technical Secretariat recalls, “it is important to note that these advances correspond to applications filed prior to 2017.”²⁵¹ While the cadaster has been moving slowly in general, it is moving slower still in ethnic territories. The Technical Secretariat cites “setbacks in terms of affirmative and differential measures [for ethnic communities] as a result of not having guaranteed communities’ participation in the formulation of new work protocols.”²⁵² The Land Fund, according to the Kroc Institute, has “significantly low implementation levels,” with the National Land agency having 1,565 requests from ethnic communities in its files, some of them quite old.²⁵³ Kroc also finds “scarce incorporation of the ethnic approach” in the drawing up of the rural chapter’s 16 National Sectoral Plans.²⁵⁴

Ethnic communities have been hard-hit by the persistent lack of state presence and the weakness of protection measures for community leaders. “The Peace Accord basically gave us some respite for a short time, about six months after the signing, in the sense that the communities had calm and harmony, but it was just something on paper and it didn’t have the expected response,” Juan Manuel Camayo of the Association of Indigenous Councils of Northern Cauca (ACIN) told *Verdad Abierta* in April 2021. “The conflict has been steadily increasing and there has been a resurgence of several armed groups.”²⁵⁵ Cauca is the department with the largest number of social leader and ex-combatant killings; as of April 2021, 51 percent of the department’s murdered social leaders were Indigenous and 11 percent were Afro-descendant.²⁵⁶

The Human Rights Ombudsman’s Early Warning System, a key tool for protection of social leaders and ex-combatants, issued 54 alerts in 2020, 22 of them in ethnic communities. This failed to improve protection, the Kroc Institute reported, because “the government entities responsible for implementing the early warnings’ recommendations did not reach the ethnic territories in an articulated manner. In addition, it was not possible to consolidate a collective prevention and security approach, which is more relevant to ethnic communities’ cultural dynamics.”²⁵⁷

Kroc adds that the Interior Ministry’s National Protection Unit (UNP) “has carried out 2,171 individual risk assessments for leaders of Indigenous and Afro-Colombian origin, and 75 collective risk assessments. Even so, the evidence indicates that the demands at the territorial level exceed the entity’s capacities, and there are also delays in the UNP’s responses to ethnic groups’ protection requests.”²⁵⁸ The Technical Secretariat credits the UNP, though, for closer recent work with, and more openness to, collective protection measures like the Indigenous Guards.²⁵⁹

Ethnic groups are among the historically excluded communities whose political participation is meant to get a boost from Chapter 2 of the peace accord. The Technical Secretariat hails the 2020 approval of a new electoral law that would ease the logistics of voting in remote ethnic communities, with more materials translated into Indigenous languages and dialects.²⁶⁰

However, some political elites' attitudes toward ethnic groups show how difficult these groups' struggle for greater political participation continues to be. These attitudes were on display in early May 2021, when the Cauca Regional Indigenous Organization (CRIC) sent hundreds of its members to Cali to accompany ongoing *Paro Nacional* protests. President Duque went on social media to call on the CRIC to return to its reservations.²⁶¹ (At least 12,000 Indigenous people actually live in Cali.) Omar Yepes, director of Colombia's Conservative Party, later deleted a tweet condemning "Indigenous organizations who leave their natural habitat to perturb citizen life," implying that Indigenous people are different than citizens, as did a Caracol television news chyron from Cali that read, "Citizens and Indigenous people confront each other."²⁶²

Demobilized FARC fighters are more vulnerable if they are Afro-descendant or Indigenous. "Of all former combatants killed since the signing of the Final Agreement," the UN Verification Mission's latest report reads, 22.8 percent have been of ethnic origin, 22 Indigenous and 44 Afro-Colombian." Meanwhile, in the past three years, the Prosecutor-General's Special Investigative Unit has reached indictments against only 1 percent of ethnic ex-combatants' alleged attackers.²⁶³

Ethnic ex-combatants are also less represented in rural productive income-generating projects and other efforts to assist reintegration into civilian life. "Although progress has been made with a [National Reincorporation Agency] pilot project with Indigenous communities, progress on this commitment is still minimal," the Kroc Institute noted in May 2021.²⁶⁴ The legislative monitoring group found that while 41.4 percent of ex-FARC members were involved in productive income-generating projects, the number for ethnic ex-combatants was 34.8 percent.²⁶⁵

The crop substitution program foreseen in Chapter 4, meanwhile, "does not have an ethnic focus or an ethnic roadmap for collective subjects, which has prevented compliance with the safeguard established in the Ethnic Chapter of the final accord regarding effective participation and consultation with communities and organizations representing ethnic peoples," the Technical Secretariat warned in May 2021.²⁶⁶ By the end of 2020, when only 5.3 percent of households participating in the PNIS crop substitution program had access to productive projects, the share for households from Afro-descendant community councils was even lower at 3 percent, while the share of Indigenous families with productive projects was zero.²⁶⁷

Colombian law requires that Afro-descendant and Indigenous communities receive prior and informed consultation before manual (or aerial) coca eradication occurs in their territories. A writ (*tutela*) filed by communities in Nariño department's Pacific coast region, currently before Colombia's Constitutional Court, led a judge to suspend manual eradication operations in this area since May 2021 due to a lack of consultation.²⁶⁸

“The implementation of point 5 of the final accord [transitional justice] has made the most progress in the effective inclusion of the ethnic and cultural perspective,” reports the Technical Secretariat, highlighting the transitional justice system’s efforts “to facilitate the participation of ethnic peoples and communities in the preparation of the various protocols and work methodologies.”²⁶⁹ Eight of the thirty-eight magistrates of the Special Jurisdiction for Peace (JEP) are Afro-descendant or Indigenous, as are two of eleven Truth Commissioners.

The Truth Commission and the Unit to Search for the Disappeared have developed methodologies and protocols designed to guarantee a non-discriminatory focus that explicitly seeks to encourage ethnic groups’ participation. The Truth Commission has hosted numerous events with ethnic leaders.

Oversight of the Ethnic Chapter’s implementation has been uneven but improving. A Special High-Level Panel with Ethnic Peoples (IEANPE) set up to monitor the accord’s ethnic commitments spent the first three years of the post-accord period with little funding even as its members established 97 indicators for measuring progress. In May 2020 the IEANPE approved a work plan and secured two years of financing from the UN Multi-Partner Trust Fund. “This funding,” the Kroc Institute reports, “boosted the panel’s work and made it possible to generate intercultural dialogues with government entities to review the Framework Implementation Plan’s ethnic indicators.”²⁷⁰

Overall, though, the Ethnic Chapter’s implementation is well behind where it should be after five years. “There is still a lag in compliance with the ethnic chapter of the Final Agreement,” the Comptroller-General’s Office wrote in August 2021. “There are low financial allocations for ethnic peoples’ priority issues, such as the social organization of property and guarantees for political participation.”²⁷¹ The CRIC put it well in April: “We demand that the national government comply with the Ethnic Chapter and the peace agreement. If this had been done, the situation in our territories would be different; we would not have to see our authorities and community members continue to be taken down, along with those of other social and population sectors.”²⁷²

14. Inclusion of women and LGBTI people is not adequate

The negotiators in Havana recognized that their agreement needed to include women in a cross-cutting fashion. The peace accord’s text uses the term “gender-based” 46 times. It defines it as “the adoption of specific measures in terms of planning, implementation and monitoring of the plans and programmes covered in this agreement so that these can be implemented whilst taking account of the specific needs and distinct conditions of women, in accordance with their lifecycle, painful experiences and needs.”²⁷³

Despite that recognition, commitments to gender priorities are falling behind. Those to LGBTI people, who appear 18 times in the accord, are practically nonexistent.

“Expenditure of resources for gender is insufficient, considering that during 2020 it represented 3% of all spending in the Final Agreement,” a total of 194 billion pesos (US\$55 million), the Comptroller-General’s Office reported in August 2021.²⁷⁴ In November 2021, the agency found that spending on gender-related priorities increased by 7.7 percent from 2020, making its share a still woeful 4 percent of total peace expenditures.²⁷⁵

Implementation of the accord’s Comprehensive Rural Reform provisions (Chapter 1) exemplifies this. The process of developing Territorially Focused Development Plans (PDETs) started with low but still significant participation of women community members: women were 32.5 percent of the 200,000 participants in the 1,600 meetings that officials held to draw up the PDETs’ Action Plans for Regional Transformation (PATRs).²⁷⁶ This phase included a “Strategy to Promote Women’s Participation” at the municipal and sub-regional levels.

While all communities’ participation was more difficult in subsequent phases of the PDETs’ development (as discussed above), it was even harder for women, especially as the Duque government’s “Roadmaps” replaced the PATRs as the central implementation framework. “As of October 20, 2020, the Presidential Counselor for Stabilization and Consolidation’s strategy to include initiatives with a women and gender label in the Roadmaps is not known,” reads the February 2021 report of the congressional peace monitoring group.²⁷⁷ The Technical Secretariat of the CSIVI’s International Component came down even stronger, concluding “with respect to the Roadmaps, its mentions of a gender approach are tangential. It is not apparent that this has been a factor in the definition of the energizing or triggering strategies. This is reflected in the selection of initiatives finally prioritized for implementation and their long-term projection: very few initiatives represent affirmative actions for the inclusion of women and, in general, the diverse [LGBTI] population is absent from the analysis and initiatives.”²⁷⁸

Other parts of the rural accord’s implementation are also leaving women behind. As of late 2020, the Land Fund was providing 10 percent more land to each male-headed household than to each female-headed household. The land formalization program was benefiting male-headed households by a 1.4 hectare to 1 ratio over female-headed households.²⁷⁹

Other areas of accord implementation with a lagging gender focus include:

- Security guarantees for female social leaders: “Although security guarantees are a fundamental axis for political participation and the final accord creates an Integral Security System for the Exercise of Politics—SISEP—with special measures for women and the LGBTI population, its operation and implementation do not present significant progress, and some of its instances are not active or do not enjoy effective articulation,” reads the Technical Secretariat’s April 2021 report on gender provisions.²⁸⁰
- Reintegration of women ex-combatants: “Four and a half years after the beginning of the final accord’s implementation,” the Technical Secretariat “recognizes the progress made in terms of gender in the reincorporation process. However, it also highlights that women ex-combatants continue to face limitations and gaps derived from the fact that ‘on many

occasions women are expected to resume their traditional role in the patriarchal society, ignoring their abilities.”²⁸¹

- Protection of women ex-combatants: In 2020, the Technical Secretariat found, “112 women ex-combatants benefited from protection schemes: 60 individual, 24 collective, and 24 in the former Territorial Training and Reincorporation Spaces (ETCRs).” This was 28.7 percent of all protection schemes that the National Protection Unit provided to ex-combatants that year.²⁸² Of 296 FARC members killed as of October 14, 2021, according to the UN Verification Mission, 10 were women.²⁸³ The Technical Secretariat praised the formation of a Gender Subcommittee within the National Council for Reincorporation’s Technical Roundtable on Security and Protection, which it said “represents a step forward in the differentiated monitoring of risk situations and aggressions affecting female ex-combatants.”²⁸⁴
- Crop substitution: As of late 2020, 35.6 percent of households registered with the Chapter 4 PNIS crop substitution program were headed by women. But only 23.6 percent of the few households that had received support for productive projects were headed by women, according to the congressional monitoring group.²⁸⁵ The Kroc Institute’s May 2021 report lamented the lack of an approved gender protocol for the PNIS program; this in fact got adopted in April 2021, the Technical Secretariat reports, noting that “coming after four years of accord implementation, its scope could be limited.”²⁸⁶

As is the case with ethnic groups, monitors find that the transitional justice system has done more than other bodies to include a gender perspective in its work. Twenty of thirty-eight magistrates of the Special Jurisdiction for Peace (JEP) are women, and four of eleven Truth Commissioners are women (a fifth, Ángela Salazar, passed away in 2020 and was replaced by Chocó victims’ leader Leyner Palacios, who is male).

The Technical Secretariat finds that the JEP’s “main advance is the systematization of reports and cases that provide evidence of gender-based and sexual violence in the context of the conflict,” though it has not—at least not yet—launched a “macro-case” for sexual violence committed during the conflict. The Technical Secretariat also praises the JEP’s Gender Commission for “seeking to implement a gender focus with victims, defendants, and other intervening actors, and for generating inclusive and sensitive spaces among JEP personnel.”²⁸⁷

The Truth Commission began its work with a Gender Working Group, which has ensured women’s and LGBTI groups’ cooperation with its research and outreach. The Commission plans to include in its final report a specific chapter about the conflict’s disproportionate impact on women and the LGBTI community. Meanwhile, the Technical Secretariat finds that a key challenge for the Unit to Search for the Disappeared is “overcoming the undercounting of LGBTI people believed to be disappeared.”²⁸⁸

The present section of this report makes only a few brief mentions of accord implementation as it relates to the LGBTI community. The same is true of other official or semi-official outside monitors’ reports, which tend to combine the LGBTI population with discussions of the accords’ gender focus. To some extent, this is because these reports have little to discuss. “There is a generalized omission of

the LGBTI population in the measures, programs and projects of the final agreement, especially in point 1 (Comprehensive Rural Reform),” the Comptroller-General determined in August.²⁸⁹ Of the Rural Reform accord’s 16 National Sectoral Plans, the Technical Secretariat sees “no mention” of the LGBTI population “in any of the plans, or in any of the indicators or measures that were adopted.”²⁹⁰

15. Key laws needed for accord implementation remain unpassed

In a constitutional democracy like Colombia, implementing a change that would require new legislation relies on more than just having negotiators in Havana agree to that change. Most of the peace accord’s commitments require passage of laws, the emission of decrees and regulations, and occasional judicial sign-off.

(Colombia’s state institutions can be legalistic to an extent that bewilders outside observers. A good example is in the latest Technical Secretariat monitoring report, which informs that “five years after the signing of the final accord, 224 norms have been issued that are indispensable for its implementation. Of these 221 norms, 8 are legislative acts, 61 laws, 123 ordinary decrees, 8 presidential directives, 15 resolutions, 5 CONPES documents, 1 agreement, 1 ICONTEC norm, and two circulars. In addition, 46 regulations have been reviewed by the Constitutional Court and 45 regulations have been approved, with 1 under review.”²⁹¹)

Compelling or convincing Colombia’s Congress to pass these laws was not a simple task. The population has been evenly divided in support of and in opposition to the accord, and a majority of congressional representatives come from parties with conservative or clientelistic tendencies.

For the first year after the peace accord’s ratification—December 2016 to December 2017—a “fast track” mechanism allowed many laws necessary for implementation to pass quickly. However, a May 2017 Constitutional Court decision undid much of the procedure, the tempo of new legislation slowed, and much peace legislation intended for “fast track” passage didn’t make it through before the special authority expired.

By the end of 2020, the Kroc Institute noted, “11 of the 24 priorities that were not subject to the ‘fast track’ mechanism have yet to be processed.”²⁹² The monitoring group of pro-accord congresspeople determined in February 2021 that “it has been necessary for the Congress to enact 107 norms” to implement all accord commitments, and it still had not approved 41 of them. “The most delayed point of the accord,” they added, “is point 1, Comprehensive Rural Reform”—the crucial and costly set of commitments that, as this report notes above, is essential for breaking historical rural conflict patterns but is lagging badly behind.²⁹³

Chapter 6 of the accord lists major laws that the legislature would need to pass. The Technical Secretariat’s October 2021 report lists those that remained pending:²⁹⁴

- The regulation of Legislative Act 05 of 2017 (making “paramilitarism” a crime).
- The law on differentiated criminal treatment for small growers of illicit crops.
- "Constitutional or legal norms or reforms necessary for the Four-Year Implementation Plan, with its corresponding Multi-Year Investment Plan to be incorporated into the National Development Plan."
- Norms for the implementation of Comprehensive Rural Reform (such as adjustments to the Land Law, the Agrarian Jurisdiction, the Public Land Adjustment Service, the Adjudication of *Baldíos*) and the Substitution of Illicit Crops.
- “Law and/or norms of the party financing system.”
- "Amendments to Law 1448 of 2011" (the Victims and Land Restitution Law).
- “Law and/or regulations on guarantees and promotion of citizen participation.”
- "Law and/or norms for the adoption of measures against corruption."
- "Norms for the creation, promotion and strengthening of control and citizen oversight mechanisms and transparency observatories."
- Constitutional and legal reforms related to electoral organization, with special attention to the recommendations made by the Electoral Mission.

“Political will” is an inexact term, and is often difficult to measure. One clear way to judge whether political will exists, though, is to consider whether political leaders are passing laws necessary for them to fulfill commitments made in the accord. The large number of bills still unpassed and stagnating, five years after the peace accords’ eradication, reveals the true amount of political capital that Colombia’s leaders—from both the Santos and Duque administrations—have been willing to expend.

16. Outside verification is working. Internal oversight is stumbling

The peace accord’s sixth chapter included oversight and monitoring mechanisms to track implementation. The two parties to the accord are not left to police themselves, although the accord also includes an important bipartite commission and some other area-specific monitoring bodies combining government and ex-FARC representatives. In general, the external, independent monitoring and verification efforts have been more successful and productive than the spaces in which the parties must attempt to work together.

The main internal oversight body created in Chapter 6 is the Commission for the Follow-up, Promotion and Verification of the Implementation of the Final Agreement (CSIVI). The accord’s text foresaw the CSIVI playing a major role: it was to convene on the day after ratification, and it was indeed inaugurated on December 2, 2016. The accord charges it with performing dispute resolution, carrying out oversight, verifying fulfillment of commitments, promoting passage of peace-related legislation, and producing monitoring reports.

The CSIVI's main committee is made up of three delegates each from the government and the former FARC. The government sends the Interior Minister and two Presidency officials, the High Commissioner for Peace and the High Counselor for Stabilization and Consolidation. This body is supposed to meet regularly with civil society representatives. A 2018 decree expanded its membership and scope, and a December 2020 agreement renewed its mandate until January 2022.²⁹⁵

Unfortunately, “moribund” is not too strong a word to describe the CSIVI's present condition. Its members still meet regularly, but results and consensus are scarce. Between June and September 2021, the UN Verification Mission reported, “representatives of the Government and of former combatants met several times to discuss the scope and functioning of the Commission for the Follow-up, Promotion and Verification of the Implementation of the Final Agreement [CSIVI]. Although proposals from both sides were presented and actively discussed, no agreement was reached.”²⁹⁶ Five years into the process, then, the bipartite monitoring body cannot even come to agreement on its basic parameters. “The fulfillment of CSIVI's functions has been limited due to the multiple organizational and articulation difficulties in exercising its mandate,” the Technical Secretariat adds.²⁹⁷

Like the CSIVI, other bodies established by the peace accord that require the government and ex-FARC to work together are struggling.

- The UN Mission observes: “The Government has reported that the Comprehensive Security System for the Exercise of Politics, created in 2017 [via Chapter 2], is conducting technical discussions, including on gender mainstreaming and internal regulations. However, the high-level unit of the System has not been convened.”²⁹⁸
- During the UN Mission's June-September 2021 reporting period, the National Council for Peace, Reconciliation, and Coexistence established in Chapter 2 held no plenary sessions “despite requests by most of its members to the Government to hold sessions.”²⁹⁹
- Of local-level Territorial Councils for Peace, Reconciliation, and Coexistence established in Chapter 2, 69 percent (363) have met less than three times per year since they were constituted.³⁰⁰
- As discussed in the unprotected social leaders section above, the National Commission on Security Guarantees established in Chapter 3 “has not met for the past six months,” the UN Mission reported in September 2021.
- The Mission added that the Working Group on Land for ex-combatants “did not meet during the reporting period.”³⁰¹

Beyond these bipartite bodies, Chapter 6 commits the government to providing information unilaterally and transparently online about the progress of implementation. A website exists for a government resource called SIIPO (Integrated Information System for the Postconflict, siipo.dnp.gov.co), with graphical dashboards indicating rather high levels of indicators' completion. Drilling down on indicators to reveal the data to back up the SIIPO's optimistic completion percentages yields little

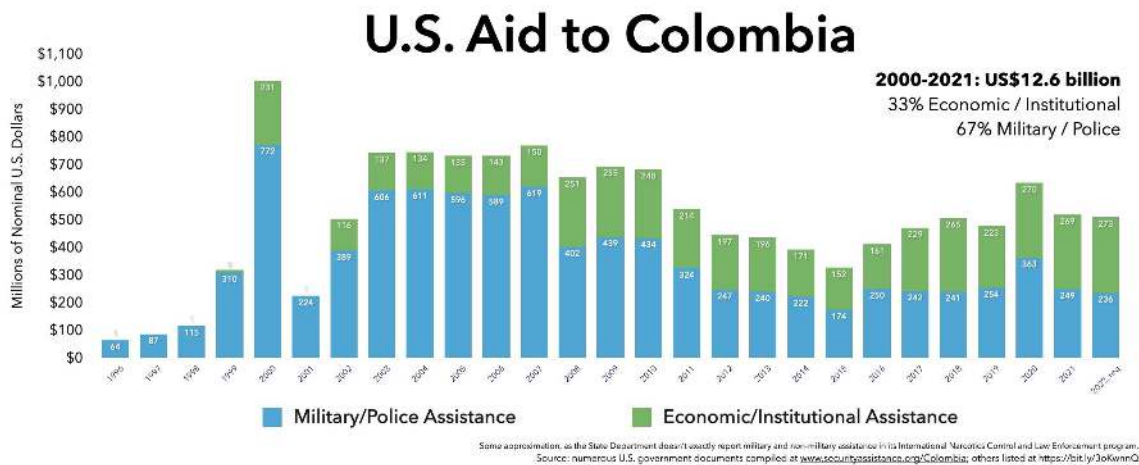
information, usually some very brief notes presented as fragmentary prose. WOLA was unable to make much use of SIPO data for this report. Nor, it seems, do the other outside monitoring bodies mentioned below, which cite it sporadically.

Thankfully, independent outside monitoring and oversight bodies exist, and this report cites much of their work, little of which gets published in English. These include:

- The United Nations Verification Mission in Colombia, established by Chapter 6, began work in August 2017, when it succeeded the earlier mission that had guided the FARC's disarmament and demobilization. Its mandate focuses on the security and reintegration of ex-combatants, and protection for communities and organizations (including social leaders and human rights defenders). It is now taking on a new mission of verifying the "restricted liberty" punishments handed out by the JEP. The Mission produces useful quarterly reports, which its head presents every three months before the UN Security Council. (colombia.unmissions.org)
- The CSIVI International Component, established by Chapter 6, is an accompaniment body nominally led by former Spanish President Felipe González and former Uruguayan President José Mujica. While the two presidents meet infrequently, the International Component serves as an umbrella for two bodies carrying out very close oversight, whose work this report cites heavily. They are:
 - The Technical Secretariat, a monitoring and verification project jointly managed by the Bogotá think tanks CINEP and CERAC, both of which have long maintained detailed databases of conflict events. The Technical Secretariat has produced ten detailed reports on the implementation of the peace accord, and others covering its ethnic and gender focuses. (www.cinep.org.co/Home2/temas/secretaria-tecnica.html)
 - The Technical Support component, which Chapter 6 of the accord assigns to the Kroc Institute for International Peace Studies at Notre Dame University, whose Peace Accords Matrix program has developed a methodology for evaluating implementation of peace agreements. Kroc's "Barómetro Colombia" initiative produces quarterly reports and detailed annual reports measuring compliance with 578 different "stipulations" or commitments laid out in the peace accord. (peaceaccords.nd.edu/barometer/colombia-reports; click "español" for a larger number of reports.)
- Another key resource, not foreseen in the peace accord, is a series of data-rich monitoring reports produced by a group of independent and opposition members of Colombia's Congress carrying out their legislative oversight role. These include useful graphics and often present much information unavailable elsewhere because the legislators make direct information requests to Colombian government agencies. The archive of this group's reports is at the website of Rep. Juanita Goebertus, who was a member of the Colombian government's negotiating team during the Havana talks with the FARC. (www.juanitaenelcongreso.com/informes-multipartidistas)

17. The U.S. government has been supportive, but there have been lapses

Since 2000, when it enacted the first “Plan Colombia” aid package, the U.S. government has provided Colombia with about US\$12.6 billion in assistance. The United States has been, and continues to be, by far the number-one foreign provider of aid to Colombia. Of aid since 2000, about two-thirds has gone to the country’s police and military forces, making Colombia by far the Western Hemisphere’s number-one recipient of military and police aid. (\$12.6 billion doesn’t include the unknown, secret amount—assuredly in the billions—that U.S. intelligence agencies spent assisting operations like the “high-value targeting” that killed several top FARC leaders.³⁰²)



Not including aid to receive Venezuelan migrants and refugees. For detail of appropriations since 2016 by funding account, visit bit.ly/colombia_aid_wola

In 2016 the outgoing Obama administration proposed, and Congress enacted for 2017, a new framework for aid to Colombia aimed at supporting peace accord implementation. This framework, which President Barack Obama called “Peace Colombia,” has since remained little changed; aid totals about US\$3.1 billion between 2017 and 2022, about half of it for the security forces. Since 2018, U.S. aid packages to Colombia have been majority non-military for the first time. (An exception is 2020, when the Trump administration gave Colombia \$116 million in assistance that it had canceled from Central America, using most of it to support counternarcotics operations.³⁰³)

The Obama administration was generally supportive of President Juan Manuel Santos’s decision to negotiate with the FARC in Havana, especially after the February 2015 naming of Bernard Aronson as its special envoy to the talks. In 2016, while accompanying Barack Obama’s visit to Cuba, Secretary of State John Kerry visited the negotiators, who at the time were in a latter phase of the talks, even holding a meeting with the FARC.³⁰⁴

Colombia was not a priority country for the Trump administration, which meant that U.S. support for implementing the peace accord remained largely in place. Though the Trump White House sought to cut both military and non-military aid as part of a general opposition to such assistance worldwide, its requests were rebuffed by congressional appropriators from both parties, who restored assistance to levels similar to the 2017 “Peace Colombia” framework. USAID and other agencies continued supporting priorities like rural development, demining, human rights, and ethnic communities. Agencies also continued longstanding police and military programs to eradicate coca, interdict cocaine, assist operations against remaining armed groups, and build new security force facilities in priority areas like Tumaco, Nariño or Antioquia’s Bajo Cauca region.

While State Department officials stopped making publicly supportive statements about the peace accord during the Trump years, they rarely criticized it. Only during the final months of the 2020 presidential campaign did opposition to the peace accord make its way into Donald Trump’s talking points. Appearing in Florida in October 2020, Trump repeated a view common among the right-wing diaspora residing in that state. “The last administration also negotiated the terrible Obama-Biden-Santos deal with Colombian drug cartels. They surrendered to the narco-terrorists. They surrendered, totally gave up to them, and that caused illicit drugs all over this country.”³⁰⁵

By then, though, the Trump administration was drawing to an end. The new Biden administration adopted a tone more supportive of accord implementation. “We have done a lot to help Colombia in the implementation of peace and we will be discussing with the government how we can increase cooperation,” Ambassador Philip Goldberg tweeted in Spanish on January 28, 2021.³⁰⁶ “Visiting Bogotá on October 22, 2021, Secretary of State Antony Blinken recalled that “the United States has a strong stake in the peace accord,” voicing concern that “it’s very hard to make peace, but sometimes it’s even harder to implement the peace, and it can become frustrating.” Citing the challenges of building a comprehensive state presence in historically conflictive rural areas, he emphasized, “I hope that there can be real energy into moving—continuing to move forward with implementation of the accord.”³⁰⁷

The U.S. government, however, is a large and complex organization. Its agencies have different cultures and respond to different interests. Some of these agencies’ actions have weakened peace accord implementation, or provided encouragement to the accord’s opponents in Colombia.

The Trump administration maintained four crucial years of diplomatic silence about the peace accord, while Ambassador Kevin Whitaker accused the ex-FARC of cheating early in the process and actively supported President Duque’s 2019 objections to the law creating the JEP.³⁰⁸ In 2017, the Trump White House stated that it came close to decertifying Colombia—putting it on the same list as Venezuela and Burma—for failing, in its view, to forcibly eradicate coca energetically enough.³⁰⁹

The Trump administration’s \$116 million transfer of canceled Central America economic aid supported Colombia’s increased forced manual coca eradication operations in 2020, some of which violated Chapter 4 of the peace accord because they occurred in communities that were never given a chance to enter the accord’s crop substitution program. Even though they took place amid a pandemic, many of these operations were not even accompanied by food security assistance to the affected

households. In the end, U.S. data show that they brought no net reduction in Colombia's 2020 coca crop.

More than four years after it demobilized, the FARC and all of its former members still remain on the State Department's list of Foreign Terrorist Organizations.³¹⁰ The name "FARC," in the U.S. interpretation, applies equally to demobilized Comunes party members and to dissidents currently engaging in violence, including those who kill demobilized guerrillas. The U.S. government continues to interpret with utmost strictness its statutes prohibiting "material support" to terrorists, many of them enacted in the post-September 11, 2001 period.

Agencies, including USAID, still cannot support activities, like humanitarian demining, alternative development, or events within the framework of the PDETs, if any collectively demobilized former FARC members are involved, even as meeting participants. "The FARC gave up their arms and complied with a justice system and to a peace process and they're still on the list," former president Santos told the *Washington Post* in October 2021. "This is an outright contradiction."³¹¹ A review of this policy currently underway may finally make a distinction on the terrorist list between violent dissidents and peaceful ex-guerrillas who are contributing to the peace process.

It appears that between 2017 and 2019 some U.S. agencies, working with Néstor Humberto Martínez, Colombia's chief prosecutor at the time, sought to entrap top former FARC leaders into committing post-accord crimes, which would have made possible their extradition to the United States. Prosecutors working with U.S. personnel compelled the nephew of Iván Márquez, the FARC's chief negotiator in Havana, to cooperate with them. Marlon Marín, who was not a FARC member and was accused of petty contracting corruption, is now in the United States as a protected witness.

Phone intercepts reveal Iván Marquez refusing his nephew's requests to meet with U.S. Drug Enforcement Administration (DEA) informants posing as Mexican drug traffickers. But Marín did manage to cajole Márquez's close associate, former top FARC negotiator Jesus Santrich, into taking one such meeting. Santrich, who was nearly blind, got caught on video appearing to assent to a plan to send tons of cocaine to the United States, and was arrested in April 2018, just before he was to be sworn in to Colombia's Congress.³¹²

A year later, the JEP prevented Santrich's extradition, ruling that the evidence against him was not strong enough to prove he had committed a crime after demobilizing. (Prosecutor-General Martínez resigned over this.) Santrich was sworn into his congressional seat in mid-2019, but fled Bogotá shortly afterward. By August 2019 he, Márquez, and a few other top leaders released a video declaring the founding of a new dissident group, the Nueva Marquetalia. Santrich was killed under still-unclear circumstances in Venezuela in May 2021.

In November 2020 *El Espectador* revealed that 24,000 audios from the Chief Prosecutor's office pointed to "an entrapment operation against guerrilla negotiators," with a possible political motive against the FARC peace accord, involving the DEA.³¹³ The Santrich incident dealt the peace process one of its most severe blows. It is possible that Marquez and Santrich would not have gone dissident had this troubling episode not occurred.

While not directly related to peace accord implementation, human rights organizations have found fault with the U.S. government's silence on the human rights record of Colombia's security forces. The Biden administration's measured and cautious response to abuses committed during April-June 2021 street protests was "vague and insufficient," WOLA noted at the time; Human Rights Watch's José Miguel Vivanco called it "turning a blind eye on police brutality."³¹⁴ (During an October visit to Colombia, Secretary of State Antony Blinken did address the protests, recalling that "the state has some fundamental responsibilities that we strongly believe in. It has the responsibility to protect the right to peaceful protest, and that's something the United States stands strongly behind."³¹⁵) The Trump administration meanwhile said nothing when Colombian military intelligence was revealed in 2020 to have been surveilling and keeping dossiers on well over 100 human rights defenders, opposition politicians, and journalists—including U.S. citizens working as Colombia-based correspondents.³¹⁶

Depending on how one categorizes U.S.-funded efforts, U.S. aid that supports aspects of peace accord implementation has totaled US\$1 billion or more since 2017. The United States is by far the largest overseas contributor to the accord's implementation, probably donating more than all other states and international organizations combined. On balance, the U.S. government has contributed positively to peace implementation. WOLA encourages the Biden administration to continue economic support; to vocally back those carrying out vital implementation efforts, including the JEP; to remove counter-terror restrictions on former FARC members who are contributing to peace; and to call more clearly for strong accountability over human rights abuses when Colombia's state commits them.

18. A strong accord needs stronger implementation

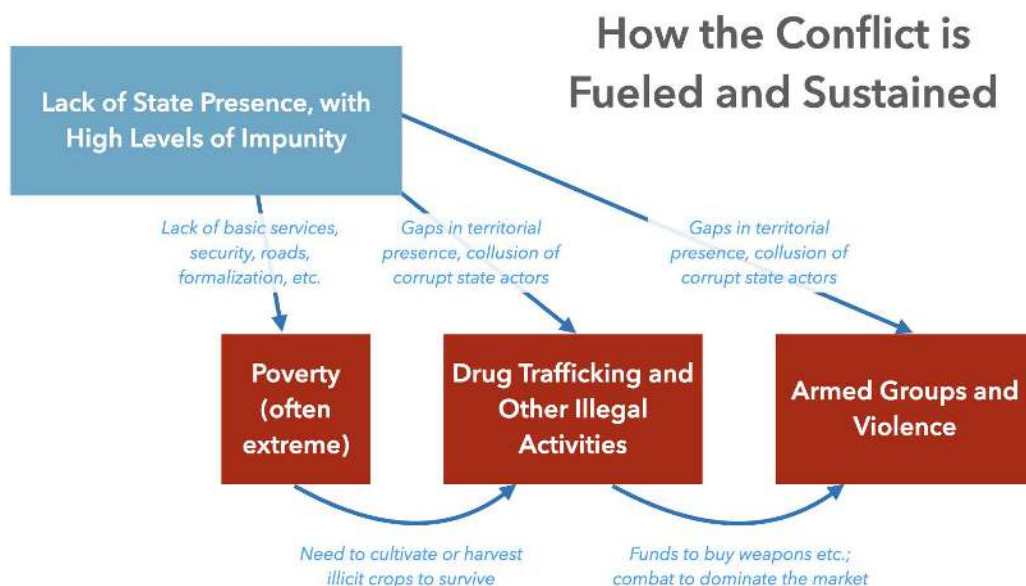
Speaking before the UN General Assembly in September 2021, President Duque caused a stir by referring to "the weak peace accord signed in 2016 with the FARC terrorist group."³¹⁷ He wasn't exactly wrong: the process of implementing the accord has indeed been weak. For some of its provisions, it is alarmingly so.

The weakness of implementation, though, isn't an outcome of the accord itself. The 2016 text is strong, other than a few fixable flaws, as is the potential for Colombia's next government to take it up with greater determination starting in August 2022. Recent security declines in much of Colombia's national territory, along with the economic hardship brought about by the COVID-19 pandemic, make even more urgent the accord's promise of bringing the state to abandoned areas and reducing chronic impunity.

Colombia's current government purports to share this view, but argues that achieving state presence without impunity is impossible as long as illicit drug trafficking continues. "The implementation of the peace agreement alone was not enough to achieve the stable and lasting peace that we all yearn for," Vice President and Foreign Minister Ramírez told the UN Security Council in October. "Those who divert attention from the real causes of the violence by trying to attribute it to alleged failures on the part of

our Government are mistaken.” The “real cause,” she argued, are “those groups that persist in drug trafficking activities,” which “are hindering the implementation of the peace agreement.”³¹⁸ A year ago, as the peace accord hit its fourth anniversary, Colombia’s defense minister at the time was more explicit. Carlos Holmes Trujillo argued that protecting the country’s threatened social leaders required renewing the U.S.-backed aerial fumigation program in coca-growing zones—a program that most rural social leaders bitterly oppose.³¹⁹

These officials have it backwards. They seize on an effect, calling it a cause. The persistence of narcotrafficking, like that of armed groups and organized crime, is an *outcome* of state neglect and systematic impunity. Armed groups do employ terror to keep the state absent and to benefit from impunity. But the armed groups owe their existence in the first place to the government’s inability or refusal to govern its own territory, and to hold the powerful accountable.



This graphic, admittedly simplistic, shows why a focus on attacking drug trafficking—a symptom—is condemned to fail as long as the deeper causes, state absence and impunity, persist.

A segment of Colombia’s governing elite knows this. It has attempted “state-building” programs in rural areas: the National Rehabilitation Plan begun in the late 1980s, the National Territorial Consolidation Plan of the late 2000s, and others. As laid out in their PowerPoint presentations, these plans have sought to bring all agencies of the state, both military and civilian, into historically abandoned areas in a phased, sequenced, coordinated way. All of these plans have failed, though: not because of an inherent design flaw as much as a lack of long-term commitment. The large expenditure of financial and political capital needed to guide the state’s entry into vast, conflictive zones needs to continue from one presidential administration to the next, and it needs to involve all government ministries, not just the security forces. Past Colombian plans have failed to do either.

The 2016 peace accord, particularly the first chapter on “rural reform” that makes up most of its anticipated cost, is the newest attempt. Unlike past efforts, its timetable goes beyond one four-year presidential term—for 15 years—and its design calls for measurable funding commitments,

international accompaniment, and strong civil society participation. That is why the peace accord's implementation holds so much hope for breaking Colombia's historical cycles of violence and victimization.

It is also why continued U.S. support for the accord is so important. Temptations to back off are no doubt strong: progress has been slow, coca cultivation is robust, many ex-FARC leaders are wanted by U.S. justice, the Venezuela and COVID crises appear more urgent, and the Afghanistan experience has left policymakers wary of "nation-building." Nonetheless, WOLA hopes that this report shows why a sustained and generous U.S. commitment to peace accord implementation is so important.

While this report raises alarms about implementation failures during the first five years, it also makes clear why persistence, a redoubled effort, is the only viable way forward. It has shown many efforts, institutions, and brave individuals that deserve support, whether financial (donations) or political (high-profile backing from U.S. officials).

The United States has a strong interest in a peaceful Colombia whose state is able to enforce the rule of law and provide basic services wherever its people live. That outcome would pay rich dividends in reduced illicit economies and a more stable and democratic region. The peace accord offers a viable roadmap toward that goal, and Colombia's presidential administrations are at least formally committed to it for the next ten years.

The U.S. government can help those in Colombia who would make that formal commitment more genuine in practice. Rather than encourage politicians and institutions that are standing in the way of implementation or doing the bare minimum, U.S. diplomats and other personnel must stand unequivocally with the reformers and managers, both within and outside government, who are fighting to make the 2016 accord's vision a reality.

Unequivocal support means patience with slow results. Outcomes will take time, and short-term "fixes" like forced coca eradication can do more harm than good in the long term. It means flexibility, abandoning rigid policies like considering all 13,000 ex-guerrillas to be "terrorists" five years after they've demobilized. If successful implementation of this accord leads to other armed groups, especially the ELN, expressing interest in real negotiations, the U.S. government should support such dialogues.

Perhaps most difficult, supporting the 2016 blueprint means knowing clearly when obstacles to progress could use a nudge from the outside, and when it's better to leave things alone. That, in turn, means being able to discern when those obstacles are technical—are agencies failing to link up? is there a bureaucratic bottleneck?—and when they owe to much deeper power relations, like challenging the interests of powerful and even dangerous people. Those brave enough to be doing the challenging often could use a boost from the United States.

Colombia's peace accord implementation has a long way to go before it can offer hope of breaking the country's historical cycles of violence. It is unfortunate that implementation did not burst out of the starting gate with tremendous momentum. Instead, as this report sadly shows, crucial accord

commitments spent much of the past five years in the doldrums. It is not too late to make up for lost time, though. The window remains open, and the next five years will be decisive.

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