



# Justice for Colombia Peace Monitor

REPORT #03  
WINTER 2020/2021



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A Justice for Colombia project



Supported by Fórsa



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# 1. Introduction

This report details the conclusions from the Justice for Colombia (JFC) Peace Monitor delegation to Colombia which took place between 16 and 22 February 2020 including an update on developments in the peace process during 2020. It marks four years since the signing of the agreement.

The JFC Peace Monitor delegation was comprised of British parliamentarians, a Senator from the Spanish state Senate and trade union leaders from Britain, Ireland, Italy, and Denmark. It was accompanied also by the international human rights organisation International Action for Peace (IAP). The delegation visited Colombia to observe the current state of implementation of the peace agreement signed between the Colombian State and the FARC-EP.

This was the fourth in a series of JFC Peace Monitor delegations with previous visits taking place in April 2018, August 2018 and May 2019.

This report recognises the official mechanisms that exist for verification of implementation of the peace agreement and does not have the intention of offering an exhaustive verification of all elements of the Final Agreement. The objectives of the report are to detail the principal themes that were raised during the visit in terms of advances and concerns.

Justice for Colombia, the JFC Peace Monitor and all its supporters are grateful to all of the individuals, organisations, and institutions who made themselves available during this delegation and have expressed a commitment to continue collaborating with this project.

While this report highlights many of the concerns that were expressed during the delegation, at the same time we recognise and congratulate the significant work being done across different institutions and organisations often in the face of incredible difficulties and complexities to help ensure that the peace agreement between the Colombian State and the FARC-EP brings a sustainable peace to Colombia.





## 2. Executive Summary

While the full implementation of the 2016 peace agreement is scheduled to run for up to fifteen years, there is widespread alarm in Colombia and internationally at the current state of the implementation process.

There continue to be important advances which provide an example as to the transformative potential of the peace agreement. However, many areas have not seen the advance that would have been hoped for. Given the interconnected nature of the different chapters of the agreement, failure to advance in one area threatens the sustainability of advances in other areas. It is essential therefore that the implementation of the agreement has a comprehensive approach.

The main advances considered in the report begin with a focus on the development of the transitional justice system, highlighting the work completed so far in what is the most significant effort to address victims' rights in Colombian history ([7.I Transitional Justice Mechanisms](#)). The initial progress in developing rural development plans for Colombia's poorest regions is detailed emphasising the importance of continued consultation ([7.II Plans for Elements of Rural Reform](#)). Attention is drawn to some of the successes in the socioeconomic reincorporation of FARC former combatants ([7.III Execution of Reincorporation Projects](#)) and to the significance of the opposition statute for the Colombian political system ([7.IV Opposition Statute](#)).

In reference to previous JFC Peace Monitor reports, three “Established Advances” are highlighted to emphasise their ongoing significance – the participation of the FARC party in the political system, the ending of armed hostilities between the Colombian state and the FARC-EP, and the security collaboration in the official reincorporation zones (**7.V Established Advances – End of Armed Conflict, Tripartite Collaboration and FARC Political Participation**). The report however issues a note of warning that although the peace talks had led to a significant reduction in the number of violent deaths in Colombia, this number is once again on the increase.

The report focuses its attention on eight principal concerns in regard to implementation. The reported shortfall in terms of funding for implementation is highlighted as a worrying indicator of the government’s ability to fulfil the entirety of its obligations (**8.I Budget Commitments**). The failure to advance sufficiently on the question of land continues to be a fundamental challenge to implementation and this is stressed in relation to ensuring access to land for FARC former combatants (**8.II Land for Socioeconomic Reincorporation**) and in relation to the land and land titles due to be given to small-scale farmers (**8.III Comprehensive Rural Reform**). In spite of the willingness of coca-growing communities to participate in crop substitution programmes, there are considerable shortcomings in terms of compliance from the government (**8.IV Crop Substitution and Forced Eradication**). The report highlights particular concern in relation to this point given the high success rates of mutually agreed substitution in comparison with the alternative, more coercive, methods.

The ongoing imprisonment of FARC former combatants who signed up to the peace agreement is lamented (**8.V FARC Former Combatants in Prison**) while ensuring a response to halt the relentless killing of former combatants is emphasised as a priority (**8.VI Murder of FARC Former Combatants**). Indeed the breakdown in security across different regions of Colombia is widely considered a principal obstacle to the peace process with the horrific rise in the murder of social leaders indicative of this worsening reality (**8.VII Murder of Social Leaders and Human Rights Defenders**). While the government is urged to engage more fully in the human rights mechanisms created as part of the peace agreement, it is also encouraged to respond decisively to the recent spate of human rights abuses committed by members of the security forces (**8.VIII Scandals Involving Colombian Security Forces**).

While the Colombian government’s verbal assurances of its commitment to the peace process are welcome, as is the detailed engagement on certain elements of the agreement, these assurances are often contradicted by political decisions or inaction which push in the opposite direction.

As has been emphasised repeatedly both inside Colombia and internationally, implementation of the Colombian peace agreement has the potential to make a significant impact in responding to the social and political factors which have created the context for historic violence and armed conflict. It also provides important mechanisms to respond directly to the current spiralling levels of killings in the countryside. The hope it offers for Colombian society is not lost. But for its potential to be realised, its implementation must become a reality. It is essential that the current Colombian administration takes full advantage of its two remaining years in office to redouble its efforts and to ensure full engagement with all elements of the agreement.

# 3.

## Priority Recommendations

While these recommendations are most specifically for the Colombian Government as the entity with predominant responsibility for implementation, they are also relevant for all organisations and institutions involved in supporting the implementation of the peace agreement.

1. Full and unequivocal support from the Executive branch for the transitional justice system.
2. Maintain security arrangements for the official re-incorporation zones and ensure security is provided to the most critical of the newly formed re-incorporation areas.
3. Ensure sufficient budget for implementation by adhering more closely to the financial projections of the Framework for Implementation of the Peace Agreement
4. Agree measures to provide FARC former combatants with access to land to facilitate development of socioeconomic projects.
5. Drastically increase attention to the legalisation of land titles and providing land to peasant farmers.
6. Include clear coordination between Development Plans with a Territorial Approach (PDETs), sectoral development plans, and National Comprehensive Programmes for the Substitution of Illicit Crops (PNIS) as part of the road maps being designed for the 16 prioritised rural areas.
7. Immediate focus on fulfilling commitments to families signed up to coca crop substitution programmes in terms of financial payments, access to alternative economic projects, and an end to forced eradication programmes in communities where manual substitution has been agreed.
8. Urgent measures to be taken to increase protection for social leaders, human rights defenders, and FARC former combatants, most notably by ensuring focus on convictions of intellectual authors and by immediately increasing civilian state presence in the most problematic regions.
9. Full and immediate investigation and disciplinary action against all state security personnel involved in human rights abuses.



## 4. Background

### 4.I

#### What is the JFC Peace Monitor?

In January 2018, Justice for Colombia (JFC) launched the JFC Peace Monitor with the objective of facilitating international accompaniment to the implementation of the Final Peace Agreement signed between the Colombian state and the FARC-EP.

JFC, together with the support of the Irish public sector union Fórsa and with the backing of a significant number of other British and Irish trade unions, as well as the International Trade Union Confederation (ITUC) and a number of Parliamentarians from the British Parliament, created the JFC Peace Monitor as a continuation of JFC's work in support of the Colombian peace process.

Since its initiation, support for the JFC Peace Monitor has grown to include further trade unions from various European countries.

The JFC Peace Monitor organises and hosts regular international delegations to Colombia involving parliamentarians and trade union leaders, with a focus on monitoring the advances and challenges for the implementation of the Peace Agreement.

Between 2018 and 2020 the JFC Peace Monitor has taken four delegations to Colombia, involving 44 parliamentarians and trade union leaders. It has presented conclusions from those visits in both the British and Irish Parliaments.

### 4.II

#### What is Justice for Colombia?

Justice for Colombia (JFC) is a London based organisation which was set up in 2002 by the British trade union movement to support Colombian civil society in its defence of human rights, labour rights, peace and social justice. It is supported by both the British and Irish trade union movements.

JFC also works closely with Parliamentary Friends of Colombia, a cross-party group of over sixty MPs, and with parliamentarians in the Irish and EU Parliaments.

JFC has always supported efforts to reach a politically negotiated solution to the conflict which delivers peace with social justice and led numerous initiatives to support the negotiations between the Colombian state and the FARC-EP. JFC works with representatives of all sides of the Good Friday Agreement to harness their experience to support and strengthen the Colombian Peace Process and took several high-profile cross party delegations to meet with negotiators in Havana during the talks.

JFC has also engaged with the experience of the South African transition to democracy, taking experts involved in that process to advise in Havana.

During the peace talks, JFC organised two ground-breaking events in the British and European parliaments which saw the Colombian Government and the FARC-EP share a public platform outside the formal negotiations for the first time. JFC has also hosted a number of leading Colombian peace activists in events at Westminster, Stormont and Dublin. The JFC Director was named an advisor in the peace process in 2016, a role which continued throughout 2018.

Since 2018, Justice for Colombia has continued to mobilise international support for the implementation of the agreement through the work of the JFC Peace Monitor.

# 5.

## Details of Delegation

### 5.1

#### Members of the delegation



##### **Clive Efford MP**

Clive Efford MP is a British Member of Parliament for the Labour Party. Since 1997, he has represented the constituency of Eltham in southeast London. He previously served as Vice-Minister for London and Parliamentary Private Secretary in the Ministry of Housing.



##### **Adelina Escandell Grases**

Adelina Escandell Grases is a member of the Spanish Senate for the *ERC-Sobiranistes*. She has fulfilled a range of trade union roles over the years, primarily in the education sector.



##### **Neil Findlay MSP**

Neil Findlay MSP is a Member of the Scottish Parliament for the Labour Party. He has represented the constituency of Lothian since 2011. He was the Shadow Cabinet Secretary for Health and Well-being, Brexit and Fair Work. He is a member of Unite the Union.



##### **Lloyd Russell-Moyle MP**

Lloyd Russell-Moyle MP is a Member of Parliament for the Labour Party. He was elected in 2017 to represent Brighton Kemptown. At the time of the delegation, he was Shadow Foreign Minister with responsibilities for Latin America. He previously served on the International Development Select Committee and Committees on Arms Export Controls.



##### **Sergio Bassoli**

Sergio Bassoli is Political Officer in the International Policy department of the Italian General Confederation of Labour (CGIL) where he is responsible for relations with Latin American and other international trade unions. He is Vice-President of the SOLIDAR European network of human rights and social organisations.



##### **Josie Bird**

Josie Bird is President of UNISON, the largest public services union in Britain and Northern Ireland. Previously, she was Vice-President of UNISON.



##### **Douglas Chalmers**

Douglas Chalmers was President of the University and College Union (UCU), a trade union representing workers and teachers in universities and adult education colleges. With 120,000 members, it is the largest further and higher education union in the world.



### **Dave Kitchen**

Dave Kitchen was the President of NASUWT, a trade union representing over 280,000 teachers in Britain and Northern Ireland.



### **Margaret McKee**

Margaret McKee is the Chair of UNISON's International Committee and a member of its Executive Council.



### **Gerry Murphy**

Gerry Murphy is President of the Irish Congress of Trade Unions (ICTU). He is also the Northern Secretary of the Irish National Teachers Organisation (INTO) and Chair of the Northern Ireland Teachers' Council (NITC).



### **Susan Quinn**

Susan Quinn is the Education Convenor for the Educational Institute of Scotland (EIS), a trade union representing Scottish teachers. She is also a member of the General Council of the Scottish Trades Union Congress (STUC).



### **Hans A. Sørensen**

Hans A. Sørensen is Local President of Denmark's largest trade union, the United Federation of Danish Workers (3F). He became the union's vice-chairman in 1981 and its chairman in 2002. He is also Council President for the Labour Market Council - East Jutland which is under the Ministry of Employment.

## 5.11

## Delegation Meetings

The delegation held meetings with the following individuals, organisations and institutions:

### Representatives of the Colombian Government

- **Emilio Archila**, Presidential Counsellor for Stabilisation and Consolidation
- **Diana Escobar**, Presidential Advisor on Peace and Cohesion, Presidential High Commission for Peace

### Representatives of the FARC

- **Rodrigo Londoño**, President of the FARC
- **Rodrigo Granda**, Member of the National Political Council of the FARC, and sits on the implementation oversight committee (CSIVI)

### United Nations

- **Carlos Ruiz Massieu**, Special Representative of the UN Secretary-General for Colombia and Head of the UN Verification Mission in Colombia
- **Raúl Rosende**, Chief of Staff and Director of Verification of the UN Verification Mission in Colombia

### Members of Congress

- **Aida Avella**, Senator, Decency Coalition
- **Alexander Lopez Maya**, Senator, Democratic Pole
- **Sandra Ramirez**, Senator, FARC
- **Victoria Sandino**, Senator, FARC
- **Antonio Sanguino**, Senator, Green Party
- **Israel Zúñiga**, Senator, FARC
- **Luis Albán**, Member of the House of Representatives, FARC
- **Juanita Goebertus**, Member of the House of Representatives, Green Party
- **Maria Jose Pizarro**, Member of the House of Representatives, Decency Coalition
- **David Racero**, Member of the House of Representatives, Decency Coalition

#### *Political advisors in representation of the following members of congress:*

- **Pablo Catatumbo**, Senator, FARC
- **Feliciano Valencia**, Senator, MAIS
- **Katherine Miranda**, Member of the House of Representatives, Green Party
- **León Fredy Muñoz**, Member of the House of Representatives, Green Party
- **Cesar Pachon**, Member of the House of Representatives, MAIS

### International Embassies

- **José Luis Ponce**, Cuban Ambassador to Colombia
- **Joel Marrero Enríquez**, Political Counsellor, Cuban Embassy in Colombia
- **John Petter Opdahl**, Norwegian Ambassador to Colombia
- **Jon Otto Brodholt**, Political Counsellor, Norwegian Embassy in Colombia
- **Colin Martin-Reynolds**, British Ambassador to Colombia
- **Adam Forbes**, former First Secretary Peace and Security, British Embassy in Colombia
- **Alison Milton**, Irish Ambassador to Colombia

### The Comprehensive System of Truth, Justice, Reparation and Non-Repetition

- **Xiomara Balanta Moreno**, former Vice-President of the Special Jurisdiction for Peace (JEP)
- **Camilo Suárez Aldana**, Magistrate in the Special Jurisdiction for Peace (JEP)
- **Carlos Martín Beristain**, Commissioner, Truth Commission (CEV)
- **Luz Marina Monzón Cifuentes**, Director, Unit for the Search of People Forcibly Disappeared (UBPD)
- **Diego Martínez**, Human rights lawyer and legal representative for defendants in the JEP

### Human Rights Organisations

- **Isabel Fajardo**, The Bogota Popular Network of Human Rights (REDhus)
- **Danilo Rueda**, Interchurch Justice and Peace Commission (CIJyP)
- **Rubiel Vargas**, Permanent Human Rights Committee (CPDH)
- **Juan Carlos Quintero**, Peasant Association of Catatumbo (ASCAMCAT)

### Trade Unions

- **Colombian Trade Union Centre (CUT)**
- **Oil Workers' Union (USO)**
- **Colombian Federation of Educators (FECODE)**
- **National Trade Union of Public Health Workers (ANTHOC)**
- **National Federation of Agricultural Unions (FENSUAGRO)**
- **National Union of University Teachers (ASPU)**

### Rural Communities

- Members of the *Biodiversity Zone La Madre Union* in Riosucio, Choco
- Members of the San Jose de Leon reincorporation zone for former combatants in Mutatá, Antioquia



## 5.III

## Delegation Locations

● Locations visited

● Locations visited on previous delegations







## 6. Peace Process

### 6.1 Timeline

- 2012**
  - February to August 2012**

Exploratory talks between the Colombian Government and the FARC-EP leads to signing of the “General Agreement to End the Conflict and Build a Stable and Lasting Peace”
  - 18 October 2012**

The peace talks are officially launched in Oslo before beginning in Havana, Cuba
- 2016**
  - 24 August 2016**

Colombian Government and FARC-EP announce final peace agreement
  - 29 August 2016**

Bilateral ceasefire comes into effect
  - 2 October 2016**

Plebiscite rejects peace agreement with 50.21% voting “No” on a 38% turnout
  - 30 November 2016**

A revised peace agreement is ratified by the Colombian Congress
- 2017**
  - 27 June 2017**

FARC-EP finalise their disarmament process
  - 1 September 2017**

The FARC legal political party officially formed
- 2018**
  - 18 January 2018**

Publication of Framework for the Implementation of the Peace Agreement programmed to last fifteen years until 2032
  - 15 March 2018**

The Special Jurisdiction for Peace (JEP) officially begins functioning
  - 21 July 2018**

Eight of the ten chosen FARC representatives are officially sworn in as Members of Congress
  - 28 November 2018**

The Truth Commission (CEV) begins its three-year mandate
  - December 2018**

The Unit for the Search of People Forcibly Disappeared (UBPD) begins functioning

## 6. II

**Summary of the Final Agreement <sup>1</sup>**

The agreement was structured around the six following points:

**1 Comprehensive Rural Reform**

This chapter seeks to help rural communities:

- Gain access to land and formalise land titles
- Access the means to make this land productive
- Participate in the planning of their regions

**2 Political Participation**

This chapter seeks to:

- Open up democratic space and guarantee rights for the political opposition
- Reform the electoral process
- Guarantee that politics and weapons are no longer used together

**3 End of the Conflict**

This chapter seeks to:

- Enable the disarmament of the FARC-EP
- Guarantee transition of FARC-EP members into civilian life and their political, social and economic reincorporation
- Dismantle paramilitary groups and guarantee security conditions for former combatants and communities

**4 Solution to the problem of illicit drugs**

This chapter seeks to:

- Help illicit crop growers transition to legal activity through crop substitution programmes
- Facilitate treatment for consumers
- Fight against the entire chain of drug trafficking

**5 Victims**

This chapter seeks:

- To establish a Truth Commission to clarify what happened during the conflict
- Justice regarding crimes committed by all actors during the conflict with a focus on truth and restorative justice
- To establish a special unit to find victims of forced disappearance
- Comprehensive reparation of victims
- Guarantees that these events will never happen again

**6 Implementation and verification**

This chapter seeks that:

- The Peace Agreement is implemented
- A commission (known by its Spanish acronym CSIVI) with three senior Government and three FARC members is established to follow up the implementation process
- That implementation is accompanied internationally by several institutions and organisations and verified by a UN Special Verification Mission

<sup>1</sup> The summary of aims is adapted from 'The Colombian Peace Agreement: The opportunity to build peace', a 2016 publication of The Office of the High Commissioner for Peace.

# 7.

## Main Advances of Implementation

### 7.1

#### Transitional Justice Mechanisms

A central consideration in the peace process was to ensure victims of all actors had their rights respected as fully as possible. The Comprehensive System of Truth, Justice, Reparation and Non-Repetition was created to international acclaim and the delegation heard how all three bodies which form part of this transitional justice system are now fully operational: The Special Jurisdiction for Peace (JEP), the Truth Commission (CEV), and the Unit for the Search of People Forcibly Disappeared (UBPD).

While all three entities continue to face challenges, their creation give an opportunity for victims to have their rights recognised on a scale never previously achieved in Colombia.

The JEP is the transitional justice body responsible for both investigating crimes committed in the context of the armed conflict and administering justice. It officially began functioning on 18 March 2018 and at the time of the delegation had opened seven so called “macro” cases covering crimes committed during the armed conflict and affecting more than 300,000 victims.

In previous JFC Peace Monitor reports, concerns were documented about political interference in the JEP from members of the Colombian government and the party of the Colombian President in Congress, the Democratic Centre. **It remains imperative that the autonomy of the JEP is fully respected and this will be particularly important as it begins to reach decisions and issue sanctions.** The JFC Peace Monitor is supportive of indications that the UN Verification Mission will have a new role monitoring compliance with sanctions issued by the JEP.

The CEV is the body responsible for seeking to detail what happened in the armed conflict placing victims’ participation and right to truth at the centre of its work. It began its operation in November 2018 and has three years to produce its final reports. The delegation heard about its work interviewing and receiving statements from more than 10,000 people.

The delegation welcomed news that trade unions had been able to present reports to the JEP and the CEV documenting crimes committed against them.

The UBPD is an extrajudicial body with the responsibility to facilitate the search for more than 100,000 people believed to have been disappeared in actions either directly or indirectly related to the armed conflict. It has a total of 20 years to carry out its task and although it began its operations with an over 60% cut to its budget, the delegation heard about the more than 5,000 disappeared persons for whom it has already received search requests and the more than 800,000 records it had so far collated to aid the search process.

The delegation was made aware that the ongoing context of violence (8.VII Murder of Community Leaders and Human Rights Defenders) is acting as a considerable impediment to the work of the transitional justice bodies. Since the delegation, the onset of the COVID-19 pandemic has added to the adverse context but the adaptability of the different bodies has allowed the work to continue.

**The JFC Peace Monitor recognises the enormity of the task being taken on by the three transitional justice entities and was extremely encouraged by the advances being made.**





## 7. II

### Rural Development Plans

The peace agreement recognised that high levels of structural poverty in the Colombian countryside both contributed to and exacerbated the armed conflict. 85% of the stipulated budget for implementation of the agreement relates to the rural reform chapter with 72% of that relating to the so-called *Development Plans with a Territorial Approach* (PDETs).

The PDETs are special development plans covering 16 sub-regions and 170 municipalities where state abandonment, poverty and violence has been most endemic. Average poverty levels in a PDET zone are at 45% compared with the national average of 20%.

The delegation was told about the consultation process with over 220,000 people which had led to the creation of 16 regional plans for the PDET zones.

While the delegation also heard about significant concerns in the implementation of the PDETs and the rural reform chapter more broadly (8.III Comprehensive Rural Reform), the efforts to focus on the structural needs in PDET regions and the participatory approach adopted in the planning stage were welcome advances.

**As previous JFC Peace Monitor reports have noted, advancement in elements of the agreement that seek to address the structural causes of the armed conflict are essential.**

## 7. III

**Execution of Reincorporation Projects**

In different regions of Colombia, FARC former combatants have been able to develop small scale economic projects as part of their reincorporation process. These include projects relating to tourism, agriculture, textiles, fish farming as well as many other initiatives.

As of September 2020, at least 49 collective projects and 1,467 individual projects had been approved by the National Reincorporation Council – consisting of representatives from the Colombian government and the FARC – and received funds for their execution as stipulated by the peace agreement. This is a significant advance since the last JFC Peace Monitor report. While this funding has enabled close to 4,000 FARC former combatants to develop economic projects, there are concerns at the potential lack of sustainability for these projects and that the majority have still not gained access to these funds (8.11 Land for Socioeconomic Reincorporation). In addition to projects developed with official funding, many FARC former combatants have established their own initiatives or accessed funds from international donors. In total, roughly 40% of FARC former combatants are involved in some form of economic project.

As of March 2020, 1,768 FARC former combatants were registered on vocational training programmes. According to figures of the Colombian government, 98.1% of former combatants were registered in the social security health system and 82.5% in the pensions system.

The delegation was shown a fish farming project being developed by FARC former combatants in Mutatá, Antioquia.

**Across the four JFC Peace Monitor visits to Colombia the creativity and commitment among FARC former combatants to initiate economic projects has been unmistakable.**

***“We are committed to peace, to planting seeds and to cultivating our lives.”***

Member of San José de León reincorporation community



## 7.IV

**Opposition Statute**

Although its creation was mandated in the Colombian Constitution of 1991, the Opposition Statute was introduced in Colombia as a result of the peace agreement signed between the Colombian state and the FARC-EP.

The delegation heard on several occasions that the creation of this statute had been a positive advance for the Colombian political system. The statute allows for the formation of an official opposition in the Colombian congress. In addition to other measures, the opposition has access to specific funding and has the right to an official reply to special public announcements made by the government.





## 7. V

### **Established Advances – End of Armed Conflict, Tripartite Collaboration, FARC Political Participation**

Previous JFC Peace Monitor reports have emphasised significant advances which have now become well established in Colombia. The ongoing importance of these issues were referred to both explicitly and implicitly throughout the visit:

#### **1. End of Armed Conflict**

The ongoing commitment of FARC former combatants to their obligations in the peace process has been emphasised repeatedly to the JFC Peace Monitor delegations. Over 13,500 former members of the FARC-EP have been officially accredited as entering into the peace process and at least 95% remain in the reincorporation process.

Previous JFC Peace Monitor reports celebrated the ending of armed hostilities between the FARC-EP and the Colombian state and the reduction in armed violence which saw the lowest levels of violent deaths for several decades. It is estimated that at least 3,000 lives were saved in the five years from the beginning of the Colombian peace process. However, these reductions have not been maintained with recent years experiencing a sharp rise in violence targeted against rural communities and social leaders (8.VIII Murder of Community Leaders and Human Rights Defenders).

#### **2. Tripartite Collaboration**

Throughout the special zones created for the reincorporation process to take place, there is ongoing collaboration between FARC former combatants and state security forces with the support of the UN. The delegation heard also about social activities and acts of reconciliation that have brought together FARC former combatants and members of the Colombian security forces.

#### **3. FARC Political Participation**

Guarantees for political participation were a central tenet of the Final Peace Agreement and as such the FARC's establishment as a political party with involvement in congressional politics is highly significant. The FARC are guaranteed ten congressional seats for two electoral periods (2018-2026), although currently one of their seats remains empty. In a further significant moment, in July 2020 the FARC Senator Sandra Ramirez was elected by her fellow senators as the Second Vice President of the Senate. The delegation met with Ramirez and other representatives of the FARC political party.



## 8. Main Concerns of Implementation

### 8.1 Budget Commitments

There continue to be widespread concerns regarding the budget being made available for the implementation of the peace agreement. As with previous delegations, these concerns were particularly highlighted during the meeting with Members of the Colombian Congress.

The implementation of the agreement is programmed to be carried out over 15 years and to require a budget of \$129 trillion Colombian pesos – or roughly £30 billion. Just over 85% of that budget is for the rural reform chapter.

The National Audit Office warned in August 2020 that implementation was being funded at a rate of only 65% of what had been originally stipulated. At this rate, implementation would last for an additional ten years. The Office has cautioned further that it is very likely the original proposed budget will not be sufficient to cover the full implementation even if it were being met.

The delegation heard how key agencies responsible for implementing the agreement had faced cuts in the government budget for 2020 and, shortly before the publication of this report, a coalition of Colombian parliamentarians detailed that the government budget for 2021 included further cuts. The National Land Agency was due to have its funds reduced by 14.1% while the Agency for Rural Development by 45.2%.

**The reported shortfall in funds made available for the implementation of the agreement is an extremely worrying indicator of the Colombian government's approach to the peace process.**

## 8.II

**Land for Socioeconomic Reincorporation**

While the socioeconomic reincorporation dimension of the peace agreement is one that has seen greater advancement than others (7.III Execution of Reincorporation Projects), the delegation heard that the majority of FARC former combatants still did not have access to any economic project.

A fundamental element of the peace agreement was the commitment of the Colombian state to facilitate viable economic opportunities for FARC former combatants through financial support packages for economic projects. That so many are still without funding for projects is extremely worrying.

A principal concern raised was in relation to the lack of access to land which is considered to both limit accessibility to potential projects and put in doubt the sustainability of the economic projects already in operation – there are fears that the Coronavirus pandemic will provide a further challenge to sustainability.

**It is essential that land access is made available for FARC former combatants to ensure increased access to economic projects as well as their long-term sustainability.**

## 8.III

**Comprehensive Rural Reform**

The rural reform chapter was the first signed in the peace agreement and is considered the most significant in terms of responding to the structural causes which contributed to the armed conflict.

While the government's expression of commitment to the rural reform chapter was welcomed and certain advancements were recognised during the delegation in relation to the PDETs (7.II Rural Development Plans), there were concerns expressed about how the PDETs were being implemented and further alarm at the continued lack of progress in relation to land.

The delegation heard about the development of the 16 regional plans which form part of the PDETs and include over 32,000 initiatives but there was concern at the lack of cohesion with other elements of the rural reform chapter as well as with other elements of the agreement. The need for greater coordination was highlighted in previous JFC Peace Monitor reports and while the planned development of road maps for each of the PDET regions appears a positive step, at the time of this report's publication only one had been consolidated. Furthermore, in response to the road map that has been developed there have been criticisms at its failure to clarify how the PDET will incorporate sector specific development plans or coincide with efforts to support the substitution of illicit crops.

The delegation met with communities in Chocó and Urabá – the JFC Peace Monitor delegations have now visited 6 of the 16 regions covered by the PDETs.

Even more concern was expressed at the continued lack of advancement in the two specific measures aimed at ensuring land access for small and medium-scale farmers. The Framework for the Implementation of the Peace Agreement stipulates that three million hectares of land is due to be handed over by 2028 and seven million hectares of land titles are due to be formalised by 2026 (or by 2023 in the PDET zones). As of March 2020, over one million ha had been entered into the national land fund but there has been minimal progress in issuing that land to the peasant farmers. Regarding land formalisation, according to the National Land Agency, over 1.9 million ha had been legalised as of March 2020, but just 400,000 ha had been added during the current government. Furthermore, there is concern that the figure of 1.9 million ha includes commitments already accrued from before the peace agreement with the FARC-EP.



## 8. IV

**Crop Substitution and Forced Eradication**

Colombia remains the world's largest producer of cocaine, with the amount of land used for the coca crop rising significantly since the signing of the peace deal. According to the UN Office on Drugs and Crime (UNODC), coca cultivation in Colombia rose from 48,000 ha in 2012 to 171,000 ha in 2017 with coca production in 2019 standing at 154,000 ha. It is estimated that there are more than 230,000 rural families whose principal means of income is related to the farming of the coca crop.

Although the peace agreement recognises the need to address the socioeconomic causes behind coca crop cultivation, the delegation heard that there had been serious shortfalls in the implementation of and adherence to this chapter.

The peace agreement gives prioritisation to mutually agreed crop substitution programmes. This is organised under the *Comprehensive National Programme for the Substitution of Illicit Crops* (PNIS) and is designed to include access to alternative economic projects alongside broader investment in coca growing regions – 48 of the 56 coca growing municipalities are inside the PDET regions characterised by historic poverty and state abandonment.

There has been positive engagement with the PNIS from coca growing communities with over 99,000 families so far signed up to the programme and over 44,000 Ha of coca being eradicated as a result. Compliance with the programme has been over 97% and the rate of replanting illicit crops is 0.2%, significantly lower than what is attained with forced eradication. While these are important achievements, the slow fulfilment of the agreed subsidies to be paid to the families and minimal advancement in providing the means for an alternative economic project is reported to have undermined trust – at the time of publication of this report, only 2% of the families who signed up to the PNIS programme have been given access to an alternative economic project.

The mistrust in the government's compliance with this chapter of the agreement has been amplified by a continuation and intensification of forced eradication programmes carried out under the auspices of the security forces and with reported support from the US military. Coca growing communities have often met the forced eradication teams with protests and at least five people have reportedly been killed by security forces during the protests. There are additional concerns at a potential re-introduction of aerial fumigations.

**Mutually agreed substitution has the lowest re-incidence rates for the cultivation of coca crops. The ongoing strategy of forced eradication by the Colombian government undermines the spirit of the peace agreement while at the same time contravening the Colombian state's obligations.**





### 8.V

## FARC Former Combatants in Prison

Under the terms of the peace agreement, members of the FARC-EP were released from prison as part of an amnesty process or to have their cases investigated by the newly created transitional justice courts.

As was highlighted also in the previous JFC Peace Monitor report, there was concern reported to the delegation at the continued imprisonment of more than 100 FARC former combatants.

### 8.VI

## Murder of FARC Former Combatants

At least 240 FARC former combatants were murdered in the four years following the signing of the peace agreement. At least 44 family members have also been killed.

While the delegation heard of some investigations having taken place into the killings, and while every advance in the judicial proceedings is welcome, the vast majority of cases remain in impunity in terms of convictions. As of September 2020, there had been 31 convictions and 15 intellectual authors captured according to the United Nations Verification Mission. The Colombian government reports that there are open investigations into 127 of the total cases.

In May 2020, the FARC presented the security situation to the Inter-American Commission on Human Rights in order to seek additional protection from the Colombian state.

In July 2020, the transitional justice court issued a ruling ordering the government to take additional steps to ensure the security of former combatants.

Almost all the murders have taken place outside the 24 special settlements created for the reincorporation process. The delegation heard that while the official areas have security measures provided by the state (7.V Established Advances – Tripartite Collaboration), there was urgent need for measures to also be provided to the most critical of the estimated 90 newly-created settlements.

**The protection of the lives of former combatants who in goodwill signed a peace agreement and lay down their weapons is an absolute priority of the Colombian state.**



## 8.VII

**Murder of Community Leaders and Human Rights Defenders**

The increased killings of social activists continues to cause serious alarm. Similar to previous delegations, the comprehensive implementation of the agreement was emphasised as crucial to addressing the crisis.

According to the human rights organisation Indepaz, by early November over 250 community leaders and human rights defenders had been killed in 2020 and more than 1,000 had been murdered since the peace deal was signed. More conservative figures are still alarming with the National Ombudsman's Office reporting over 500 activists killed between the signing of the agreement and April 2020. Particular concern was expressed during the delegation at the number of people from indigenous communities who were being killed. According to Colombia's National Indigenous Organisation (ONIC), 91 indigenous community members were murdered between January and October 2020.

***“We do not have the right to speak because we are so afraid.”***

Member of La Madre Union community

The delegation visited the region of Urabá in Chocó, northwest Colombia, where they met with the *La Madre Union* community in Bajo Atrato. The community of 26 families had been displaced from their land before returning in 2014. They spoke about the increased presence of the paramilitary successor group the *Gaitanista Self-Defence Forces of Colombia* (AGC), which had subjected the area to an economic blockade and death threats amid apparent impunity with which they were able to operate in spite of the presence of state security forces. The delegation repeatedly heard of an increased presence of paramilitary successor groups as well as other armed groups in several regions of the country.

There were calls once again for Colombian authorities to focus efforts on ensuring intellectual authors, as well as those who physically committed the crimes, were brought to justice as well as to increase civilian state presence in the most problematic regions. The delegation was also told that there was an urgent need for the Colombian government to engage more fully in mechanisms set up under the peace agreement – particularly the National Commission on Security Guarantees – to develop plans for the dismantling of paramilitary successor groups.





## 8. VIII

### Scandals Involving Colombian Security Forces

An essential element of the Colombian peace process was recognition that there had been an armed conflict with crimes committed on both sides – by the FARC-EP and the Colombian state – with commitments made to ensure non-repetition.

While the delegation heard about the successful laying down of weapons and transition into a legal political party by the FARC-EP, and the commitment to the peace process of many inside Colombia's security forces, they also heard of a worrying trend of scandals and human rights abuses involving or carried out by the Colombian Army.

They heard of the appointment of a general implicated in the systematic murder of civilians in the 2000s – the so-called False Positives scandal – to the head of the Colombian Army in spite of opposition from human rights campaigners. They heard of an illegal spying unit in the army which was reportedly carrying out surveillance on opposition politicians and critical journalists. They heard of the planning, execution and attempted cover-up of the murder of a FARC former combatant, Dimar Torres.

Since the delegation, the Army has been implicated in human rights abuses including shooting live ammunition during protests against forced coca crop eradication which reportedly left the peasant farmers Alejandro Carvajal and Digno Emerito Buendia dead in March and May respectively (8.IV Crop Substitution and Forced Eradication). Shortly before the publication of this report, soldiers were also reported to have killed an unarmed 38-year-old woman, Juliana Giraldo, when they opened fire at her car at a military checkpoint. The police have also been implicated in serious human rights violations, including the death in custody of Javier Ordóñez and the repression of subsequent protests including the firing of live ammunition at unarmed protestors.

**The ongoing report of human rights abuses and crimes committed by state security forces is undermining the commitment of the Colombian state to non-repetition.**

***“We carry out our work as if we are under surveillance”***

Opposition Member of Congress

## 9. Conclusions

This report has detailed the principal advances and the principal concerns four years since the signing of the peace agreement and is published in follow up to the fourth JFC Peace Monitor delegation.

There is widespread alarm in Colombia and internationally at the current state of the implementation process. There continue to be important advances which provide an example as to the transformative potential of the peace agreement. However, many areas have not seen the advance that would have been hoped for.

The Colombian government's verbal assurances of its commitment to the peace process are welcome, as is the detailed engagement on certain elements of the agreement, but these assurances are often contradicted by political decisions or inaction which push in the opposite direction.

As has been emphasised repeatedly both inside Colombia and internationally, implementation of the Colombian peace agreement has the potential to make a significant impact in responding to the social and political factors which have created the context for historic violence and armed conflict. It also provides important mechanisms to respond directly to the current spiralling levels of killings in the countryside. The hope it offers for Colombian society is not lost. But for its potential to be realised, its implementation must become a reality.

It is essential that the current Colombian administration takes full advantage of its two remaining years in office to redouble its efforts and to ensure full engagement with all elements of the agreement.



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