



# TENTH VERIFICATION REPORT ON THE IMPLEMENTATION OF THE FINAL PEACE AGREEMENT IN COLOMBIA

## Executive summary

### Presentation

Following the mandate established in the Final Peace Agreement -A.F.- signed between the National government and the FARC, CERAC and CINEP have had the role of Technical Secretariat of the International Verification component -ST, since 2017, in order to follow-up on the A.F.'s commitments (numeral 6.3.2) through the “analysis of the verified compliance with what was agreed, identifying disputes and making proposals for improvement and/or for solutions”.

This mandate is foreseen until October 2021. By then, 10 reports on the implementation of the six points on the A.F., six on the implementation of the Gender Approach, and three on the implementation of the Ethnic Approach will have been published. The ST verifies the commitments established on the A.F. and analyses progress, difficulties, and delays in the implementation process, as well as its correspondence with the A.F.' provisions.

In accordance with the agreement, the ST makes available to the public this Tenth Verification Report, which includes the A.F.'s six main points and, as it has been done in previous reports, the verification of the implementation in three selected PDET territories: Sur de Córdoba, Pacifico Medio y Catatumbo.

The fulfillment of this mandate has been possible thanks to the funding of the United Nation's Multi-Donor Fund for Peace Sustainability.

### Thematic Analysis

After almost five years since the signing of the A.F, the ST considered important to conduct a retrospective and prospective analysis of the implementation of the commitments established in the Agreement in order to recognize the main achievements, highlight their relevance, identify mechanisms for their preservation as well as potential risks caused by the lack of sustainability, the partial achievement of some goals and postponing commitments that are necessary for a stable and sustainable peace.

Looking back, the ST identifies at least 3 different moments that have had an effect on the implementation: first, in 2018, Colombia elected a new president, who belongs to the political party that has openly opposed the signing of the Agreement. Second, the unexpected advent of the SARS-CoV-2 pandemic, which has had major repercussions not only on the A.F. but also on people's lives in terms of health and economic resource, which means poverty levels have increased, and employment and production, nation and worldwide have decreased. Third, in April 2021, national protests were organized by the National

Strike Committee, against the current government's economic and social policies. The country saw massive social demonstrations demanding changes regarding healthcare, access to education, a tax reform, and even the implementation of the A.F., among other concerns.

After the national strike, different sectors and international organizations expressed their views as to how Security forces used violence despite the fact that the protests were peaceful, which led to increased human rights violations in several cities in Colombia. Meanwhile, the National Government attempted to engage in discussions with the National Strike Committee, and since they did not get to an agreement, the latter decided to take this process to the legislative power through a draft bill to address their demands.

On the other hand, sectors that have shown support to the Peace Agreement stated that the country's current crisis is partly due to the lack of political will to go further in the implementation of the Final Agreement (El Espectador, 2021). Felipe González, former president of the Spanish Government, warned, while supporting the A.F.'s implementation: "what concerns me the most is that the current (political) discourse intends to show that what is happening in Colombia is a consequence of a bad peace agreement, and not of a bad policy in relation to the peace agreement" (RCN Radio, 2021).

The ST considers it urgent to comprehensively accelerate the A.F.'s implementation process, specially in terms of the most neglected commitments in order to end the conflict and build a stable and sustainable peace.

## 1. Comprehensive Rural Reform

The core commitment of this point is the countryside's structural transformation, which would provide more equity and promote the development of regions that are remote, less favored, and most affected by the country's long-lasting internal conflict.

The Comprehensive Rural Reform -RRI- comprises a set of short, medium, and long-term measures aimed at promoting rural land access and formalization, increasing legal security of tenure, promoting rural productivity, and closing gaps between urban and rural populations in terms of access to goods and services, while prioritizing neglected subregions that have been deeply affected by violence.

Land has been, and continues to be, a source of political and economic power, which makes its access and formalization difficult. This has resulted in poor development of the countryside and agricultural production, as well as in the origin of many armed conflicts in the country.

For this reason, the most important strategic topic in this point is the **access and adequate use of the land**, which encompasses three goals: (i) the establishment of the Fund for Land of free distribution, (ii) the definition of mechanisms of formalization and supply-side intervention, (iii) the beginning of the Multipurpose Cadastre.

The second strategic topic is the **Development Programs with a Territorial Focus** -PDET- from which we highlight the approval and initial implementation of the Action Plans for Regional Transformation -PATR- by means of an important participative process.

The third strategic topic is the **National Plans for the Comprehensive Rural Reform** -PNRRI-, from which a partial goal was the establishment of 10 out the 16 plans foreseen by the A.F.

As for commitments related to *Access and use of the land*, the **establishment of the Fund for Land** aims to ensure access to land for those in rural areas who do not own or do not have full access to it. This is a partially achieved goal since land distribution through this mechanism is still very low. Up until June 30th, 2021, the National Land Agency -ANT- registered 14,751 properties with an area of 1,385,066 hectares in the Fund for Land. This corresponds to 46,2% of the 3,000,000 hectares foreseen in the A.F. for distribution, from which 7.8% has been delivered in 52 months (4,521 hectares per month). At that pace, in the time established for the duration of the Fund for Land (12 years), only 21.7% of the total hectares will have been distributed. Furthermore, the percentage of properties in the Fund that are properly characterized (eligible for distribution or not) is very low. Besides that, other tools foreseen by the A.F. in order to promote access, such as subsidies and loans for land purchase barely show any results. The ST suggests a higher number of properties eligible for distribution by means

of direct purchase and subsidies and characterizing the properties that are currently a part of the Fund in order to accelerate their distribution, have better access and reduce the concentration of rural lands.

Regarding the commitment on **land formalization**, we highlight the offer-based formalization procedure, regulated by Decree Law 902 of 2017, which potentially allows a greater scope in territorial coverage. However, the Massive Formalization Plan has not yet been adopted, an Agrarian Jurisdiction has not been created, and there has been little to no progress regarding the establishment of Farmer Reserve Zones -ZRC-; these are all measures that would help ensure legal security over rural land. Decree Law 902 of 2017 established a unique administrative procedure land titling and regularization of false land titles over private rural properties that have not been subject of dispossession. It also established a procedure to implement Plans for Social Development of Rural Property -POSPR-, prioritizing the PDET subregions where the National Program for the Substitution of Illicit Crops -PNIS- is being implemented, as well as in ZRC. The Decree Law also created the Registry of Beneficiaries of the Land Fund, Access and Formalization -RESO- as a tool for identifying and prioritizing beneficiaries. Nevertheless, the application of this tool is at an early stage at the moment. The ST suggests the approval and immediate implementation of National Formalization Plan, the creation of the Agrarian Jurisdiction and the development of more POSPR in more municipalities, and the implementation of RESO, which would contribute to peaceful conflict resolution and to legal security of tenure.

As for the **Multi-purpose Cadastre -CM-**, we highlight its first stage and the update of 47 municipalities between 2017 and 2020, and the prioritization of 143 more municipalities, 74 of which are part of the PDET. So far, the cadaster has been carried out in four PDET municipalities: Segovia, Guapi, La Jagua de Ibirico y Ovejas. The area of these territories represents only 5.4% of the total. Despite this progress, the goals in the Framework Plan for Implementation -PMI- and in the National Development Plan 2018 to 2022 -PND- are far from being reached. The ST suggests a quicker implementation of the CM in, at least, the 143 prioritized municipalities (74 of which are part of the PDET). It would also be ideal to be less dependent on multilateral banking resources and international cooperation.

The slow development of the CM leads to the non-fulfillment of the Agreement's goals and it will not allow that in 2022, 650 municipalities (170 of which are part of PDET) have an updated cadastre. Additionally, since regulations state that cadastres should be updated every 5 years, there is a risk that in 2023, municipalities, which update was carried out in 2017, lag behind once again.

The **PDET** are one of the main measures for the development of the A.F.'s territorial approach. They represent the beginning of a structural transformation process in the countryside, which prioritizes those regions in greater need for RRI

measures. This is done through mechanisms that can lead to social, institutional, and productive changes that lead to social and territorial gaps, having more public investment, taking the community and organizations into account, and promoting their participation. The PDET are an opportunity for territorial reparation and for groups and individuals who are victims of the conflict.

There has been progress regarding the development of Action Plans for Regional Transformation -PATR-, which had the participation of the community. Besides that, Unique Road Maps -HRU- were created as a means for implementation, framing and approval of projects in the different subregions. However, communities perceive little participation and a low percentage of initiatives with an active implementation road map. Between August 2018 and February 2019, 16 PATR were published; they include a subregional diagnosis, a territorial perspective, as well as goals and initiatives (32,808 at a municipal and subregional level) distributed in 8 pillars and an indicative budget. It is important to highlight that there have been delays in the implementation of measures related to land access and the PNRRI, which has prevented these initiatives from thriving and working jointly with public policies.

Five HRU have already been published: Catatumbo, Sur de Córdoba, Sur de Bolívar, Putumayo and Montes de María (recently Chocó). The final section of the initiatives considered strategic, shows an imbalance between pillars: the biggest number of prioritized initiatives for the five subregions are related to an economic revitalization and farming production (30.85%), and Infrastructure and land use (15.81%), whereas other pillars such as the System for the progressive guarantee of the right to food (1.53%), Reconciliation, coexistence and peace-building (8.2%), and Rural health (5.98%) have a lower number of initiatives.

It is imperative for the ST to strengthen community participation and capacity of local institutions in all implementation phases and move towards the development of initiatives that can overcome the imbalance in terms of pillars and subregions. It is also important to expand the PDET's coverage to other municipalities and subregions that meet the criteria established by the A.F., prioritizing areas that are geographically close to existing PDET regions.

Finally, the National Plans for the Comprehensive Rural Reform -**PNRRI**- the A.F. includes 16 tools to decrease and eradicate rural poverty. Their main goal is the eradication of extreme poverty and the reduction, in all its dimensions, of rural poverty in 50%, over a period of 15 years. In any case, maximum compliance efforts must be guaranteed in the first five years after the signing of the A.F., meaning, until November 2021.

As of July 2021, ten had been adopted, three of them were in technical closure and three in formulation. Although their adoption is a relevant achievement, according to the A.F. (6.1.10) the necessary regulations for the implementation of the RRI had a deadline of 12 months and following the indicators of the Implementation Framework Plan -PMI-, the obligation of its issuance was 2018,

a fact that was only fulfilled in three cases. This has hindered a comprehensive implementation and correspondence between the different measures of the RRI, especially in the PDET sub-regions. Hence, this ST reiterates the need to conclude the formulation and adoption of the missing Plans and implement all of them in an articulated manner at the national level.

## **2. Political Participation and Broadening Democracy**

Point 2 establishes measures and mechanisms to achieve democratic opening with the purpose of developing institutional channels that prioritize dialogue, mediation and resolution of social conflicts, and to break the link between arms and politics, which has marked the history of the country. The A.F. established three strategic themes: full rights and guarantees for the exercise of political opposition (2.1); democratic mechanisms for citizen participation, including direct participation (2.2); and effective measures to promote greater participation in local, regional and national politics by all sectors, including the most vulnerable population (2.3).

In this 10th Report, following a retrospective and prospective look at the implementation of the Agreement's commitments, there has been little progress in this point, as the ST has mentioned in its previous reports. The instances and mechanisms that the A.F. established to achieve a democratic opening have had serious limitations in their implementation and execution. Additionally, the National Government has created parallel spaces and instances, which have focused on the same issues with visions different from what was agreed and with little participation of the civil society. Besides that, the effects of the pandemic and the confinement have limited some of the spaces for participation that had been established, such as the Peace Councils at different levels.

In terms of rights and full guarantees for the exercise of political opposition, there is evidence of normative advances which materialization has not been homogeneous. Regarding security guarantee measures, despite the normative formulation of the Comprehensive Security System for the Exercise of Politics - SISEP-, there have been delays in its implementation and application. Some instances of the SISEP have not materialized and the National Commission for Security Guarantees -CNGS- has been convened on few occasions, which is worrisome considering the insecurity crisis the country is going through. On the other hand, in terms of rights and guarantees for the exercise of political opposition, a significant advance has been the implementation of the Opposition Statute, since its operation at the national and local levels has managed to give greater dynamism to the political system, in order to achieve democratic openness to build peace.

In relation to rights and full guarantees for the exercise of opposition, the ST highlights as the main achievement the enactment of the Opposition Statute since, despite some difficulties, it has contributed to the opening of the political

system and political participation for peace building. However, in terms of security guarantees for the exercise of politics, the ST does not identify any significant achievement, because although there are normative advances, there are still important delays in the implementation of the SISEP and other instances called to act in a coordinated manner. The SISEP has not received sufficient support and has been displaced by the prioritization of the Timely Action Plan -PAO-, which, instead of contributing to the articulation of efforts between programs created by the Agreement and government programs, has contributed to the dispersion of measures. The state of implementation in terms of security guarantees is worrisome due to the security crisis that several areas of the country are going through, which generates concern given the 2022 elections, since violence rates tend to increase in such contexts. It is important to emphasize that the concern in terms of security guarantees is not limited to Point two of the Agreement; this is a cross-cutting issue that affects the implementation in its entirety.

Regarding the measures to promote democratic mechanisms for citizen participation, although not all the relevant aspects have been implemented, it has been possible to provide spaces for community participation at different levels to discuss issues related to peace, reconciliation, and coexistence. This has allowed a greater participation of citizens in public affairs since, thanks to the A.F., protests have been much more difficult to stigmatize by linking them to the armed conflict, and not as an expression of democratic openness.

There are some regulatory and practical measures that seek to provide greater guarantees to social protest that, at the time of closing this report, do not seem to have increased because there was no improvement in the capacity for dialogue and priority was given to riot control. Its development is due, mainly, to the large social mobilizations of recent years among which stand out the so-called 21N of 2019, the protests in September 2020 against police abuse for the case of Javier Ordoñez and the mobilization events in the framework of the National Strike since April 28, 2021.

Some of the normative and practical developments have involved different institutions and members of civil society: Decree 003 of 2021 seeks to prioritize dialogue, get rid of stigmatization towards motivations and people involved in the protests, and monitor training courses and equipment of the National Police by the Public Ministry and the Ombudsman's Office. In addition, spaces have been designed for communication between citizens and authorities, regarding social protest and the promotion of social dialogue and conflict resolution. An example of this, is the National Roundtable of Guarantees for Peaceful Demonstration and the National System for the Management of Social Dialogue and Conflict Resolution.

In relation to the second strategic theme, on the right to peaceful protest, there have been large mobilizations: the so-called 21N of 2019, the events of

September 2020, and the recent National Strike of April 28. These events revealed the lack of a regulatory framework, in addition to systematic failures on the part of the State: stigmatization towards people participating, arbitrary detentions and abuse of force. Following a Supreme Court ruling on the issue, some regulatory developments were carried out to increase the guarantees to demonstrate, however, it is still unclear how spaces such as the National Roundtable of Guarantees for Peaceful Demonstration or the Management System for Social Dialogue and Conflict Resolution contribute effectively to achieve greater guarantees.

Finally, regarding measures to promote greater participation in national, regional and local politics, the Peace Councils at different levels have sought to become an advisory figure to their respective authorities in the promotion of strategies for the resolution of conflicts, actions in Human Rights, Territorial Peace and the creation of oversight entities. Despite this, it is important to remember the risks in the continuation of these spaces for participation due to the limited functioning that exists in some municipalities: budgetary difficulties in the medium and long term, the use of a common model in the action plans, that does not take into account how each municipality works, and the absence of information on the work they carry out and their functions, which leads to the assignment of activities for that do not correspond to a certain territory or to the non-assignment of an appropriate municipal or departmental budget.

As for the third strategic theme, two achievements are highlighted: 1. the approval and regulation of the Special Transitory Peace Circumscriptions -CTEP-, and 2. the creation and operation of the Territorial Peace Councils.

The non-compliance of the CTEPs was one of the biggest delays in this point; the lack of political will and the legislative problems for their approval are among the main causes of this delay. Since their approval is so recent, there are still gaps in the administrative regulations necessary for the election of their members in the 2022 elections. Even if such gaps are filled, there are other challenges, such as the deficiency of voting stations and ballots in several CTEP territories, which need to be resolved in order to achieve equal participation with electoral and security guarantees. Therefore, it is important that the electoral authorities move forward promptly to have the necessary regulations in place so that members can be elected in the 2022 elections. Likewise, the approval of the new Electoral Code contributes to the democratic opening, since makes access voting easier. However, this ST warns about some aspects of it that may affect the autonomy, transparency, and oversight of electoral authorities.

### **3. End of Conflict**

The objective of this Point is to take the final step to put an end to the conflict with the, now extinct, FARC (3.1), to lay the foundations for the process of political, economic and social reincorporation of former combatants into civilian life (3.2), and to guarantee security conditions for the process (3.4). For this 10th report,

the ST took stock of the fulfillment of these three issues, identifying the sequence of their implementation, as well as their main achievements, risks and challenges. To this extent, five years after the signing of the A.F., the ST highlights that the three points have achieved significant progress in the fulfillment of what was established, but all of them face risks to preserve what has been achieved.

The main achievement of the process of Bilateral and Definitive Ceasefire and the Surrender of Arms (3.1), was the definitive ending of the armed conflict with the ex-guerrilla of FARC, in accordance with the provisions of the A.F., which represented both an improvement in security conditions in the areas with historical presence of this ex-guerrilla, as well as an option to not continue losing lives in the framework of the conflict. Likewise, the fulfillment of this bilateral and definitive ceasefire represented a historic milestone for the country, since it was the first time that such a process was successfully carried out with this ex-guerrilla, and, in addition, a monitoring and verification mechanism was put in place. A second achievement to highlight, despite the multiple delays and changes in the initially established sequence, was the total compliance with the process of surrendering arms, which resulted in the hand-over of a total of 8,994 weapons that were in the possession of guerrillas; this material was disabled, destroyed and utilized for the construction of three monuments for peace. The third achievement to highlight was the construction of the ZVTNs and their subsequent transformation into the now AETCRs, which helped to advance in the consolidation of the reincorporation process. However, although the adaptation of these spaces faced countless difficulties and criticisms on the part of the ex-combatants, without their implementation, it would not have been possible to fully comply with the early reincorporation phase in economic and social matters.

Most commitments on the End of the Conflict (3.1) have already been fulfilled, however, there are still pending commitments to be completed: the construction of the last monument for peace in Havana, Cuba, which has not had major progress as of the date of this report; and the completion of the delivery of goods and assets reported by the FARC for the reparation to the victims, a commitment that presents some progress and controversies between the parties regarding the delivery and monetization of the goods, and regarding the deadline for its fulfillment. The main challenge in this area is the lack of agreements between the parties to advance in the delivery of goods, given that the process is behind schedule due to legal limitations regarding real estate, and the lack of an autonomous assets for its administration.

Regarding the political, economic and social reincorporation process (3.2), the ST highlights the fulfillment of most commitments of the A.F. regarding early reincorporation. This commitment contemplates the adoption of political reincorporation measures for democratic opening, as well as the creation of an institutional framework for reincorporation (at the national and territorial level), providing legal guarantees for the transition to legality, and the characterization of the ex-combatant population for the delivery of benefits for a sustainable social

and economic reincorporation. These commitments are: (i) basic income, which continues to be delivered to ex-combatants who are on the economic and social reincorporation route; (ii) Single Normalisation Allowance; (iii) access to social security; and (iv) the adoption of some health and education programs.

Consequently, these achievements give rise to the reincorporation phase in the medium and long term which, according to CONPES 3931 of 2018, which establishes the "National Policy for the social and economic reincorporation of former members of the FARC-EP", is the roadmap to ensure the sustainability of the process, as it includes a set of commitments regarding access to land for development of productive projects, housing solutions, and the implementation of the National Reincorporation System. In this regard, although the ST highlights the progress made by the National Government in terms of land access for ex-combatants through the acquisition of 1,552 hectares (11 properties), the lack of land continues to be one of the main challenges for the medium- and long-term sustainability of the process. Even the implementation of the "consolidation strategy" of the 24 AETCR where 2,626 ex-combatants and their families live, which includes access to housing in some territorial spaces, is an achievement to be highlighted. However, this is an issue that has generated controversy between the parties. In this regard, the main differences are centered on the type of housing and construction materials, and the failure to find common ground to overcome them and move towards the construction and delivery of these houses represents an enormous risk to preserve the life projects created from the transition to civilian life of the ex-combatants.

Finally, in terms of security guarantees, the ST recognizes different advances in the normative production, as well as in the creation and implementation of the institutional architecture, and the commitments established to: (i) strengthen criminal policy and investigation; (ii) provide guarantees for the *Comunes* party; (iii) guarantees for ex-combatants and their families in the process of reincorporation and (iv) guarantees to protect communities in the territories.

The first achievement was the delivery of the Public Policy Guidelines for the dismantling of criminal organizations, and the Strategic Plan for Security and Protection that the Government presented to the JEP in the framework of the process of precautionary measures that began in 2020. These documents represent fundamental commitments of the A.F. to advance towards the guarantee of security conditions necessary for the implementation of the A.F. In addition, these are the roadmaps that will guide the functioning of both the National Commission for Security Guarantees and the Technical Roundtable for Security and Protection, which will serve for the assignment of protection measures to ex-combatants and members of the *Comunes* Party, respectively. The main challenge is that these documents can be implemented by the instances and institutions in a committed manner, and that the results truly contribute to the fulfillment of the mandates defined in the A.F.; their non-

implementation would represent a risk for the comprehensive functioning of the Security System for the Exercise of Politics.

The second achievement is the clarification of cases of aggressions against ex-combatants in the reincorporation process and their families, by the Special Investigation Unit of the Attorney General's Office. Since its implementation, until February 2021, 49.17% of the homicides of ex-combatants have been clarified, a percentage that, as the ST has pointed out on multiple occasions, is higher than the progress in other types of homicides in the country. Although their work has been positive, there are still challenges related to the lack of progress and compliance in the rest of the functions assigned in the A.F., since they have not been able to move from clarification to the prosecution and dismantling of criminal organizations. This would only be a partial fulfillment of the commitment established in the A.F., and would not allow for the complete clarification of the cases, nor the dismantling of these organizations, which represent the main obstacle for the implementation of the A.F.

CERAC, one of the organizations that are part of the ST, has registered the murder of 291 ex-combatants in the process of reincorporation since the signing of the A.F. (data as of September 20, 2021), including eight women. Seventy percent of the homicides of ex-combatants have been concentrated in the PDET zones (204 of 291). These areas have a high concentration of armed groups such as the ELN, *Clan del Golfo*, *Los Pelusos* and post-FARC groups, among others, who are fighting for control of money associated to criminal activities (drug trafficking, extortion and illegal mining).

The situation of insecurity for ex-combatants has materialized in the form of homicides, threats, attempted homicides and forced disappearances, which represents a risk for the reincorporation process in the short, medium, and long term. Not guaranteeing the protection of ex-combatants impacts the implementation of the A.F. and means a risk for the consolidation of the transition to civilian life due to the possibility that they may defect from the process or prefer to return to illegality.

#### 4. Solution to the problem of illicit drugs

Point 4 of the Final Agreement lays the groundwork for "building a joint and comprehensive solution to the problem of illicit drugs" (A.F., 2016, Point 4, p.99) and therefore promotes a vision that gives a differentiated treatment to the phenomena of production, consumption, and commercialization of illicit drugs (A.F., 2016, Introduction, p.8). This point is subdivided into four topics: (i) Programs for the Substitution of Crops for Illicit Use and Comprehensive Alternative Development Plans with community participation; (ii) National Program for Comprehensive Intervention against the Consumption of Illicit Drugs; (iii) Solution to the phenomenon of production and commercialization of narcotics; and (iv) Comprehensive action against anti-personnel mines.

Regarding the commitment to the **Illicit Crop Substitution Programs and Comprehensive Alternative Development Plans** with the participation of the communities, the main achievements after five years of implementation of the A.F. are concentrated in: (i) 98% compliance with the removal of illicit crops by the families that signed individual PNIS agreements; and (ii) the generation of job opportunities for male and female harvesters who were employed in the execution of community infrastructure and environmental improvement works, with labor guarantees of enrollment in the General Social Security System. In addition, the collectors began technical training courses through SENA for the development of new labor skills and abilities for the performance of new trades and (iii) in the components of Immediate Food Assistance, self-sustainability and food security projects, and Technical Assistance of the family PAI.

In order to preserve what has been achieved so far in terms of substitution, the ST stresses the importance of overcoming the delays in the community PAI commitments, which began with a three-year delay and, to date, have not made significant progress. The ST also stresses that it is important to complete all the commitments of the family PAI, accelerating the development of productive and self-sustaining projects so that when the payments of the Immediate Food Assistance cease, families are not left in a situation of vulnerability due to the drop in their income. On the other hand, the ST identifies the need to accelerate the implementation of the PISDA, which were formulated three years after the signing of the Final Agreement and have only begun their implementation in eight of 52 municipalities that make up the PNIS.

On the other hand, security risks persist in the PNIS municipalities, which, in the opinion of this ST, hinders crop substitution and verification work, as it puts the lives of those involved with the PNIS at risk, whether they are leaders who promote it, program support technicians, or beneficiaries. In addition, this delay in the verification of the crop survey may put the enrolled families in a situation of economic and food insecurity, since some of the PNIS benefits to which they are entitled are sequential and depend on the verification of the survey. Likewise, another delay that this ST identifies as a legal risk to those who have benefited from the PNIS, is the differentiated criminal treatment for growers, which, to date, has not been established despite the legal efforts that have been processed. Finally, it is also a priority for the ST to reinforce the gender focus of the PNIS, since the protocol for doing so was developed in 2021 (four years after the beginning of the PNIS), so the scope at this date will be reduced.

The main achievements and progress associated with the **prevention of illicit drug use and comprehensive intervention** for users were related to the review and participatory adjustment of public policy (A.F. 4.2.1.3) through the implementation of the National Mental Health Policy (2018). This policy is aimed at the prevention and reduction of psychoactive substance use, and the Comprehensive Policy for the Prevention and Care of Psychoactive Substance Use (2019). However, the ST identified that the issuance of these policies are not

sufficient actions to comply with the provisions of the A.F. because they do not include targeting by age, sex, socioeconomic status and geographic location. In addition, a national entity for their implementation, with representatives of the authorities who are competent in the subject was not created, neither were scientific institutions, specialized centers, among others, as established in the A.F.

To preserve what has been achieved so far, it is a priority to make progress on the following overdue commitments: first, to prevent the stigmatization of male and female consumers (A.F. 4.2.1.4), approving the document of guidelines to eliminate stigma and discrimination towards people who use psychoactive substances, with a gender and LGBTI approach, which is more than two years behind schedule according to the PMI. Second, to strengthen the monitoring of territorial actions carried out within the framework of the National Mental Health Policy and the Comprehensive Policy for the Prevention and Care of Psychoactive Substance Use.

For the ST, the fact that to date no progress has been made regarding the creation and implementation of a National System of Attention to the Consumer of Illicit Drugs is a risk for the sustainability of progress and for the full development of the implementation of this subtopic. That commitment should have been fulfilled in 2019 with the issuance of the Administrative Act for the creation of the System, however, the Bill presented in 2019 for this purpose, was filed.

Regarding the **Solution to the phenomenon of production and commercialization of narcotics**, 5 years after the signing of the A.F., the ST found that the main achievement for the Solution to the phenomenon of production and commercialization of narcotics is the approval of the National Criminal Policy Plan, which aims to promote criminal alternatives, such as reducing the use of preventive detention and establishing routes of reinsertion to life in society of people who have served their sentences. The formulation of a project to strengthen the territorialization of the criminal policy against organized crime was also advanced.

The ST recognizes the progress made in the strategy to strengthen the capacity to monitor and control chemical inputs and precursors with the participation of the private sector, which also had an international impact. It also highlights several international efforts, such as the Subregional Strategy to improve the interdiction of drug and chemical precursor trafficking, which was supported by the United Nations Office on Drugs and Crime and financed by the Department of Economic and Social Affairs of that organization.

Regarding the **Comprehensive Action Against Antipersonnel Mines**, after five years of the implementation of the A.F., the ST reports the achievement in the decontamination of this type of devices by the cooperative of former FARC-EP ex-combatants for humanitarian demining '*Humanicemos DH*', which delivered

the first square meters manually intervened in the indigenous reservation *El Cedrito*, belonging to the *Embera Chamí* community. However, the ST highlights the increase in the number of victims, the possible expansion of the use of these devices to new territories, and the persistence of their installation by armed groups as some of the risks of the implementation of the A.F..

## 5. SIVJNRN

The Truth, Coexistence and No-recurrence Commission -SIVJNRN- is made up of the Commission for the Clarification of the Truth -CEV-, the Missing Persons Unit -UBPD- and the Special Jurisdiction for Peace -JEP-, as well as the Measures of Comprehensive Reparation for the victims of the armed conflict and the Commitments and Guarantees in Human Rights -DDHH-.

In this 10th report, the ST presents a retrospective and prospective analysis of the implementation of the System, identifying its main achievements and their relevance, the mechanisms to preserve them, and the possible risks and effects on the rights to truth, justice, reparation and non-repetition, in the event of halting the progress of these achievements, or postponing commitments necessary for the construction of a stable and lasting peace. It is important to note that the SIVJNRN continues to develop its work in a sustained manner despite several factors related to the context, such as health restrictions due to the pandemic, the constant violations of human rights in several areas of the country, and the permanent attacks on the development and integrity of its activities by detractors of the peace process.

The implementation of the SIVJNRN is the most robust opportunity Colombia has had so far to advance in the realization of victims' rights in the framework of a peace process and the reincorporation into civilian life of the members of the former FARC guerrillas, transcending the arms rendering (negative peace) and moving towards more democratic forms in different areas of the country's context (positive peace). In this sense, the ST highlights as a key achievement, the balance obtained through the creation of this transitional justice model between the rights of the victims and the legal security of those responsible. This achievement needs to be preserved, maintaining the regulatory and institutional structure of the three new entities, the allocation of adequate resources for their operation, and the establishment of harmonious work processes between the entities of the System and the other State entities, with full recognition of their autonomy and independence.

A strategic theme is the **right to the truth** about what happened in the armed conflict. It is crucial for the victims to know the underlying factors that caused the victimizing events, as well as the acceptance of responsibilities of those who are committed to them, thus contributing to the advancement of coexistence and reconciliation processes. For the State and society, understanding what made possible and encouraged the high levels of violence is an imperative step to begin

to make the structural and contextual changes necessary to avoid the repetition of violent events.

In the CEV's work, the ST highlights two achievements: the construction and development of a methodological and social process for the clarification of the truth and the implementation of actions aimed at the individual and collective recognition of responsibilities by the actors of the conflict. This has involved the development of participation mechanisms, territorial and differential work, as well as a strategy of visibility and collaboration with social organizations throughout the country. It is expected that these efforts of the CEV will be materialized in the Final Report and its recommendations, which will be published in June 2022 and socialized in the following two months, when the extension of the mandate recently approved by the Constitutional Court expires.

The ST believes that there are some aspects that may affect the scope of the report and that need to be addressed: (i) to have all the information requested by the CEV to the different State entities to fulfill its objective of clarification; (ii) to achieve a report with the required rigor but with very didactic means for the different audiences, in particular, for the victims and the communities most affected by the armed conflict, accompanied by a pedagogical strategy that allows to generate social appropriation and interest of the citizenship, beyond the central political actors; iii) adequately develop the recommendations issued by the Commission at the end of its mandate, through the planned Follow-up Commission, with the necessary human and financial resources to fulfill the mandate; iv) include, in the recommendations already identified thematically, the proposals for reform of the entities and policies that generated or allowed the violence, and contribute to the creation of strategies to overcome the structural and circumstantial factors that caused or facilitated the emergence and persistence of the armed conflict in the country.

It is vitally important to avoid using the results of the report in the electoral context or to feed the climate of violence at the convenience of the various actors involved in it.

The second strategic theme is **the right to know the whereabouts of persons reported missing** in the context of the conflict, whether by forced disappearance, kidnapping and those of whom no further information was obtained, as well as regular and irregular combatants whose whereabouts are unknown (members of groups who disappeared in the midst of fighting), and minors, after joining illegal armed groups (illegal recruitment). This could allow a more comprehensive view of the phenomenon, and of the complexity of the damage that was caused.

For the ST, the main achievement is the elaboration of the National Search Plan and the implementation of several Regional Search Plans by the UBPD. The former has become the most developed document to date to advance in the search for missing persons in the country and the latter are beginning to concretize the search processes in the territories. However, the ST recommends

the prompt operationalization of the PNB that allows for the identification of activities, timelines, responsible parties and resources, the expansion of the number and scope of new regional search plans, the strengthening of the strategy for the participation of searchers and family members and the follow-up of the effectiveness of the Regional Search Pacts. It is also important to implement a strategy for the protection of places where bodies of missing persons are presumed to be located, in order to avoid their deterioration, disappearance or the alteration of places and land for the search at the national and regional levels.

**The right to justice** is the third strategic theme, which was assigned to the JEP with the mission to account for the right to justice of the victims and the duty of the State to judge and punish those responsible for serious crimes.

The ST highlights two achievements in particular: i) the **structuring of a restorative model of transitional justice** that seeks a balance between the realization of victims' rights, legal security and the political participation of those responsible, within the framework of a comprehensive system that addresses the rights of victims to truth and reparation, and contributes to creating the conditions for coexistence and reconciliation in accordance with the spirit of the A.F. All of this, based on the use of prioritization criteria, a methodology of macro-criminality patterns and the punishment of those most responsible, which has allowed the JEP to begin issuing substantive decisions. ii) The issuance of **precautionary measures** as a suitable, agile and effective mechanism to safeguard the rights of the victims within the framework of the jurisdiction's mandate.

This approach is making it possible to identify the links between the macro cases, even in situations that took place in very distant times and territories, which expands the knowledge of the armed conflict and contributes to a greater truth about what happened in these violent decades.

The ST considers that it is necessary to present progress in terms of fundamental decisions on the macro cases, especially through restorative sentences, work on the opening of new macro cases, the maintenance and strengthening of participation mechanisms for victims at all stages of the legal process, the issuance of resolutions of conclusion and the imposition of their own sanctions, and the termination of the cases of former FARC members who continue to be deprived of their freedom, among other aspects. It is equally important to avoid any alteration of the foundations of this restorative justice model, as it would be detrimental to the rights of victims to truth, justice and comprehensive reparation and would weaken the reincorporation process and legal security of former FARC members, military personnel and civilian volunteers appearing before the JEP.

Regarding the **right to comprehensive reparation**, it should be noted that it is a duty of the State and a right of the victims affected by breaches of IHL and human rights violations in the context of an armed conflict. Law 1448 of 2011 allowed the Colombian State to recognize the existence of the armed conflict and made visible and dignified the victims, who at that time did not exceed 3 million,

and today there is already a recognition close to 9 million victims. The ST points out the 10-year extension of the normative framework and recognizes it as a significant opportunity to overcome the difficulties surrounding the execution of the public policy and the possibility of guaranteeing its coverage at the national level. However, it warns that only by advancing a participatory process of adaptation to the provisions of the A.F. and with a budget projection that responds to the needs of the policy in the next 10 years, it is possible to ensure that it contributes effectively to coexistence, non-repetition and reconciliation.

For the materialization of this achievement, the ST recommends the joint work between the SNARIV, the SIVJNR, and the national and territorial entities, as well as the fulfillment of the goals established in the other components of the public policy: collective reparation, psychosocial rehabilitation, returns and relocations, land restitution measures, and the delivery of FARC goods. Ignoring these elements would not only disregard the agreements reached in the A.F. but would also diminish the possibility of fully repairing the victims and increase the possibility of new victimizations. The ST considers that it is necessary to recognize the cross-cutting nature of reparation as a way to not only repair the effects of the conflict, but to create conditions for the effective enjoyment of the rights of all citizens. Likewise, given that there are still numerous commitments pending and an enormous volume of people to be repaired, especially in land restitution and collective reparation, the reform of the Law is necessary to comply with these objectives and to comply with the provisions of the A.F.

Finally, in relation to the **commitments to promote, respect and guarantee of human rights**, the ST highlights the creation of the Advisory Commission on Human Rights and Peace, which broadens the opportunity for civil society to make relevant recommendations on human rights and peace. Through the participation of the different social sectors that are part of the commission, and the consideration of the recommendations arising from its work, it is possible to maintain the progress achieved over time. On the other hand, the ST recognizes the efforts for the construction of the PNADDHH but warns that the lack of concreteness and implementation of the Plan further weakens the State's response in this area and limits the guarantees of non-repetition in the country. The creation and implementation of a robust and comprehensive public policy on human rights will generate guarantees of non-repetition, which are crucial at this time in the country.

## 6. Implementation, Verification and Endorsement

This Point determines the necessary measures to contribute to the implementation of the A.F, including the follow-up, promotion and verification mechanisms. One of the most important advances in the implementation of this point was the installation, in 2016, of the Commission for Verification, Promotion and Monitoring of Implementation -**CSIVI**-, which is a mechanism in charge of

resolving differences between the parties, following up on the components of the A.F., verifying its compliance, and promoting its application. Since its implementation, this entity has generated controversy among the parties that comprise it due to the limited fulfillment of its functions and its performance in the process of follow-up, promotion and verification of implementation; given that the CSIVI has proven to be a useful mechanism, the shortcomings in its performance negatively impact the scope and potential it has in implementation and represent a risk for its continuity.

With respect to the Implementation Framework Plan **-PMI-**, the ST highlights that its approval represented an achievement for the materialization of public policies that allow the implementation of the A.F., since of the 507 indicators foreseen for the fulfillment of the six points, 61 indicators have already been finalized and 455 remain in force. Likewise, of the 76 commitments that must be fulfilled for the four-year period 2019-2022, the Government of Iván Duque has already fulfilled 9 and the rest are already being planned for completion. Despite these advances, the ST reiterates that the approval of its final version did not resolve some concerns of the different sectors of society and although the A.F. establishes that this document will be reviewed annually by the CSIVI in order to make adjustments, this document has not been reviewed since its approval, which represents a risk for the comprehensive compliance of what was agreed.

Regarding the Integrated System of Information and Measures for Transparency, the ST recognizes the creation and implementation of the Integrated Post-Conflict Information System **-SIIPO-** as well as the progress in the development of specific modules to facilitate the monitoring of the implementation. Despite this, there are still difficulties that limit the complete monitoring of the implementation of the A.F. as well as the transparency of the process, for example, the fact that not 100% of the technical files uploaded are available.

As for the **International Verification Mechanisms**, there have not been many achievements or significant changes in the implementation status. Throughout the five years, these have operated almost entirely within the established terms, as have the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Political Verification Mission. In addition, one of the main achievements in this regard is that the UN Verification Mission extended its mandate until October 31, 2021. The ST considers that it is necessary to strengthen international verification mechanisms to boost the confidence of the international community and local communities with respect to the implementation of the A.F.

Regarding the **International Accompaniment Component**, since the beginning of the implementation of the A.F., this component showed little progress and several delays according to the schedule. In 2017, the protocol for the operation of this component was delivered, the CSIVI installed the 11 roundtables and in 2018 the roadmap specifying the guidelines of the component was presented.

However, after that, there were no significant changes. Five years later, CEDIPO (2021) indicated that this component has not been activated and the SIIPO does not present any progress in the indicator that is responsible for reviewing this subtopic of the A.F. Furthermore, CPEC states that these roundtables were not reconvened because the relationship between participants and speakers has been direct; therefore, this subtopic has not presented significant achievements, which implies a risk, since what was agreed in point 6.4 of the A.F. is not being implemented.

**Distribution and Communication Tools** have made significant progress within the established timeframe and in full compliance with the stipulations. In terms of achievements, 11 of the 20 Peace Radio Stations to be put into operation by 2026 have been inaugurated, and the radio station in Mesetas, Meta, has already been approved to be launched. On the other hand, in February 2021, RTVC presented the booklet "*Ondas de paz* (Peace Waves): radio for all the voices of the regions", with which a guide was built to create content and tell stories through radio; 80 people were trained in Fonseca (Guajira), San Jacinto, (Bolívar), Ituango (Antioquia), Chaparral (Tolima) and Convención (Norte de Santander) for this project. On the other hand, the commitment regarding institutional television was fully met, since the TV show *Mimbre* was broadcasted uninterruptedly during the two years established in the A.F. Finally, the distribution strategies with new tools through social media on the implementation of the A.F., met the goals established in 2019 and 2020.

The **Priorities for Regulatory Implementation** remain in non-compliance with implementation, and as of the date of this report, 10 of the 24 priorities established in the A.F. still have pending procedures or have not initiated any type of procedure. This represents a risk for the implementation of other points of the A.F, since these priorities are the legal basis for implementing other agreed issues. To date, the Comprehensive Rural Reform is the A.F. item with the longest delay with respect to the norms it needs to function. However, the ST highlights an achievement in this sub-item, as on August 25, 2021, Congress finally enacted the Legislative Act "Whereby 16 special peace constituencies are created for the House of Representatives for the periods 2022-2026 and 2026-2030". The ST insists on the importance for the National Government to establish a legislative agenda that includes the normative implementation that is still pending.

Regarding **financing**, although resources have grown at an average annual rate of 5% since the signing of the A.F., in no year has the amount projected in the MFMP been met, and at this rate of execution, implementation would take a total of 26 years, meaning 11 years longer than expected.

The ST highlights as main achievements of this section that: (i) the PGN has met and exceeded the MFMP funding target, thus, being the main source of funding for the A.F. as established by the PMI. In addition, it is possible to track these

resources through the Budget Tracker for Peace. To preserve these achievements, the ST highlights the importance of publicly presenting the annex of the Budget Tracer in the approved Law, including a peace budget tracer in the *SIIF Nación*, and making the tracking of resources more precise; and ii), The Works for Taxes mechanism has dynamized the participation of private parties in the implementation, contributing to focus works for PDETs and ZOMACs. To preserve the achievements reached in this mechanism, the Comptroller's Office (2021) stresses the importance of physical and financial monitoring of the works executed to reduce the risk of loss of these public resources; iii) International cooperation has had a greater participation than projected in the PMI, however, the resources financed by this source have decreased in recent years, so the ST believes it is important to dynamize the participation of cooperation once again.

Regarding the last Point, the main financing risks encountered were: (i) de-financing of implementation due to the lack of reforms and guidelines to enable resources coming from the SGP and territorial entities; (ii) lack of clarity about how some of the financed projects reported in the Peace Tracer contribute to the implementation of the A.F. The ST highlights that several projects respond to the government's usual social investment offer and it is not made explicit how they are consistent with the A.F. (iii) Fragmentation of resources, lack of relevance with the A.F and weakness in the targeting of resources financed through the OCAD Paz (CGR, 2021), for which the Comptroller's Office mentions that it is a priority to review the targeting criteria and the relevance of the projects financed through this entity.

## **7. Analysis of Implementation in the Three PDET Subregions**

As in the 7th Report, in this 10th version, the Technical Secretariat continues with the territorial verification of the implementation of the Final Agreement in the three prioritized PDET sub-regions: Catatumbo, Sur de Córdoba and Pacífico Medio.

### **1. Comprehensive Rural Reform–RRI–**

In this Tenth Report, the Technical Secretariat continues the verification of implementation through a retrospective and prospective analysis of the commitments in the three prioritized sub-regions: Catatumbo, Sur de Córdoba and Pacífico Medio. As in the general report, the achievements in implementation, as well as their relevance, necessary measures and risks for the sustainability of what has been agreed, will also be presented in this territorial report.

The ST defined two strategic themes for the development of the RRI in the three territories: i) access to and formalization of land and ii) Development Programs with a Territorial Approach -PDET-. For this purpose, it presents the progress

made in the creation of the Fund for Land, the implementation of the formalization mechanisms provided by the A.F. and the achievements in the PDET.

The report analyzes how in Catatumbo, Sur de Córdoba and Pacífico Medio, access to land has been characterized by a low number of properties registered in the Fund for Land and a low implementation of more far-reaching processes for their formalization. This has meant that the comprehensive and articulated medium-term transformation of rural territories has not taken off and continues to be at risk in the different sub-regions. For the strategy of social management of rural property, established in Decree Law 902 of 2017, institutional action by supply is required, which also does not present greater progress: Catatumbo and Pacífico Medio are not yet prioritized for the development of these plans. Montelíbano, Puerto Libertador, San José de Uré and Valencia -municipalities in Southern Córdoba- have already completed their formulation, which is a good foundation for advancing in the formalization processes although to date, no formalized private land in the subregion has been reported.

In the follow-up on access to land, this report also addresses the update of the Multipurpose Cadastre, without finding progress in the update in any of the municipalities of the subregion, and only Sardinata is among the 143 municipalities prioritized with USAID funding and scheduled to start in 2022.

Another aspect under review is the linkage between the initiatives of the Action Plans for Regional Transformation -PATR- and management and project structuring actions in the prioritized subregions. Catatumbo is the only subregion that has a relevant investment project, with 110 initiatives of the Social Management of Rural Property and Land Use pillar in the PATR in that territory (33 with a defined implementation route). Therefore, it is necessary to advance in the development of the PDET initiatives of this pillar, especially those that the HRU defined as triggers or dynamizers, since it is a fundamental action in the short term if we want to seek the takeoff of rural productive development.

The second strategic issue for the RRI in the three territories is the PDET. In this report, Catatumbo continues to show the greatest development of works and projects through the main financing mechanisms: 137 in total.

Pacífico Medio has no PDET works, no Works for Taxes and no projects financed by OCAD Paz. A particular aspect about the development of this PDET is the representative group of organizations and ethnic peoples that must participate, which implies several challenges in the implementation: the reinforced guarantee for participation and the application of ethnic safeguards. In this sense, the ST stresses that progress in the consolidation of the MEC is crucial and that, together with the working groups, must actively participate in the process of building the HRU and other actions for prioritizing and structuring projects for this subregion.

As mentioned in other reports, for the ST, the publication of the HRU of Catatumbo and Sur de Córdoba is a relevant advance because it constitutes a

guiding instrument for the implementation of initiatives, despite the fact that social participation has been more limited than in the PATR planning process. Its participatory construction gives it legitimacy and the sum of initiatives is a relevant guide for the design and implementation of public policies for rural areas, taking into account specific conditions of each territory.

In order to preserve this achievement, it is necessary that the PATR continues to be reflected in the development plans of the territorial level in the next planning exercises, and that the strengthening of local institutions continues beyond the management and structuring of projects, promoting greater capacities to respond to social demands and for the development of the ethnic, restorative and gender approaches of the A.F. Similarly, it is essential to recover the high participation of the planning process for the entire PDET implementation process. In this, the opportunity to review and update the PATR, five years after its signing and in accordance with the terms of Chap. 1, art. 5 of Decree Law 893 of 2017, is a key moment to promote such participation.

## 1. Political Participation

In this territorial report, the ST presents an analysis of the status of two strategic themes: i) security guarantees for the exercise of politics in the territory, together with the persistence of violence that jeopardizes the implementation of the A.F. and the construction of territorial peace. ii) democratic mechanisms for citizen participation, in particular, guarantees for reconciliation, coexistence and tolerance, and non-stigmatization in the territories, through the creation and implementation of the Territorial Peace, Coexistence and Reconciliation Councils -CTPRC- and the recently approved Special Transitory Peace Circumscriptions -CTEP-.

Regarding insecurity conditions, and in accordance with the general report, there are still risks in the guarantees for the exercise of political participation, which causes great concerns to the ST regarding implementation and taking into account next year's electoral panorama.

This territorial report presents the risks and the complex context for security guarantees in the three PDET sub-regions, which, among other aspects, is related to the scarce results of the measures adopted by the national Government, the fragmented implementation, the limited functioning of the SISEP, as well as the persistence of a mainly militaristic conception of security, which does not correspond to the human security approach established in the A.F.

To a greater extent in Catatumbo, but also in Pacífico Medio and Sur de Córdoba, there are alerts about the possible interference of armed actors in the upcoming elections, which puts citizen participation in the polls at risk, affecting democratic

openness. Likewise, the territorial control of armed groups is an alert on the need to advance in terms of security guarantees and ensure participation in the CTEP.

Regarding commitments to promote greater participation (2.2.4), the Report highlights the implementation of the Territorial Peace Councils at the territorial level. All PDET municipalities (Catatumbo, Sur de Córdoba and Pacífico Medio) have Municipal Agreements that create the CTPRC. However, working sessions have been affected by security conditions. Between 2020 and so far in 2021, there have been at least 22 cases of homicide of leaders in these sub-regions (Indepaz, 2021). Likewise, the persistence of violence in these subregions has resulted in threats, confinement and forced displacement, which affects the capacity of the communities to participate (ST, 2021).

For the sustainability of the agreements, it is important to strengthen the Territorial Peace Councils by the National Peace Council and the Office of the High Commissioner for Peace, as this has been fundamental to generate greater coordination and communication between the territorial levels -also at the national level- and to correct some of the flaws inherent to these territories. Therefore, a diagnosis of the Territorial Councils has been designed, complemented with a training plan for delegates through diploma courses and virtual and face-to-face regional seminars. In Pacífico Medio, the advisory role has been fulfilled by supporting the District Peace Committee with the visit of the Peace Commission, in February 2021, to discuss the security situation in the municipality.

## 1. End of Conflict

For this 10th report, the ST conducted an analysis of the political, economic and social reincorporation process, as well as the security guarantees for ex-combatants residing in the three prioritized PDET zones.

In terms of political reincorporation, the scope of the political participation of the *Comunes* party in the three regions was analyzed, highlighting the election of the Mayor of Guapi (Cauca) thanks to a community social movement and the coalition made with this party, which represented the allocation of a budget line in the Municipal Development Plan to promote the reincorporation process. In the areas of El Catatumbo and Sur de Córdoba, the creation of Departmental and Municipal Roundtables to promote the process in each of the regions represents an important advance for the territorial implementation of public policy and access to services for ex-combatants, in economic and social terms.

Regarding the economic and social reincorporation process, the ST highlights the willingness of the ex-combatants to continue with the process despite the shortcomings and limitations they manifest at the territorial level. Catatumbo is the only PDET zone with an AETCR in Caño Indio, where 70 ex-combatants and their families live and implement two collective productive projects; however, there are 6 other NARs located in different municipalities such as El Tarra and San Calixto, where it has been possible to create solidarity economy

associations. In the Pacífico Nariñense and Sur de Córdoba, although reincorporation has been of an individual nature, ex-combatants have associated for the development of productive projects, some with ARN accompaniment and others self-managed.

Regarding security guarantees, the ST points out that the deterioration of security conditions in Pacífico Medio and Catatumbo continue to be a key concern for the consolidation of the reincorporation process of former combatants residing in these PDET zones. In both territories there have already been different cases of aggressions that have impacted the development and progress of productive initiatives, the joint work with the institutions, and have generated the rupture of collective processes and, therefore, the abandonment of life projects. The ST highlights that despite the difficult security situation, former combatants remain active in the reincorporation process; however, failure to de-escalate the violence associated with the conflict in these areas is a critical risk in the medium term, which may completely destabilize the process. Consequently, the implementation of monitoring spaces and the accompaniment of the Ombudsman's Office to ex-combatants in Catatumbo represent good practices that could be replicated in Pacífico Medio. However, the security risk for ex-combatants in the PDET Sur de Córdoba has changed, because when the ETCR in Cantagallo (Tierra Alta) existed, this risk was high, and the deterioration of security was precisely one of the reasons why this space was definitively closed. Now, although the risk has decreased due to the individual dynamics of reincorporation, it is still high.

In conclusion, the context of the three PDET zones shows that one of the main challenges to guarantee security and protection of the reincorporating population is that institutions should make greater efforts to promote spaces and/or strategies for accompanying and monitoring the security situation of ex-combatants, considering the particularities of the territory and the process itself, such as individual or collective dynamics in the NAR.

## 1. Solution to the problem of illicit drugs

For the verification Report, the ST conducted a stocktaking exercise on the implementation of the A.F., the solution to the problem of illicit drugs in Pacífico Medio, Catatumbo and Sur de Córdoba and found that:

In the Pacífico Medio region, no individual substitution agreements were signed under the PNIS and the ST does not know if collective agreements were signed under this program. Regarding this issue, the ST also found an absence in the offer of new crop substitution programs for the region. For example, the strategy called *Hecho a la medida* (custom made) is contemplated to be implemented only in the municipality of Timbiquí, however, the ST found a favorable panorama in which officials, local and religious leaders stated that people are willing to eradicate illegal crops if there are projects to replace coca crops (Official 4 PM, 2021).

On the other hand, the main risks for implementing substitution programs in the region are (i) the lack of investment and, in the cases where access to financing processes is achieved, (ii) the slowness in the approval of resources and in the review by the DNP; 18 projects have been submitted in the region to be financed through the OCAD PAZ (including one that was submitted as part of the *Hecho a la medida* strategy), but at the cut-off date of the Report, none had been approved. Therefore, the ST identifies the need to: (i) increase investment in the sub-region; (ii) facilitate the processes to access financing mechanisms; and (iii) accelerate the review of the initiatives submitted.

Another risk for the implementation of substitution programs is the presence of armed groups in the region and the disputes that have arisen between them, as a result of the reconfiguration of the conflict in the sub-region. The ST warns that there is a significantly limited capacity for Police action in the three municipalities due to the lack of infrastructure and tools to develop their work, such as: (i) in none of the three municipalities do the police have boats to move around between municipalities or through rural areas that require access by water; not even the police or the army that is located on Gorgona Island; (ii) the police also do not have available transportation resources to give prompt attention to calls that occur in urban areas, a situation that is aggravated in rural areas where there is no presence of this entity due to lack of physical resources to mobilize (Official 2 PM, 2021).

In the Catatumbo region, the ST found that substitution agreements were only signed in the municipalities of Tibú and Sardinata, even though all municipalities in this sub-region were affected by illicit crops from 2019 to 2020 (Observatory for Drugs in Colombia, 2021) and, after the signing of the Peace Agreement, there was a sustained increase in the area planted in Catatumbo. In addition, there is a low implementation of the family PAI components in this sub-region: approximately 22% of the families registered in the PNIS have benefited from immediate food assistance, food security projects or technical assistance for productive projects.

For the fulfillment of the commitment to voluntary crop substitution agreements (A.F. 4.1), it is noteworthy that in the dialogue roundtable of the national strike created in Norte de Santander, the governor expressed his willingness to create his own crop substitution model for the region (Líder 1 C, 2021). In addition, in order to prepare this initiative, it was agreed with several actors: (i) to make a balance of the PNIS in a diagnostic document hand in hand with the communities to see how this strategy is going in Tibú and Sardinata and with which strategy it seeks to convene the PNIS strategic council, as well as to activate the different instances and protocols of the A.F. An example of this is that the government of Norte de Santander committed to finance an assembly with 2,000 coca growers in the region so that they can contribute to the decisions of the substitution process (Lider 1 C, 2021).

The ST identifies as a risk for the implementation of this Point that the Catatumbo sub-region has a conflict dynamic where illegal groups fight for control and dominance of the area for illicit economies and drug trafficking routes (Attorney General's Office, 2021). This is exacerbated by the situation on the border with Venezuela, which increases social problems and represents more human resources for illegal activities (Attorney General's Office, 2021) such as increased labor for illicit crops, activities associated with drug trafficking and sexual exploitation (FIP, 2020). The ST highlights that in the midst of the difficult security conditions, strategies have emerged such as "the Humanitarian Peacebuilding Roundtable of Catatumbo" and "*Catatumbero* IHL", which sought to reach minimum vital agreements with the armed groups in the region (Líder 1 C, 2021).

## 1. Agreement for the Victims of the Conflict

The ST presents across this territorial report, through the right of truth, justice and the comprehensive reparation of individual and collective victims, the relevance of the achievements made in the implementation of Point 5, almost five years since the signing of the A.F. For this purpose, this report consists of both a retrospective and prospective analysis regarding the measures and strategies to compensate the victims and provide them minimum conditions. The reason is to prevent a recurrence of the armed conflict in the subregions of PDET of Sur de Córdoba, Catatumbo and Pacífico Medio, where it is possible to observe the results of these achievements, the challenges and the satisfaction index of victims following the redress of their rights and the reinstatement of their territorial conditions of basic needs.

The entities of SIVJNR are obliged to provide the territories with the implementation of their mandates, and also provide appropriate conditions to the victims in order for them to participate effectively in the process and be benefited by the results. For that purpose, this report presents the work done in three prioritized regions, the CEV, the UBPD, the JEP, around the following strategic topics: i) the right to the Truth and Justice, ii) the right to the comprehensive reparation y iii) the commitments for the promotion, respect and guarantee of Human Rights; taking into acquaintance its advances, obstacles, as well as the other aspects that the ST might consider important to strengthen and the risks that could be present in the scenario of recoils or stagnation when it comes to the implementation process.

In reference to the rights to Truth and Justice, the work done by the entities of the SIVJNR is fundamental for both victims and communities. In Catatumbo, its active presence has brought the possibility to generate alliances between various organizations and victims and this has promoted an environment of collaborative work in partnership with the civil society. In the city of Buenaventura, those entities were subscribed to the 'Pacto por la Búsqueda - Buenaventura Territorio

de Paz (Pact for the Search - Buenaventura Territory of Peace), from which they expect to focalize articulate actions across the territory, considering their specific needs and the presence of violence. Following this topic, the JEP established precautionary measures to preserve and protect the Estuary of San Antonio in Buenaventura (JEP, 2021). Simultaneously, during the last months of 2020 and the first months of 2021 the three entities implemented nine pedagogic days focused on social organizations from the five municipalities of the subregion of South Cordoba (JEP Prs-091-2021, 2021). In order to progress and provide sustainability to the compromises subscribed, it is imperative to advance in clarifying and recognizing the causes which have permitted the continuation of the conflict, also in a dignifying approach of the resistance expressions, the research and subsequent sanction to the ones responsible, and the implementation of repairing measures.

By completing a territorial analysis about the right to comprehensive reparation, it is possible to identify the transformations that have suffered those territories and its populations during the armed conflict. It is also possible to establish the appropriate mechanisms of action and have access to proper tools that can provide to the institutions the opportunity of creating collective and concerted duties that respond to new social and territorial dynamics and have a goal consisting of reconstructing the social fabric. In this sense, the ST considers that the integral repairing process must present itself simultaneously with a social and economic development in which it is mandatory to consider the particularities of the territories and the participation of every actor of the regions.

With regard to the comprehensive repairing process, the ST highlights -as it did in previous reports- the importance of strengthening every component of the policies for victims; as an example, the extension of the Law 1448/11 was an opportunity to advance in this aspect. Then, referring to the collective reparation, excluding some communities of the mentioned regions, especially in the Catatumbo region, the implementation of some measures of the PIRC can be highlighted, although still it is important to work on a greater compliance in the established measures. It is also mandatory that the entities responsible of all the components of the reparation process to constantly upgrade the information available and recognize the relevance of the victims participating: this is a key factor to strengthening the implementation of the reparation process because the needs of the victims are taken within a group of measures that contribute to improving their quality of life and their correct exercise of rights. Moreover, as for the PDET subregion of the Middle Pacific, access and lack of availability of information has become an obstacle in order to advance in the purpose of following and monitoring the comprehensive reparation process of the region.

Regarding land restitution, the URT does not present or disaggregate information on restitution processes in the municipalities of Guapi, Timbiquí and López de

Micay. However, in Buenaventura, the historical total reaches 841 applications filed, of which 632 already have a substantive decision. On the other hand, in the Sur de Córdoba and Catatumbo, as well as in the Pacifico Medio, there have been cancellations of qualified applications and activities of the Unit, due to security problems in the territories. Therefore, it is necessary to strengthen the actions of the State and rapidly improve the security conditions in these places to expand the capacity for intervention and safeguard the lives of officials and land claimants, without sacrificing their right to reparation.

Additionally, it is necessary to strengthen the accompaniment after the implementation of the different reparation measures, in order for the communities to generate an adequate ownership of the mechanisms and tools to overcome their condition as victims, and as an opportunity to generate guarantees of non-repetition.

The third strategic theme in this report and set forth in the A.F. (5.2): "Commitment to the rights of victims". (5.2): "Commitments to the promotion, respect and guarantee of human rights", is an obligation for the protection of human rights, recognizing differential approaches and considering principles of equality and progressiveness, guaranteeing the effective enjoyment of all rights, especially in the territories most affected by the armed conflict.

The ST highlights the participation of the departments in the 33 regional workshops held by the Presidential Advisory Office for Human Rights and International Affairs to contribute to the construction of the National Human Rights Action Plan -PNADDHH-. In the three sub-regions, participation was addressed at the departmental level. In Catatumbo, the civil and political rights component was prioritized, highlighting the need to ensure respect and guarantees for social leaders and human rights defenders. In Sur de Córdoba, the justice component was prioritized, emphasizing the need to strengthen the channels for access to justice and the strengthening of public institutions with respect to the rights of the population victims of the conflict. In the Middle Pacific, the departmental prioritization (Cauca) focused on the International Humanitarian Law component.

The materialization of the rights of the victims in relation to truth, justice and reparation in the path to put an end to the conflict is an opportunity to build a stable and lasting peace. For this reason, it is necessary to adopt affirmative actions to fully guarantee the rights of the victims of the conflict, always ensuring their effective participation, especially in those territories that have been most affected by the scourge of war.

## 1. Implementation, Verification and Endorsement

Regarding the **Priorities for Regulatory Implementation**, the A.F. does not establish a differentiation for each PDET sub-region. However, some of the established norms work to the benefit of these areas. Among those norms that have been approved and that represent implementation achievements, in

January 2021, Law 2078 of 2021 was approved, which extended the validity of the Victims Law for ten years. In addition, on August 25, 2021, Congress enacted the Legislative Act "Whereby 16 special peace constituencies are created for the House of Representatives for the periods 2022-2026 and 2026-2030", constituency 4 corresponds to Catatumbo, constituency 9 to Pacífico Medio and constituency 14 to the South of Córdoba. Additionally, the current legislature is currently approving bill S104/21, "Through which the Differential Criminal Treatment for small farmers who are or have been linked to the cultivation of illicit plantations and the activities derived from it, in accordance with the provisions of point 4, is developed. 1.3.4. of the Final Agreement for the Termination of the Conflict and the Construction of a Stable and Lasting Peace and transitory article 5 of Legislative Act 01 of 2017" and bill 032/21C-142/21S "whereby law 996 of 2005 -law of guarantees- is modified".

As for International Verification, the A.F. does not present a differentiated approach regarding the PDET sub-regions. However, within this sub-topic, it is possible to mention the work carried out by the ST. In this sense, one of the achievements related to the 3 subregions prioritized by this ST (Catatumbo, Pacífico Medio and Sur de Córdoba) is the completion and publication of the three territorial reports and the three seminars for dissemination purposes, carried out in 2021. Furthermore, regarding International Accompaniment, it is not possible to identify progress in the PDET zones, due to the fact that this component does not present progress since the signing of the A.F. Despite this, the Institutional Sessions carried out by the National Government in each PDET zone have been spaces for dialogue in which international entities have participated to find opportunities for cooperation. On the other hand, regarding the Distribution and Communication Tools, the television program *Mimbre* and social network strategies did not have a differentiated approach by PDET zones, therefore, there is no exclusive content for Catatumbo, Pacífico Medio or Sur de Córdoba either. Finally, regarding the 11 Peace Radio Stations that have been inaugurated at the national level, which is considered an achievement of the implementation at the general level, only one is located in one of these PDET sub-regions: Convención, Norte de Santander (Catatumbo). As for the Pacífico Medio and Sur de Córdoba the situation is different; not even the installation of a radio station has been approved.

It is important, then, to seek a more balanced implementation among the different PDET territories, especially those that have been historically relegated or that are still part of conflicts between armed actors.