

Guide about the implementation of the Peace Agreement in Colombia

Research Team of the Caribe Afirmativo Corporation

- The effective implementation of the Peace Agreement requires the combined labour of the National Government and territorial governments, and the civil society active participation.
- The Comisión de Seguimiento, Impulso y Verificación of the Peace Agreement implementation is called to play a pivotal role as guarantor of the respect and compliance of the agreement.
- With the aim of guarantee the citizenship active participation in the peace-building, the State must implement mechanisms and tools to facilitate the exercise of monitoring and oversight from civil society.
- The peace-building process enjoys international support for monitoring and financing.
- The programs, actions, projects and plans developed in the Peace Agreement implementation process must guarantee the respect of the gender perspective and the ethnic approach, that seek to offer special protection and affirmative actions in favour of vulnerable populations or traditionally discriminated people.



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Introduction

This document aims to provide a guide about the way in which the Final Agreement to end the Political Conflict and Build a Long-Lasting Stable Peace in Colombia will be implemented. In the first place, and in order to do that, the general principles that will guide the Implementation Process will be mentioned. In second place, the main mechanisms to be created to guarantee the success of the Implementation Process will be noted. Thirdly, the International Support Mechanisms for the monitoring of the Implementation Process will be pointed out. Shortly after, the way in which the Implementation of the Final Agreement includes the Ethnic and Gender Focus, will be mentioned. Lastly, the measures to ensure the dissemination of the advances made during the Implementation Process will be mentioned.

General Principles of the Implementation

The Implementation Process will be ruled by the following general principles (figure 1).

The main mechanisms of the Implementation Process

Creation of the Committee for the Monitoring, Impulse and Verification of the Implementation Process (CMIVI)

When was CMIVI created, and for how long?

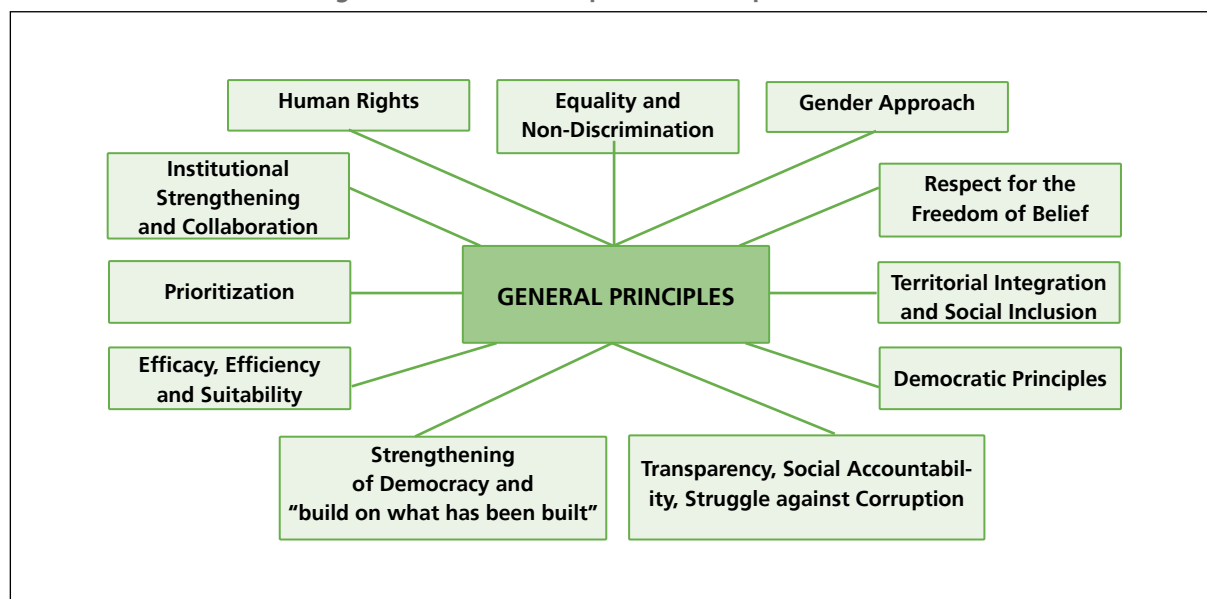
The CMIVI was created on the next day of the signing of the Final Agreement, and will start meeting in La Havana, but its headquarters will be located in Bogotá. It will last, at first, until January 2019, but it can be extended until 10 years.

Who composes CMIVI?

The CMIVI is composed by: 3 representatives of the Government, designated by the President, and 3 representatives of the FARC-EP or the respective political party that is formed during their reintegration process.

The CMIVI will also have a Technical Secretary, composed by the Government and the FARC-EP, which

Figure 1. General Principles of the Implementation





will be in charge of the making of periodical reports, and other tasks that are designated to it.

It will also have a Special Instance, composed by representatives of 6 national and territorial organizations of Colombian women.

What are the functions of CMIVI?

Some of the functions of CMIVI are:

- ◆ To solve the differences, or unpredictable situations, that arises when interpreting the Final Agreement.
- ◆ Become the space where differences between both sides can be solved, when the United Nation's Mechanism for the Monitoring and Verification (MM&V) is not involved.
- ◆ To monitor and verify the compliance to the Final Agreement, without interfering with international cooperation and the MM&V.
- ◆ To verify that the content of the laws destined to the Implementation of the Final Agreement are in compliance with what was agreed.
- ◆ To propose drafts for the laws destined to the Implementation of the Final Agreement.
- ◆ To make periodical reports on the Implementation Process.

Creation of the Plan Marco for the Implementation of the Agreement

When will the Plan Marco for the Implementation of the Agreement be created?

The CMIVI must discuss and approve the Plan Marco, during the 4 months after its creation. To that end, the Government will present a draft of the Plan Marco.

What is the period of validity of the Plan Marco?

The Plan Marco will have a period of validity of 10 years. The first phase of priority Implementation will be until the 20th of May 2019.

What will be the content of the Plan Marco?

The Plan Marco will establish:

- ◆ The objectives, purposes, goals, priorities, indicators, measures and policies necessary to the Implementation of the Final Agreement.
- ◆ The prioritization and the schedule for the Implementation of the Final Agreement.
- ◆ Those responsible, on both sides, of the Implementation Process.
- ◆ The funding sources for the Implementation of the Final Agreement.

In the Plan Marco, women's needs will be prioritized, considering the discrimination that will deal with during the Implementation of the Final Agreement. The Plan Marco will also promote policies and programs that respond to the needs and particularities of women and ethnical groups.

How is the Plan related to other National Public Policies?

The National Council for Economic and Social Policies (Conpes: Consejo Nacional de Política Económica y Social), will approve a Conpes document on the Plan Marco for the Implementation of the Final Agreement. This document will refer to its resources and sources of funding.

During the presidential periods 2018-2022 and 2022-2026, a chapter on the Four-Year Plan for the



Implementation of the Agreement will be included in the National Development Plan.

General de Regalías (Colombia’s funds to municipalities and departments) can be used to finance the Implementation of the Final Agreement.

The use of territorial resources

How will the local public policies be coordinated with the national public policies and the national measures for the Implementation of the Final Agreement?

The Development Plans of municipalities and departments will incorporate measures to guarantee the Implementation of the Agreement. These measures will be the starting point for the formulation of the Four-Year Plans and Long-Term Plans in the Plan Marco. Thus, the coherence between national measures and local measures will be assured.

How will the municipalities’ and department’s resources contribute to the Implementation of the Final Agreement?

Measures will be taken so that the resources of the Sistema General de Participaciones and the Sistema

Other funding sources for the Implementation of the Final Agreement

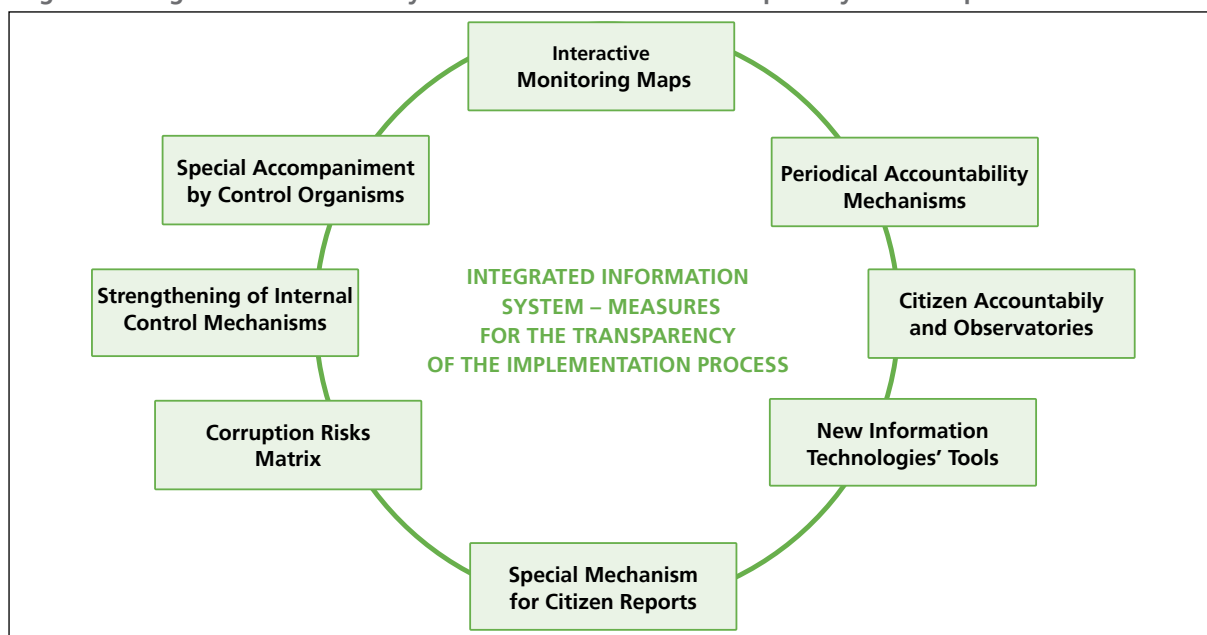
Some other funding sources to finance the Final Agreement’s Implementation Process are those from:

- ◆ From the private sector.
- ◆ From international cooperation.

Creation of the Integrated Information System

The Integrated Information System and the measures taken to ensure transparency, seek to prevent corruption. They give the citizens tools to ease the monitoring of the Implementation Process. Figure 2 shows some of the measures the Government will use.

Figure 2. Integrated Information System – Measures for the Transparency of the Implementation Process





International participation in the Monitoring of the Final Agreement's Implementation Process

International component for the Verification and Monitoring of the Implementation Process

The International component for the Verification and Monitoring of the Implementation Process will work in coordination with the CMVI. Figure 3 presents the criteria that rule its management and composition, as well as the functions each component will have.

United Nation's Political Monitoring Mission

Figure 4 presents how works this Mission.

International Support component

What does the International Support component mean?

The international support is referred to the direct or indirect support. This support can consist on material or human resources, that different international organizations, States or international agencies offer to Colombia, in order to guarantee the design, execution and verification of the Final Agreement's Implementation Process.

What criteria rule the International Support?

- ◆ Sovereignty.
- ◆ Impartiality.
- ◆ The offer of experience, technical capacity and resources.

Figure 3. Criteria that rule the International component for the Verification and Monitoring

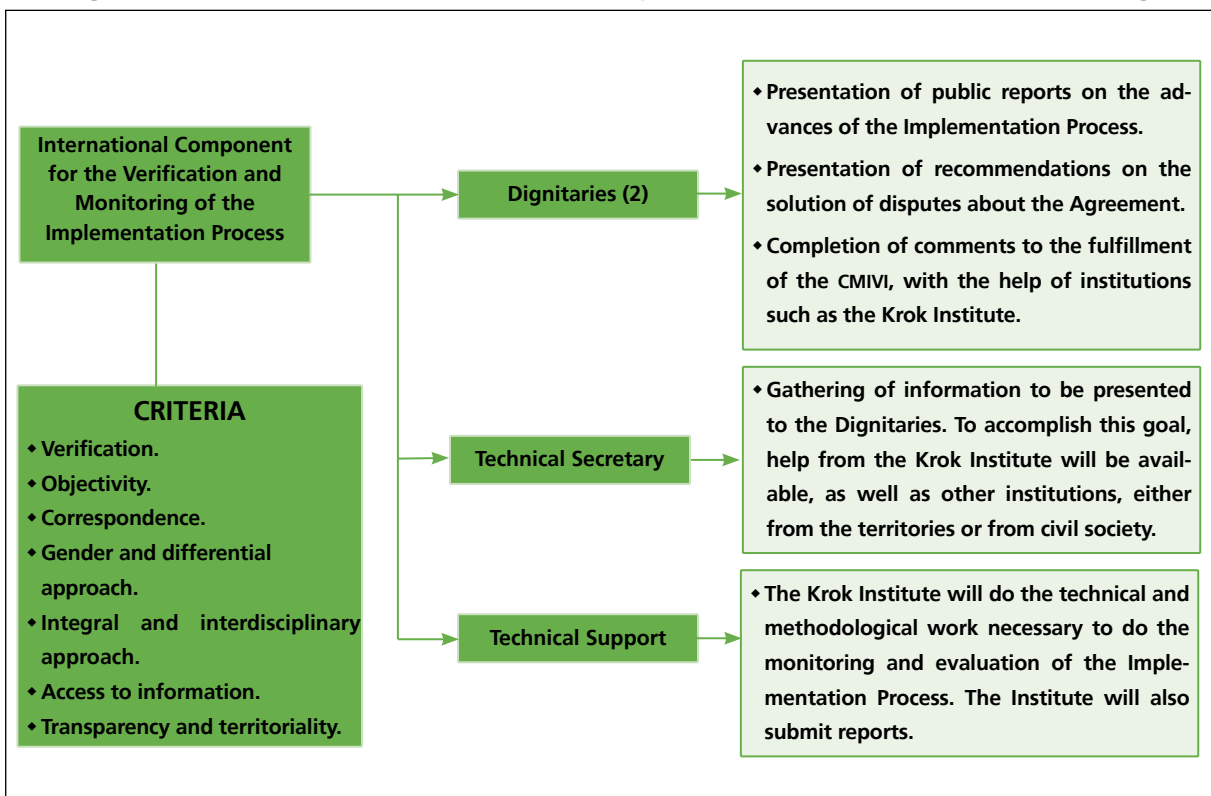
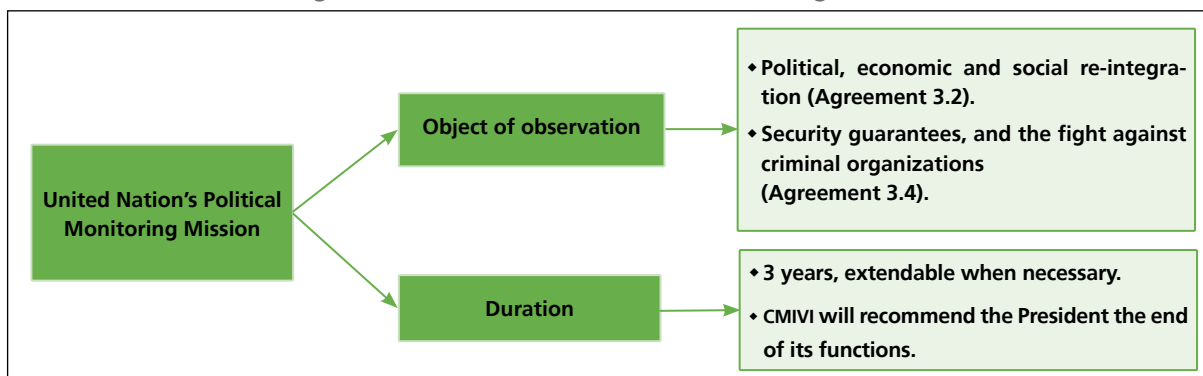




Figure 4. United Nation’s Political Monitoring Mission



What topics of the Final Agreement will have International Support? To whom will the Government request such support?

Table 1 contents the topics of the Final Agreement and the institutions or States to whom the Government will be able to ask for International Support.

Table 1. Topics of the Final Agreement and the institutions or States to whom the Government will be able to ask for International Support

First Agreement. Towards a new Colombian countryside. Integral Rural Reform.	♦ European Union, FAO, Via Campesina and UNDP.
Second Agreement. Political participation: Democratic opening to build peace.	♦ Unasur, Switzerland, Netherlands Institute for Multiparty Democracy, and the Carter Center.
3.2 Agreement. Re-incorporation.	♦ European Union, UNESCO, UNDP, OCLAE, and OEL.
3.2 Agreement. Security and personal guarantees.	♦ United States of America, United Nations Human Rights Office of the High Commissioner.
3.4 Agreement. Fight and dismantling of criminal organizations.	♦ UNODC, United States of America.
Fourth Agreement. Solutions to the Illegal Drugs problem. UNODC.	♦ UNODC, Global Commission on Drugs.
Fifth Agreement. Victims.	♦ United Nations Human Rights Office of the High Commissioner, ICRC, ICTJ, UNHCR, Sweden.
Search Unit for Missing Persons.	♦ Sweden, ICRC, ICMP.
Gender Approach.	♦ UN Women, Representatives of the General Secretary for sexual violence in conflict, Women’s International Democratic Federation, Sweden.



Ethnic Approach in the Implementation Process

The Ethnic approach implies that the Final Agreement's implementation and interpretation must respect the principles and rights oriented to guarantee the maintenance of institutions, culture and traditions of ethnic groups. Among these principles, the following are the most important ones:

- ◆ The principle of self-determination, autonomy and self-government.
- ◆ The right to participate, to consult and to consent freely and informed.
- ◆ The right to identity and social, economic and cultural integration.
- ◆ The right on the land, the territory and its resources.
- ◆ The right to restitution and the strengthening of their territoriality.

Among the international norms on the subject that should be respected, are:

- ◆ The principle of non-regressive norms, established in the International Covenant on Economic, Social and Cultural Rights.
- ◆ The principles and rights established in the Convention on the Elimination of All Forms of Discrimination against Women.
- ◆ The International Convention on the Elimination of All Forms of Racial Discrimination.
- ◆ The Durban Declaration and Program of Action.
- ◆ Declaration on the Rights of Indigenous Peoples.
- ◆ Indigenous and Tribal Peoples Convention.

The Ethnic approach assigns the following substantial safeguards for the interpretation and implementation of the Final Agreement. These seek to safeguard the right to previous, free and informed consent of ethnic groups, especially during the Im-

plementation. Specifically, in regard to each of the points of the Agreement. Table 2 presents the implications that these safeguards have in the 6 points of the Agreement.

Gender approach for LGBTI population in the Implementation Process

Respect for equality and non-discrimination is one of the general principles that rule the Final Agreement's implementation process. This principle includes a direct reference to the prohibition of diminishing the rights of those people who belong to the LGBTI population. The following are examples of propositions and measures in the Final Agreement, that include the Gender approach for LGBTI population:

In the Preamble

The LGBTI population are recognized as one of the subjects whose fundamental rights are specially observed.

In the Political participation agreement

- ◆ The National Council for Reconciliation and Cohabitation. This Council will include among its functions, to advice and give support to the Government in the execution of programs and mechanisms oriented to the promotion of non-stigmatization of vulnerable groups and people, among those, the LGBTI population. Councils for Reconciliation and Cohabitation will also exist in the territorial level. These will contribute to the progress of this function, jointly with the local authorities.
- ◆ The Government will support the management of the electoral organization, in order to promote the electoral participation of vulnerable and distant peoples. This, considering the results of diag-



Table 2. Safeguards implications in the 6 points of the Agreement

Integral Rural Reform	Political participation
<ul style="list-style-type: none"> ♦ Respect to the laws on collective property, and the mechanisms to protect the land and territories of ethnic groups. ♦ Maintenance of the integrity of their territoriality, and the reinforced protection of those ethnic groups in risk of extinction. ♦ Access to benefits of the Land Fund by ethnic groups, without losing their previous rights. ♦ The organizations of ethnic groups will be kept in consideration for the resolution of those conflicts that involve them. ♦ The Development Plans with Territorial Approach, in the zones where ethnic groups are found, will incorporate the cultural perspective of these groups. They will also integrate the previous consent to be implemented. 	<ul style="list-style-type: none"> ♦ Guarantees for the full and effective participation of the ethnic groups' representatives in the institutions where they need to participate. Especially those related to the Implementation, as well as the participative planning stages. ♦ Measures to include candidates from ethnic groups in the lists for the Special Territorial Peace Districts, in their respective territories.
Security guarantees	Solutions to the Illegal Drugs Problem
<ul style="list-style-type: none"> ♦ Strengthening of the security systems inside ethnic groups. ♦ Inclusion of ethnic groups in the Security and Protection Programs for communities and organizations. 	<ul style="list-style-type: none"> ♦ Participation of ethnic groups in the design and execution of PNIS. This will respect the cultural use and consume of plants considered as illegal. ♦ The realities of ethnic groups' territories will be considered. ♦ Concertation with ethnic groups will be done, in order to implement the Removal of Mines and Cleanse Program. The Embera people of Puerto Libertdor and Ituango, as well as the JIW In San José del Guaviare, and some other groups, will be prioritized. ♦ Development of a settling, return, devolution and restitution program in the Nukak, Embera Katio, and some other groups' territories.
Victims	Implementation and Monitoring
<ul style="list-style-type: none"> ♦ The Integral System for Truth, Justice, Reparation and Non-repetition will respect the jurisdictional functions of ethnic groups. ♦ Respect of previous consent for the design of judiciary and extrajudiciary mechanisms related to ethnic groups. ♦ Strengthening of the security systems inside ethnic groups. ♦ Coordination mechanisms between the Special Indigenous Jurisdiction, the ancestral African-colombian authorities, and the Special Jurisdiction for Peace. ♦ Special Program of armonization, for the reincorporation of disbanded members of ethnic groups, who seek to return to their communities. This will be created by concertation with the organizations of these groups. 	<ul style="list-style-type: none"> ♦ Creation of a Special High Level Stage with Ethnic groups, in order to monitor the Implementation Process. ♦ The funding of the Final Agreement will not be able to involve financial deals between the Government and ethnic groups.



nose with gender approach (the LGBTI population is not clearly mentioned, but there are no indications to say that it is only referred to women, as it is in some other parts of the Agreement).

- ◆ The Government will make campaigns in mass media, as well as workshops, in order to promote democratic values, political participation and non-discrimination, especially focusing on vulnerable peoples, such as the LGBTI population.

In the End of the Conflict Agreement

- ◆ The National Political Pact includes different sectors, movements, religious beliefs, populations, etc., clearly recognizing the LGBTI people.
- ◆ The psychosocial attention measures will include gender approach (the LGBTI population is not clearly referenced, but there are no indications to say that it is only referred to women, as it is in some other parts of the Agreement).

In the Solution on the Illegal Drugs Problem Agreement

- ◆ The Integral Intervention on the Consume of Illegal Drugs National Program recognizes, among its principles, the Differential and Gender Approaches. Therefore, it points out that the actions regarding consume of such drugs, will keep in consideration the circumstances of vulnerable people, among those, the LGBTI people.
- ◆ The National Program for the Attention of Illegal Drugs Consumers will include complementary rehabilitation and social inclusion actions, with a Gender Approach (the LGBTI population is not clearly mentioned, but there are no indications to say that it is only referred to women, as it is in some other parts of the Agreement).
- ◆ The Participative Action Plans with Territorial and Population Approach shall include actions in order to improve the access and offer of attention

and assistance to consumers. They will also drive affirmative measures for the LGBTI population.

In the Victims Agreement

- ◆ The LGBTI population are specifically recognized as some of the uncountable victims of the political armed conflict.
- ◆ The Commission for the Clarification of Truth, Cohabitation and Non-repetition will develop its functions in a way that all differential forms in which the conflict affected people and groups are recognized, such as the LGBTI population. Thus, it will have to clear up the human and social impact of the conflict on the rights of this population.
- ◆ The Commission for the Clarification of Truth, Cohabitation and Non-repetition will have a work group on gender studies. This will be able to do specific works with gender approach, and will be jointly coordinated with LGBTI organizations.
- ◆ Among the basic principles of the Justice component included in the Integral System for Truth, Justice, Reparation and Non-repetition, the violations to human rights are recognized as more serious when they are committed against vulnerable groups, such as the LGBTI population.
- ◆ The Government, committed to the promotion of Human Rights, recognizes among the groups that have been heavily affected by the political armed conflict, the LGBTI population. The Government is committed to the establishment of measures to effectively materialize their rights.

In the Implementation Agreement

- ◆ Respect for equality and non-discrimination is a general principle of the Implementation Process. It is established that the contents of the Agreement will be interpreted without any type of discrimination, nor diminishment of the rights of the people because of their characteristics.



Among these, belonging to the LGBTI population is included.

- ◆ The local stages of monitoring will have prepared personnel to treat cases related to violence against the LGBTI population.

It is important to note that in some parts of the Agreement, the Gender Approach is included as a guarantee or as a principle, but in this one, it is only expressively pointed out to women. For example, among the principles that rule what has been agreed relating to the Integral Rural Reform, the Gender Approach is mentioned. However, only women are mentioned, and not the LGBTI population.

Likewise, in the Participation Agreement is pointed out that the Implementation of what has been agreed on this subject will include Gender Approach. However, only women are specifically mentioned (p. 55).

In addition, the guiding principles in the End of the Conflict Agreement include the Gender Approach. Nevertheless, they are referred to women, children and young people who have been affected by criminal organizations, and the LGBTI population are not mentioned (p. 79).

Some other similar cases can be found in the content of the Final Agreement. Specifically, when the general principles of the Implementation include Gender Approach, they are not explicitly referred to the LGBTI population, but to women (p. 193).

Despite the fact that the Final Agreement includes the Gender Approach, it is also true that the Implementation Process will face several challenges, such as:

- ◆ That the processes of abandonment of weapons, and the reincorporation/reintegration of soldiers to civilian life allow to guarantee their sensitization and formation in gender issues. In addition, by approaching sexual diversity and gender identities issues, in order to prevent that they can keep reproducing violence patterns against LGBTI people, associated to the political armed conflict.

- ◆ Peace as the goal of the Final Agreement cannot only be guaranteed with the end of the political armed conflict, but it is also necessary to ensure that human rights will be the guiding principles of the actions that the Government and civil society do. To accomplish that, the construction of peace forces us to revise the stigma, stereotypes and sexist patriarchal prejudices, which have been reinforced inside society. This, in order to start thinking about a new, inclusive and respectful country, in which diversity and the rights of everyone are respected.
- ◆ The political armed conflict has obliged many LGBTI people to become invisible, in order to protect their lives. Thus, they have had to limit their exercise of their rights, among those, political participation. In this sense, the State is obliged to guarantee that LGBTI people are able to participate safely, in the same conditions as everyone else, in political and public election places. In this way, being able to make visible their sexual orientation and gender identity, without risking their lives by their political actions.
- ◆ Violence against LGBTI people has not only come from illegal armed groups, but also from state institutions that administer force, such as the Police and the National Army. This has caused distrust from many LGBTI people towards the Public Force, the latter been seen as a risk. With the purpose of consolidating peace, it is mandatory that control and pedagogy measures are taken, so that these actions disappear. Among these, the active judiciary course against the use of violence exercised by the authorities against LGBTI people, the formation in gender and diversity issues in the Police Force courses, as well as the permanent implementation of concrete actions directed to protect the entire population. These actions must be done by applying a differential approach for those people with a diverse sexual orientation and gender identity, and all those groups that require such measures.



- ◆ The work from the Legislative and Executive branches, in favor of those people with a diverse sexual orientation or gender identity has been poor, and the guarantees for their rights have mainly been achieved by Judiciary Sentences. Thus, the State, both in its Legislative and Executive branches, is obliged to promote laws and public policies that protect the rights of LGBTI people. These, in order to contribute to overcome the discrimination and marginalization that have affected these communities, as well as to contribute to build a more inclusive society.

The responsibilities of territorial entities

In the section on the Implementation mechanism referring to the use of resources from the territorial entities, the need to articulate both national and local policies and measures was pointed out. In addition, among the general principles of the Implementation, the Strengthening and Articulation among institutions is also found. According to this principle, all state institutions in the territory will contribute to the Implementation Process. The regional and local authorities will have to actively participate in the Implementation of public policies and both national and local measures, established in the context of the Final Agreement. Coordination, dialog and concertation between the territorial stages are necessary requirements for the design of many of these measures, as well as the effective execution of many others.

The following are some examples in which the work done by the local authorities will be vital for the successful implementation of the Final Agreement.

In the Integral Rural Reform

- ◆ Concertation spaces between the Government and the *local governments* will be created. In these spaces, campesinos, ethnic groups, businesspersons, among others, will be participating, in order to achieve a common development agenda regarding the use of the land, sustainability and production.
- ◆ A General Cadastral Information System will be created, to update the cadaster and land taxes. To achieve this, the municipalities will receive technical, administrative and financial support. In addition, *the municipalities* must effectively pay off, earn and collect the land taxes, through the system that is destined to such end. The rate will be established by *the municipalities*, according to the current laws, guided by the progressivity principle.
- ◆ The Development Plans with Gender Approach will be created, in order to transform the countryside structurally, and to reduce the breach between this and the cities. These must include action plans to transform the regions, which will be elaborated jointly with the *local authorities* and the communities.
- ◆ Departmental and local plans will be designed in order to feed and nourish depending on the culture of the territory. These will be elaborated with the joint efforts of communities, society, the Government and the *departmental and municipal governments*. On the other hand, departmental and municipal feeding and nourishing councils will be created, composed by national, *departmental and municipal* authorities, as well as *representatives from the departmental and municipal councils*.

In the Political participation Agreement

- ◆ The law on the Guarantees and Promotion of Citizenship participation, and other activities that organizations and social movements can do, will promote the construction of local, municipal, departmental and national work agendas, for the early response to petitions and requests from organizations and social movements. The local authorities are in charge of the attention to these petitions, as well as directing these to be solved effectively.



- ◆ The civil servants in directive positions in national, departmental and municipal stages, must be trained in treatment and resolution of conflicts.
- ◆ In the territories, Reconciliation and Cohabitation Councils will be created, in order to advise the local authorities so that the Implementations safeguards the distinctive features of the territories.
- ◆ The accountability mechanisms to civil servants will be strengthened, both in national, *departmental and municipal* stages.
- ◆ The Government will promote the formation of Planning Territorial Councils, which must count with the participation of Councils and Local Administrative Boards. Their concepts must be especially listened by public authorities.

In the End of the Conflict Agreement

- ◆ The *local, regional* and national authorities have the chance to provide information, help in the discussion of reports and to present proposals and suggestions to the Monitoring and Verification Mechanism.
- ◆ The regional authorities have the responsibility to promote the National Political Pact.
- ◆ The *departmental and municipal authorities* will coordinate, with the National Security Guarantees Commission, the creation of technical boards, in charge of monitoring criminal organizations. They will monitor especially those responsible for homicides and mass killings, who attack human rights defendants, social movements or political movements, or those who threaten or attack the people working in the Implementation of the Agreement and the construction of peace. In addition, those criminal organizations that are known to be successors of the paramilitary forces, and their support networks, will also be monitored.
- ◆ The *personerías municipales* will contribute to the gathering and processing of information to identify potential risk situations that could generate violence against civil population, or the members of the new political party that emerges from FARC's demobilization. To achieve this goal, they will be constantly communicating with the Prevention and Alert system for the quick reaction to the presence, operations or activities coming from those criminal organizations.
- ◆ The Territorial Prevention and Alert Councils for the Quick Reaction created will be coordinated with the *local authorities*.

In the Solution to the Problem of Illegal Drugs Agreement

- ◆ The Integral National Program to Substitute Illegally Used Crops will act coordinately with the departmental and municipal authorities.
- ◆ The measures to solve the problem of illegal drugs and the overcoming of poverty will be jointly constructed by the national, *departmental and municipal* authorities.
- ◆ Integral Municipal and Community plans for the Substitution of Illegal Crops and Alternative Development will be supported, jointly designed with the *communities* and the national, *departmental and municipal* authorities.
- ◆ The Integral National Program for the Consume of Illegal Drugs will create a national stage composed by representatives of communities related to the Consuming issue. It will keep in mind the territorial analysis on drug consumption, in which the *departmental and municipal authorities* will participate.
- ◆ The *municipal and departmental* authorities will execute departmental and municipal actions plans against consumption.
- ◆ Monitoring and evaluation of consumption policies, both in departmental and municipal stages, will be monitored and evaluated.



In the Victims Agreement

- ◆ The territorial authorities will actively participate in the construction of territorial collective reparation plans, in coordination with the victims and their organizations.

In the Implementation and Verification Agreement

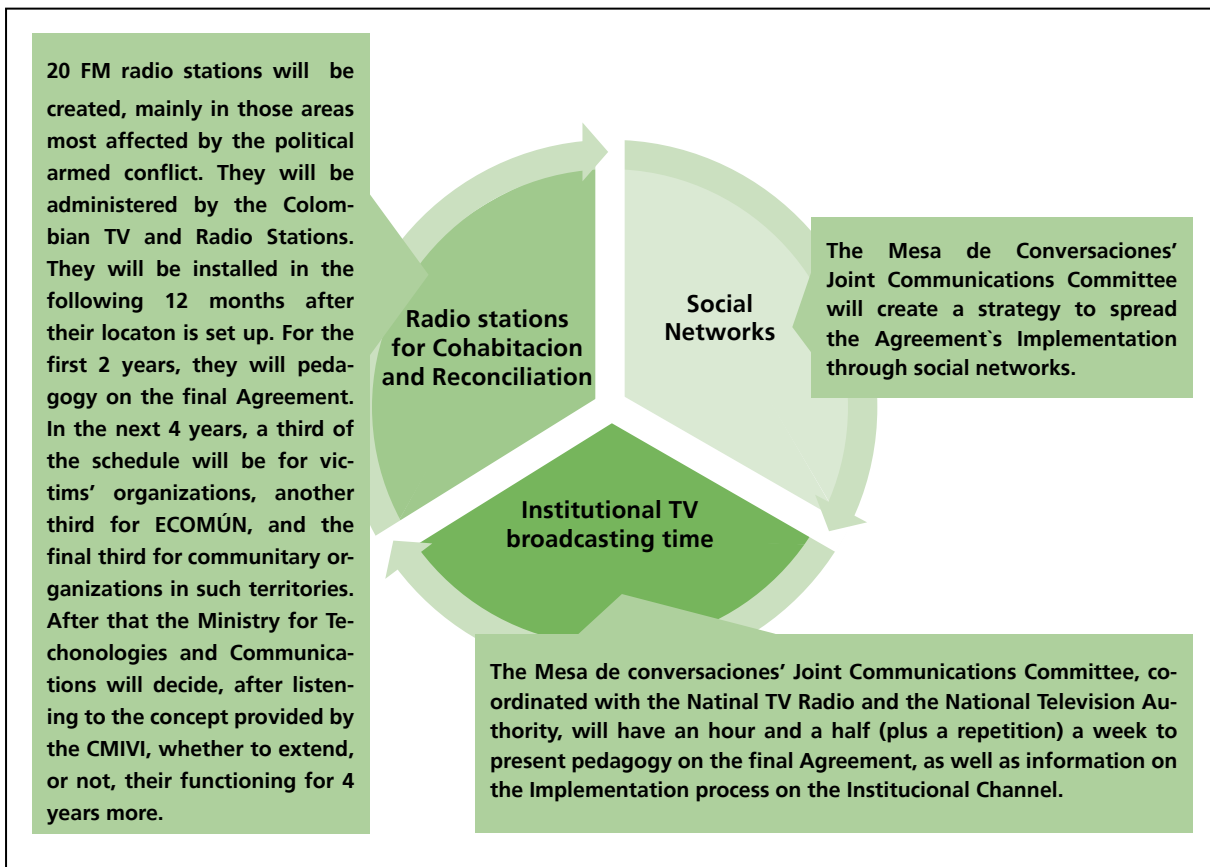
- ◆ The general principle of Strengthening and Institutional Articulation previously explained.
- ◆ The incorporation of measures that seek to guarantee the Agreement in the Development Plans of municipalities and departments. The use of these plans as an input for the Plan Marco.

- ◆ In any way, it must be kept in mind that the responsibilities of municipal and departmental authorities are not reduced to the above mentioned.

Broadcasting and communication tools on the progress of the Final Agreement's Implementation Process

Figure 5 shows the main tools to be used in order to spread news and information on the Final Agreement, as well as the progress in its Implementation.

Figure 5. Main tools to be used in order to spread news and information on the Final Agreement, as well as the progress in its Implementation





About the authors

Caribe Afirmativo Corporation. Civil society organization that seeks to influence over the construction and positioning of the sexual and gender diversity agenda in the Colombian Caribbean, for the recognition of the rights and the access to justice of LGBTI people in a post-conflict scenario and peace-building process. Its aim is the recognition of the sexual diversity and the gender identities in order to achieve that LGBTI people enjoy a dignified life and their exercise of full citizenship.

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