



RECOGNITION AND GUARANTEES FOR THE PROTECTION AND PARTICIPATION OF ETHNIC PEOPLES IN PEACEBUILDING

Special Report on the Monitoring of
the Ethnic Perspective in the
Implementation of the Colombian
Final Peace Accord

Reporting period: November 2016 to
May 2020



KROC INSTITUTE
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Suggested citation: Barometer Initiative, Peace Accords Matrix, Kroc Institute for International Peace Studies. “Special Report on the monitoring of the Ethnic Perspective in the implementation of the Colombian Final Peace Accord,” (University of Notre Dame, Notre Dame, IN and Bogotá, Colombia, 2020).

The National Secretariat of Pastoral Social - Caritas Colombia is the principal partner of the Barometer Initiative.

This publication was produced with the financial support of the European Union. Its contents are the sole responsibility of the Barometer Initiative of the Peace Accords Matrix (PAM) and do not necessarily reflect the views of the European Union.

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- b.** It shall contribute good practices and experience for the effective follow-up to the implementation of the agreements.
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Acronyms and abbreviations

ANT	National Land Agency	MPC	Permanent Dialogue Group for Indigenous Peoples and Organizations
CIV	International Verification Component	OCAD Paz	Joint Body for Administration and Decision-Making - Peace
CMES	Municipal Council for Evaluation and Monitoring	OIM	International Organization for Migration
CMPP	Municipal Commission for Participatory Planning	OIT	International Labor Organization
CND	National Dialogue Commission	ONU	United Nations
CNPRC	National Council for Peace, Reconciliation, and Coexistence	PAM	Peace Accords Matrix
COCOMACIA	Community Council of the Integral Campesino Association of Atrato	PATR	Action Plans for Regional Transformation
CPEC	Office of the Presidential Councilor for Stabilization and Consolidation	PDET	Development Programs with a Territorial Focus
CSIVI	Commission for Monitoring, Promoting, and Verifying the Implementation of the Final Agreement	PDETE	Development Programs with an Ethnic Territorial Focus
CTEP	Special Transitory Peace Voting Districts	PISDA	Comprehensive Community Plans for Substitution of Crops and Alternative Development
CTPRC	Territorial Councils for Peace, Reconciliation, and Coexistence	PMI	Framework Plan for Implementation
DAE	Directorate of Ethnic Affairs	PNIS	National Comprehensive Program for the Substitution of Crops Used for Illicit Purposes
DNP	National Planning Department	RRI	Comprehensive Rural Reform
ENCP	National Dialogue Space for Prior Consultation on Black, Afro-Colombian, Raizal, and Palenquera Affairs	SCE	Ethnic Collective Subjects
ETCR	Territorial Spaces for Training and Reincorporation	SIIPO	Integrated Information System for Post-Conflict
FISCH	Inter-Ethnic Solidarity Forum of Chocó	SISEP	Comprehensive Security System for the Exercise of Politics
IEANPE	Special High-Level Forum with Ethnic Peoples	SIVJNRN	Comprehensive System for Truth, Justice, Reparation, and Non-Recurrence
Kroc Institute	Kroc Institute for International Peace Studies	SNARIV	National System for the Attention and Comprehensive Reparation of Victims
MEC	Special Consultation Mechanisms	UNODC	United Nations Office on Drugs and Crime
MEE	Special Electoral Mission	UNP	National Protection Unit

Executive summary

Colombia's Final Peace Accord is one of the most complex and innovative comprehensive peace agreements in history. One explanation for its pioneering character is the inclusion of an Ethnic Chapter, which contains essential considerations on the historical, structural, and disproportionate victimization that ethnic peoples suffered in the context of the Colombian armed conflict. This chapter in the peace agreement also includes principles, safeguards, and measures that seek to ensure non-regression of enjoyment of ethnic people's rights, such as territorial rights, legal recognition and protection over resources, and prior, free, and informed consultation.

This is the first report on the state of implementation of the transversal ethnic perspective conducted by the Kroc Institute's Barometer Initiative, and it covers the period between November 2016 and May 2020. This report describes both the quantitative analysis designed by the Kroc Institute's Peace Accords Matrix (PAM) program as well as the qualitative analysis of the prioritized areas for implementation of the ethnic approach.

The quantitative analysis is based on an ethnic matrix that is part of PAM's methodology for the Barometer Initiative in Colombia. This ethnic matrix is composed of 80 commitments including 13 derived from the Ethnic Chapter in the Agreement. Although the transversal ethnic approach can be analyzed through the 578 commitments of the general matrix, these 80 were prioritized following a series of criteria:

- the commitments explicitly state that their implementation must include a “differential” or “ethnic” perspective;
- the commitments define specific mechanisms for ethnic peoples or indigenous, black, Afro-Colombian, Raizal, Palenquera (hereinafter ‘Afro-Colombian and indigenous communities’), and Rrom communities;
- the commitments require that implementation recognizes the existence of various cultural and ethnic identities in Colombia.

The quantitative analysis reveals that 10% of the 80 ethnic matrix commitments have been fully implemented, 9% have reached an intermediate level of progress, 49% of the commitments are at a minimal state of implementation, and the remaining 32% have not yet initiated implementation. The quantitative analysis also highlights a significant gap



between the levels of implementation of the 578 general accord commitments and the 80 ethnic commitments.

This report also refers to the 97 ethnic indicators of the Framework Plan for Implementation (PMI), a policy document that provides indicators and timelines for implementing the peace accord. These ethnic indicators were agreed upon by the ethnic peoples represented by the Special High-Level Forum with Ethnic Peoples (IEANPE) and the National Government. According to the data provided by the Office of the Presidential Council for Stabilization and Consolidation (CPEC), there is some level of progress for 85 of the 97 ethnic indicators. Additionally, the CPEC stated that for 40 of these 97 indicators, the responsible entities have had difficulties in reporting their implementation status in the Integrated Information System for Post-Conflict (SIIPO). These problems are related to uncertain indicators, discussions about the timelines for its fulfillment, and debates concerning the entities responsible for its implementation. Along with these hurdles, the IEANPE has indicated that the Government's progress does not reflect changes at the territorial level. They also stated that the difficulties reported for the 40 indicators respond to a lack of institutional capacity to fulfill these commitments.

The qualitative analysis of this report is divided into five thematic areas:

1. the effective participation of peoples and communities in the forums and programs created for the implementation of the Final Accord and prior consultation;
2. territorial transformation with an ethnic approach—including the Land Fund, Development Programs with a Territorial Focus (PDET), and the National Comprehensive Program for the Substitution of Crops Used for Illicit Purposes (PNIS);
3. social and economic reincorporation with an ethnic focus;
4. security and protection guarantees with a collective approach for ethnic peoples, and;
5. the guarantee of victims' rights in the Comprehensive System for Truth, Justice, Reparation, and Non-Recurrence (SIVJNR).

Regarding the effective participation of ethnic peoples in forums and programs created for the implementation of the Final Accord and prior consultation, as of May 2020 national level resources have been allocated for the operation of the IEANPE, the body that advises and monitors compliance with the Ethnic Chapter. At the territorial level, the formulation of the PDET and the Action Plans for Regional Transformation (PATR)

had the representative participation of ethnic peoples through unique consultation mechanisms. However, it is necessary to guarantee the same level of representation in the development of all roadmap processes as well as guarantee the technical and financial resources for prior consultation in cases required by law.

Regarding the territorial transformation with an ethnic approach, concerning the Land Fund, the PDET, and the PNIS programs, the report highlights the titling of hectares to ethnic peoples under the Land Fund, the inclusion of more than 8,000 ethnic initiatives in the 16 PATR plans, and the involvement of more than 13,000 indigenous and Afro-Colombian families in the PNIS programs. In this context, it is time to accelerate the titling, expansion, and creation of inhabitable ethnic territories. Moving territorial transformation forward is crucial to implement the ethnic initiatives of the PDET and design an ethnic route with a collective approach for the implementation of the PNIS program.

Social and economic reincorporation with an ethnic approach is one of the most delayed issues in the implementation of the ethnic approach. Progress has been made in conversations with ethnic peoples to agree on the consultation route to create the Special Harmonization Program that should have been created in 2018. It is necessary to advance in the coordination processes with indigenous and Afro-descendant communities and guarantee the technical and financial resources for establishing and implementing the program. Furthermore, it is necessary to advance in actions to prevent the recruitment of ethnic people's minors and implement other measures of the Special Comprehensive Program: A Differential Path.

Security and protection guarantees with a collective perspective for ethnic peoples have already established public policy tools based on decrees 2078 of 2017 and 660 of 2018, which provide prevention, security, and protection measures for communities. In particular, Decree 660 has advanced in developing territorial pilots with ethnic communities of the Alto Mira y Frontera Community Council in the municipality of Tumaco, in the Colombian Pacific region. The Office of the Ombudsman has issued more than 130 Early Warnings that make it possible to account for the territorial dynamics and the risks faced in indigenous and Afro-Colombian communities. Along with these advances, it is necessary to promote collective security and protection measures, such as protecting community and social leaders and the landmine removal processes in the territories prioritized by the agreement. Additionally, community strengthening actions should be implemented, such as training and providing resources to reinforce self-protection mechanisms known as the Indigenous Guard and the Cimarrona Guard.



Regarding the guarantee of victims' rights, this report highlights the advances of institutional adjustments made to include the ethnic approach in the work of the SIVJRNR at the national and territorial levels. For instance, these advances include the creation of protocols for coordination with ethnic organizations and the indigenous jurisdiction. Among the challenges that persist are the strengthening of coordination actions between the SIVJRNR and the National System for the Attention and Comprehensive Reparation of Victims (SNARIV) in order to advance the comprehensive reparation of ethnic groups.

As a result of the quantitative and qualitative analysis of the ethnic approach's implementation, this report presents opportunities to progress in the execution of the Ethnic Chapter. The report also highlights that it is essential to understand the ethnic perspective as an integral part of the agreement. These conclusions emphasize the relevance of the recognition, participation, and protection of the ethnic peoples and their authorities, as pillars to advance in the implementation of the ethnic perspective of the Final Peace Accord.

Introduction

Colombia is a multiethnic and multicultural country that recognizes three ethnic peoples: Afro-Colombian, indigenous, and Rrom communities. The 1991 Constitution includes the State's fundamental principle of recognizing and protecting Colombia's ethnic and cultural diversity. To this end, in 1993, Law 70 was enacted, which recognizes the collective right to land ownership of Afro-descendant and indigenous peoples and the right to self-determination. In 2018, according to the National Administrative Department of Statistics (DANE) census, the Afro-Colombian population in Colombia consisted of 4,671,160 people; of these, 9.34% people were concentrated in the Caribbean region and the Colombian Pacific.

According to data from the same entity, there are currently 115 indigenous groups and a population of 1,905,617 people who keep their own 66 languages alive. By 2020, the National Land Agency (ANT) reports 771 constituted reservations and 125 expanded ones, and the total area of formalized territories for indigenous peoples represents 33% of the country's total geography. The Rrom peoples, consisting of 2,649 people, are divided into family groups or Kumpania, and the Rrom language is preserved among them. The DANE stated that 94% of the Rrom population resides in Atlántico, Bolívar, Valle del Cauca, Norte de Santander, Santander, and Bogotá.

These communities have not been spared from the impact of the armed conflict. In Havana, Cuba, the peace negotiations lasted four years to end the armed conflict that affected the lives of millions of people in the country for more than five decades. In this scenario, the National Government and the former FARC-EP guerrilla representatives recognized the conflict's effects, particularly on ethnic people's territories. As a result, the Ethnic Chapter in the peace accord states, "ethnic peoples have contributed to the building of a sustainable and lasting peace, to progress, to the economic and social development of the country, and that they have suffered historical conditions of injustice, resulting from colonialism, slavery, exclusion, and from having been dispossessed of their land, territories, and resources."¹ Since they have been seriously affected by the armed conflict, maximum guarantees must be provided for the full exercise of their human and collective rights. These safeguards shall follow their aspirations, interests, and worldviews, recognizing that ethnic peoples must control the events that affect them and their lands, territories, and resources in order to maintain their institutions, cultures, and traditions.



In fulfillment of its mandate to monitor the implementation of the Final Agreement, the Kroc Institute's Barometer Initiative presents the first special follow-up report on the implementation of the transversal ethnic approach, which covers the period between November 2016 and May 2020. The report's quantitative and qualitative analysis of the ethnic perspective provides information to those responsible for decision-making and to peacebuilders who promote the implementation of ethnic commitments.

The report is divided into five sections. Following this introduction, the second section describes the methodology used to monitor the ethnic perspective. There, a quantitative analysis of the state of the implementation of the transversal ethnic approach is presented. It also analyzes the PMI as a tool for monitoring the Final Accord agreed between the Colombian Government and the ethnic peoples through the IEANPE.

The third section presents the state of the implementation of the ethnic perspective in five key areas: 1) the effective participation of ethnic peoples and communities in the forums and programs created for the implementation of the Final Agreement and prior consultation; 2) territorial transformation with an ethnic perspective—comprising the Land Fund, PDET, and the PNIS; 3) social and economic reincorporation with an ethnic perspective; 4) security and protection guarantees with a collective approach for ethnic peoples, and 5) the guarantee of victim's rights in the SIVJNR.

Each of these sections includes a representative case of the implementation's territorial dynamics that deserve special attention or recognition. The topics studied are:

- impact of the COVID-19 emergency on the processes of effective participation and prior consultation of ethnic peoples;
- governance and ethnic-territorial transformation through the participatory construction of the PDET of Chocó;
- the role of the Indigenous Guard and the Cimarrona Guard in the collective protection of territories;
- the experience of reincorporation and territorial reconciliation with an ethnic focus in the Territorial Spaces for Training and Reincorporation (ETCR) Los Monos Caldon, Cauca, and;
- the story of resilience, resistance, and peacebuilding of the Association of Afro-descendant Women from Northern Cauca (ASOM).

Finally, the third and fourth sections present the opportunities to support the implementation of ethnic commitments and concluding remarks.

Methodology for monitoring the ethnic perspective

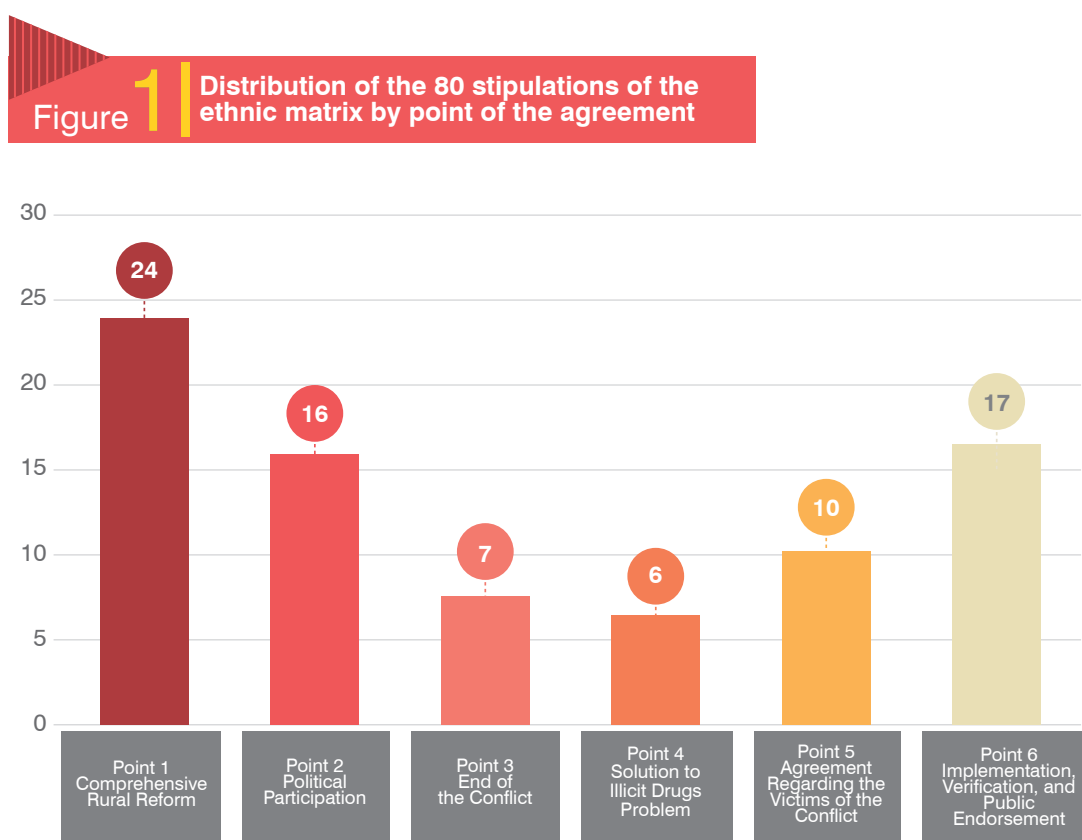
To monitor the Final Accord implementation in Colombia, the project identified 578 concrete, observable, and measurable commitments, also called stipulations, contained within the agreement. Of these 578 stipulations, the Kroc Institute identified and prioritized 80 comprising the ethnic matrix for monitoring this perspective, including 13 stipulations in the Ethnic Chapter. The selection process followed these criteria:

1. The stipulation explicitly states that its implementation must include a “differential” or “ethnic” perspective;
2. The stipulation includes specific mechanisms for ethnic peoples or Afro-Colombian, indigenous communities, and the Rrom peoples;
3. The stipulation requires that implementation be conducted to recognize different cultural and ethnic identities;
4. The monitoring of the stipulation requires that the information be disaggregated by ethnicity;
5. The actions associated with the stipulation prioritize the territories with a population recognized as belonging to an ethnic community.

The Kroc Institute presented its conceptual and analytical framework for monitoring and evaluating the transversal ethnic approach before the IEANPE, a body created by the agreement to advise the parties and monitor the ethnic perspective.² The methodology for monitoring the ethnic perspective was also developed based on inputs obtained in the various spaces for dialogue and joint analysis at the national and territorial level with different actors, communities, and interest groups through interviews and workshops. However, it is important to highlight that the Barometer Initiative’s territorial strategy has limited access to monitoring all ethnic territories.



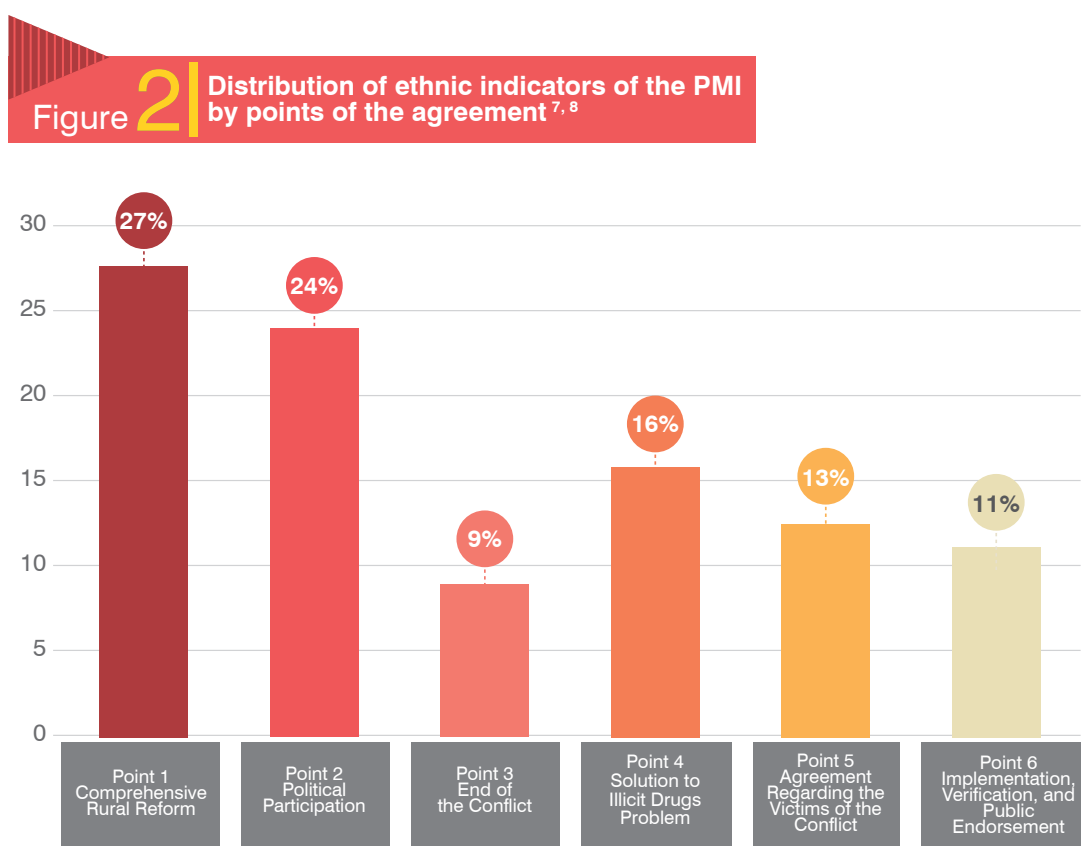
Figure 1 shows the distribution of the 80 stipulations in the ethnic matrix for each point of the agreement. As can be seen, the largest number of commitments, a total of 24, falls under Point 1, where issues associated with access to land are concentrated. The next highest number is in Point 6 with 17 stipulations, of which 13 correspond to the Ethnic Chapter, and in Point 2 with 16 stipulations. In Point 5, there are 10 stipulations about the victims of the conflict. Finally, in points 3 and 4, there are 7 and 6 stipulations, respectively.



The quantitative analysis is based on a numerical scale from zero to three (0-3). These values represent the level of implementation for each of the 578 stipulations identified within the Final Accord text. Zero (0) means that the commitment has not been initiated. One (1) implies that implementation has started. A score of two (2) means that the stipulation is at an intermediate level of implementation, with a number of concerted actions related to the commitment having been taken. A three (3) means that the commitment has been completed.³ In monitoring the ethnic perspective, coding changes in the matrix stipulations depend on the level of representation, meaningful participation,

recognition of the special rights of ethnic peoples, and their implementation through differential measures. Because of these additional criteria, changes in the general matrix's coding do not necessarily imply variations to the ethnic matrix unless the conditions mentioned above are met.

By comparison, the PMI is a policy document created by the Government for implementing and monitoring the Final Accord. As defined, the PMI “will guide the public policies required for the Final Accord’s fulfillment during the next fifteen years and will facilitate their follow-up by the different forums arranged for this purpose. As well, it will be the main reference for the inclusion of peace components within the next National Development Plans in the terms established in the Final Agreement and Constitutional Reform 01 of 2016.”⁴ The ethnic chapter of the PMI has 97 indicators distributed in 27 pillars in the six points of the agreement, which were consulted with ethnic peoples (see figure 2).⁵ The SIPO, managed by the National Planning Department (DNP), is the official reporting system on the status of PMI indicators. It is publicly available for consultation through its virtual platform.⁶



Considering that the Peace Agreement was designed to achieve a profound transformation in the territories, the fulfillment of ethnic commitments cannot be done independently and disjointed from the other stipulations. This report highlights the need to analyze each section of the prioritized issues in an interrelated way. Thus, implementation can progress only as a direct result of cooperation at the national and territorial levels.

This report presents the state of implementation of the ethnic perspective by priority areas and not by points of the Accord. The prioritized topics encompass most of the stipulations of the ethnic matrix, which are distributed across the six points of the agreement. In the information gathering process, the Barometer Initiative team conducted interviews with primary sources and consulted secondary sources at the territorial and national levels. This information gathering and triangulating process included interviews with authorities and organizations of Afro-descendant, indigenous, and Rrom ethnic peoples, such as the Association of Community Councils of North Cauca (ACON); the National Indigenous Organization of Colombia (ONIC); the Community Council of Alto Mira and Frontera in the municipality of Tumaco, Nariño; the Indigenous Regional Council of Cauca (CRIC); the Barí community in Norte de Santander; the Association of Indigenous Cabildos of the Municipality of Villagarzón, Putumayo (ACIMVIP); and the Inga Katiayaco Andaquies Reservation.

The Barometer Initiative team also conducted interviews with civil society organizations' representatives and victims, such as the Chocó Women's Departmental Board, the National Association of Displaced Afro-Colombians (AFRODES), and the Inter-Ethnic Solidarity Forum of Chocó (FISCH). Additionally, territorial workshops were held in the PDET subregions on the ethnic perspective, which included the participation of different key actors of the agreement. To complement this research process, the Barometer Initiative team analyzed press articles and institutional reports made by various national and international organizations.

To account for the relevance of measuring the ethnic perspective at the territorial level, this report also presents territorial study cases that accompany each of the prioritized issues and reflect progress in implementation. These cases have been identified and documented through territorial monitoring and describe opportunities and challenges for implementation.

Status of the implementation of the ethnic perspective

The Ethnic Chapter of the Final Accord includes measures for strengthening ethnic communities' protection mechanisms and recognizes the transversal nature of the ethnic perspective. Consequently, the responsible actors for implementation must follow the ethnic approach to interpret and implement all peace accord commitments. Thus, the Ethnic Chapter indicates that the commitments “contemplated in the legal system of the international, constitutional, jurisprudential, and legal framework” are an interpretive reference point.⁹ The backbone of the Ethnic Chapter is the principle of non-regression and progressive access to the special rights of ethnic peoples, together with the recognition of the differential effects of the armed conflict on these vulnerable communities.

In the reporting period, implementation of the ethnic approach lags behind the Final Accord's general implementation levels due to the following issues. First, there is a lack of technical capacity and budget allocation from the Government to guarantee prior consultation. Second, the responsible entities for implementation do not incorporate differential routes in their planning processes that respond to the special characteristics of ethnic peoples. Finally, many of the action plans required for implementation have not properly integrated an ethnic perspective nor the budget required to fulfill ethnic commitments. The following figure shows the status of implementation for the ethnic perspective during the report period.



Figure 3 | Implementation of the 80 stipulations which require an ethnic-based approach (May 2020)¹⁰

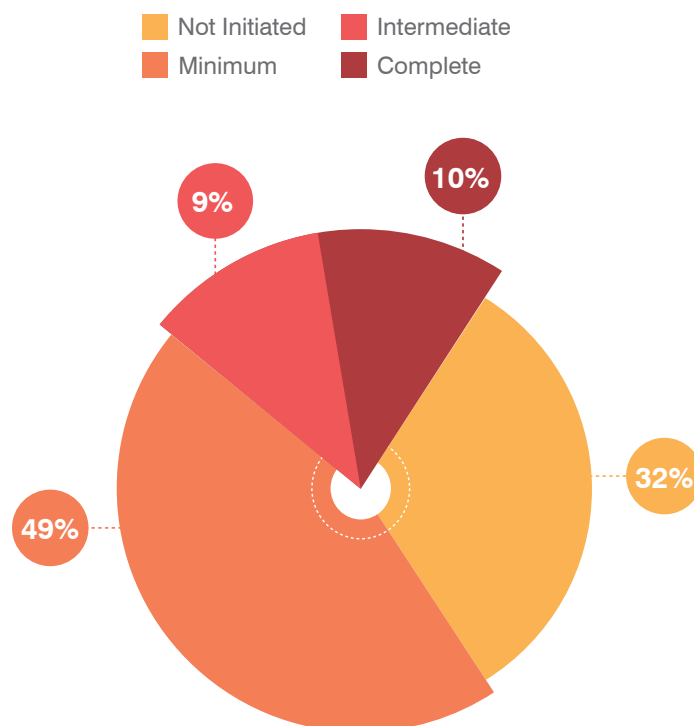


Figure 3 reflects the state of implementation of the 80 stipulations of the transversal ethnic approach. By May 2020, only 10% of the stipulations have been completed, and 9% have an intermediate level of progress. A notable example of progress within the intermediate-level stipulations are commitments related to communities' meaningful participation in the coordination mechanisms created by the SIVJRN. A majority of the stipulations either have no implementation or minimum implementation, with 49% of the stipulations having a minimum level of progress and 32% having no implementation.

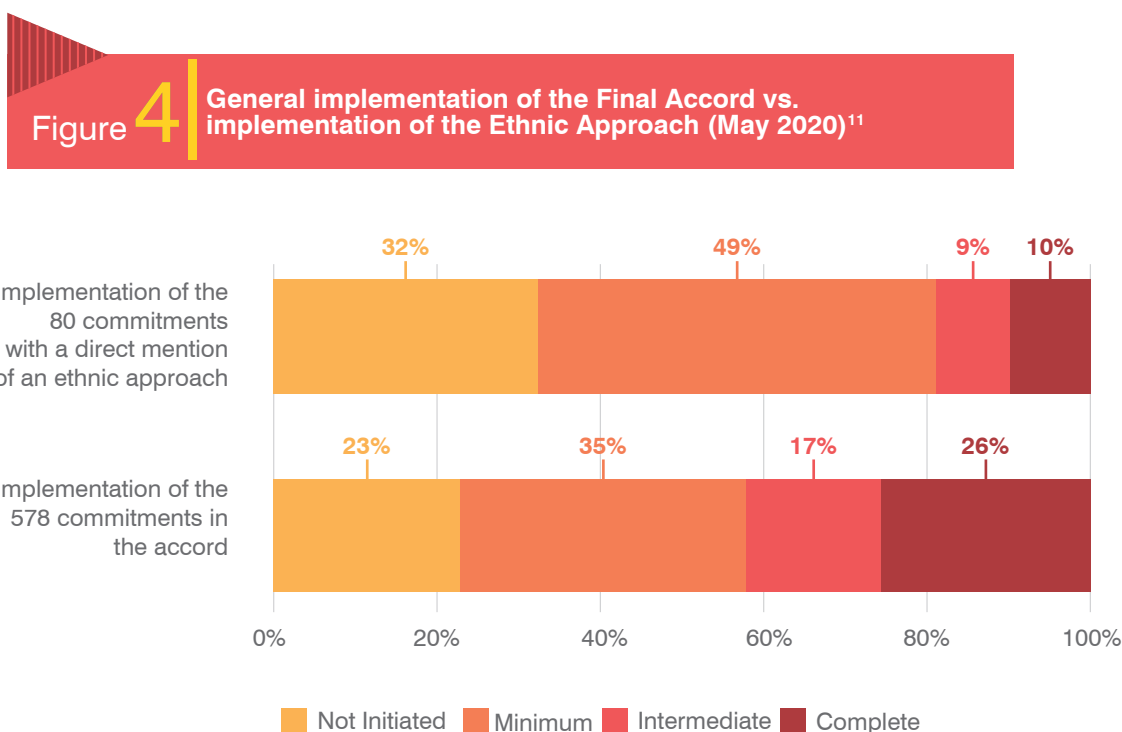


Figure 4 shows the gap between the implementation of the 80 stipulations related to the ethnic perspective and the 578 stipulations of the Final Accord matrix. While general implementation reflects an advance of 26% in the completed stipulations, only 10% of the transversal ethnic approach's commitments have been fully implemented, revealing a difference of 16 percentage points. This same trend is observed in intermediate stipulations: while the general implementation rate shows 17% intermediately implemented, there is less progress in the ethnic perspective with 9%. Instead, the stipulations with a minimum level of implementation present a higher percentage in the ethnic perspective with 49%, in contrast to 35% in the general implementation. Finally, the non-initiated stipulations represent a higher percentage in the ethnic approach than overall accord implementation (33% versus 23%, respectively).

Figure 5 | Status of the implementation of the ethnic perspective by point of the agreement (May 2020)¹²

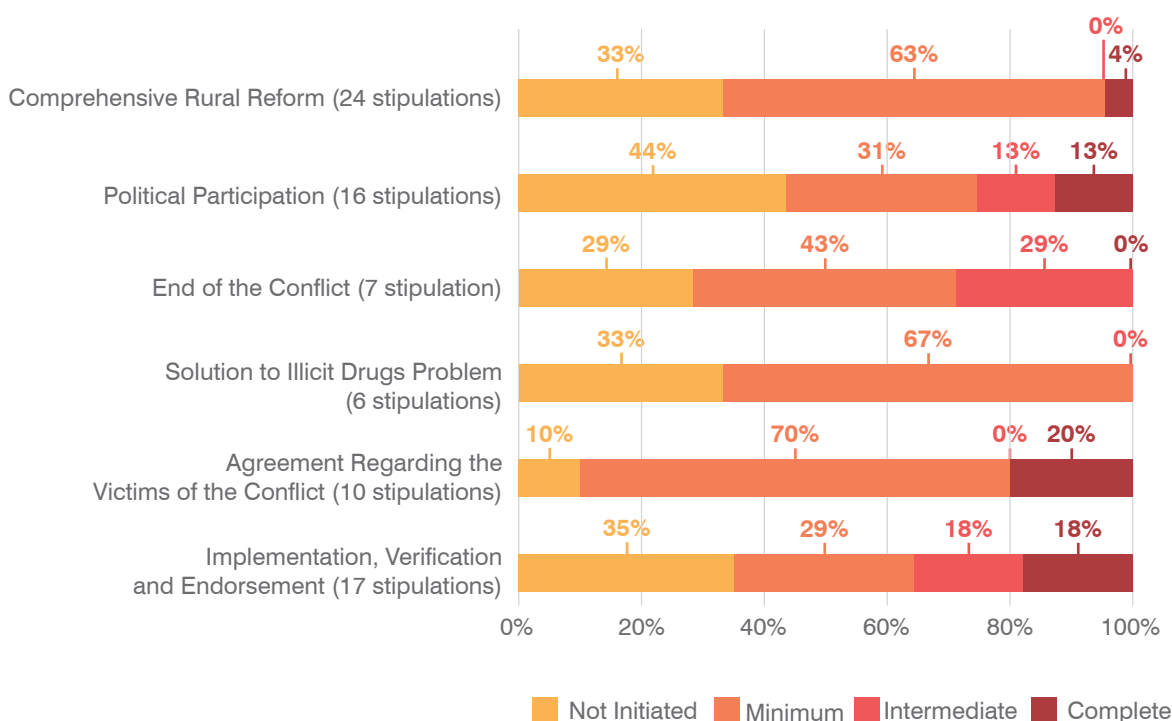


Figure 5 shows the status of implementation of the transversal ethnic perspective in the Final Accord's six points. The graph shows that the points with the highest level of progress in the completed ethnic stipulations are Point 5 on conflict victims with 20% fully implemented, and Point 6 on the implementation, verification, and public endorsement mechanisms, with 18% fully implemented. In contrast, the points with the lowest level of implementation are Point 3, which refers to the end of the conflict, and Point 4, which deals with the solution to the problem of illicit drugs, with 0% progress in both cases.

The state of implementation is presented below according to the prioritized areas for this report. These topics include the ethnic commitments of the agreement and account for the implementation of the effective participation of ethnic peoples, the non-regression principle, progressive access to the rights of ethnic peoples, the recognition of the differential impact of the conflict in ethnic communities, and their condition as collective subjects of rights.

The effective participation of communities and prior consultation

The effective participation of ethnic peoples and their prior consultation in the programs and forums of the Final Accord are crucial elements to guarantee that their visions and needs are included in implementation. Moreover, meaningful participation contributes to the sustainability of the implementation at the territorial level and brings solutions that respond to communities' territorial realities. There have been advances in the participation of communities in national and local forums for the implementation and monitoring of the Final Accord, such as the IEANPE; the National Council for Peace, Reconciliation, and Coexistence (CNPRC);¹³ the Territorial Councils for Peace, Reconciliation, and Coexistence (CTPRC); and the PDET construction.

IEANPE's mandate consists of "monitoring the implementation of the Ethnic Chapter, especially concerning the Framework Plan for Implementation and the four-year plan for the implementation of the agreements and the multi-year investment plans integrated into the national and territorial plans."¹⁴ In compliance with its mandate, during the period analyzed in this report, the IEANPE participated in developing the 97 indicators of the Ethnic Chapter of the PMI.¹⁵ Between 2017 and 2019, despite having budgetary limitations for its operation, the IEANPE continued to contribute to the agreement's implementation by calling attention to the importance of compliance with the Ethnic Chapter.¹⁶ During this period, the Barometer Initiative participated by facilitating spaces for coordination between IEANPE and the Office of the Presidential Councilor for Stabilization and Consolidation.¹⁷ In May 2020, the IEANPE work plan and funding for the next two years were approved through the United Nations Multi-Partner Trust Fund (MPTF).¹⁸ This budget streamlined the forum's work and made it possible to generate intercultural dialogues with government entities to advance in the review of the ethnic indicators of the PMI.¹⁹

The Ethnic Chapter includes guarantees for "the full and effective participation of the ethnic authorities and their representative organizations in the different forums created within the framework of Final Accord implementation."²⁰ Currently Afro-Colombian organizations are represented in the CNPRC by Francia Márquez, an environmental and territorial rights activist from the Afro-Colombian communities of northern Cauca who was elected as its president,²¹ and Ariel Rosebel Palacios Angulo, an ethnic community rights defender, member of the National Conference of Afro-Colombian Organizations (CNOA). Representation of ethnic peoples in the different CTPRC spaces also contributes to peacebuilding and promotes the implementation of the Ethnic Chapter at the territorial level.²² In order to ensure representation, the ordinances related to the creation of the CTPR of the departments of Putumayo,²³ Antioquia,²⁴ and Valle del Cauca²⁵ provide



examples for creating effective participation of ethnic peoples through the allocation of quotas for indigenous and Afro-descendant communities.

Other decisive participation spaces to guarantee the inclusion of ethnic peoples' needs were the Special Consultation Mechanisms (MEC) designed and implemented during the construction of the PDET between July 2017 and February 2019. According to the CPEC, during this process, 116 participation routes were designed and agreed upon within the MEC framework with the participation of 715 indigenous councils and 517 community councils.²⁶ In information collected by the Barometer Initiative in the virtual ethnic territorial workshops that were carried out in September 2020, ethnic peoples stated that although they participated in the different spaces for formulating the PDET, not all their proposals were included in the defined plans or programs.²⁷ Moreover, the evidence shows that there is a lack of knowledge regarding the implementation process and inadequate funding, especially concerning the Ethnic Chapter and the transversal ethnic approach.²⁸

There are challenges to guarantee compliance with the safeguard included in the Ethnic Chapter on prior, free, and informed consultation. Prior consultation is a fundamental right of participation enshrined in Convention 169 on indigenous and tribal peoples from the International Labor Organization (OIT).²⁹ This safeguard became relevant in Colombia when implementing the unique, transitory mechanism known as Fast Track. Through it, the legislative and executive branches formulated and enacted laws and decrees to implement the Final Accord.

Through this fast track mechanism, a total of 30 legislative initiatives were presented, notably including the Law of the Administration of Justice of the Special Jurisdiction for Peace (JEP), the National System of Agricultural Innovation, the Statute of the Political opposition and some rights of the independent political groups, the Special Transitory Peace Voting Districts (CTEP), the Forest Reserve Areas, and the Multipurpose Cadastral Information System. Of 30 initiatives, eleven were approved, ten filed without proceeding, and nine filed. Also, 35 law-decrees were adopted by the President of the Republic.³⁰ Of these laws and decrees, six were presented before the National Dialogue Commission (CND) with the Rrom people, five were consulted and protocolled before the Permanent Dialogue Group for Indigenous Peoples and Organizations (MPC), and one bill was consulted before the National Dialogue Space for Previous Consultation on Black, Afro Colombian, Raizal and Palenquera Affairs (ENCP). Of the laws and decrees consulted, only three were enacted: Decree 870/17 on Payment for Environmental Services, Decree 902/17 on Comprehensive Rural Reform, and Decree 893/17 on PDET.³¹ Although not all regulatory developments require prior consultation, it is important to note that the laws and decrees were not consulted before the ethnic authorities despite the safeguard

in the Ethnic Chapter, which is considered essential for the implementation of the Final Accord.³²

The lack of approval of the CTEP, either by the State Council, the Constitutional Court, or the Congress of the Republic, has not made it possible to “guarantee the inclusion of candidates from ethnic peoples in the lists of the Territorial Voting Districts when they coincide with their territories.”³³ Similarly, the political and electoral constitutional reform has not been approved in accordance with the recommendations made by the Special Electoral Mission (MEE).³⁴ This would contribute to the democratization of the political-electoral system based on the plurality and political representation of the territories, through different measures such as the reorganization of the House of Representatives with a mixed system and the creation of new polling stations in rural areas in order to guarantee better vote access to the ethnic peoples.³⁵

Other challenges are related to the communities’ effective participation in the territorial forums created to monitor the PNIS program.³⁶ In the first report of the CPEC about the monitoring of the PMI ethnic indicators,³⁷ it is noted that by 2018, the document management and systematization processes were not implemented that would account for the number of participants from the ethnic authorities. Nevertheless, by 2019 the report shows the participation of 45 representatives of ethnic peoples in the Municipal Commission for Participatory Planning (CMPP) in the municipalities of Miranda and Jambaló in the department of Cauca and Tumaco in Nariño, and 12 representatives in the Municipal Council for Evaluation and Monitoring (CMES) in the same municipalities. The concerns of ethnic peoples about these spaces are related to the low implementation of the PNIS, the lack of relevant information, and the low compliance with the established commitments.³⁸

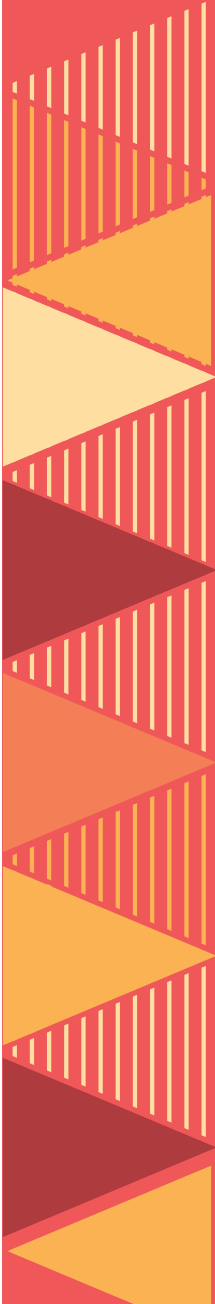
Limited participation of indigenous women, Afro-descendants, and the Rrom peoples in the accord’s programs has been identified. The second gender report of the Kroc Institute, which analyzes the period between September 2018 and August 2019, points out the lack of implementation of the gender perspective in collective territories within the PDET or PNIS programs for women belonging to ethnic peoples. The slow progress of gender commitments represents an obstacle to women’s participation in these programs and their land access.³⁹ In particular, there is evidence of only 20% attendance of ethnic women in PNIS forums.⁴⁰

Thus, the right to effective participation and prior consultation of ethnic peoples contemplated in the Final Accord has made some progress. However, a more significant effort is required by entities responsible for implementation to incorporate mechanisms in the different processes associated with the agreement that guarantee the effective participation of the communities. The greatest challenges are implementing free and



informed prior consultation and implementing projects associated with the PDET. It is also advisable to strengthen participation in the spaces created by the PNIS and approve the necessary legislative reforms to advance the guarantees for political participation.

Territorial Case 1 | Impact of the COVID-19 emergency on the processes of effective participation and prior consultation of ethnic peoples



The health emergency generated by COVID-19 has had different impacts on the implementation of the Final Accord.⁴¹ In the case of indigenous communities, most of which are in rural areas,⁴² the emergency has required the reinforcement of lockdowns and the creation of self-protection mechanisms that reduce the risks of the virus' spread,⁴³ taking into account the low levels of access to health services. Alongside this is the fact that the communities do not have permanent energy, drinking water, or internet connectivity services⁴⁴ to adjust their activities to virtual spaces.

In this context, it has been challenging to hold meetings and workshops with Afro-Colombian and indigenous communities to guarantee their participation and prior, free, and informed consultation in PDET, PNIS, and landmine removal processes. To mitigate the effects of the quarantine and advance the prior consultation processes, in April 2020 the Ministry of the Interior issued an official notice in which it informed ethnic peoples that prior consultations would be carried out virtually due to the lockdown measures.⁴⁵ This notice was later repealed for going against the community's rights because most of them do not even have access to the internet and it would affect their possibilities to participate in the prior consultation processes.⁴⁶

In a communication from July 2020, the Permanent Dialogue Group for Indigenous Peoples and Organizations (MPC) spokespersons expressed their refusal to conduct prior consultations requiring deployment and mobilization in ethnic territories, as the communities are in confinement by their mandate as a protective measure.⁴⁷

Thus, the health emergency of COVID-19 has revealed inequities in access to health services, energy, and connectivity in rural areas of the country where many ethnic people live. The emergency has also affected the exercise of their right to prior, free, and informed consultation. For this reason, it is urgent to implement PDET initiatives prioritized by the communities, which are an opportunity to guarantee equality and, therefore, advance in the construction of sustainable peace.

Territorial transformation with an ethnic perspective: Land Fund, PDET, and PNIS

Access to land and the right to autonomy over its use are part of the historical struggle of ethnic peoples as collective subjects of rights.⁴⁸ The Final Accord recognizes this in the Ethnic Chapter, which includes measures that guarantee access to the mechanisms of Point 1 on Comprehensive Rural Reform (RRI), such as the Land Fund and the PDET, and Point 4 on solving the problem of crops for illicit use through the PNIS program.⁴⁹ This section presents the state of implementation of these programs' ethnic perspective and its importance for the cultural and physical survival of the communities.

Land Fund

The Land Fund was created by the Peace Agreement to promote the land's democratization in favor of the most vulnerable rural communities, among which are ethnic peoples. This fund has a total of one million hectares from legal proceedings for the seizure of assets acquired through drug trafficking and other illicit activities. The hectares included in the land fund also came from vacant lands recovered in favor of the Nation, lands from updating and delimitation of forest reserve areas, and unexplored lands.

The Land Fund's implementation with an ethnic approach requires setting up subaccounts to guarantee access to land for indigenous peoples and Afro-descendants, which will contribute to the establishment, creation, titling, expansion, inhabitability, and protection of collective territories.⁵⁰ Although the subaccounts are legally established in article 18 of the decree that creates the Fund,⁵¹ the ANT had not regulated its operation during this reporting period.⁵²

In its report on compliance with the ethnic indicators of the PMI, the National Government reported that through the period between June 2017 and May 2020, 31 collective titling processes have been developed, representing 29,556 hectares charged to the Land Fund. Of these collective titling processes, four belong to Afro-descendant peoples and 27 to indigenous peoples.⁵³ The report does not specify the dates of these requests, nor does it mention whether these titled hectares correspond to land titling that was already in possession of the ethnic peoples. Additionally, the National Government does not specify if the land titling is indeed a process of handing over new land to respond to requests for the expansion of the reservations and community councils contemplated in the agreement.

Taking into account the number of pending applications for titling, expansion, and inhabitability of ethnic territories, it could be said that the levels of implementation



reported are significantly low. According to its management report, by 2019, the ANT had 1,565 requests from ethnic peoples in its records, most of which lag from the former Colombian Institute of Rural Development (INCODER) which operated until December 2016. Among these, there are a total of 989 requests from indigenous communities and 246 from Afro-Colombian communities.⁵⁴

In the Rrom people's case, although the PMI defines indicators that allow access and titling of land through the Land Fund and subsidies, three and a half years after the signing of the Final Accord this community has not had access to any of these mechanisms.⁵⁵ The ANT affirms that it is necessary to regulate these agreements through a new decree that allows an addition to the Regulatory Decree of the Agricultural, Fisheries, and Rural Development Administrative Sector.⁵⁶ Thus, it is necessary to advance the prior consultation process with the Rrom people, which was originally planned to occur in 2020 but is still pending.

Access to land also means significant challenges for women who recognize themselves as belonging to ethnic peoples. One of the main difficulties is obtaining institutional reports that provide data on the access of ethnic women to RRI programs. For instance, in its reports, the ANT considers gender-oriented actions on access to land, the development of a diagnosis of ethnic rural women, and the pilot program "Ethnic Rural Women and Collectivity," which "made women visible through an encounter with the participation of 35 Afro-Colombian women leaders in the Tierra Baja community council, in Cartagena, Bolívar."⁵⁷

Three main reasons explain the low levels of implementation of the ethnic perspective regarding the Land Fund. First, the complexity of the administrative processes is evident, making it challenging for ethnic peoples to have equitable access to the Fund because it is hard for them to initiate the administrative processes requiring legal orientation in some cases. Second, the administrative lag of the former INCODER processes makes it difficult to advance on new requests.⁵⁸ Finally, the lack of an adequate budget affects the fulfillment of the ethnic commitments of the agreement. The 2019 report on the Peace Process of the Congress of the Republic stated that the ANT suffered a 19% reduction in the 2020 budget, which directly affected the Directorate of Ethnic Affairs (DAE) which implies that implementation may suffer as a result.⁵⁹

Development Programs with a Territorial Focus (PDET)

Within the framework of the prior consultation of Decree 893 of 2017, it was agreed that the formulation and implementation of the PDET, and consequently the PATR, should be aligned with the planning instruments of the ethnic peoples, such as the indigenous

people's safeguard plans and ethno-development of the Afro-descendant people.⁶⁰ The planning and construction process of the PDET and the subsequent signing of the PATR were broadly participatory processes.⁶¹ ART data shows that in creating the 16 PDET regions, 116 routes were carried out with Afro-Colombian and indigenous communities in the 16 sub-regions, with the participation of 517 community councils and 715 indigenous cabildos.⁶² As a result of this exercise, 8,381 "Ethnic Initiatives" were identified.⁶³ This planning process was widely supported by ethnic organizations and authorities, which recognize in the Final Accord a unique opportunity for territorial transformation.⁶⁴

Considering the large number of initiatives resulting from the PDET formulation stage, the Government has designed a prioritization and co-financing strategy to implement the initiatives called the Roadmap.⁶⁵ At the beginning of 2020, the Roadmap of the Catatumbo region was developed, which included the Barí indigenous people, the Afro-descendant communities, and the Rrom people.⁶⁶ This exercise is being socialized and is expected to be replicated in the other 15 subregions to assure representative participation of ethnic peoples.

In parallel, the PDET initiatives' implementation advances mainly through two mechanisms: the PDET infrastructure projects and the PDET initiatives, the latter financed by the Joint Body for Administration and Decision-Making - Peace (OCAD Paz).⁶⁷ The report on the progress of the PMI ethnic indicators states that, under the PDET modality of infrastructure projects, ethnic peoples have benefited from 85 executed projects, and 21 more are being executed.⁶⁸ Additionally, 60 ethnic organizations have been strengthened, including 12 councils, two reservations, an indigenous organization, 42 community councils, and three ethnic associations. OCAD Paz has approved a total of 31 projects that benefit the ethnic population.⁶⁹ This strengthening occurs in two areas: one related to financial resources destined, for example, to equipment or transport, and the other in the development of training workshops to reinforce organizational processes.

The challenges facing the implementation of the PDET with an ethnic focus deal with, first, guaranteeing the representative participation of ethnic peoples in constructing the Roadmap. This prioritization exercise has a pilot in the Catatumbo region but has not yet been implemented in the other subregions. Consequently, some communities in Cauca⁷⁰ and Putumayo⁷¹ have expressed concern about the lack of information on this exercise and the role that the communities will play. Second, it is necessary to accelerate the implementation of the initiatives agreed in the PATR and the Roadmap. In particular, the implementation processes will require coordination with the communities to advance the prior, free, and informed consultation established by law. Third, considering the



number of initiatives and the costs they represent, it is necessary to advance in managing resources that assure the implementation of the PDET and the equitable financing of Ethnic Initiatives.

Territorial Case 2 | Governance and ethnic-territorial transformation through the participatory construction of the development plan with an ethnic territorial focus (PDETE) of Chocó



The PDET are a central element of the Peace Agreement since the disproportionate impact of the armed conflict is contemplated in the planning, construction, and implementation processes so that affected communities can participate. This strategy of construction and implementation of public policy is a historic opportunity for territorial transformation.

The case of the PDET of the department of Chocó is an example of how local ethnic organizations and authorities jointly built a PDET with an ethnic focus (PDETE).⁷² According to information from National Administrative Department of Statistics (DANE), of 457,412 people in this department, 62% are recognized as belonging to the Afro-descendant people, and 15% to the indigenous people, comprising the Embera Dóbida, Chamí, Katío, Wounnan, Zenu, and Tule peoples. Besides recognizing the ethnic-territorial perspective,⁷³ the PDETE was built using a methodology with an ethnic approach agreed between the Territorial Renewal Agency (ART) and local organizations such as the Inter-Ethnic Solidarity Forum of Chocó (FISCH), the Community Council of the Integral Campesino Association of Atrato (COCOMACIA), the Permanent Dialogue Group for Indigenous Peoples, and Organizations with the accompaniment of PACIPAZ, and the Diocese of Istmina, among others.⁷⁴ To this end, the PDETE included autonomous spaces for ethnic peoples in their territories throughout the subregion and the analysis and inclusion of initiatives in the individual life plans, safeguarding, self-development, and environmental management of ethnic peoples.⁷⁵

This strategy for ethnic recognition is an example of the spirit of the Ethnic Chapter of the agreement. Here, the governance exercised by ethnic peoples played an essential role in shaping their vision of territory and influencing the construction of municipal and departmental development plans.⁷⁶

National Comprehensive Program for the Substitution of Crops Used for Illicit Purposes (PNIS)

The Ethnic Chapter states that, “The effective participation and consultation of the communities and representative organizations of the ethnic peoples will be guaranteed in the design of the PNIS program, including the plans for immediate attention in respect of the territories of the ethnic peoples. In any case, the PNIS program will respect and protect the cultural use and consumption of traditional plants classified as used for illicit purposes. In no event will policies on the use of territory and the natural resources present in it be imposed unilaterally.”⁷⁷ In order to comply with the previous statement, the PMI agreed to consult and create a “Decree to regulate the PNIS consulted and agreed with the ethnic peoples and communities”⁷⁸ that defines a differential route for indigenous and Afro-descendant communities that voluntarily decide to substitute crops used for illicit purposes.⁷⁹

The general implementation of the PNIS has advanced through Decree-Law 896 of 2017,⁸⁰ whereby agreements were signed with 99,097 families in 56 municipalities of the country.⁸¹ Of these families, 10,267 are found in community councils, and 2,808 live on indigenous reservations, for a total of 13,075 families.⁸² The data indicates that approximately 13% of the families registered in the PNIS are part of an ethnic community or live in an ethnic territory. According to the United Nations Office on Drugs and Crime (UNODC), 89.8% of involved families have received a conditional cash transfer called Immediate Food Assistance. This budget corresponds to bi-monthly cash payments of COP\$2,000,000 for twelve months.⁸³

Nonetheless, the inclusion of the PNIS ethnic route has not been agreed to yet. Instead, the Government proposes that the ethnic approach should be aligned with the policies established in the National Development Plan 2019–2022⁸⁴ which states that, “the National Government, through the responsible entities, will build in a participatory and concerted manner with indigenous peoples, authorities, and organizations, guidelines for modalities of voluntary substitution agreements for illicit crops in indigenous territories as established in the Ethnic Chapter of the Final Accord. Regarding eradication, this will be developed with the participation and consultation of indigenous peoples.”⁸⁵

The implementation of the ethnic approach of the PNIS program requires coordination between the substitution program and the Comprehensive Community Plans for Substitution of Crops and Alternative Development (PISDA).⁸⁶ According to the information provided by the CPEC, of the 57 municipalities prioritized by the PNIS, only three have the presence of ethnic peoples. They are located in the PDET municipalities of the upper Patía subregions and northern Cauca (Miranda and Jambaló), and the Pacific of Nariño (Tumaco). Therefore, the PISDA initiatives contemplated in the PDET should



be built in a participatory manner.⁸⁷ The CPEC established that the PISDA documents for these municipalities have already been prepared. However, as of this report's closing date, information on the levels of progress in implementing the initiatives has not been presented, and it is uncertain what the route for implementation and financing of the PISDA will look like.⁸⁸

Thus, the inclusion of the ethnic perspective in the PNIS program requires establishing an ethnic route as an affirmative action that recognizes the program's collective nature for indigenous and Afro-descendant communities and the cultural uses and consumption of traditional plants classified as illicit. This approach should also generate alternative substitution mechanisms for ethnic peoples who have not been included in the PNIS program and who have expressed their interest in advancing with voluntary substitution.⁸⁹

Social and economic reincorporation with an ethnic perspective

According to official government data, 13,511 ex-combatants of the former FARC-EP guerrilla are recognized by the Office of the High Commissioner for Peace (OACP); 12,773 are in their reincorporation process; of these, 1,977 (15.4%) are self-recognized members of an ethnic community.⁹⁰ Additionally, the ETCR of Los Monos in the municipality of Caldonio in the department of Cauca is located in two indigenous reservations, which cover 9.5 hectares in ethnic territories.⁹¹ The main commitment of reincorporation with an ethnic perspective is the Special Harmonization Program's concerted construction for reincorporation with ethnic peoples.⁹² At the closing date of this report, the Reincorporation and Normalization Agency (ARN) reported the development of some outreach activities with the Permanent Dialogue Group for Indigenous Peoples and Organizations to advance work routes for designing the program and the appropriation of COP\$1.759 million for the 2020 term.⁹³

The participatory design of a comprehensive model that includes actions and routes for the differentiated attention to people belonging to the communities has not yet been initiated by the ARN, despite its date of completion having been projected for 2018.⁹⁴ The main reason for this delay is the lack of resources to finance activities to guarantee prior consultation.⁹⁵ For the 2020 term, the ARN allocated resources to advance in the implementation of this commitment and expect to advance in setting up activities with indigenous communities once the COVID-19 emergency is overcome. In Afro-descendant communities, progress is being made in a cooperation mechanism with the International Organization for Migration (OIM) to finance activities associated with prior consultation.⁹⁶

One of the main concerns regarding the lack of progress in reincorporation with an ethnic approach is the impact of the processes of rearmament and recruitment of dissidents from the former FARC-EP that influence some of the ethnic territories, which has a negative impact on the security conditions of the communities.⁹⁷ There are also concerns about the territorial rights of the ethnic communities where the ETCR have been installed and continue to operate, particularly in the department of Cauca.⁹⁸

On May 27, 2020, at the intercultural dialogue working group between government entities and IEANPE, the ARN requested to extend the deadline for compliance with the indicator related to the creation of the harmonization program until 2026,⁹⁹ in order to align the schedules with the reincorporation route established in CONPES 3931 of 2018.¹⁰⁰ The IEANPE did not accept this request because it would mean a change in the commitments established in the PMI, and, instead, this forum proposed holding work sessions to advise the ARN on the construction of this program with a differential ethnic and gender perspective.¹⁰¹

The Government has been implementing economic development projects with an ethnic focus. For example, in 2019, the “Project to support the socio-economic reincorporation of former FARC members with a community, gender, ethnic, and population perspective” was approved. This plan, financed by the UN through the Multi-Partner Trust Fund, amounts to USD\$2,948,194, and UNICEF, UN Women, and the United Nations Development Program (UNDP) are responsible for its execution. The project seeks to benefit 2,592 people, including 2,083 men and women in the process of reincorporation, 509 Campesinos, and 614 members of ethnic peoples in the departments of Antioquia, Arauca, Caquetá, Cauca, Guajira, Guaviare, Meta, Putumayo, and Tolima.¹⁰²

The Special Comprehensive Program: A Differential Path¹⁰³ aims for the demobilization, restoration of rights, comprehensive reparation, and social and economic reincorporation of those under 18 years of age who left the former FARC-EP. The program considers the ethnic perspective whereby it develops the following components: the recognition of the rights of minors as collective subjects; their Law of Origin;¹⁰⁴ their own law, organizational structures and constitutional rights recognized by their ethnicity; and the strengthening of competencies that promote the participation of ethnic peoples in the process of comprehensive reparation of minors belonging to ethnic groups.¹⁰⁵

Created in 2017, this program was initially implemented by the Presidential Council for Human Rights and International Affairs, in which 124 minors who were part of the former FARC-EP participated. According to a report from the Office of the Inspector General, 21 of these young people recognize themselves as members of an ethnic community.¹⁰⁶ In December 2018, the program’s leadership was transferred to the ARN

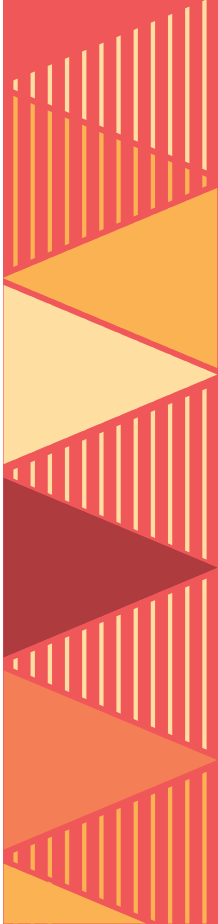


and phase IV began, which refers to the social and economic reincorporation and the comprehensive reparation process that the UARIV must continue.¹⁰⁷

Thus, the Special Program for Harmonization's design and implementation with ethnic peoples has a two-year lag because the ARN had limited budget allocation to develop prior consultation processes.¹⁰⁸ This delay has some consequences on the implementation of this program. For instance, its execution will not have the same impact three years after the signing of the agreement due to the serious situations that ethnic territories are currently experiencing caused by the rearmament of some dissidents of the former FARC-EP. For this reason, it is essential that the ARN advance in its design in a concerted manner with ethnic peoples considering relevant aspects such as access to land and livelihood projects in ethnic territories. This action is vital because it has been identified that the conditions of inequality that prevail among ethnic peoples increase the risk of recruitment, which has a direct impact on the communities and their territory.¹⁰⁹

Territorial Case 3

Territorial Space for Training and Reincorporation (ETCR) Los Monos Caldono, Cauca – reincorporation and territorial reconciliation with an ethnic perspective



Los Monos, located in the municipality of Caldono in the department of Cauca, is one of the 24 ETCRs that exist in the country. This place was initially a Transitional Local Point for Normalization that welcomed 600 members of the sixth front and the Jacobo Arenas mobile column.¹¹⁰ It later became an ETCR with the capacity to house 200 people. According to the ARN, 69 ex-combatants still live in this space as permanent residents.

This 9.5-hectare ETCR is located in a territory belonging to the Pueblo Nuevo and San Lorenzo indigenous reservations.¹¹¹ Here, indigenous communities have welcomed ex-combatants who are not part of their community. The United Nations Verification Mission has developed the ethnic perspective throughout the activities performed in this ETCR. Therefore, the process of socio-economic reincorporation of the former combatants of Caldono has been agreed on with the indigenous communities that inhabit the territory and, “each action carried out responds to the effective dialogue between the members of the ETCR and the ancestral populations.”¹¹² Among the livelihood projects that are being developed, one highlight is the strengthening of pig farming that benefits 105 indigenous, campesinas, and reincorporated families in Caldono. This project is developed through a sustainable and income-generating model that allows the improvement of the quality of life and is valued at COP\$1,304,842,259.¹¹³

The processes developed in this ETCR are relevant examples to understand the reincorporation of former combatants as an opportunity for reconciliation, collaborative work, and the autonomy of the communities in one of the areas with the highest rates of violence, assassination of social leaders, and conflicts over territorial control.



Security and protection guarantees with a collective approach for ethnic peoples

The Ethnic Chapter states that an ethnic and cultural perspective will be incorporated into “the design and implementation of the security and protection program for the communities and organizations in the territories. The strengthening of the security systems of the ethnic peoples, recognized nationally and internationally as the Indigenous Guard and the Cimarrona Guard, will be guaranteed.”¹¹⁴

Regarding this commitment, among the advances identified are the adoption of Decrees 2078 of 2017¹¹⁵ and 660 of 2018,¹¹⁶ which allow implementing a policy to protect communities. However, the security conditions of the ethnic peoples are critical, and the violations of rights over their territories and aggressions against male and female leaders have increased.¹¹⁷ The institutional response in rural regions is still insufficient because the responsible entities have not included a collective approach in the implementation of security measures and have not acted in a coordinated manner to provide them.¹¹⁸

Between the December of 2016 and May 2020, the Office of the Ombudsman issued 137 early warnings related to the risks that result from the presence of armed groups in the territories of ethnic communities.¹¹⁹ This Office has documented the serious situation in which ethnic peoples face in departments such as Cauca, Chocó, Guajira, Magdalena, Nariño, Norte de Santander, Putumayo, and Valle del Cauca. These vulnerable situations are related to land restitution processes, reparation of victims, and substitution of crops for illicit use.¹²⁰ The Office of the Ombudsman’s Early Warning System established that, between November 2016 and April 2020, 163 men and women social leaders belonging to ethnic peoples have been killed, in addition to 126 indigenous leaders and 37 leaders from Afro-Colombian communities.¹²¹ Moreover, there are high impunity levels in cases associated with the murders of people who exercise leadership in their communities¹²² and limited outcomes in dismantling criminal organizations responsible for forced displacement, confinement, and movement restrictions in communities like Chocó, Catatumbo, and Nariño.¹²³

In response to this critical situation, the Ministry of the Interior issued Decree 2078 of 2017, whereby the route of collective protection of the rights to life, liberty, integrity, and personal security of groups and communities was adopted. Unfortunately, it has not been effectively implemented at the territorial level due to the responsible entities’ lack of coordination and monitoring of the commitments. The Ministry also adopted Decree 660 of 2018 to create and regulate the comprehensive security and protection program for communities and organizations in the territories. This decree was reactivated in 2020, and the implementation of its four components (comprehensive protection measures,

the special protection protocol, the program of community promoters of peace and coexistence, and the strengthening of complaint mechanisms) was contemplated for the second semester of this year. Among the groups prioritized for the development of territorial pilots is the Alto Mira y Frontera Community Council in Tumaco, Nariño. The program will not be implemented in all territories, and there are not sufficient financial resources for its execution.

Regarding the risks faced by men and women social leaders between 2016 and 2019, the National Protection Unit (UNP) conducted 2,171 individual risk evaluations among leaders of indigenous and Afro-Colombian origin, and 75 collective-risk evaluations. The evidence shows that the territorial level demands exceed the UNP capacities, and there are also delays in the responses to the ethnic people's requests.¹²⁴

The Comprehensive Security System for the Exercise of Politics (SISEP) is another tool to guarantee the security and participation of ethnic peoples.¹²⁵ The Final Accord establishes that the SISEP's Information, Planning, and Monitoring System (SIPMSE) and its reports incorporate into their analysis the effects of indigenous, and Afro-Colombian communities and Rrom peoples.¹²⁶ By the end of May 2020, the SISEP had made progress in the regulatory adaptation and the preliminary document of theoretical bases where the importance of incorporating the ethnic perspective is denoted.¹²⁷ Therefore, improved management and coordination with the IEANPE is needed to activate this system and implement ethnic commitments.

The Final Accord establishes that it is necessary to strengthen self-protection systems, such as the Indigenous Guard and the Cimarrona Guard, in addition to other cultural measures to guarantee security in ethnic territories. In this regard, the UNP has progressed in the material strengthening of the Indigenous Guard, for instance, through the provision of endowments (commanding canes, animal traction transport, vehicles, uniforms, and stationery) for the Indigenous Regional Council of the Cauca (CRIC) and the hiring of the Guard as a security measure in the Embera Council in the Uradá Jiguamiandó Reservation.¹²⁸ Nevertheless, there is limited progress in consolidating actions with the Cimarrona Guard, as the Ministry of the Interior and the UNP have not included activities or resources in their action plans.

Finally, the Ethnic Chapter indicates that, "The Program of De-mining and Clearance of the areas of the national territory will be developed in dialogue with the ethnic peoples and their representative organizations. Priority will be given to the cases of the Embera people located in the municipality of Puerto Libertador in Córdoba and Ituango in Antioquia, those of the Jiw people located in the municipality of San José del Guaviare in Guaviare, the Nukak people in the department of Guaviare, in the municipalities of



Mapiripán and Puerto Concordia in Meta, as well as in the municipality of Tumaco Río Chagüí, and the Awá people in the department of Nariño. Also, the cases of the Community Councils of Alto Mira y Frontera and Río Chagüí and the municipality of Buenos Aires, Vereda La Alsacia in the department of Cauca.”¹²⁹

Regarding these obligations in the accord, the OACP acknowledges that there has been limited progress in fulfilling this commitment.¹³⁰ The advances are related to management actions with ethnic peoples such as the Alsacia Community Council in Buenos Aires, Cauca, and the Nukak people of San José del Guaviare. According to the information provided by the OACP in the report on the progress of the PMI ethnic indicators, the security conditions in these territories have made it challenging to perform demining activities.¹³¹ For this reason, the OACP has proposed extending the deadline for compliance with this indicator, initially drawn up for 2018.¹³² Another example that shows the difficulties of demining is Buenaventura, one of the municipalities with the highest number of antipersonnel mines. Hence, one of the Municipal Pact for Territorial Transformation slogans has to do with promoting prevention activities and adopting demining strategies that include the participation of ethnic authorities.¹³³

These circumstances reflect that the security guarantees’ implementation with an ethnic perspective included in the agreement has a low implementation level. To overcome this situation, it is necessary to strengthen the collective approach and coordinate the State entities responsible for implementation with the organizational processes of the ethnic peoples and materialize the normative advances respecting the communities’ territorial autonomy.

Territorial Case 4 | The Indigenous Guard and the Cimarrona Guard for the collective protection of the territories

From the perspective of ethnic peoples, security guarantees in their communities must have a collective focus. Likewise, the construction of this perspective and its implementation should not be conceived on behalf of the communities, but with their effective participation. To achieve these measures, the Guard is a significant ally that protects both the territory and its inhabitants.

The Indigenous Guard is a traditional self-care practice that has contributed to the political-organizational process for territorial harmony. Boys, girls, youth, women, and men of indigenous heritage participate in this process under the Indigenous Regional Council of Cauca (CRIC) leadership.¹³⁴ In the reconfiguration of the armed conflict and the arrival of COVID-19, the Guard has been decisive in promoting communities' protection. For example, the Guard has established checkpoints on the main routes of entry into the territories and communication channels inside and outside the communities to prevent both the spread of the virus and the presence of illegal armed groups.¹³⁵

The origin of the Cimarrona Guard dates back to San Basilio de Palenque, Bolívar, and was born as an expression of Afro-Colombian's own justice system. According to the National Conference of Afro-Colombian Organizations (CNOA), "The Cimarrona Guard, beyond an ancestral staff of authority, possesses two transcendental weapons to take care of the community: coherence of life and the dialogued word."¹³⁶ Thirteen Community Councils of Urabá are strengthened in the Afro-Colombian Justice's administration to transcend the proposal to create a Cimarrona Guard to protect the territory. Other experiences have been identified in the Colombian Pacific coast, the product of the Black Communities Movement (PCN) work, and in northern Cauca with the leadership of the Association of Community Councils of North Cauca (ACON).¹³⁷

The Indigenous Guard and the Cimarrona Guard demonstrate experiences of resistance and peaceful defense of ethnic territories. Their actions are based on dialogue and the recognition that individuals are part of a community that cares for them and that he or she must take care of that community in return. During the peace negotiations in Havana, Cuba, ethnic peoples saw in the agreement an opportunity for the guards to be recognized and their peacebuilding contribution to be valued. The State institutions should see a territorial ally for the implementation of the agreement in the guards. Thus, it is necessary to strengthen them in political and operational training and promote the zonal, regional, and national coordination between the Guards.

Guarantee of victims' rights in the Comprehensive System for Truth, Justice, Reparation, and Non-Recurrence (SIVJRNR)

The entities comprising the SIVJRNR are the Truth, Coexistence and Non-Recurrence Commission (CEV), the Special Jurisdiction for Peace (JEP), and the Unit for the Search for Persons Deemed as Missing in the context of and due to the armed conflict (UBPD).¹³⁸ These entities have made significant progress in recognizing and fulfilling the victims' rights belonging to ethnic peoples. According to the project's monitoring methodology, the stipulations associated with Point 5 on the agreement show the highest progress level (see figure 3). The SIVJRNR components have recognized the ethnic authorities, guaranteed their participation in the planning and implementation processes of the Final Accord commitments, and have integrated actions that effectively allow the inclusion of the ethnic perspective.¹³⁹

The progress made by the SIVJRNR responds to several factors. First, territorial deployment has allowed effective participation of ethnic peoples in the processes carried out by the CEV, the JEP, and the UBPD. Second, the entities comprising the SIVJRNR created directorates and special groups to incorporate the ethnic approach in their mandates, and they have made considerable efforts to include this perspective in their methodological processes. Finally, their independence from the executive branch has allowed greater autonomy and swiftness in the implementation of the agreement.

The CEV has the Directorate of Ethnic Peoples, created as a result of agreements with the Permanent Dialogue Group for Indigenous Peoples and Organizations (MPC). This directorate's mission is to coordinate institutional actions with ethnic peoples.¹⁴⁰ Additionally, the entity has 22 Houses of Truth, which promote the participation of ethnic communities.¹⁴¹ In its 2019 accountability report, the CEV stated that "29 processes of pedagogy and dialogue with ethnic peoples were carried out to clarify the truth, which had 203 groups and a total of 774 participants."¹⁴² The CEV built ten methodological guides to collect testimonies that include the ethnic component and protocols for the dialogue with ethnic communities.¹⁴³

Article 24 of Decree Law 588 of 2017 establishes that the ethnic perspective must be included in the commissioner's election processes.¹⁴⁴ The CEV has also established agreements with indigenous¹⁴⁵ and Afro-descendant communities¹⁴⁶ to consolidate their contributions in clarifying the truth in their territories. The Commission faces challenges in building trust and creating strategies that facilitate the clarification of the truth while conflicts and perpetrators still prevail in the territory, and to do so without affecting the integrity of the members of the communities, thus responding to the principle of action without harm.

The JEP has judges and officials representing indigenous peoples and Afro-descendant communities,¹⁴⁷ as well as an Ethnic Commission¹⁴⁸ responsible for the implementation of the ethnic perspective. The Investigation and Prosecution Unit (UIA) has an Ethnic Perspective Group, which participated in facilitating spaces to establish the prior consultation protocol.¹⁴⁹ This relationship and coordination protocol is an affirmative action that recognizes the ethnic authorities and their territorial autonomy.¹⁵⁰ The JEP has opened Case 002 for three municipalities of Nariño, Case 004 in the Urabá region, and Case 005 in the north of Cauca and the south of Valle del Cauca.¹⁵¹ These cases analyze the serious violations of human rights and International Humanitarian Law (IHL) committed during the armed conflict in those territories, including the effects on ethnic peoples.

In August 2019, the entities of the SNARIV delivered a document to representatives of the indigenous peoples of Colombia that compiles the protocols for intercultural dialogue and inter-jurisdictional coordination with these peoples.¹⁵² The JEP stated that, “this compilation is the first of its kind since the enactment of the 1991 Constitution, which declares that the Special Indigenous Jurisdiction should coordinate with the national judicial system.”¹⁵³ Still, the JEP has delays in accrediting victims of ethnic groups as collective subjects and constructing ethnic guidelines for executing Reparation Activities (TOAR).¹⁵⁴

The UBPD has 17 territorial headquarters, six satellite teams, and a directorate of territorial groups that prioritizes ethnic peoples.¹⁵⁵ In the National Search Plan, the entity includes two strategic objectives to guarantee the prior consultation, participation, rites, and other cultural aspects of indigenous and Afro-Colombian communities in the process of searching for persons reported missing and guarantee a return of remains to their families.¹⁵⁶ The protocols for relations with indigenous communities¹⁵⁷ and the inclusion of representatives of indigenous and Afro-descendant peoples as permanent guests on the Advisory Council of the General Directorate of the UBPD are added to these measures.¹⁵⁸

Among the challenges that the SIVJNR must overcome to advance in the implementation of the Final Accord are the insufficient internal coordination between its entities and the external coordination with the National System for the Attention and Comprehensive Reparation of Victims (SNARIV) conceived in Law 1448 of 2011, Victims and Land Restitution Law.¹⁵⁹ There are 46 state entities that are part of the SNARIV and whose coordination is in charge of the Unit for Assistance and Comprehensive Reparation of Victims (UARIV).¹⁶⁰ The SIVJNR also faces the challenge of strengthening strategies that allow communities to contribute to the truth in an armed conflict that persists in ethnic territories. Finally, it is recommended that the SNARIV accelerate the implementation of



collective reparations, which recognize communities and groups as reparation subjects in the political, material, and symbolic components, through restitution, compensation, rehabilitation, satisfaction, and guarantees of non-recurrence.¹⁶¹

Point 5 of the Final Accord highlights the importance of strengthening collective reparation processes.¹⁶² According to the Follow-up and Monitoring Commission of Decree-Law 4633 and 4635, and Decree 4634 of 2011,¹⁶³ “70% are in the identification and enlistment stage; 10% in the characterization of the damage; 4% in the design and formulation phase; 9% in the implementation phase; and 7% do not have information on the status forward.”¹⁶⁴

Of the 538 Ethnic Collective Subjects (SCE), 346 (64%) belong to indigenous peoples. By May 2020, of these 346 SCE, 238 are in the identification and enlistment phase (69%); 22 are in the damage characterization phase (9%); 10 in the design and formulation phase (3%); and 37 in the implementation stage (11%).¹⁶⁵ There is no information regarding 31 cases (9%).

Regarding Afro-descendant communities, it is reported that they represent a total of 191 members (35.5%) of the entire SCE. As of May 2020, of the 191 SCE, 141 are in the identification and enlistment phase (73%); 22 are in the damage assessment phase (12%); 9 are in the design and formulation phase (5%); 12 are in the implementation stage (6%); and there is no information on the 4% progress status.¹⁶⁶

Finally, there is only one Collective Reparation Subject (SRC) for the Rrom population. The SRC’s Comprehensive Plans for Collective Reparations (PIRC) were formalized in October 2015, and 13 reparation measures are included; four have been met, another five have been partially met, and four have not been completed.¹⁶⁷


Overall, this shows that the Colombian State has made progress but has not completed any collective reparation process of the 538 SCE for ethnic subjects. For this reason, it is desirable to increase efforts, especially among ethnic groups, to comply with Point 5 of the Final Accord and guarantee victims’ rights. Finally, it is highlighted that collective reparation processes, especially in the phase of the elaboration of PIRC, must respect the rights of ethnic peoples to prior consultation.

The Final Accord also stipulated that, “As a gesture of goodwill for peace, reparation and humanity, the National Government, the FARC-EP and the representative organizations of the ethnic peoples undertake to develop a program of settlement, return, restoration and restitution of the territories of the Nukak people, the Embera Katío people of the Cañaveral Reserve in Alto San Jorge, as well as the territory of the Community Council of Alto Mira and Frontera, and Curvaradó and Jiguamiandó.”¹⁶⁸ Management progress

is reported exclusively for the Nukak indigenous people. Civil Court 1 of the Specialized Circuit in Land Restitution of Villavicencio issued Interlocutory Order No. AIR-18-197 that identifies the request for community accompaniment of the return process, the formulation of the return and relocation plan of the Alto Mira and Frontera community council, and the targeting of the Curvaradó community council.¹⁶⁹

As has been stated, the SIVJNR entities have made significant progress in recognizing the ethnic authorities and the disproportionate impact of the conflict on ethnic peoples from a collective perspective. Although these actions have contributed to the agreement's implementation, it is desirable to achieve effective coordination between the CEV, the JEP, and the UBPD and strengthen trust with the communities facing the conflict's consequences. Likewise, the importance of strengthening these entities' coordination with the SNARIV and especially with the Victims Unit is highlighted. Responsible entities should optimize their processes and ensure the technical and financial resources necessary to advance in the adequate reparations for ethnic peoples.

Territorial Case 5 | Association of Afro-descendant Women from Northern Cauca (ASOM): Resilience, resistance, and peacebuilding



The ASOM was founded 23 years ago in the municipality of Buenos Aires, Cauca, and its work has progressively spread to the neighboring municipality of Santander de Quilichao. Its mission is to “strengthen the participation and organization of Afro-descendant women, and the appreciation and recognition of the role they play in the social spaces and processes that the country requires.”¹⁷⁰ ASOM is an organization that expresses how women victims of the armed conflict contribute to peacebuilding, and it is comprised of 220 Afro-descendant women in ten villages across those municipalities.

The JEP accredited ASOM as a collective victim in case No. 005 of 2018, due to the serious humanitarian situation in northern Cauca and southern Valle del Cauca, caused by acts allegedly committed by members of the former FARC-EP and the Public Force between January 1993 and December 2016. The Association has also prepared and submitted to the CEV two reports on violations of women from the north of Cauca: “Brave Voices” and “Cries of Black Women for Freedom, Memory, and Reparation.”

The reports describe how legal and illegal armed actors have deprived these women of their territories for developing large economic projects. Additionally, their testimonies reflect the various types of violence suffered by them during the armed conflict.¹⁷¹ Through its “School for Women Peacebuilders,” ASOM seeks to educate Afro-Colombian women in Cauca to open more spaces for dialogue for the effective participation of women from ethnic groups who have much to contribute to the construction of a diverse and inclusive territorial peace.



Opportunities to support the implementation of the ethnic perspective

One of the unique characteristics of the Final Accord is its comprehensiveness and integration of intersectional principles throughout the entire agreement. Therefore, the implementation of the Ethnic Chapter and the ethnic perspective is an opportunity to take firm steps toward fulfilling the accord's objectives, particularly the objective of territorial transformation. As expressed in this report, it is clear that the implementation of the ethnic perspective of the Final Accord shows some progress, especially on issues associated with victims' rights in Point 5, and the mechanisms of implementation, monitoring, promotion, and verification in Point 6. Despite this progress, the findings of this report reveal that ethnic commitments lag behind the general implementation of the agreement.

The most significant delays are observed in Point 3 on the End of the Conflict, which includes the Harmonization Program for reincorporation with ethnic peoples and security and protection guarantees, as well as in Point 4 on the Solution to the Problem of Illicit Drugs, which accounts for the policy of substitution of illicit crops with a differential approach. The implementation of the collective reparation plans referred to in Point 5 of the Final Accord deserves special attention since considerable lags are evident. To summarize the information provided in this report, the following list represents opportunities for improving implementation of the Ethnic Chapter and perspective:

- It is essential that the Ministry of the Interior encourage and guarantee the effective participation of ethnic communities and women in the different spaces for planning and implementing the agreement's plans, programs, and strategies. Through these actions, it will be possible to recognize the gender, women, family, generational approaches and the recognition of ethnic peoples and the contribution they have historically made to peacebuilding.
- To satisfy the ethnic perspective, it is necessary that the State entities integrate free and informed prior consultation as a pillar to construct public policies associated with the

agreement's implementation. This action will guarantee that the programs implemented in the ethnic territories respect the communities' autonomy and the non-regression of acquired rights principle, as the agreement itself indicates. For this purpose, it is required to allocate a budget in the planning processes to guarantee the exercise of prior consultation in ethnic territories.

- For the different entities that accompany the agreement, maintaining the ongoing support of ethnic-territorial organizations on issues such as capacity building and advocacy work is crucial. By doing this, these ethnic organizations will be able to strengthen their organizational processes and their territorial peacebuilding agendas.
- It is essential that the IEANPE advances in developing territorial activities that allow it to comply with the mandate given by the agreement. The Forum should promote implementation through technical assistance and advice to the Government and act as a bridge of coordination between the implementing entities, the Common Alternative Revolutionary Force (FARC), and the communities it represents.
- The ANT and especially the Ethnic Affairs Directorate should consolidate the "Action Plan" that allows it to advance in the land adjudication processes. This action will increase ethnic peoples' access to the Land Fund.
- It is necessary that the construction of the Roadmap of PDET, led by the ART, guarantees methodologies for the representative participation of ethnic peoples. This action seeks to prioritize initiatives like the "Ethnic initiatives," so that implementation reflects the diversity that was evidenced in the construction of the PDET and the consolidation of the PATR.
- The PNIS program requires the participative creation of a decree that guarantees an ethnic route with a collective focus, along with the PISDA with an ethnic perspective. For this aim, activities should be coordinated with the Illicit Crops Directorate of the Presidential Council for Stabilization and Consolidation, the IEANPE, and ethnic organizations. Furthermore, it is recommended that responsible entities find alternatives for ethnic peoples who voluntarily desired to eradicate these crops but were not included in the program.
- It is important that the National Government guarantee the technical and financial resources to advance in the Special Harmonization Program's participatory construction for reincorporation with members of indigenous and Afro-descendant communities. This action will accelerate processes of territorial reconciliation.



- The measures for security guarantees for ethnic peoples in charge of the Ministry of the Interior, the OACP, and implementing entities such as the UNP require coordination and complementarity between the institutional response and community self-protection strategies. It is essential that the Indigenous Guard and the Cimarrona Guard be seen as territorial allies. Pursuing this objective, the State must strengthen its organizational, training, and staffing processes.
- Strengthening territorial spaces will contribute to a better understanding of local dynamics related to violence and criminal organizations that impact ethnic territories. For this purpose, inputs with an ethnic-territorial approach can be developed that facilitate the formulation and implementation of a public and criminal policy regarding the dismantling of criminal organizations or unlawful acts.
- To implement commitments with an ethnic focus regarding victims' rights, it is vital that the entities comprising the SIVJRNR coordinate with the SNARIV to advance comprehensive reparation processes with a collective focus on ethnic peoples.

Conclusion

The Ethnic Chapter of the Final Accord provides a unique opportunity to assure the access, the effective guarantee of human rights, and the special collective rights of ethnic peoples. It also opens opportunities to set best practice and raise international standards for ensuring an inclusive and transformative peace process for ethnic peoples.

Despite the limited and late inclusion of ethnic peoples at the Havana dialogue working group, there is no peace agreement in the world as ambitious as the Colombian one regarding the inclusion of specific ethnic measures and an ethnic approach. It is also the first time that gender, women, family, and generational perspectives have been incorporated into a peace accord.

This report identifies that ethnic commitments have been materialized through the inclusion of ethnic peoples in various participatory planning processes, such as the formulation and execution of ethnic indicators in the PMI, prioritizing ethnic measures in the PATR, and the agreement on the institutional and procedural architecture of the SIVJNR. Similarly, the IEANPE has made progress in coordinating activities with the Government to promote the implementation of the Ethnic Chapter.

Along with these areas of progress, there have also been gaps on issues such as the implementation of security and protection guarantees from a collective perspective and access to land and territorial rights. The necessity of advancing in the participatory construction of ethnic routes for reincorporation and voluntary substitution of crops used for illicit purposes was also identified.

The implementation of the Ethnic Chapter as a comprehensive part of the Final Accord is essential. To advance and promote its implementation, the meaningful participation of ethnic peoples as peacebuilders must be recognized and guaranteed.



Endnotes

¹ Negotiation Table, *Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace* (Bogotá, Colombia: Office of the High Commissioner for Peace, 2017), 212.

² Members of the Technical Secretariat - Special High-Level Forum with Ethnic Peoples (IEANPE), interview conducted by the Kroc Institute team, Bogotá, Colombia, August 16, 2017.

³ For more information on the Kroc Institute methodology, visit our website: <https://peaceaccords.nd.edu/barometer/methodology>.

⁴ The document contains the set of pillars, strategies, products, tracer goals, and indicators necessary for the implementation of the Final Agreement, organized by each point of the same, including the chapters on gender and ethnic perspectives. National Planning Department (DNP), "Guidelines for the Coordination of the Framework Plan for Implementation of the Final Accord with the instruments of planning, programming, and monitoring of public policies of the national and territorial order," CONPES Document 3932 of June 29, 2018 (Bogotá, Colombia: National Planning Department, 2018).

⁵ National Government, "Framework Plan for Implementation (PMI): Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace," (Bogotá, Colombia: 2017), 173-200, [https://colaboracion.dnp.gov.co/CDT/Conpes/Econ%C3%B3micos/3932_Anexo%20B_Plan%20Marco%20de%20Implementaci%C3%B3n%20\(PMI\).pdf](https://colaboracion.dnp.gov.co/CDT/Conpes/Econ%C3%B3micos/3932_Anexo%20B_Plan%20Marco%20de%20Implementaci%C3%B3n%20(PMI).pdf).

⁶ The SIPO is a tool created by the National Government to monitor the implementation of the actions derived from the Final Accord. For more information, consult the SIPO at: <https://siipo.dnp.gov.co/inicio>.

⁷ A total of 100 indicators are included in the figure because the indicator corresponding to the control entities' monitoring was divided into three: Office of the Attorney General, Office of the Ombudsman, and the Office of the Comptroller General.

⁸ Some percentages in the figures add up to 101% due to rounding.

⁹ Negotiation Table, *Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace*, 205.

¹⁰ Some percentages in the figures add up to 101% due to rounding.

¹¹ *Ibid.*

¹² *Ibid.*

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¹⁶ “Special High-Level Forum with Ethnic Peoples declaration. Three years after the signing and formalization of the IEANPE,” *Communities Building Peace in Colombia*, February 27, 2020, <https://comunidad-esconpaz.wordpress.com/2020/02/27/declaracion-instancia-especial-de-alto-nivel-con-pueblos-etnicos-a-3-anos-de-la-firma-y-de-la-formalizacion-de-la-ieanpe/>.

¹⁷ National Meeting of the Ethnic Commission, event attended by the Kroc Institute team, February 25, 2019.

¹⁸ Presidential Council for Stabilization and Consolidation, “International community approved two billion pesos for ethnic forum,” April 28, 2020, <http://www.portalparalapaz.gov.co/publicaciones/1376/comunidad-internacional-aprobo-dos-mil-millones-de-pesos-para-instancia-etnica/>.

¹⁹ Members and officials of the Intercultural Dialogue between IEANPE and State Entities, virtual meeting attended by the Kroc Institute team, May 29, 2020.

²⁰ Negotiation Table, *Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace*, 207.

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²⁵ Departmental Assembly of Valle del Cauca, Ordinance No. 007 of June 2, 2020, “Through which the Departmental Council for Peace, Reconciliation, and Coexistence is created, functions are granted, and ordinance No. 417 of July 13, 2016 is repealed,” (Valle del Cauca, Colombia, 2016).

²⁶ Office of the Presidential Council for Stabilization and Consolidation (CPEC), “First Report on the Implementation of the Ethnic Chapter of the Framework Plan for Implementation,” (Bogotá, Colombia; 2020), 40.

²⁷ During September 2020, five ethnic territorial workshops were held in the regions of Catatumbo, Putumayo, Chocó, Antioquia (Apartadó and Caucasia), south of Córdoba, and Montes de María.

²⁸ Barometer Initiative ethnic workshops (Putumayo, Catatumbo, Montes de María, Apartadó, Bajo Cauca, and Chocó, Colombia: September 2020).

²⁹ Convention 169 on indigenous and tribal peoples was adopted on June 27, 1989, by the General Conference of the International Labor Organization at its seventy-sixth meeting, and entered into force in Colombia on August 6, 1992, by Law 21 of 1991.

³⁰ Barometer Initiative, Peace Accords Matrix, Kroc Institute for International Peace Studies, “Report on the Status of Implementation of the Colombia Peace Accord,” (Report One, University of Notre Dame, USA and Bogotá, Colombia: 2017), annexes, https://kroc.nd.edu/assets/257593/informe_kroc.pdf.

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The Barometer Initiative is a program stemming from the Peace Accords Matrix (PAM) of the Kroc Institute for International Peace Studies, part of the Keough School of Global Affairs at the University of Notre Dame, in collaboration with the National Secretariat of Colombian Social Pastoral Caritas. The Kroc Institute has agreed to provide technical support for the implementation of the entire Accord signed by the Government of Colombia and the FARC-EP in 2016. The Institute is part of the International Verification Component (CIV) of the CSVI (Commission for Monitoring, Promoting, and Verifying the Implementation of the Final Agreement) referred to in Section 6.1 of the Final Accord. As mandated by the parties of the Accord, the Institute's work is technical, developed with methodological and academic rigor, and based on the Kroc Institute's development of and experiences with the Peace Accords Matrix, which tracks more than 34 peace agreements around the globe.

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