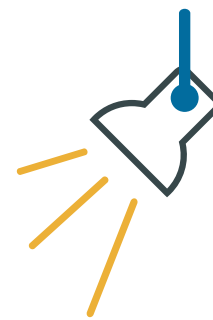


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The Ethnic Chapter of Colombia's Peace Agreement Five Years On: An Independent Assessment

Helmer Eduardo Quiñones Mendoza

*with a preface by Armando Wouriyú Valbuena, an introduction by
Jonathan Fox, and a postscript by Gimena Sánchez-Garzoli*



Cover photo: Afro-Colombian communities displaced by armed groups during the pandemic march up the Pan-American Highway to the capital, calling on the government to take protective actions to allow them to safely return to their territories (June 26, 2020).
Credit: Darwin Torres, Ethnic Commission.

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About the author

Helmer Eduardo Quiñones Mendoza is an Afro-descendant philosopher who studied in the Institute of Political Studies and International Relations of the National University of Colombia. Since 2005, his professional work has focused on democratization processes, institutional design, development planning, human rights, and international humanitarian law, including the field of transitional justice. He has worked with the United Nations, Ernst and Young, and with Colombian government agencies, including the National Planning Department and the Special Jurisdiction for Peace, among others. Since its institutionalization in December 2016, he has coordinated the advisory team of the High-Level Forum with Ethnic Peoples (IEANPE) of the CSIVI, the main mechanism for monitoring and promoting the Ethnic Chapter of the Peace Agreement. He has also worked closely with the National Afro-Colombian Peace Council (CONPA) and its member organizations, including the Interethnic Solidarity Forum for Chocó (FISCH). Since 2018, he has been part of the research team of the Accountability Research Center in the process of monitoring the implementation of the *Plan Todos Somos Pazcífico* (2016–2022), a Colombian government initiative to close the gap in access to basic services for the excluded Afro-descendant population in the Colombian Pacific region, with an investment of US\$400 million backed by loans from the World Bank and the Inter-American Development Bank (IDB). His work supports communities on the ground, including social oversight initiatives in Tumaco, Quibdó, and Buenaventura.

About the author of the preface

Armando Wouriyú Valbuena is a distinguished leader of the Wayuú people, a binational and ancestral indigenous community from the Guajira desert in northern Colombia. He has had to lead his community to address the difficult conditions they face in terms of food, which are especially acute for Wayuú children, as well as to confront the devastating environmental impact of coal mining in their territories. His leadership led him to serve as president of the National Indigenous Organization of Colombia (ONIC) from 1999 to 2003. The ONIC guides the indigenous movement in its dialogue with the Colombian State, the international community, and the country's social and political actors. UNESCO declared him Master of Wisdom in 2009 in recognition of his contributions from indigenous culture. Indigenous Colombians and Afro-Colombians have a history of working together in their dialogue with the Colombian government. The process of including and implementing the Ethnic Chapter in the Peace Agreement, the first in the world, is an example of this partnership. Armando Wouriyú Valbuena has been chosen by the ethnic movement to lead this process as Secretary of the Ethnic Commission, the platform for peace, and as Secretary of the Ethnic Forum, a platform for dialogue and follow-up with the institutions of the Peace Agreement.

About the author of the introduction

Jonathan Fox is Professor of Development Studies in the School of International Service at American University in Washington DC, where he directs the Accountability Research Center. He works with diverse civil society organizations, as well as national and international policymakers, to analyze initiatives that promote participation, transparency, and accountability. Many of his publications are accessible at: www.jonathan-fox.org.

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Gimena Sánchez-Garzoli leads Colombia human rights advocacy work at the [Washington Office on Latin America](#) (WOLA). Ms. Sánchez is an expert on peace and illegal armed groups, internally displaced persons, human rights and ethnic minority rights. Her work has shed light on the situation of Colombia's more than seven million internally displaced persons—as well as helped to expose the links between Colombia's government and drug-funded paramilitaries. She is active in promoting labor rights and implementation of the US–Colombia Labor Action Plan.

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Preface: Another Promise Unfulfilled— The Ethnic Chapter of Colombia’s Peace Agreement

Armando Wouriyu Valbuena

Secretary General

Special High-Level Forum with Ethnic Peoples (IEANPE)

**Commission for the Follow-up, Promotion and Verification
of the Implementation of the Final Agreement (CSIVI)**



The Ethnic Chapter of the Colombian Peace Agreement (Point 6.2)¹ includes the measures agreed at the negotiating table in Havana between the Government of Colombia, the Revolutionary Armed Forces of Colombia-People’s Army (FARC-EP), and the ethnic peoples of Colombia. The objective of the Ethnic Chapter is to mainstream an ethnic approach in the Final Agreement, while adopting specific measures to safeguard ethnic peoples’ rights in each of the Peace Accord’s six points. As part of the Ethnic Chapter, the parties agreed to create a High-Level Forum with Ethnic Peoples (IEANPE), made up of representatives of indigenous and Afro-Colombian peoples, as a space for consultation and representation within the Commission for the Follow-up, Promotion and Verification of the Implementation of the Final Agreement (CSIVI).²

As Secretary General of IEANPE and in compliance with this mandate, I am pleased to deliver to the international public this assessment of the implementation of the Ethnic Chapter of the Peace Agreement, presented in September 2021 to the President of the Republic of Colombia as part of the Third Progress Report on the Implementation of the Peace Agreement by the Inspector General of the Nation.³

Both the Inspector General’s Third Report and the report that we present below find serious flaws during the five years of implementation of the Ethnic Chapter of the Peace Agreement. The general conclusion, shared by the different monitoring mechanisms of the Peace Agreement (including the Kroc Institute Barometer), is the very low level of compliance with the Ethnic Chapter’s principles and safeguards, as well as a generalized failure to address ethnic issues throughout the implementation process. In particular, we have identified limited progress in terms of the transformation of the countryside that the Comprehensive Rural Reform promised; we note a fragmented and underfunded policy for the so-called Solution to the Problem of Illicit Drugs; and very unfortunately, the almost non-existent implementation of the agreements on the End of the Conflict, especially the lack of advances in the Comprehensive Security and Protection Program for the ethnic communities. The ethnic policies and regulations for the reintegration of indigenous and Afro-descendant ex-combatants have also not been put into place, which has undoubtedly represented an additional challenge for their traumatic return to their communities and for the security of all the parties involved.

The opportunities for building peace generated by the Peace Agreement and its Ethnic Chapter have been wasted, while the armed conflict and systematic violence against ethnic peoples and their territories rage on. As is well-known, most of the current victims of forced displacement and targeted assassinations against human rights defenders are concentrated in indigenous and Afro-descendant communities. As the UN Verification Mission points out, “the violence of the illegal armed groups in the ethnic territories constitutes a growing danger for the indigenous and Afro-Colombian communities and their leaders” (UN Security Council 2022, 14). Of the 43 murders in 2022 perpetrated against human rights defenders reported by the United Nations Verification Mission in its March 2022

report, 20 were perpetrated against ethnic leaders (13 indigenous and 7 Afro-Colombians). Ethnic women continue to be the specific target of multiple forms of gender-based violence, yet the Safeguard of Gender, Women, Family, and Generation that forms a key part of the Ethnic Chapter has not shown any progress. Given this situation and the increases in forced recruitment by armed groups, there is a massive increase in suicide among ethnic youth, as reported on May 2, 2022 by the Truth Commission in the department of Chocó.

This worsening situation has allowed the continuation of ethnic cleansing in our ancestral territories, where the communities that resist are being held hostage (collectively kidnapped, without freedom of movement or assembly), a situation that has also called into question the progress of the Ethnic Chapter involving the implementation of the Comprehensive System of Truth, Justice, Reparation and Non-Repetition, especially in matters of justice with the paradigmatic opening of a national ethnic case. However, the efforts of the Special Jurisdiction for Peace to challenge the impunity of the atrocious crimes perpetrated during the armed conflict against ethnic peoples, including precautionary measures to protect witnesses, victims, and communities have been severely limited by the challenges that violence imposes on ethnic participation. These same restrictions have also limited the work of the Truth Commission to clarify the history of ethnic peoples in the conflict, as well as the process of searching for disappeared persons carried out by the Missing Persons Search Unit.

As IEANPE we celebrate the recent election to Congress of the 16 representatives of the victims of human rights abuses in the newly-created special constituency, including a significant number of ethnic legislators. We hope that they will decisively accelerate the stagnant legislative agenda for peace, especially the law mandated to create a Special Agrarian Jurisdiction to address the deep conflicts over the ownership of lands and territories that affect the country. Their work of political oversight of the implementation of the Peace Agreement and its Ethnic Chapter will also be of vital importance, including the systematic monitoring of the implementation of the also-lagging Multipurpose Cadaster and its compliance with the ethnic protection safeguards established in the policies of the multilateral development banks that fund this important mechanism.

“In this context, it is of the utmost importance for the IEANPE to make available to the international public this critical assessment of the lagging implementation of the Peace Agreement’s Ethnic Chapter, which we hope will be useful to inform their agendas and strengthen their solidarity with the indigenous and Afro-descendant peoples of Colombia, who due to the war and the systematic lack of institutional protection are at serious risk of physical and cultural destruction.”

Let us all work together to build a sustainable peace in Colombia, an inclusive peace that reaches the territories of the country’s indigenous and Afro-descendant peoples. The new government, the new Congress, Colombian society, and the international community should work together towards this urgent transformation. We ethnic peoples yearn for peace; together, let’s make it possible.

We thank the Accountability Research Center (ARC) at American University for the opportunity to publish this report.

In harmony, so that all may live and smile.

Introduction: Ethnic Rights and Participatory Oversight Institutions in Colombia's Peace Agreement

Jonathan Fox

A core goal of Colombia's 2016 Peace Agreement was to deliver democratic rural development to the regions most affected by the conflict, including many of the territories of Afro-Colombian and indigenous peoples, shown in Figure 1.

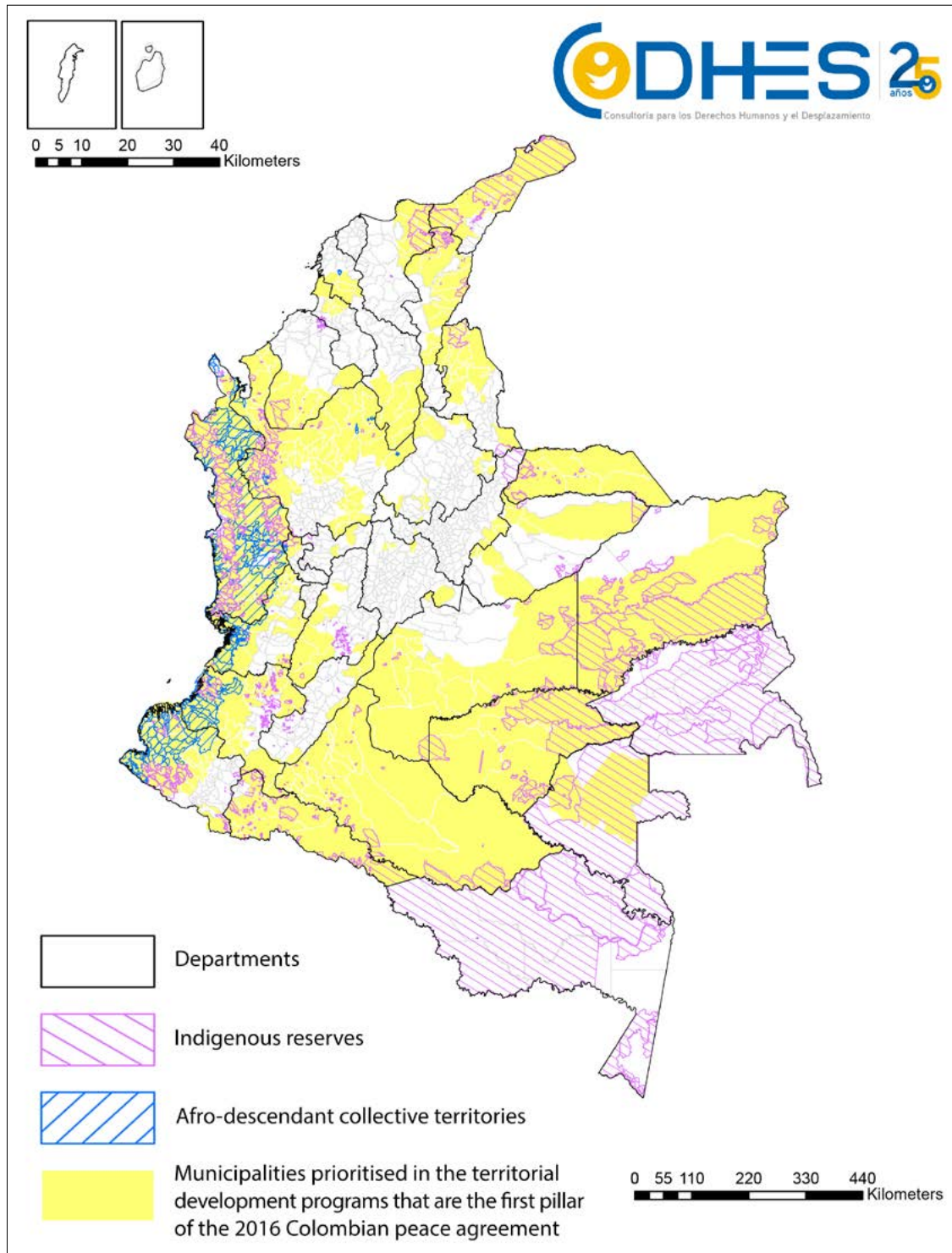
Difficult negotiations led to a series of official commitments that promised to address many of the underlying causes of a decades-long armed conflict—if the government carried them out. The Peace Agreement included a long list of accountability reforms, including calls for citizen oversight institutions at local, subnational, and national levels. Peace negotiators responded to advocacy by indigenous and Afro-Colombian social organizations with the late addition of an Ethnic Chapter that included their voice, representation, and oversight in the implementation process. This recognition of ethnic rights as a cross-cutting agenda set a precedent among international peace-building processes.

The Ethnic Chapter included the creation of the independent Special High-Level Forum with Ethnic Peoples (IEANPE), including representatives from across the political spectrum of ethnic organizations – to advise the commission created to monitor and promote the Peace Agreement as a whole. In parallel, a [Special Women's Forum for Gender Perspective on the Peace](#) also advises the Peace Agreement's official oversight commission.

The IEANPE report that follows takes stock of the government's first five years of implementation of the Peace Agreement, seen through the lens of the Ethnic Chapter. This assessment draws on diverse sources of evidence, including reports from the government's own official oversight agencies, multi-level policy monitoring by IEANPE member organizations, and sustained independent monitoring by the Kroc Institute for International Peace Studies (Kroc Institute 2021). The report was written by Helmer Quiñones, coordinator of the IEANPE's team of advisors, technical advisor to the Afro-Colombian Peace Council, and research associate of the Accountability Research Center. It is being published here for the first time, in both English and Spanish (for a more detailed technical analysis, see IEANPE 2021).

The Accountability Research Center is publishing this independent assessment as part of our mission to learn from and with strategists who are grounded in organized social and civic constituencies that generate countervailing power for democratic governance.

Figure 1. Indigenous and Afro-descendant Territories in Colombia



Source: Created by Consultoría para los Derechos Humanos y el Desplazamiento (CODHES) (June 2017) from IGAC, Territories PDET Decreed by Law 893

Assessment of the Implementation of the Ethnic Chapter of Colombia's Peace Agreement

Helmer Quiñones

The Special High-Level Forum of Ethnic Peoples (*Instancia Especial de Alto Nivel con Pueblos Étnicos*, IEANPE) is a mechanism created by the 2016 Colombian Peace Agreement to monitor and promote implementation of the different points of the agreement. The functions of the IEANPE are to act as an ethnic consultative body, and as a representative of the Commission for the Follow-up, Promotion and Verification of the Implementation of the Final Agreement (*Comisión de Seguimiento e Impulso y Verificación a la Implementación*, CSIVI). The IEANPE was created by the legislative acts that integrate the Peace Agreement into the Constitution, specifically by the Decree 1995 of December 7, 2016 and by the Joint Communiqué No. 13 of the CSIVI.

Although the Ethnic Chapter of the Peace Agreement (Point 6.2) is one of the greatest innovations in terms of transitional justice in the world, there have been serious delays in its implementation. As the Kroc Institute has pointed out, given the very limited implementation of the Ethnic Chapter, “the ethnic commitments lag behind the general implementation of the agreement” (Kroc Institute 2021, 43). In the following, we present some of the main gaps identified, organized according to the six points of the Peace Agreement.

Point 1. Comprehensive Rural Reform (very low implementation)

Point 1 of the agreement calls for the structural transformation of rural Colombia across three dimensions: Access and use of land (Point 1.1); Development Programs with a Territorial Approach (*Programas de Desarrollo con Enfoque Territorial*, PDET) (Point 1.2); and National Plans for Comprehensive Rural Reform (Point 1.3). The implementation of the Ethnic Chapter is worrisome in relation to each of these three dimensions.

When creating the Land Fund (*Fondo de tierras*) through Decree Law 902 of 2017 (Point 1.1), the National Government did not consult with Afro-descendants. Although a Constitutional Court decision resolved this omission, the ethnic sub-account of the Land Fund has not been implemented in favor of indigenous peoples and Afro-descendants. Neither has advanced in the formalization measures, nor in the still-unformalized “free adjudication and comprehensive subsidy allocation plan” for ethnic peoples. The Office of the Inspector General (*Procuraduría*) (2021, 31), notes that, according to National Land Agency (ANT) information as of March 31, 2021, regarding the goal of the Peace Agreement to title three million hectares of land, only 9,035 hectares have actually been titled to families without land or with insufficient land—only 0.43% of the intended goal.

We agree with the *Procuraduría* (2021, 620) in its conclusion that the ethnic sub-account of the Land Fund remains unregulated and has no allocated funds. However, we differ on the cause of the problem, because although the slowdown in commitments of access and use may be partially due to the COVID-19 pandemic, the most important obstacle is the persistence of an institutional blockade of any advance of territorial rights from the ANT and others, as had already been warned by the Constitutional Court (Order 266, December 2017). In relation to the so-called alternative mechanisms for access to land entitled “comprehensive subsidies for beneficiary families,” created by the Decree 1330 of October 2020, we reiterate that to date no subsidies have been distributed through this mechanism (*Procuraduría* 2021, 36).

Although the 16 territorial development programs, the PDETs (Point 1.2), included the participation of indigenous and Afro-descendants in their design phase, and included ethnic initiatives in the Action Plans for Territorial Transformation (*Planes de Acción para la Transformación Territorial*, PATR), formulated in 2018. But ethnic participation has been nil during the lagging process of PDET implementation. A serious omission is the failure to integrate the life plans (*planes de vida*) and ethno-development plans (*planes de etnodesarrollo*) in the PDETs and PATRs, as required by the Decree 893 (Article 6) of 2017. The so-called Special Consultation Mechanisms (*Mecanismos Especiales de Consulta*, MEC) have failed to ensure the right of the ethnic communities to free and informed prior consultation, as established by the Ethnic Chapter of the Peace Agreement.

In relation to the National Plans for Rural Reform (Point 1.3), of the 16 projected, national government reports that 13 had been adopted by resolution as of July 2021. None of the 13 were formulated with the consultation or participation of ethnic peoples.

Point 2. Political participation (not implemented)

Point 2 of the Agreement seeks to generate a democratic opening in order to build peace, by establishing: rights and guarantees for the exercise of political opposition (Point 2.1); democratic mechanisms for citizen participation, including direct participation (Point 2.2); and effective measures to promote greater overall participation in politics (Point 2.3).

Among the rights and guarantees for the exercise of political participation were security guarantees for leaders of organizations, social movements, and human rights defenders; however, no progress has been made on these guarantees. Meanwhile, indigenous and Afro-descendant leaders continue to be subject to assassinations, attacks, and threats. According to INDEPAZ, since the implementation of the Agreement, 1,201 social leaders have been assassinated, many of whom are indigenous and Afro-descendants (Infobae 2021a).

Citizen participation mechanisms have either not been created or have not included ethnic participation. In relation to direct participation, the government reports the creation of a National Training Plan for Monitors with an Ethnic Focus, although this includes ethnic components that were developed without ethnic consultation. Its implementation has been ineffective and has failed to guarantee ethnic participation; only one pilot project has reportedly been carried out so far. Obstacles to voting access have not been remedied by the National Civil Registry, reportedly because it does not have the budget to comply with ethnic commitments.

Point 3. End of the conflict (minimal implementation)

Point 3 of the Agreement includes the following pillars: agreement on the end of the hostilities and laying down of arms (Point 3.1); reincorporation of the FARC into civilian life (Point 3.2); obligations of the former guerrillas to guarantee the correct implementation and stability of the Final Peace Agreement (Point 3.3); and security guarantees, including the dismantling of criminal organizations (Point 3.4).

In relation to the demobilization of the FARC-EP, more than 13,000 verified ex-combatants continue a fragmented reincorporation process. Although it is estimated that 30% of the ex-combatants belong to ethnic groups—18% considered themselves indigenous and 12% Afro-descendants (United Nations Security Council 2017, 11)—the Special Harmonization Program (*Programa Especial de Armonización*) for the economic and social reintegration and reincorporation with a differential ethnic and gender focus, established in the Ethnic Chapter, has not been implemented in the five years since it was established.

Point 3.4 established a set of security guarantees and although a set of collective protection mechanisms were established in Decrees 2078 (2017) and 660 (2018), ethnic peoples continue to be subject to serious human rights violations. According to the humanitarian team of the United Nations, in 2021 ethnic peoples made up 67% of the victims of mass forced displacement and other violence by the armed groups (44,647 people: 56% Afro-Colombian, 11% indigenous) (Infobae, 2021b). The Comprehensive Security and Protection Program for communities and organizations in the territories has not been developed.

As such, the security guarantees built into the Ethnic Chapter continue to be unfulfilled. Not only has the peace process failed to dismantle the remaining armed and criminal groups, but both their actions and their numbers have increased in the country's ethnic territories. The Prosecutor's Office (*Fiscalía*) did not carry out the ethnic adjustments in the design and start-up of the Special Unit established in the Peace Agreement, nor has it complied with the ethnic indicators of the Implementation Framework Plan (*Plan Marco de Implementación*, PMI). The National Commission for Security Guarantees does not have an ethnic component, nor has the Guarantees Policy been formulated.

During the implementation of the Ethnic Chapter, more than 137 early warnings regarding the presence of armed groups in the territories of ethnic communities issued by the Ombudsman (*Defensoría del Pueblo*) have been ineffective (Defensoría del Pueblo 2020). According to this institution, between November 2016 and April 2020, 163 social leaders from ethnic groups have been murdered (Defensoría del Pueblo 2020, quoted in Procuraduría 2021, 662)

One of the main conclusions of the report by the Inspector General's Office is "that one of the risk factors for the implementation of the Peace Agreement is the resurgence of the armed conflict in the territories, the persistence and increase in planting, production and marketing of coca, associated with the lack of security guarantees for the communities and territories of ethnic peoples and the presence of armed groups, the absence of the State in the territories, and the lack of adaptation and institutional coordination. The dismantling and the fight against criminal organizations are fundamental factors for the implementation of the Final Agreement" (Procuraduría, 2021: 690).

The south of Bolivar has seen a notable increase in violence and humanitarian consequences in its territories (see, for example, Cruz Roja 2021). The situation is the same in the Colombian Pacific, with recurring humanitarian crises in Choco and Nariño, among others. We remind all armed actors of their duty to prevent any kind of harm to the civilian population according to international humanitarian law.

Point 4. Solution to the illicit drugs problem (very low implementation)

In order to find a definitive solution to the problem of illicit drugs, including illicit crop cultivation and the production and sale of illicit drugs, the Government and the FARC-EP agreed: a program for substituting illicit crops (Point 4.1); prevention of consumption and public health programs (Point 4.2); and a solution to the phenomenon of production and commercialization of narcotics (Point 4.3).

Although a large proportion of this problem is in the colonized and dispossessed ethnic territories, including collectively titled territories, there are serious and worrying delays associated with this point.

There is no clarity in what the national government reports in relation to the implementation of the Comprehensive National Program for the Substitution of Illicit Crops (*Programa Nacional Integral de Sustitución*, PNIS), or its required integration with the Comprehensive Rural Reform. In fact, what is known is that the national government has prioritized forced eradication of coca crops and promoted a return to aerial fumigation as a forced eradication technique.

Meanwhile, the security conditions of the ethnic communities and territories affected by illicit crops continue to deteriorate. The ethnic territories prioritized under Point 4 have not been demined. There is no information on the number of ethnic beneficiary families of the PNIS program, although the communities in the territories continue to report the agency's non-compliance with its own substitution polices and disbursement of the assigned resources.

Nor is it clear if there is any integrated ethnic focus within the other pillars of Point 4, including "public health and consumption prevention programs" and "solution to the phenomenon of production and marketing of narcotics". These programs have been developed without ethnic consultation, and there is no available information about their implementation or any involvement of ethnic communities.

Point 5. Agreement on the victims of the conflict (medium implementation)

The fundamental purpose of Point 5 is to compensate the victims of the armed conflict. For this purpose, the parties agreed to: The Comprehensive System of Truth, Justice, Reparation, and Non-Repetition (*Sistema Integral de Verdad, Justicia, Reparación y No Repetición*, SIVJRNR) (Point 5.1) and commitments to the promotion, respect, and guarantee of human rights (Point 5.2). In relation to these mechanisms, progress has focused on the implementation of the SIVJRNR, since the national government has not only failed to comply with the commitments to strengthen the victim and reparation policies, but also its commitments in terms of human rights, especially the formulation of the National Plan of Human Rights.

The Special Jurisdiction for Peace (*Jurisdicción Especial para la Paz*, JEP) has made advances in the seven macro-cases it has opened on the worst events of the armed conflict, three of which take place in ethnic territories (002, 003, 005). We anticipate the opening of macro-cases on forced displacement and sexual violence, and the JEP's Ethnic Commission is taking into consideration the importance of integrating an ethnic macro-case. The Truth Commission (*Comisión para el Esclarecimiento de la Verdad*, CEV) will present its [final report](#) in June 2022. The Missing Person Search Unit (*Unidad de Búsqueda de Personas dadas por Desaparecidas*, UBPD) has made advances in the implementation of the ethnic chapters of the National Search Plan and has ethnic representation in the Advisory Council of the General Directorate of the UBPD.

The measures for strengthening comprehensive reparation for peace have not been adopted. None of the 496 ethnic collective reparation subjects (*sujetos de reparación colectiva*, SRCs) reported by the Unit for the Comprehensive Care and Reparation of Victims (*Unidad para la Atención y Reparación Integral a las Víctimas*, UARIV) as of July 2021 have completed the reparation process, and only 52 have reparation plans to the correct protocol. Law 2078 (January 2021) extended the validity of the ethnic decree laws until 2031. However, decree 4031 (2021) of the national planning agency (*El Consejo Nacional de Política Económica y Social*, CONPES) not only fails to strengthen the policy of reparation, it also reduces the resources allocated (CONPES 2021). There has been no progress in coordination between the SIVJRNR policy on victims and the Peace Agreement policy on the issue of a cross-cutting ethnic focus, in particular regarding the integration of reparations and the PDET.

The commitments for the guarantee of human and ethnic rights established in the implementation framework plan (PMI) that were supposed to be fulfilled by 2018 have not been met. Ethnic indicators have not been fully included in the National Information System, nor was the agreed National Ethno-racial Human Rights Plan carried out. It was announced that the latter would be carried out in 2021, but neither the participation nor the consultation route for ethnic peoples has been established. Neither a process of articulation nor work with the IEANPE has moved forward.

Point 6. Implementation, verification and endorsement (low implementation)

This point includes all the mechanisms for the policy of implementation, follow-up, monitoring, and verification of the implementation of the Peace Agreement, including: implementation and verification mechanisms (Point 6.1); the Ethnic Chapter (Point 6.2); international verification component of the Commission of the CSIVI (Point 6.3); and an international accompaniment component (Point 6.4).

The main implementation mechanism is the Implementation Framework Plan (PMI). This mechanism, which should have been designed four months after the implementation of the Peace Agreement (April 2017), was only implemented in 2018 (CONPES 2018). It should be noted that the PMI includes a set of 97 ethnic indicators whose level of compliance is less than 10%. Although ethnic people, represented by the IEANPE, agreed with the national government in September 2017 to estimate the cost of implementing these commitments, and the Ethnic Chapter so far there is neither a budget nor a plan for its effective implementation.

The Ethnic Chapter (6.2) led to the creation of the IEANPE as a mechanism for consultation, representation, and dialogue (Decree 1995, Article 7, 2016). However, the guarantees for its operation were only created in May 2018 and the government has failed to carry out the work plan established in the CSIVI in September 2020 for monitoring the implementation of the Ethnic Chapter. The Ethnic Chapter does not have a defined international accompaniment mechanism (Point 6.4.2).

International verification and monitoring mechanisms include the United Nations Verification Mission, the Secretariat of the International Verification Component, and the Kroc Institute. They have warned in their reports, some of which focus specifically on the Ethnic Chapter, of the lagging status of implementation of the Ethnic Chapter in relation to the other components of the Peace Agreement, and the worrisome security situation of ethnic peoples in their territories and communities. However, the application of the fundamental safeguards of the Ethnic Chapter has not yet been verified. Requiring particular attention is the verification of the non-implementation of the safeguards for gender, woman, family, and generation. These are central mechanisms for the protection of the rights to the integrity of ethnic peoples and especially of ethnic women, who have been the majority of the victims of the conflict and continue to be excluded and marginalized, although their effective participation is central to the implementation of the Peace Agreement.

General conclusions, recommended commitments and more information

We share the conclusion of the Comptroller's Office's recent report regarding the delayed implementation of the Ethnic Chapter, in which it emphasizes "deficiencies in the achievement of objectives and non-compliance or delay in structural issues for ethnic peoples... In particular, the budget tracker for peace continues without taking account of the programming and execution of resources for compliance with the Ethnic Chapter" (Contraloría General de la República 2021, 11). As this agency pointed out, it is noteworthy that in the National Development Plan (2018–2022) the so-called Peacebuilding Pact did not strictly include the issues of the Peace Agreement, nor did it specify all of the indicators from the PMI monitoring framework. In particular, it included none of the ethnic indicators, which had been agreed in the Peace Agreement and recommended by the national planning agency CONPES (CONPES 2018).

The PMI is a tool to guide the fulfillment of goals and monitor the results of the implementation. In relation to the ethnic PMI, the three ethnic reports on the implementation of the Peace Agreement presented so far by the national government illustrated that the institutions responsible for implementation continue to systematically disregard the goals and the structure of the monitoring framework itself. The government reports failed to adopt the ethnic indicator framework.

This structural flaw was also identified in the construction of the territorial development programs, the PDETs. All aspects of PDET planning, including national and sectoral plans, should have been harmonized with the plans for ethno-development, territorial and environmental management plans, protection plans, safeguards and other planning mechanisms of the Indigenous Reserves, Community Councils and other ethnic-territorial institutions of the ethnic peoples, as established in the Ethnic Chapter.

The general neglect of the Ethnic Chapter's fundamental safeguard for the adoption of an ethnic approach to gender, women, family, and generation has limited the effective participation and empowerment of indigenous and Afro-descendant women in the implementation of the Peace Agreement, especially in development of the comprehensive rural reform and other specific measures aimed at protecting their integrity and rights. Despite the fact that the Ethnic Chapter establishes the need to create a pedagogical strategy for the dissemination of the principles of non-discrimination on the basis of race, gender and age, such a mechanism has not been developed. Meanwhile, indigenous and Afro-descendant women continue to be victims of serious crimes in their territories, including forced displacement and systematic sexual violence—30% of all cases between 2016 and 2018 (Procuraduría, 2021, 662).

Recommended commitments

This assessment recommends the following commitments:

- **Urgent humanitarian response** to the recurring and ongoing crises of ethnic peoples. The humanitarian crises in Choco, Nariño and the southern Caribbean region (Bolívar) require an immediate response. The development of a comprehensive protection policy for ethnic peoples is imperative, including the implementation of Decrees 2078 (2017) and 660 (2018); Decree Laws 4633 and 4635; and the Protection Orders of Ethnic Peoples issued by the Constitutional Court in Judgment T-025, especially Orders 004 and 005 (2009), and Order 266 (2017).
- **Urgent advances are required for the peace talks with the ELN** and the negotiations required for the rapid dismantling of the other illegal armed groups. It is important that while these dialogues advance, support be given to the humanitarian initiatives of the ethnic peoples, such as the Humanitarian Agreement Now (*Acuerdo Humanitario Ya*), recognized by the National Peace Council, among other initiatives of the peoples aimed at guaranteeing the principle of distinction and the protection of their communities.
- **Institutional and budgetary re-engineering is required for the budget planning, financing and comprehensive implementation of the Ethnic Chapter of the Peace Agreement**, guaranteeing institutional measures to materialize its safeguards, especially those related to participation and consultation; non-repetition; gender, women, family, and generation.

Box 1. More information on the Ethnic Chapter

In English

Second Special Report on the Monitoring of the Ethnic Perspective in the Implementation of the Colombian Final Peace Accord. Challenges and Opportunities for Incorporating the Ethnic Approach into Territorial Implementation, 2022. Barometer Initiative in Colombia. Peace Accord Matrix (PAM). Kroc Institute for International Peace Studies.

Advance the Promises of the 2016 Peace Accord: Civil Society Perspectives on Peace in the Chocó, 2021 Washington Office on Latin America (WOLA).

Recognition and Guarantees for the Protection and Participation of Ethnic Peoples in Peace Building. Special Report on the Monitoring of the Ethnic Perspective in the Implementation of the Colombian Final Peace Accord, 2020. Barometer Initiative in Colombia. Peace Accord Matrix (PAM). Kroc Institute for International Peace Studies.

Despite Obstacles, Colombia's Ethnic Minorities Integrate Themselves into Peace Accord, 2017. LASA Forum. Volume 48, Issue 1.

Ethnic Chapter of the Peace Accord, 2016. Washington Office on Latin America (WOLA).

In Spanish

Informe IEANPE 2016–2021 de seguimiento, impulso y verificación a la implementación del Capítulo Étnico del Acuerdo Final para la Terminación del Conflicto y la Construcción de una Paz Estable y Duradera. Período de Estudio 2021. High-Level Forum with Ethnic Peoples (IEANPE).

Avances en la Implementación de la Política de Paz con Legalidad para Pueblos y Comunidades Étnicas, 2021. Presidential Council for Stabilization and Consolidation, Government of Colombia.

Tercer Informe al Congreso sobre el estado de avance de la implementación del Acuerdo de Paz, 2021. Office of the Inspector General.

Informes sobre Enfoque Étnico (I, II y III), 2020 & 2021. Technical Secretary of the International Verification Component (CINEP/PPP-CERAC).

Quinto Informe sobre la ejecución de los recursos y cumplimiento de las metas del componente para la paz del Plan Plurianual de Inversiones, 2020. Office of the Comptroller General.

Balance de la Implementación del Acuerdo de Paz: Desde la mirada del Pueblo Negro, Afrocolombiano, Raizal y Palenquero y el enfoque de género, mujer, familia y generación para avanzar en el cumplimiento de las salvaguardas y garantías del Capítulo Étnico, 2020. National Afro-Colombian Peace Council (CONPA).

La Implementación Estancada del Capítulo Étnico: Los PDET en la Subregión Pacífico Medio, las garantías de seguridad y no repetición y diagnóstico del PNIS, 2020. Peace and Reconciliation Foundation (PARES).

Primer Informe de Avances Implementación Capítulo Étnico del Plan Marco de Implementación, 2020. Presidential Council for Stabilization and Consolidation, Government of Colombia

Postscript: Taking Stock and Building a New Future for Colombia's Ethnic Minorities

Gimena Sánchez-Garzoli

I write the first draft of this postscript to the IEANPE's assessment of the implementation of the Ethnic Chapter of Colombia's 2016 Peace Accord's Ethnic Chapter on May 25, 2022, the two-year anniversary of the murder of George Floyd at the hands of a Minneapolis police officer. The US is taking stock of whether there has been progress in terms of racial justice and the prevention of further abuses against African Americans. This same question should be asked about racial justice and protection of ethnic minorities' rights in Colombia.

While the US and Colombia are different, the need to reckon with structural racism and its effects on the basic, civil, economic, socio-political rights of ethnic minorities are not dissimilar. The obstacles faced by Afro-descendant and Indigenous persons in both nations share root causes and challenges. Ethnic communities have a strong history of leadership, resistance, resilience, organization, and activism in both countries. Also, the drug and military policies in the US and Colombia that disproportionately negatively affect ethnic communities are interlinked.

2022 is a pivotal year in Colombia, presenting a timely opportunity for the US and the international community to renew their commitment to ending racial discrimination and facilitating inclusion in Colombia. In June, the Peace Accord's official Commission for the Clarification of Truth, Coexistence and Non-repetition (Truth Commission) released its [report](#), including an ethnic chapter that looks at the conflict through the lenses of racism and gender. This new report addresses how such abuses affected ethnic groups and provides and recommendations to guarantee their non-repetition. This report also highlights non-violent resistance movements, including the efforts of women, ethnic groups, the displaced, and victims to sustain their cultures, customs, languages and autonomy.

The Truth Commission's report creates a key opportunity for the US and international community to raise awareness of the role that racism plays in all sectors of Colombian society (education, private and public sectors, media, justice) and to support the follow-up public awareness initiatives.

On August 7, new President Gustavo Petro will be inaugurated in Colombia. The 2022 Presidential elections in Colombia are historic in that for the first time ever in the country's history, five of the candidates for Vice President were Afro-descendant. In part, this is due to the precedents set by Epsy Campbell in Costa Rica and Kamala Harris in the US. It is also a result of the decades-long work of the Afro-Colombian movement to open spaces in the country and the exemplary leadership of Vice President Francia Márquez. When he takes office in August, Petro will have to address Colombia's issues of racism, classism, women's rights, and the environment that have come to the fore due to Márquez's perseverance.

Colombia's new government, the US, and international community can address structural obstacles facing ethnic communities by incorporating the Ethnic Chapter's framework into public policies and programs. The Ethnic Chapter recognizes that racial discrimination and the legacies of slavery and colonialism play a significant role in the conditions and opportunities experienced today by Afro-Colombians, Palenqueros, Raizales, and indigenous communities. It tries to remedy this by guaranteeing that a differentiated approach is applied to all aspects of the Peace Accord's effort to address some of the most prevalent structural issues behind the conflict. The Ethnic Chapter's main guiding

principles are that transformations cannot take place without the recognition, inclusion and active participation of the leadership and communities involved in determining the policies and programs that affect them.

As noted by my IEANPE colleagues and the Kroc Institute, there are gaps in the implementation of the Ethnic Chapter. The US and international community can take steps to bridge those gaps, including:

- a. Convening, politically supporting and giving the necessary financial resources so the IEANPE functions properly and can effectively monitor implementation of the Ethnic Chapter.
- b. Prioritizing the convening of the Commission for Security Guarantees mandated to address the dismantling of illegal armed groups, former combatants and social leaders. Ethnic community input into the strategy for dismantling paramilitaries and other illegal groups is essential.
- c. Ensuring ethnic community input into the implementation of PDET plans for local development. This is crucial to ensure Peace Agreement implementation at the local level and that local development decisions become sustainable.
- d. Ensuring ethnic community input into Restitution Unit and Victims Unit to ensure more and better collective reparations and return of collective lands. A plan is needed to ensure a real push forward on the return to victims and the displaced, including collective lands.
- e. Ensuring ethnic community input into Peace Accord commitments for protection against threats to human rights, including more support for collective protection mechanisms and support for community collective and autonomous self-protection mechanisms—Indigenous Guard and the Afro-Colombian Cimarrona Guard.
- f. Recognizing the central role of ethnic community input into comprehensive rural development programs for communities eradicating and replacing coca, as promised in the Peace Accord's commitments to crop substitution.

It is important to remember that the Ethnic Chapter was not freely given to ethnic minorities. When the peace negotiations began between the Colombian government and the Revolutionary Armed Forces of Colombia (FARC), Afro-Colombian and Indigenous peoples were not part of the agenda. Realizing that they were excluded, in 2014 Afro-Colombian national and regional groups, including local government officials, displaced people, women, youth, trade unionists, and religious sectors formed the Afro-Colombian Peace Council (CONPA). A year later, CONPA joined forces with Indigenous authorities to form the Ethnic Commission for the Defense of Territorial Rights (Ethnic Commission) so they could speak with one voice.

Once formed, the Ethnic Commission engaged in a global and domestic advocacy effort to get a seat at the peace table so their rights would be integrated into the Peace Accord. Within Colombia, it organized marches in the streets and strategic meetings with other peace stakeholders. At the global level, this coalition joined forces with the Obama Administration, US Congress, Washington Office on Latin America, UN, guarantor countries, the Coalition of Black Trade Unionists (CBTU), and many others to push for inclusion. Finally, on June 26–27, 2016 Afro-descendant and Indigenous representatives went to Cuba to negotiate with the parties to the conflict. Working groups were formed that resulted in the parties recognizing the need to incorporate a differentiated ethnic focus into the Peace Accord's six-part agenda. The parties recognized that it was impossible to create a lasting peace in the territories without the participation of ethnic groups.

After several follow up meetings, including a July 14 meeting at Colombia's Presidential Palace, agreements were made on how to include the rights of ethnic minorities into the Peace Accord. On August 23, the Ethnic Commission was leaked information that the parties were planning to announce the final accord in Havana the next day. This surprised the Ethnic Commission, since the agreed-to points had not been finalized. This led to an emergency global advocacy campaign to guarantee that these points became part of the Accord. On August 24, Ethnic Commission representatives were on a plane to Havana. That afternoon, they met with negotiators and consolidated in one hour the text of the Ethnic Chapter into the final Peace Accord. While the final chapter is a reduced version of the original demands of ethnic minorities, it establishes an ethnic differentiated approach and participation in its implementation, as well as the creation of an official monitoring mechanism to advance its goals (IEANPE).

While ethnic minorities' rights and peace implementation suffered severe setbacks during Ivan Duque's presidency, this did not destroy the will of Afro-Colombian and Indigenous communities to guarantee their rights. This is the year to take stock, reassess and advance with the implementation of the Ethnic Chapter. Its advancement is not possible unless the US and international community works jointly with Afro-Colombian and indigenous leaders to make this a reality. The IEANPE's report opens up this conversation outside of Colombia, to open the doors for current and new allies to help to bring the Ethnic Chapter from ideas on paper to concrete actions and results on the ground in Colombia.

References

- CONPES. 2021. *Política nacional del atención y reparación integral a las víctimas*, 4031 Bogotá: Consejo Nacional de Política Económica y Social, June 11. <https://colaboracion.dnp.gov.co/CDT/Conpes/Econ%C3%B3micos/4031.pdf>.
- CONPES. 2018. *Lineamientos para la articulación del Plan Marco de Implementación del Acuerdo Final con los instrumentos de planeación, programación y seguimiento a políticas públicas*. 3932, June 29. Bogotá: Consejo Nacional de Política Económica y Social. <https://colaboracion.dnp.gov.co/CDT/Conpes/Econ%C3%B3micos/3932.pdf>.
- Contraloría General de la República. 2021. *Quinto Informe sobre la Ejecución de los Recursos y Cumplimiento de las Metas del Componente para la Paz del Plan Plurianual de Inversiones*, Noviembre de 2016 a 31 de marzo de 2021.
- CruzRoja. 2021. "Colombia: liberación de dos personas en Bolívar". 2021. *Comité Internacional de la Cruz Roja*, Comunicado de Prensa, September 13. <https://www.icrc.org/es/document/colombia-liberacion-de-dos-personas-en-bolivar>.
- Defensoría del Pueblo. 2020. "Alerta Temprana de Inminencia N° 005-2020 de 29 de enero, para proteger a los habitantes de los municipios de San Carlos, Planeta Rica, Pueblo Nuevo y Montería, departamento de Córdoba."
- IEANPE. 2021. *Informe de seguimiento, impulso y verificación a la implementación del capítulo étnico del acuerdo final para la terminación del conflicto y la construcción de una paz estable y duradera*, Bogotá: Instancia Especial de Alto Nivel de los Pueblos Étnicos de Colombia/Fondo Multidonante de la Naciones Unidas para el Sosteenimiento de la Paz. Diciembre. <https://www.conpicolombia.com/2022/01/informe-ieanpe-2016-2021-de-seguimiento.html>
- Infobae, 2021a. "En Colombia han asesinado 1201 líderes sociales desde la firma del acuerdo de paz." July 6. <https://www.infobae.com/america/colombia/2021/07/06/en-colombia-han-asesinado-1201-homicidios-de-lideres-sociales-desde-la-firma-del-acuerdo-de-paz/>.
- Infobae, 2021b. "Impacto y Tendencias Humanitarias Entre Enero y Junio de 2021." OCHA Humanitarian Response. July 29. <https://www.humanitarianresponse.info/ru/operations/colombia/infographic/impacto-y-tendencias-humanitarias-entre-enero-y-junio-de-2021>.
- Kroc Institute. 2021. *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*, South Bend: University of Notre Dame, Kroc Institute. <https://go.nd.edu/EthnicReport2021>.
- Procuraduría General de la Nación. 2021. *Tercer Informe al Congreso sobre el Estado de Avance en la Implementación del Acuerdo de Paz. Abril 2020–Marzo 2021*, Agosto. <https://www.procuraduria.gov.co/portal/media/file/Tercer%20informe%20Acuerdo%20de%20Paz%202021%20.pdf>.
- United Nations Security Council. 2022. *Misión de Verificación de las Naciones Unidas*, S/22/267. New York: United Nations, March 28. <https://colombia.unmissions.org/sites/default/files/n2229476.pdf>
- United Nations Security Council. 2017. *Report of the Secretary-General on the United Nations Mission in Colombia*. New York: United Nations. S/2017/801, September 26. <https://colombia.unmissions.org/en/file/3161/download?token=epjcQ5zW>.

Notes

1 Full text of the Ethnic Chapter is available in English from: <https://www.wola.org/wp-content/uploads/2016/10/PeaceEthnicChapterENGLISH.pdf>.

2 The CSIVI performs the same mechanism as a high-level representative of the Government. Members are appointed by the President and by representatives of the FARC-EP. Its purpose is to monitor the advances of the Peace Agreement, to verify and to ensure its implementation and to resolve any differences between the parties.

3 A comprehensive assessment of the implementation of the Ethnic Chapter in the five years of since the peace agreement (2016-2021) was also presented in a more detailed report of the IEANPE: <https://renacientes.net/blog/2022/01/25/informe-de-seguimiento-impulso-y-verificacion-a-la-implementacion-del-capitulo-etnico-del-acuerdo-final-para-la-terminacion-del-conflicto-y-la-construccion-de-una-paz-estable-y-duradera/>

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