



# Security Council

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## Letter dated 9 December 2022 from the Secretary-General addressed to the President of the Security Council

The present letter is submitted pursuant to Security Council resolution [2655 \(2022\)](#), in which the Council requested that, within 45 days of the adoption of the resolution, I provide detailed recommendations on how the United Nations Verification Mission in Colombia would carry out the verification of section 1, on comprehensive rural reform, and section 6.2, on ethnic perspectives (“the ethnic chapter”), of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, and to confirm any implications of those additional tasks for the configuration of the Mission. The proposed additions to the mandate, which were requested jointly by the Government of Colombia and the former Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (FARC-EP), were conveyed in the letter dated 17 October 2022 from the Minister for Foreign Affairs of Colombia ([S/2022/787](#), annex), in which he refers to the rural reform and ethnic chapters as points of “structural” importance to overcoming the conflict and building a stable and lasting peace in Colombia. The recommendations contained herein have been informed by consultations held by my Special Representative for Colombia and his team at the Verification Mission with the Government of Colombia and other key national interlocutors, as well as with partners in the United Nations system and the international community.

### *Comprehensive rural reform*

Issues of land access and rural underdevelopment have been enmeshed in the Colombian armed conflict throughout its history, shaping conflict dynamics and marking a deep divide between rural and urban areas. Section 1 of the Agreement, entitled “Towards a new Colombian countryside: comprehensive rural reform”, was designed to overcome those factors by laying the foundations for the structural transformation of rural areas of the country.

In that section, a series of measures are set out to improve living conditions, integrate rural areas into national social and economic development, eradicate poverty and close inequality gaps, and uphold the rights of the rural population, recognizing the ethnic diversity of Colombia and prioritizing rural women. The implementation of those measures under the Agreement is aimed at ensuring the non-recurrence of the conflict that has significantly affected rural areas for over five decades. The provisions cover three core areas: land, development programmes with a territorial focus and national plans for comprehensive rural reform.

With regard to land, the Agreement provides for: (a) the creation of a land fund to distribute 3 million hectares of land to landless peasants; (b) the establishment of



measures to incentivize access to land; (c) the formalization of 7 million hectares of small and medium-sized plots currently held informally; (d) the restitution of land to those who had been stripped of land as a result of the conflict; (e) the creation of mechanisms to regulate the use of land and resolve land conflicts; (f) the creation and updating of the rural land registry; and (g) the demarcation of the agricultural frontier and the protection of reserve areas. The Government of President Gustavo Petro Urrego has committed itself to prioritizing rural reform; has increased the 2023 budgets of the Ministry of Agriculture and Rural Development, the National Land Agency and the Agency for Rural Development; and has pledged to meet the targets of formalizing and delivering land plots by the end of its term. Regarding land acquisition for distribution to peasants, the Government has reached an agreement with the Colombian federation of cattle ranchers on the purchase of 3 million hectares for the land fund.

The development programmes with a territorial focus are aimed at achieving structural change in the areas affected by conflict, poverty, illegal economies and the limited presence of the State, and at closing the development gap between urban and rural areas. Under the Agreement, such programmes require the formulation of action plans for regional transformation, with the active participation of communities and the necessary resource allocation, as well as the definition of follow-up mechanisms to ensure proper implementation. The 16 development programmes, covering the 170 municipalities most affected by violence and poverty, were formally constituted in 2017, following a broad consultative process with communities. In the ensuing years, action plans associated with each development programme have been formulated in each of the targeted regions, with the participation of more than 220,000 members of conflict-affected communities. The previous administration had reported that, of the 32,000 initiatives proposed, 3,600 projects were being implemented, on such matters as roads, aqueducts and schools, and that additional funding sources had been identified for larger projects. Despite those steps forward, independent State and non-governmental assessments indicate that far more significant investments over time will be needed to realize the transformative potential of the development programmes. President Petro has affirmed that implementation of the programmes will continue, linked to the comprehensive implementation of other aspects of the Agreement and with broad citizen participation and requisite funding for the necessary investments

In addition, the Agreement provides for the establishment and implementation of nationwide development plans in specific sectors, which go hand-in-hand with, and reinforce, efforts to increase land access and deliver on territorial development plans. According to the previous administration, of the 16 plans for comprehensive rural reform provided for in the Agreement, 14 have already been adopted, and 2 are under development. They cover areas such as roads, electrification, connectivity, land adaptation, the strengthening of cooperatives, technical assistance, health, education, housing, food, agricultural production, the promotion of market access and rural workers' rights. In their implementation, aimed at overcoming poverty, these plans are to include specific and differentiated measures to meet the specific needs of rural women and to achieve effective equality of opportunities between men and women. Independent analyses point to uneven implementation to date between regions and sectors, limited budget allocation, challenges in coordination with local authorities and the lack of an umbrella mechanism to monitor and coordinate.

Overall, despite some progress being made, the implementation of the rural reform chapter has been limited, as detailed in a recent report of the Inspector-General of Colombia, an oversight body. In addition to the insufficient progress made in the above-mentioned areas, neither the high-level body to promulgate guidelines on the use of land, nor alternative mechanisms for conflict resolution around issues

pertaining to the use and property of land, have yet been established, nor has the agrarian tribunal. The gender and ethnic aspects of rural reform efforts are only at the incipient stage.

#### *The ethnic chapter*

The armed conflict in Colombia took a disproportionate toll on its ethnic communities and territories, as documented, inter alia, in the final report of the Commission for the Clarification of Truth, Coexistence and Non-Repetition (Truth Commission). Today, those same communities continue to be heavily affected by ongoing violence and insecurity. The ethnic chapter is based on the premise that the incorporation of the ethnic and cultural perspective in the implementation of the Final Agreement is essential to ending conflict and building lasting peace. Its inclusion in the Agreement resulted from strong calls by ethnic organizations from the Indigenous, Afro-Colombian, Raizal, Palenquero and Roma communities. The inclusion and mainstreaming of ethnic provisions throughout the Agreement has been recognized as a pioneering development.

The chapter contains a series of general considerations, principles and safeguards to ensure that the ethnic approach is applied in a cross-cutting manner throughout the implementation of the Agreement. For instance, ethnic peoples should be consulted prior to the implementation of its provisions, and peace implementation cannot be detrimental to the interests of ethnic peoples.

The chapter also contains a list of specific aspects of each of the six main sections of the Agreement requiring an ethnic lens. Among those aspects, it is stipulated that, for the implementation of rural reform (section 1), the existing legal framework and protection mechanisms of ancestral land and traditions should be respected, and that ethnic peoples should benefit from measures to improve access to land and be consulted in the implementation of development programmes with a territorial focus. On political participation (section 2), provisions are made for the effective participation of ethnic authorities in implementation mechanisms and for guarantees to include candidates from ethnic communities in the special transitional electoral districts for peace. An ethnic perspective should be factored into security and protection programmes for former combatants and communities in conflict-affected areas (section 3), and security systems such as the Indigenous and Cimarrona guards should be strengthened. On illicit drugs (section 4), ethnic communities and organizations should participate in and be consulted on the design and implementation of the National Comprehensive Programme for the Substitution of Illicit Crops, and demining programmes should be attentive to ethnic concerns. Measures to address the impact of illicit crops cultivation on specific Indigenous groups and ethnic territories have also been spelled out. The agreement on victims of the conflict (section 5) includes the provision that the Comprehensive System of Truth, Justice, Reparation and Non-Repetition should respect the judicial functions of the traditional authorities within their territories. A differentiated approach is also called for with regard to the reintegration of former combatants of ethnic origin into their communities.

Given the importance of consultations on the ethnic dimension, the Agreement provided for the High-level Forum of Ethnic Peoples as a consultative body on ethnic matters to the Commission for the Follow-up, Promotion and Verification of the Implementation of the Final Agreement. The Forum was established in 2017 and has been actively carrying out its responsibilities under the Agreement.

Despite broad recognition of the significance of the ethnic provisions, their implementation is lagging. The Petro administration has expressed its commitment to fully realizing the objectives of the chapter. The Vice-President, Francia Márquez Mina, is responsible for coordinating the implementation of the commitments

contained therein. The Government has established a dedicated working group, comprising the Office of the High Commissioner for Peace and various Government entities, to enhance internal coordination and priority-setting and ensure coherent resource allocation. Recently, the United States of America and Mexico announced that they would officially support the implementation of the ethnic chapter.

*Overall verification approach*

Since its establishment, the Verification Mission has sought, through its impartial and proactive verification efforts, to help stakeholders in the Colombian peace process to overcome obstacles to the comprehensive implementation of the Final Agreement. The Mission flags areas where improvements can be made on high-impact and strategic issues, and it offers recommendations. It also draws on the strength of its presence in the field, notably for land-related and ethnic conflict analysis and resolution efforts. The Mission also leverages partnerships with Colombian and international interlocutors. If tasked with verifying the implementation of sections 1 and 6.2 of the Agreement, the same strategic and proactive approach would be taken.

*Proposed approach to the verification of comprehensive rural reform*

In order to develop the Mission's guiding approach to verification of the chapter on rural reform, my Special Representative and his team have engaged with key Government interlocutors. These include the Minister of Agriculture and Rural Development, the National Land Agency, the Agency for Rural Development and the Land Restitution Unit; the Offices of the Vice-President and the High Commissioner for Peace; and representatives of former FARC-EP combatants and ethnic organizations. These consultations were important for understanding the viewpoints and priorities of national actors and listening to their suggestions regarding the Mission's verification activities.

The Mission's verification efforts would involve placing special emphasis on the first two areas of the rural reform chapter, which are considered strategic to reducing inequities in access to land, optimizing the use of land and resolving related conflicts. The detailed verification of the third area, namely the roll-out of 16 national plans for comprehensive rural reform, which would serve to integrate former conflict areas into nationwide economic, productive and social dynamics, may exceed the ability of the Mission, and a selective approach would apply, in that case.

**Access to land and its adequate use.** A key focus of verification efforts will be the land fund, which will include efforts to meet goals for the delivery and formalization of land plots. This encompasses an agreement recently reached between the Government and the cattle rancher federation that the Mission has been asked to support. Additional areas of focus are land restitution to victims of the conflict, which would contribute to meaningful reconciliation, and the establishment of alternative mechanisms to resolve land conflicts and promote social dialogue, such as the agrarian tribunal and the high-level body to promulgate guidelines on land use. To achieve those aims, the Mission will liaise with the Ministry of Agriculture and Rural Development, the National Land Agency, the Agency for Rural Development, the Ministry of the Interior, the Ministry of the Environment, the Land Restitution Unit and local authorities, as well as peasant and civil society organizations and unions, ethnic authorities and women's organizations.

**Development programmes with a territorial focus.** Another key focus of verification efforts will be the inclusive participation of communities, the allocation of resources and coordination with regional development plans and national plans for rural reform, while ensuring the active participation of women and ethnic communities in the endeavour. In this regard, the Mission will engage with the Office

of the High Commissioner for Peace and the Agency for Territorial Renewal, in coordination with the Ministry of Agriculture and Rural Development.

**National plans for comprehensive rural reform.** The Mission intends to report on progress on the basis of available sources, while placing more attention on the adoption and full implementation of plans that have an immediate impact on poverty eradication and that address inequalities in rural areas, including the impacts on rural women, in sectors such as health, education, housing, road infrastructure, electrification and connectivity, water and sanitation, food security and the solidarity-based economy. The Mission will engage with the Office of the High Commissioner for Peace, the Ministry of Agriculture and Rural Development, the Ministry of Housing, the Ministry of Education, the Colombian Family Welfare Institute, the Ministry of Information Technologies and Communication, the Ministry of Transport, the Ministry of Mines and Energy, the Ministry of Labour and the Ministry of Health.

While the Mission would consider section 1 of the Agreement in its totality, identifying trends and patterns in its implementation, it will prioritize certain geographical areas, to be determined in consultation with the Government on the basis of jointly defined criteria. The Mission would also be guided in its verification efforts by the specific provisions pertaining to the inclusion in the Agreement of aspects related to gender and ethnic peoples.

As part of the methodology for the verification of section 1, the Mission would conduct periodic visits to prioritized areas to monitor implementation, provide good offices support and facilitate dialogue, and to take part in meetings and follow-up mechanisms, with a view to contributing to building confidence in the process and accelerating broad-based implementation. The Mission would also interact and exchange information on a regular basis with Government entities, at both the local and national levels, including the Office of the Vice-President, which leads on gender and ethnic issues; the Office of the High Commissioner for Peace, which is responsible for peace implementation; the Ministry of the Interior; the Ministry of Agriculture and Rural Development; the National Land Agency, which manages the land fund; the Agency for Territorial Renewal, which is responsible for the implementation of the development programmes with a territorial focus; the Agency for Rural Development, which is responsible for the implementation of the national plans; the Special Assets Administration, which will support land-related processes; the Ministry of the Environment; local authorities; and the Land Restitution Unit, the mandate of which is to return seized lands to victims of the conflict.

The Mission would also liaise with mechanisms, platforms and local community leadership that will be participating in and benefiting from the reforms, such as the recently established National Peasant Convention. In addition, the Mission would liaise with civil society organizations, women's organizations and ethnic authorities and platforms, universities, think tanks, research centres, oversight entities, including the Ombudsman's Office, the Comptrollers' Office and the Office of the Inspector-General, and Congress.

#### *Proposed approach to the verification of the ethnic chapter*

With regard to the ethnic chapter, the Special Representative and his team have consulted with key Government actors, including the Vice-President and the Ministry of the Interior, ethnic authorities, the High-level Forum of Ethnic Peoples and other organizations, to establish a common understanding on a verification role for the Mission.

The Mission would verify progress made in and challenges to the implementation of provisions of the chapter, which cut across the Agreement, and make proactive and constructive recommendations to address bottlenecks, factoring

in the gender dimension throughout. The Mission would pay special attention to the functioning of dialogue mechanisms to resolve conflicts in the implementation of ethnic priorities. Special attention would also be given to linkages between the ethnic chapter and the gender provisions of the Agreement, notably on matters of reintegration, security guarantees and access to land.

A key focus of the verification approach from the ethnic perspective would be the section on rural reform, such as the inclusion of ethnic peoples and territories in land redistribution through the land fund, land restitution and conflict resolution mechanisms on land use and tenure, especially with regard to potential conflicts in cadastral records and peasant reserve zones. The Mission will offer its good offices and verify ethnic participation in land titling, efforts to align the peasant reserve zones with ethnic territories, ethnic participation in development programmes with a territorial focus, efforts to reduce poverty in ethnic territories through the national plans for comprehensive rural reform and the strengthening of protection arrangements for communities at risk of extinction. The Mission's simultaneous verification of the implementation of sections 1 and 6.2 should create strong synergies.

The verification of other sections of the Agreement through an ethnic lens would include priorities such as strengthened engagement with the Indigenous and Afro-Colombian representatives elected in 2022, through the special transitional electoral districts created under the Agreement, and engagement with Congress to sustain its focus on provisions of the ethnic chapter. Local elections to be held in October 2023 offer an opportunity for increased participation and representation of ethnic populations. In keeping with the Mission's current mandate, the verification process would be focused on ensuring that political and socioeconomic reintegration policies for former combatants of ethnic origin are tailored to their needs and that security guarantees for them are reinforced. Given the disproportionate presence of illicit crops in ethnic territories, the Mission would pay attention, in its verification activities, to the implementation of tailored provisions of the National Comprehensive Programme for the Substitution of Illicit Crops, among other programmes. The ethnic dimension of the transitional justice efforts made under the Agreement would be another area of focus, including the work of the Special Jurisdiction for Peace as it pertains to ethnic populations and judicial systems, the recommendations of the Truth Commission on ethnic matters and the work of the Unit for the Search for Persons Deemed Missing in the context of and due to the armed conflict. Efforts to provide collective reparations would be monitored in consultation with the Comprehensive Victim Support and Reparation Unit of the Government of Colombia.

The Mission's verification efforts would be focused on ensuring the incorporation of the ethnic approach in the implementation of all points of the Final Agreement and on promoting dialogue and intercultural mechanisms for conflict resolution to address differences of perspective regarding implementation. A strategic focus of the Mission's engagement would be the verification of the full exercise of the functions of the High-level Forum of Ethnic Peoples, which is required to play an advisory role with regard to the Commission for the Follow-up, Promotion and Verification of the Implementation of the Final Agreement.

#### *Complementarity with the United Nations country team*

In carrying out these new verification tasks, the Mission intends to maximize synergies and complementarity with those members of the United Nations country team who have experience, activities or mandates that support implementation of the rural reform and ethnic chapters of the Final Agreement.

Regarding rural reform, those include agencies, funds and programmes such as the United Nations Food and Agricultural Organization, the United Nations

Development Programme, the World Food Programme, the International Organization for Migration, the United Nations Entity for Gender Equality and the Empowerment of Women, the International Fund for Agricultural Development, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Office of the United Nations High Commissioner for Refugees (UNHCR). Regarding the ethnic chapter, this includes OHCHR, UNHCR, the Office of the Coordination of Humanitarian Affairs, the International Labour Organization and the United Nations Children's Fund. The work of OHCHR in those areas stems from the Final Agreement, under which that Office was entrusted to monitor the human rights dimensions of its implementation.

In developing these recommendations, the Special Representative has carried out inclusive consultations with the Resident Coordinator and the United Nations country team. Those discussions reaffirmed the potential for achieving the complementarity desired, through enhanced coordination. There is agreement that data and technical expertise available to agencies, funds and programmes can inform the Mission's analysis and reporting activities on progress made in and challenges to implementation, as well as the formulation of its recommendations. At the same time, the Mission, through its verification activities, can point to areas where programmatic support by country team members could be directed to assist in overcoming obstacles and boosting implementation, building upon existing cooperation efforts.

As is the case for existing pillars of the mandate, inter-agency coordination mechanisms would play an important role in maximizing the overall contribution of the United Nations to advancing implementation of the rural reform and ethnic chapters. An inter-agency working group on rural reform would be created, bringing together the Mission and the relevant country team members. The inter-agency task force on ethnic issues would be utilized to the fullest extent, to ensure complementarity regarding the ethnic chapter. Those national coordination efforts would be reinforced at the field level, through coordination mechanisms already in place in the regions that have been prioritized for peace implementation.

#### *Implications for the configuration of the Mission*

Although the two chapters are far-ranging in their scope, the Mission would, as it has in other areas of its mandate, conduct its verification with a strategic and proactive approach, applying its resources to aspects that are vital for peace consolidation in the near and medium term and that can inform priority-setting by the Government and other national and international actors.

With that approach as the guidepost, the Mission is well positioned to initiate the verification of the two chapters, optimizing currently established structures and resources where possible. At Mission headquarters, under the verification component, the existing section tasked with verifying the political and socioeconomic reintegration of former FARC-EP combatants would also be tasked with verifying priority elements of the comprehensive rural reform. With regard to the ethnic chapter, the available capacity that brings expertise on ethnic issues verified in accordance with the Mission's current mandate would guide its verification efforts and is likely to require some reinforcement, given the broader scope of the new task. Both teams have developed strong relations with key State entities, civil society groupings and other relevant stakeholders in the rural reform and ethnic areas. In addition, the Mission's field presence in former conflict areas largely corresponds to the regions where the implementation of the rural reform and ethnic chapters would be prioritized. Lastly, as described above, the Mission would maximize opportunities of collaboration with country team members who, within their mandates, support rural reform and ethnic issues, which would inform verification efforts and contribute to efficiencies.

As the implementation of the two chapters advances, and specific components of the rural reform and ethnic chapters require more attention, verification capacities may require modest reinforcement, in particular in areas where land or ethnic issues are acute, or for specific expertise currently unavailable at Mission headquarters. The two new tasks would not require any change in the currently authorized strength of unarmed international observers, which stands at 120.

*Conclusions*

On the basis of the preceding analysis, I recommend that the Security Council respond positively to the request conveyed by the Government of Colombia and authorize the addition of those tasks to the mandate of the Verification Mission. The comprehensive rural reform and ethnic chapters of the Agreement are critical to consolidating peace by addressing deep-rooted patterns of inequality and exclusion of rural regions and ethnic peoples that have perpetuated, and been exacerbated by, the armed conflict.

Given the interlocking nature of the Agreement, progress in the rural reform and ethnic chapters is important for undergirding advances in provisions currently under the Mission's mandate, namely reintegration and security guarantees for former combatants and communities. Greater progress in the area of rural reform, in particular, is central to the extension of the State's presence into conflict-affected areas and the comprehensive implementation that the Security Council has called for, and to which the Government has committed itself.

I also acknowledge the commitments made by the parties and their confidence in the Verification Mission, as reflected in that request. While the added tasks present new challenges, the Mission is well placed to carry them out in the manner outlined above. The increased focus of the Security Council on those provisions through the Mission's verification role would no doubt contribute to the consolidation of peace in Colombia.

I would be grateful if you could bring the present letter to the attention of the members of the Security Council.

(Signed) António **Guterres**

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