

# PEACE WITH LEGALITY BRIEF

IVAN DUQUE MARQUEZ, PRESIDENT OF THE REPUBLIC

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## Introduction

President Iván Duque honors the historic responsibility he has with the country and its people. He ensures the repair to victims, is aware of the significance of fulfilling the obligations with those involved in the reincorporation process and with the families in the process of illegal crops substitution who comply and remain faithful to legality. Also, he leads the way towards starting the final stabilization in the territories affected the most by violence.

With that, an unprecedented step is taken so that, throughout the territory there is the possibility, in the medium term, to enjoy a future where legality is complied with, entrepreneurship is fostered and finally equity exists.

By developing the policy herein made public, the President is faithful to the oath he swore on August 7, of governing for all Colombians. In this case, also Colombians of generations to come. It is for them that we must do everything in our power and skills to achieve the disappearance of the conditions of marginality causing backwardness in the countryside and whose consequences made violent the life in all Colombia.

The general changes the President believes in have been openly proposed and by way of legislative act for them to be effective in the future. That is why they will not negatively affect any person who has remained faithful to the legality of the process, in particular regarding the political rights acquired, the people in the reincorporation process, the regions affected the most by violence, and the families that joined the voluntary coca crops substitution process and definitely not the victims.

In this context, it has been proposed that neither drug trafficking nor kidnaping will be recognized as a crime relate to political crime and to review the treatment of sexual crimes against minors. Also, we believe that the members sentenced for crimes against humanity must be leave their seats in Congress while they serve their sentences, clarifying that their party may replace them so as not to lose the seats they currently have; and those who have not complied with all requirements demanded for the benefits of the Special Jurisdiction for Peace (JEP), including the delivery of ill-gotten assets, with destination to repair the victims, should lose all benefits of the transitional justice.

It is our belief that the participation of Colombians and their contributions throughout the process will be invaluable.

In this context, this document presents the outline of the Administration's implementation strategy, taking into account that, given the particularities of Farc participation in politics and the importance of repairing the victims, these topics will be the purpose of an independent document.

The implementation is done respecting and recognizing the policies on human rights, gender and ethnic inclusion, with broad emphasis on the policies aiming towards rural women.

Likewise, it is done with close coordination with the policies on security, fight against illegal drugs and protection of leaders.

Given the multiplicity of implementation fronts, it is useful to distinguish between the tasks that are primarily the responsibility of the Executive and those that are not.

## **About the Policy**

- The Stabilization Policy called "Peace with Legality", is a great strategy led by the President of the Republic, which will focus on transforming the lives of more than 6 million people who live in the territories (rural areas) that have been most affected by violence, poverty and illegal economies.
- This policy should be understood as a long-term vision, with effective actions in the territory and focused on the rights of the victims, which will also articulate the presence of the State in 16 sub regions, in an effort that brings together government entities, the international community, the private sector, the municipal and departmental authorities, and the communities.
- The policy is an invitation to work in a coordinated way with the State, the regional and departmental authorities, with the international community, with the private sector and with the communities, to make a clear purpose a reality: to reach peace with legality.
- The stabilization plan includes an intervention, based on the Development Plans with Territorial Approach, PDET, in 11,000 villages of 16 sub-regions in 170 municipalities and benefiting 6.6 million people, 2.5 million of whom are victims of violence. It is equivalent to 24% of the country's rural population and 57% of the rural population living in multidimensional poverty.
- The firm and irrevocable purpose of this government is that violence never returns to these places where families have lived under the pressure of violence for decades. It is a phenomenon that has affected the whole country. It is a matter of justice and national security.
- The Post-conflict High Council will articulate the planning and harmonization between the PDET action plans, the Implementation Framework Plan and the Illegal Crop Substitution plans in a single road map, with management level, technical and financial resources.
- The independence of transitional justice will be respected and it will advocate ensuring neutrality in its actions.
- The Land Fund continues, which will manage 3 million hectares.
- The national multi-purpose rural cadaster system, key to territorial planning, is a priority and its coordination will be addressed in the first half of 2019.
- The international cooperation resources will be focused and articulated with the Roadmap, in coordination with the High Council, the Presidential Cooperation Agency and the Ministry of Foreign Affairs, to coordinate all actions of the stabilization process.
- The private offer is very important for the stabilization of the territories that have been most affected by the violence. Work will be done at political level, regulatory level, special regime of taxation and benefits for joint efforts that promote development.
- Legality is one of the foundations for stabilization. The change of life in the territories is only possible within the framework of the law. Those who do not honor their word or fail to comply with the Peace Accord will not receive its benefits. The motto is legality and more legality.

- Victims of violence are at the center of all government actions to repair and stabilize their living environments. Eight million 900 thousand people are in the sole registry of victims. The victims count on a President committed in the search of their reparation.
  - 31% of the victims of this violence are in the 170 PDET municipalities. Peasants linked to the program of crop substitution and more than 11 thousand victims of land mines, have a rural vocation and have been expelled from their territories.

### **Responsibilities of the Executive**

What during the negotiation had been a single work front for the Government became multiple areas of implementation, some of them responsibility of other branches of public power. In this regard we will operate as follows:

#### **1 Victims**

Repairing the victims is everyone's responsibility. Therefore, it will be prioritized accordingly. Now, according to the law, in connection with the indemnity responsibilities regarding the victims, it is mainly a responsibility of Justice and we will respect that.

Regarding the Executive, the entities responsible for the delicate and complex task are the Victims' Unit through SNARIV and the Department for Social Prosperity (DPS) as the entity leading the sector. With that, the Office of the Senior Advisor for the Post-Conflict, soon for Stabilization and Consolidation will:

- (i) Help these entities.
- (ii) Integrate the action of the Nation, Departments and Municipalities in PDET zones.
- (iii) Take responsibility for giving special treatment to the victims in the stabilization of PDET zones.<sup>1</sup>

#### **2 Transitional Justice**

Transitional justice is part of the jurisdictional branch of public power. To that extent, the Executive is mainly responsible for respecting its independence and, within the applicable constitutional and legal canons, ensuring neutrality in its actions. The interlocution related to this matter will be led by the Ministry of Justice and Law and the Ministry of the Interior. The Office of the Senior Advisor for the Post-Conflict will:

- (iv) Ensure that the resources yet to be executed by Colombia in Peace Fund (*Fondo Colombia en Paz*) in favor of the operation of this jurisdiction are properly executed. Preliminary dialogues have been held with the JEP General Secretary and progress is being made with Colombia in Peace Fund.
- (v) Support the efforts of the President when necessary in the corresponding analysis of decisions of the High Courts.

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<sup>1</sup> As explained in several parts of the document, the interventions in Pdet municipalities, when done in prioritized parts of the territory for security reasons, will be based on the provisions of the security policy.

The President and his Advisor will insist on the importance of achieving true justice, repair, truth and non-repetition and will use all instruments provided by law.

### **3 Legality**

The policy in connection with all forms of organized crime is within the domain of the President with the Office of the High Commissioner for Peace. His office is in charge of the approach, evaluation and interlocution with all types of criminal groups. Given its nature, it will be in charge of evaluating the possibility of negotiating and dialoguing with other groups outside the law.

### **4 Political Party**

With regard to the political party that was created, there is a minimum of particularities resulting therefrom. Having complied with them and regarding the development of the party, it is a regular activity in equal conditions with the other legitimate political representations and, therefore, the interlocution will be mainly with the Ministry of the Interior.

### **Integration**

The integration is necessary between the Action Plans of PDET, PMI, the Action Plans of the National Comprehensive Program for the Substitution of Illicit Crops (PNIS), the National Sectorial Plans and PIRC in a Roadmap for the municipalities where their prioritization overlaps.

For these Plans to be subjected to the merger proposed below, we will require all of them to be formalized, at the latest, at the end of the first quarter of 2019.

Once this has been achieved, all these plans and programs will be integrated in a Unified Roadmap for Stabilization, hereinafter Roadmap, which will be integrated and harmonized with the planning and management instruments and mechanisms at a resource and finance technical level. This management will be coordinated by the Office of the Senior Advisor. As a result, all interested parties in supporting the implementation will have a guideline on what must be done and where and when it must be done.