

*Evaluation of the Commission of the European  
Union's co-operation with Colombia*

Final Report

October 2012

*Evaluation for the European Commission*





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## **Evaluation of the Commission of the European Union's co-operation with Colombia**

**FINAL REPORT**

*October 2012*

**This evaluation was carried out by**



Development  
Researchers'  
Network

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The authors accept sole responsibility for this report, drawn up on behalf of the Commission of the European Communities. The report does not necessarily reflect the views of the Commission.

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## ACRONYMS

<b>@LIS</b>	Alliance for Information Society (EC Programme)
<b>ACCION SOCIAL</b>	Agencia Presidencial para la Acción Social y la Cooperación Internacional/Presidential Agency for Social Action and International cooperation
<b>ALA</b>	Financial instrument for Latin American and Asian countries
<b>ALFA</b>	EC Programme of Co-operation between Higher Education Institutions of the European Union and Latin America
<b>AL-INVEST</b>	EC Latin America Investment Programme
<b>AT</b>	Asistencia Técnica/ Technical Assistance
<b>AUC</b>	United Self-Defence Forces of Colombia
<b>CA</b>	Contribution Agreement
<b>CAES</b>	Centros de Atención Empresarial/Business service center
<b>CAN</b>	Andean Community of Nations
<b>CAP</b>	Common Agricultural Policy
<b>CARS</b>	Corporaciones Autónomas Regionales
<b>CD</b>	Capacity Development
<b>CERCAPAZ</b>	Cooperación entre Estado y Sociedad Civil para el Desarrollo de la Paz (NGO)
<b>COC</b>	EU Code of Conduct
<b>COM</b>	Communication from The Commission
<b>CONPES</b>	Consejo de Política Económica y Social/ National Council for Socio Economic Policy
<b>COP</b>	Colombian Pesos
<b>CSJ</b>	Consejo Superior de la Judicatura
<b>CSOS</b>	Civil Society Organisations
<b>CSP</b>	Country Strategy Paper
<b>DAS</b>	Departamento Administrativo de Seguridad
<b>DCI</b>	Development Cooperation Instrument
<b>DDH</b>	Democracy and Human Rights Budget Line
<b>DDHH</b>	Derechos Humanos/ Human Rights
<b>DDP</b>	Departmental Development Plans
<b>DELCO</b>	Programme of Local Economic Development and Trade in Colombia
<b>DPN</b>	Department of National Planning
<b>DRPE</b>	Desarrollo Regional Paz y Estabilidad /Peace, stability and regional Development (EC programme)
<b>EAMR</b>	External Assistance Management Report
<b>EC</b>	European Commission
<b>ECHO</b>	European Commission Humanitarian Office
<b>EIDHR</b>	European Initiative for Democracy and Human Rights
<b>ELN</b>	National Liberation Army
<b>ENV</b>	Environment
<b>EQ</b>	Evaluation question
<b>EU</b>	European Union
<b>EU MS</b>	European Union Member States

**DRN**

<b>EUD</b>	European Union Delegation (European Commission Delegation until 30/11/2009)
<b>FARC</b>	Revolutionary Armed Forces of Colombia
<b>FAFA</b>	Financial and Administrative Framework Agreement
<b>FAT</b>	Facilidad de Cooperación UE-CAN para la Asistencia Técnica al Comercio
<b>FDI</b>	Foreign Direct Investment
<b>FLEGT</b>	Forest Law Enforcement, Governance and Trade
<b>FOMYPIME</b>	The Colombian Fund for Modernization and Technological Development of micro, small and medium enterprise
<b>FORJUS</b>	Fortalecimiento del sector de la justicia para la reducción de la impunidad en Colombia
<b>FTA</b>	Free Trade Area
<b>GDP</b>	Gross Domestic Product
<b>GNI</b>	Gross National Income
<b>GOC</b>	Government of Colombia
<b>GSF</b>	Guyana Shield Facility
<b>GSP</b>	Generalized System of Preferences
<b>HPG</b>	Humanitarian Policy Group
<b>HR</b>	Human Rights
<b>IADB</b>	Inter-American Development Bank
<b>IDEAM</b>	Instituto de Hidrología, Meteorología y Estudios Ambientales
<b>IDP</b>	Internally Displaced People
<b>IFS</b>	Instrument for Stability
<b>IHL</b>	International humanitarian Law
<b>IL</b>	Intervention Logic
<b>IMF</b>	International Monetary Fund
<b>INPANDES</b>	Participatory Regional Integration Project
<b>INTERCAN</b>	Integración Económica Regional de la CAN/CAN regional economic integration
<b>INVIMA</b>	National Institute for the surveillance of food and drugs
<b>ITTO</b>	International Tropical Timber Organisation
<b>JC</b>	Judgement criteria
<b>JLS</b>	Justice, Liberty and Security
<b>JPL</b>	Justice and Peace Law
<b>LAB III</b>	Third Peace Laboratory
<b>LAC</b>	Latin America and the Caribbean
<b>LEADER</b>	Liaison Entre Actions pour le Development de L'Économie Rurale
<b>LED</b>	Local Economic Development
<b>LRRD</b>	Linking Relief, Rehabilitation and Development
<b>MDG</b>	Millennium Development Goals
<b>MN</b>	Meeting Notes
<b>MSMES</b>	Micro, Small and Medium Enterprises
<b>MTR</b>	Mid-Term Review
<b>NAFTA</b>	North American Free Trade Agreement
<b>NDP</b>	National development Plan
<b>NGOS</b>	Non Governmental Organisations



<b>NIAGS</b>	New illegal armed groups
<b>NIP</b>	National Indicative Programme
<b>NSA</b>	Non-State Actors
<b>ODA</b>	Official Development Assistance
<b>PA</b>	Project Approach
<b>PD</b>	Paris Declaration
<b>PDP</b>	Programas de Desarrollo y paz/Peace and Development programmes
<b>PENMV</b>	National Strategic Plan for Green Markets 'Plan Estratégico Nacional de Mercados Verde'
<b>PET</b>	Territorial Strategic Processes 'Procesos Estratégicos Territoriales
<b>PGN</b>	Procuraduría General de la Nación/State Attorney's office
<b>POAS</b>	Penal Oral Accusatory System
<b>POG</b>	Programa Operativo Global/Global operational programme
<b>PPP</b>	Purchasing Power Parity
<b>REDD</b>	Reducing Emissions from Deforestation and Forest Degradation
<b>REH</b>	Up-rooted People Budget Line
<b>RG</b>	Reference group (EC services) of the evaluation
<b>RIP</b>	Regional Indicative Programme
<b>ROM</b>	Result-Oriented Monitoring
<b>RRM</b>	Rapid Reaction Mechanism
<b>S&amp;T</b>	Science and Technology
<b>SBS</b>	Sector Budget Support
<b>SIDA</b>	Swedish Cooperation Agency
<b>SINA</b>	National Environmental System
<b>SMES</b>	Small and Medium Enterprises
<b>SPS</b>	Sanitary and Phytosanitary Measures
<b>SWAP</b>	Sector-Wide Approach
<b>TBT</b>	Technical Barriers to Trade
<b>TPSD</b>	Trade and private sector development
<b>TRA</b>	Trade Related Assistance
<b>TRTA</b>	Trade related technical assistance
<b>UERIA</b>	Risk Assessment Unit for Food Safety
<b>UNCTAD</b>	United Nations Conference on Trade and Development
<b>UNDP</b>	United Nations Development Programme
<b>UNHCR</b>	United Nation High Committer for Refugee
<b>URB-AL</b>	EC Latin America Urban Development programme
<b>WB</b>	World Bank
<b>WCY</b>	World Competitiveness Yearbook
<b>WTO</b>	World Trade Organisation



# EXECUTIVE SUMMARY

## 0.1 Objective and scope of the evaluation

The objective of this evaluation is to provide an overall independent assessment of the Commission's past and current cooperation with Colombia over the period 2002-2011. It also aims at identifying key lessons in order to improve the current and future strategies and programmes of the Commission, particularly considering the new development policy set in the "Agenda for Change".

The evaluation focuses on the following areas of investigation: Peace, Stability and Socio-economic Development; Rule of Law and Justice; Human Rights and Victims of the Armed Conflict; Good Governance; Productivity and Competitiveness; Environmental Sustainability and the Linkage between Relief, Rehabilitation and Development. It also analyses the instruments and aid modalities made available by the Commission, as well as the coherence, coordination and complementarity ("3Cs) of EU cooperation and the European added value.

## 0.2 Methodological issues

The evaluation answers nine key Evaluation Questions (EQs) that cover major parts of the EC strategy and its implementation. The evaluators formulated these questions following the analysis of the Country Strategy Papers and EC policy documents and through a representative selection of EU interventions in Colombia. The projects and their contribution to the development of Colombia were then analysed on the basis of project evaluations, internal progress reports, and monitoring data and documentation from other development partners (DPs), from international NGOs and academics and from Colombian official institutions.

During a country field visit, the evaluation team validated the hypotheses formulated through interviews, focus group discussions and visits to project sites. This allowed

covering both policy and strategy aspects and implementation issues. Overall the evaluators interviewed over 120 persons in Brussels and Colombia, held two focus group discussions, and visited two project sites outside Bogotá.

## 0.3 Main limitations of the evaluation

Among main limitations encountered, the following would be the most important:

- *EC interventions' data availability and quality*

Limitations in the analysis are closely related to the quantity and the quality of the information obtained. Availability of information varied among interventions. Furthermore, although the log frames of the programmes assessed contain a set of indicators, those indicators are not systematically informed in programme related documents (such as progress reports, monitoring, evaluations, etc.)

Because of these limitations, the present evaluation provides limited answers on the actual results and impact of EC interventions.

- *Lack of data availability at local/municipal level in the conflict zones.*

In many cases, it is difficult, from the documentary sources at hand, to assess to what extent the situation observed is due to EC cooperation in the conflict zones.

The websites of the Peace Laboratories are often outdated, the baseline and progress reported on-line were for municipalities. As regards data at departmental level, the multiannual investment plan of the Departmental Development Plans (DDP) was often not available or could not be compared.

## 0.4 Main findings

The analysis shows that, while EC cooperation at country level has been able to link - in a simultaneous and complementary way - relief and rehabilitation -the short and medium term objectives- it has not been able to

establish the link with development -long term objective- although it has been able to create the conditions which may allow it in the future.

The EC strategy in Colombia, coherent with the policies defined by the Colombian government in relation to peace-building at local and national levels, has contributed to supporting peace-building efforts and tackling the root causes of conflict in the regions most affected by the latter. The main achievements of the EC's contribution have been in creating platforms of dialogue between the different actors present in the territory, in strengthening of networks and civil society organizations, in promoting the creation of alliances between public and private actors, and in supporting productive activities for the socio-economic stabilization of the territories.

The productive activities supported by the EC, aiming at invigorating the local economies, contributed to the socioeconomic stabilization of the regions, creating a fundamental incentive for rural communities to remain in their territories, as well as enhancing the communities' organizational capacities. They helped micro, small and medium enterprises to access local and national markets. Nevertheless, there is still not sufficient evidence to demonstrate that they have attained a consolidation level that ensures viability and economic sustainability.

At national level, the EC has contributed to strengthening the National System of External Trade and to reducing the impact of non-tariff barriers to trade, though it is not possible to determine the level of its contribution.

EC support has succeeded in mainstreaming environmental sustainability across its interventions. Furthermore, in several productive chains it constitutes an element of differentiation that has allowed producer organizations access to new markets. The EC has also played a key role in strengthening the capacity of the 'Corporaciones Autónomas Regionales' (CARs) and enhancing the coordination process with community-based organizations and small entrepreneurs. This contrasts with the lack of coordination between the EC and the Ministry of Environment and Sustainable Development, the main environmental authority of the country.

Bilateral EC interventions have made specific contributions to institutional strengthening of the justice sector, mainly in relation to the State's capacity to assist victims within the transitional justice framework and its capacity to implement the POAS. But it has also supported victims' capacity to participate in the transitional justice process and make claims. With respect to the impunity situation in Colombia, the evaluation found no evidence that it has improved during the evaluation period, particularly after the new POAS began to be gradually rolled out in 2005 and, given the complex situation, it would not be reasonable to expect that the analyzed EC contributions to strengthening the rule of law in Colombia during the evaluation period could have fundamentally changed the impunity situation in the country.

In the difficult conflict and human rights context in Colombia EC cooperation in promoting human rights and assisting victims of the armed conflict has made a number of significant contributions, EC political support helped strengthen Colombian civil society organizations and human rights groups which most of the time over the evaluation period were faced with a difficult and sometimes hostile environment. After 2007, the degree of congruence between the government's and EC's positions increases when the second Uribe administration adopted a somewhat more comprehensive stance on the human rights issue and the EU Delegation in Bogotá established a close rapport with the government (which included the launch of an official dialogue on human rights) while distancing itself from Colombia's non-governmental human rights community.

Noticeable also are key contributions to the protection of land and patrimonial assets of IDPs and Colombian public policy for IDPs; and the strengthening of the capacity of victim and human rights organizations to participate in the transitional justice process and maintain a high level of activity in favour of the defence and promotion of human rights.

EC cooperation has also contributed to the strengthening of local players. It has helped sub-national bodies promote participative budgeting and focus public service delivery according to social and territorial needs; it has partially helped them build technical capacity and fight corruption. On the other side, it has also helped local CSOs gain credibility and

technical capacities, favouring at the same time the establishment and effective operation of different local dialogue platforms.

During the evaluation period, aid in Colombia is delivered through two main aid delivery modalities: programme or project-based approaches (PA) and marginally, Sector Budget Support. Relevant is the vast combination of programmable and non-programmable financing instruments used to deliver aid and the choice of allocating most of the funds through grants to finance projects implemented by CSOs and public institutions. By doing so, the EC has promoted ownership and capacity-building processes among partner country institutions. On the negative side, the two main weaknesses are that EC's procedures have affected the project/programme efficiency and that there has been a lack of internal coherence between levels of intervention (bilateral, sub-regional and regional) and instruments while the search for internal coordination and complementarity has been a source of contradiction and strain.

During the evaluation period, coordination and complementarity between donors and particularly between the EC and the MS, in Colombia were quite limited and, in spite of the publication in 2007 of the Code of Conduct, the EC's Value Added is neither identified nor recognized among donors, limiting considerably any possibility of a Division of Labour between donors.

## 0.5 Overall assessment and main Conclusions

1. **An innovative and effective strategy.** The EC's cooperation strategy with Colombia between 2002 and 2011 has been characterised by one core strategy aimed at Peace Building. Innovative in its approach and methods, the strategy has proved effective in its results.
2. **Yet weaknesses** of three types prevented the EC's cooperation strategy in Colombia from attaining better levels of effectiveness and impact and negatively affected its levels of efficiency and sustainability: Weaknesses associated with tools and methodologies (lack of tools and methodology for carrying out territorial capacity assessment; poor application of existing tools in the field of capacity assessment

and capacity development; of sensitive issues like Human Rights); Weaknesses associated with the EC's interventions (implementation problems mainly related to procedures,, fragile economic viability of the productive activities supported by the EC); Weaknesses in EC's organizational, strategic and political capacity (defective internal coordination between aid instruments and tools, projects and sectors; reduced application of Aid Effectiveness principles; the EC's limited leadership at political and managerial level in order to push for sensitive but essential issues such as human rights; the lack of a structured, results-oriented and cross-sectoral actor-inclusive policy dialogue).

### **As regards the main conclusions:**

**on Policy & Strategy.** The EC cooperation strategy has helped victims of the armed conflict transit from relief to rehabilitation but has failed to link development (the long-term objective) to the former short- and medium-term objectives. (C1). The EC has no structured strategic framework to hand to promote good governance principles coherently or, better, mainstream good governance. (C2)

**on EC response Strategy and programming.** In spite of the EC's willingness to provide effective aid, the highly political context of EC cooperation in Colombia has been a hindrance. (C4) Capacity assessment exercises have been rather scarce in EC technical cooperation in Colombia. Furthermore, standard EC capacity development scheme has shown a lack of adaptation to its territorial development approach in Colombia in that it failed to assess the territories. (C5)

**on 3 Cs and EC value added.** Coordination and complementarity between donors in Colombia were quite limited and EC Value Added was neither identified nor recognized among the donors' community, precluding any possibility of a Division of Labour between donors. (C6) On the other hand the EC cooperation strategy during the evaluation period suffered from a serious lack of internal coherence that even affected EUD's internal organizational balance. (C7). Yet External coherence is rather well safeguarded between EU policies and EC interventions at country level (C8)

**on Conflict Prevention and Resolution.** The EC strategy in Colombia has contributed to generating the conditions for peace in the conflict zones, mainly with the construction of a social network in the territories thanks to the strengthening of civil society organizations, networks and the promotion of alliances between public and private institutions in the territory. It has also contributed to the generation of platforms for dialogue between the different actors present in the territory. Nevertheless these organizations and platforms for dialogue reveal weaknesses in terms of sustainability and of formalization and incidence of proposals in local and national policies. (C9). EC cooperation has also invested important resources in the promotion of productive alternatives in the zones most affected by the conflict. Initially these initiatives contributed to food safety and productive reactivation of the territory and are valued positively for their impacts in terms of social cohesion and contribution to the permanence of the families in the territory (C10).

**on Rule of Law, Justice and HR.** In response to national priorities, the EC has focused on supporting implementation of the new Penal Oral Accusatory System (POAS) and has helped to strengthen the institutions charged with the application of the Justice and Peace Law and the protection of victims' rights to truth, justice and reparation, but impunity remains a key problem for the rule of law in Colombia and the transitional justice process is faltering. (C11) Although it is not possible to attribute conclusively specific improvements of the human rights situation of the targeted population groups, in a difficult conflict and human rights context the EC has provided significant political and technical support for the promotion of human rights, especially civil and political rights, and for assisting and empowering victims of the armed conflict in Colombia. (C12)

**on Trade and Competitiveness.** The Local Economic Development approach supported by the EC has contributed to create the basis for the development and competitiveness of the territories, mainly in rural areas. Several of these chains have export potential and may benefit from the trade agreements recently signed with the USA and the EU. Nevertheless most of the MSME involved still face many difficulties to strengthen their participation in

national markets and in accessing international markets (C13)

**on Environmental sustainability.** Although environment is not a priority of the EC cooperation strategy in Colombia, its contribution has nonetheless been key to improving the sustainability of the environment in the country. Even so, the EC strategy has not been coordinated with the Environment Ministry or national environmental policy. (C14)

## 0.6 Main Recommendations

In a country such Colombia characterized by mid-to-high-level income and by internal armed conflict, the EC has to define a clear position on a number of critical issues - in particular on human rights on account of the highly sensitive humanitarian and human rights context - and on quite probably antagonistic key stakeholders, so as to be able to build a relevant cooperation strategy as well as build and assume leadership among donors and particularly EU MS (Value Added).

It also seems appropriate to consider analysing some issues relating to EC methodologies and tools:

- ✓ the relevance, in a situation of territorialized interventions, of carrying out a territorial capacity assessment, insofar as a standard institutional analysis falls short of the required assessment scope; and of associated social and territorial cohesion;
- ✓ the necessity for systematizing models like the DELCO programme methodology and approach, and disseminating them,
- ✓ the relevance of carrying out an impact evaluation of EC's Peace Building Strategy in Colombia in order to systematise the core aspects of an effective peace building strategy, for dissemination purposes.

**on Policy & strategy.** Considering the lack of quality information on EC cooperation programme results as well as the Agenda for Change and the possible adjustments in EC cooperation towards middle-income countries, it seems advisable to commission impact evaluations so that present and future decision-making on policy and strategies is duly informed (R1):

To fine tune and consolidate the LRRD strategy by, among others, keeping to a demand-driven approach while maintaining the basis of a clear institutional (EU / EC) political position with respect to the crisis that gives rise to the LRRD intervention, and attaching due importance to political dialogue at national and local government levels and with all parties involved (R2)

To promote good governance principles based on the Agenda for Change by building or improving the Framework for EU Good Governance policy and Lines for Action. A set of impact indicators should enable promoting an environment for good governance. Include the subject in the political dialogue. (R3)

#### **on EC response Strategy and programming.**

Enhance Aid Effectiveness in order to build a new inclusive partnership, diversifying partners and fostering the principles of "multilevel governance". (R4).

Review the Backbone Strategy and the corresponding 2010 EuropeAid Toolkit for Capacity Development in order to adapt and/or complement the proposed Capacity Assessment (CA) and Capacity Development (CD) scheme for territorialized interventions (R5)

#### **on 3 Cs and EC value added.**

Grant full credit and focus to the political dimension in which cooperation intervenes and build cooperation strategies starting from that political angle. (R6)

#### **on Conflict Prevention and Resolution.**

The EC cooperation strategy should maintain and enhance its support to those civil organizations and platforms for dialogue created in the zones most affected by the

conflict, in order to ensure their permanence, formalization and representativeness. (R7)

#### **on Rule of Law, Justice and HR.**

In line with the 'Agenda for Change' devise a new cooperation strategy prioritizing robust, open and inclusive political and policy dialogue with the Colombian government, CSOs, and victim and human rights organizations on how best to address the underlying drivers of still widespread impunity as well as tackle the pressing issue of what would be the best way forward in respect of making transitional justice work better in Colombia. (R8)

Support Colombia, via an inclusive, open and regular political and policy dialogue with all key stakeholders, in the development and implementation of an effective human rights policy (also including progressively more economic, social and cultural rights) and guaranteeing victims' rights to truth, justice and reparation. (R9)

**on Trade and Competitiveness.** Continue to promote local economic development, thus paving the way for an effective use of the recently signed EU-Colombia Trade Agreement. The strategy should continue promoting the strengthening of those MSME and producer associations that have an important impact on local development and a multiplication effect in the national economy. (R10)

**on Environmental sustainability,** EC strategy needs to be articulated with the Ministry of Environment and Sustainable Development and to the implementation of the National Policy. (R11)





## 1 INTRODUCTION

The evaluation of the Commission's co-operation with Colombia during the period 2002-2011 was commissioned and managed by the Evaluation Unit of DG DEVCO-EuropeAid and is part of the 2010 evaluation programme, as approved by External Relations and Development Commissioners.

This document is the final evaluation report and presents the results of the synthesis phase during which the information gathered in the previous phases has been analysed, in order to answer the Evaluation Questions and draft Conclusions and Recommendations.

### 1.1 Objectives and Scope of the Evaluation

The ToR outlines two main objectives for the evaluation of the Commission's cooperation with Colombia:

- to be accountable and to provide the relevant External Co-operation Services of the Commission and the wider public with an overall independent assessment of the Commission's past and current cooperation relations with Colombia.
- to identify key lessons in order to improve the current and future strategies and programmes of the Commission.

The evaluation focuses on an analysis of:

- the relevance and coherence of the Commission's cooperation strategies (all instruments included) for the period 2002-2011 (at strategic level);
- the consistency between programming and implementation, at strategic level, for the same period;
- for the period 2002-2010, the implementation of the Commission's cooperation, focusing on impact, sustainability, effectiveness and efficiency; and for the period 2007-2013 its expected effects;
- the value added of the Commission's interventions (at both strategic and implementation levels);
- the coherence between the Commission's interventions in the field of development cooperation and other Commission policies likely to affect the partner country; *and*
- the coordination and complementarity of the Commission's interventions with other donors' interventions (focusing on EU Member States).

The team therefore understands that the evaluation should provide an assessment against accountability requirements but also be forward-looking so as to provide Commission policymakers and managers with valuable recommendations for improving current and future programming and strategies.

### 1.2 Purpose and Structure of the report

The document, following the Executive Summary presented at the beginning, is organized in four main sections:

The *first section* presents the methodological framework of the evaluation study: its phases and the data collection tools and analysis.

The *second section* briefly reconstructs the evaluation framework:

- ◆ Chapter 3 contains an investigation on the national context in which the EC intervenes
- ◆ Chapter 4 provides a brief synthesis of the analysis of the EC's financial commitments in Colombia, in terms of their sectoral coverage, timeframe evolution, funding instruments, etc. Volume 2 (Annexes 6 and 9 to 14) present the detailed analysis, the inventories of EC financial commitments and a ROM analysis.

The *third section* presents the findings for each of the Evaluation Questions. Volume 3 (Annex 15) presents the Evaluation Question matrix, with a detailed overview of information gathered by indicator.

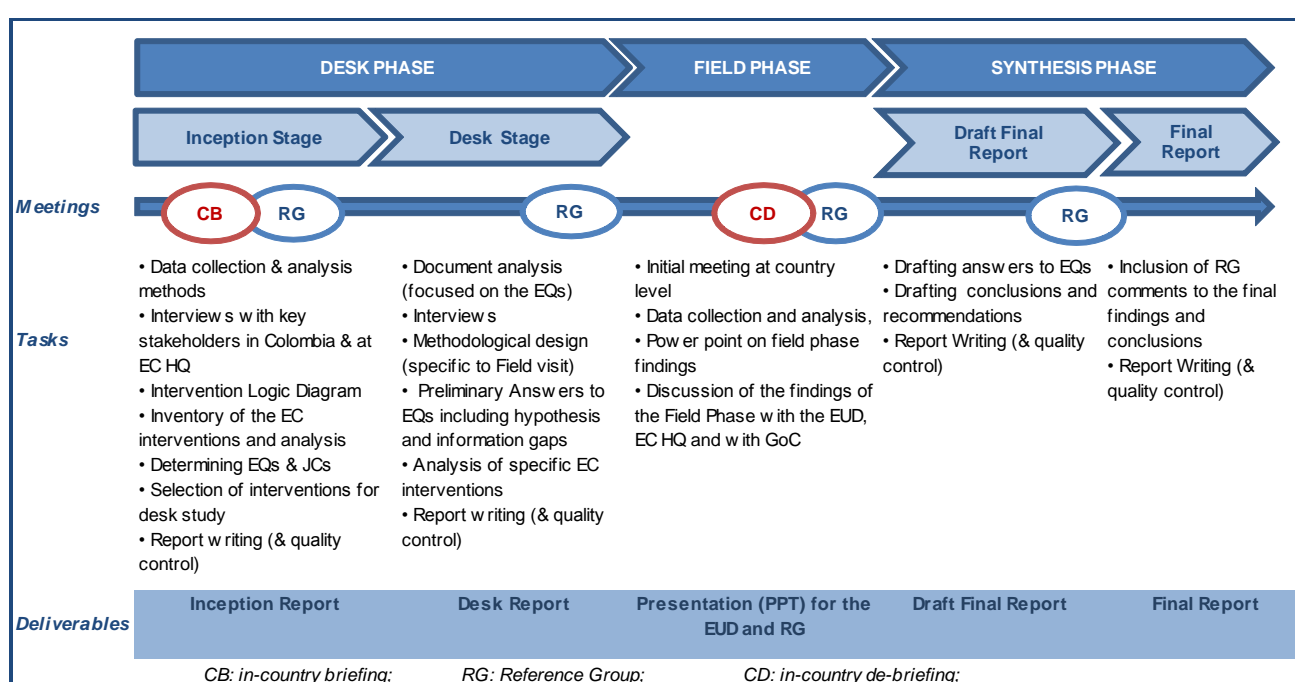
The *fourth section* presents an Overall Assessment, the Conclusions based on the answers to the Evaluation Questions, and the Recommendations based on the Conclusions.

# SECTION 1: METHODOLOGICAL FRAMEWORK

## 2 THE EVALUATION PHASES

The study has been carried out in three different phases, in accordance with the Terms of Reference. The figure below provides an overview of the three main phases, specifying for each of them the activities carried out, the deliverables produced and the meetings organised with the Reference Group (RG) and with the European Union Delegation (EUD) in Colombia.

FIGURE 1: KEY STEPS OF THE COLOMBIA COUNTRY-LEVEL EVALUATION



### Desk phase

The first months were dedicated to the design and organization of the evaluation exercise. During this period, the following outputs were produced:

- An analysis of the national socioeconomic and political context in which the EC intervenes.
- A policy analysis of EU-Colombia political dialogue, trade relations and EC cooperation strategy-related documents.
- Based on the above analysis, a reconstruction of the EC cooperation strategy's Intervention Logic (IL) presented through an effect diagram.
- A set of nine Evaluation Questions (EQs), each with their respective rationale, judgment criteria and preliminary indicators, and the sources and type of data requested.
- A proposal of a sample of eleven interventions for an in-depth analysis which, at a later stage, provided the basis for the field visits.

The final part of the desk phase focused on: (i) reconstructing the inventory of all EC cooperation interventions in the country; (ii) finalizing the indicators and the desk data collection; (iii) elaborating the

preliminary answers to the Evaluation Questions and the hypotheses to be verified in the field; and (iv) defining the methodology for field data collection and analysis.

### Field phase

The field visit was organized between the end of May and beginning of June 2012. The main objective was to complete the data collection and to facilitate answering of the Evaluation Questions, while validating or revising the preliminary hypotheses formulated during the desk phase. This field phase, even if it was not intended to conduct an in-depth assessment of the implementation of all EC cooperation interventions, allowed coverage of both policy and strategy aspects and implementation issues.

### Synthesis phase

The results obtained during the desk phase, and their subsequent validation or revision through the field phase, constitute the basis for the synthesis exercise leading to the main Conclusions and Recommendations produced by the evaluation and presented in this report.

## 3 METHODOLOGY FOR DATA COLLECTION & ANALYSIS

### 3.1 Elaboration of an Inventory of EC interventions by relevant areas

The evaluation team undertook the production of an inventory of all EC-funded interventions in Colombia between 2002 and 2011, as follows:<sup>1</sup>

- an inventory of programmable aid has been reconstructed based on the financial commitments via the ALA Regulation and the DCI-ALA.
- an inventory of non-programmable aid builds on financial commitments via horizontal and thematic budgetary lines.

The objective of the inventory was twofold:

- first, to give a synthesized illustration of the financial size and sectoral distribution of EC cooperation and its evolution over time.
- second, to allow<sup>2</sup> comparison between the *implemented* intervention logic (IL) and the *intended* IL as drafted in EC policy documents.

### Sectoral classification

With a view to reconstructing the implemented IL<sup>3</sup>, EC interventions (from programmable and non-programmable sources) have been classified by macro-sector and sub-divided into micro-sectors (see Table 1).

The macro-sectors constitute the main areas of EC intervention. The sector categories include further sub-sectoral disaggregations. Their definition corresponds to the analysis of the intervention logic and programme documents. The classification by sector has been based on the specific areas of intervention identified in the policy documents and on the content of the inventory<sup>4</sup>.

Given the transversal nature of EC interventions, which encompass multiple areas of intervention such as decentralisation, economic development, social service provision and governance promotion, five macro-

<sup>1</sup> The Inventory of interventions is presented in Annexes 9 to 13 (Vol. 2)

<sup>2</sup> In subsequent phases of the evaluation

<sup>3</sup> Following the methodology developed by DRN in the late '90s and applied in all complex evaluations carried out so far by DRN.

<sup>4</sup> The titles of the interventions, and when needed additional information gathered via Internet, were the main references.

sectors have been identified<sup>5</sup>: i) conflict prevention and resolution; ii) rule of law and human rights, iii) natural resource management, iv) sustainable local development; and v) trade and competitiveness.

**TABLE 1 : LIST OF MACRO –SECTORS & SECTORS OF EC INTERVENTIONS IN COLOMBIA**

<p><b>CONFLICT PREVENTION AND RESOLUTION</b></p> <ul style="list-style-type: none"> <li>•Territorial Integral Attention</li> <li>•IDP Integral Attention</li> <li>•Protection of Minorities (indigenous, Afro-colombians)</li> <li>•Institutional Capacity Building</li> <li>•Support to Most Vulnerable Population (Children, women)</li> <li>•Peace culture promotion</li> <li>•Mines</li> <li>•CSO empowerment</li> <li>•Other</li> </ul>
<p><b>NATURAL RESOURCE MANAGEMENT</b></p> <ul style="list-style-type: none"> <li>•Biodiversity</li> <li>•CSO Empowerment</li> <li>•Forest</li> <li>•Climate Change</li> </ul>
<p><b>RULE OF LAW AND HUMAN RIGHT</b></p> <ul style="list-style-type: none"> <li>•HR: CSO Empowerment</li> <li>•Democratic Governance: CSO Empowerment</li> <li>•HR: Capacity Building to Decentralised authorities</li> <li>•Capacity Building to Judicial National Institutions</li> <li>•HR: Protection of Minorities (indigenous, Afro-colombians)</li> <li>•HR: Support to Most Vulnerable Victims (Children, women)</li> <li>•Social Dialogue</li> <li>•Judicial system: other</li> <li>•Migration</li> <li>•Reparation for victims: truth-seeking</li> <li>•Reparation for victims: land property</li> <li>•Other</li> </ul>
<p><b>SUSTAINABLE LOCAL DEVELOPMENT</b></p> <ul style="list-style-type: none"> <li>•LED</li> <li>•Participatory Territorial Planning</li> </ul>
<p><b>TRADE AND COMPETITIVENESS</b></p> <ul style="list-style-type: none"> <li>•Trade relates assistance</li> <li>•MSME Support</li> <li>•Telecommunication</li> </ul>

### 3.2 Selection and analysis of a sample of EC interventions

The aim of the interventions sampling was basically to extract relevant lessons learned and best practices that could be used in the future. It has allowed having a view of the actual results of EC cooperation and impacts so as to link the implementation analysis to the overall strategy assessment. In this regard the analysis of the EC's interventions was limited to the proposed EQ's indicators; therefore, the evaluation was not intended to conduct an in-depth assessment of the EC's intervention implementation. The EC interventions were identified through a justified sampling approach. Refer to Box 1. The list of the selected EC interventions is presented in Box 2.

#### **BOX 1 : EC INTERVENTIONS SAMPLING SELECTION CRITERIA**

- ✓ inclusion of the main financing instruments (ALA, DCI-ALA, DDH and REH)
- ✓ interventions within any of the programming periods considered
- ✓ various aid modalities (project approach, contribution agreement, centralised and decentralised management)
- ✓ sectoral coverage in relation to:
  - importance within EC cooperation strategy
  - coverage in the evaluation questions
  - a forward looking perspective
- ✓ contribution to essential transversal issues in the EC strategy (good governance, human rights, articulation between humanitarian aid, rehabilitation and development)
- ✓ geographical coverage (local/regional vs national implementation)
- ✓ financial weight with regard to the overall NIP of the programming period(s)
- ✓ intervention status (closed or ongoing)
- ✓ availability of intervention documents

<sup>5</sup> Annex 8 (Vol. 2) provides a detailed explanation of the typology of interventions and activities for each sector identified

### 3.3 Interviews

Direct interviews were organized with four different target groups:

- **Strategy and Policy decision-makers:** national counterparts as well as EC HQ and EUD officials involved in policy definition & application.
- **Implementing bodies:** concerned ministries, public institutions, Non-State Actors, and specialized agencies in charge of operational implementation. EUD task (programme) managers were also interviewed. These interviews were limited to the sample of selected interventions.
- **Beneficiary institutions:** interviews were limited to the sample of selected interventions.
- **Other donors and civil society:** interviews with key external actors not directly involved in EC cooperation but whose contribution to the study or in the actual *praxis*, were of interest to the evaluation. Moreover, EU Member States representatives and other donors' officials were also interviewed so as to complete the policy analytical framework for the main sectors of EC-support.

#### BOX 2 : SELECTED INTERVENTIONS

- ✓ Peace Laboratory III
- ✓ Regional Development, Peace and Stability I
- ✓ Support to the Colombian Government for the socio-economic reintegration of displaced populations and the strengthening of communities in order to reinforce the reintegration and reconciliation processes
- ✓ UNHCR activities in Colombia in favour of IDP and their patrimonial assets
- ✓ Protección y promoción de los DDHH, democracia y Estado de Derecho en Colombia
- ✓ Local Economic Development and Trade in Colombia
- ✓ Justice Sector Strengthening for the reduction of impunity in Colombia
- ✓ Protection of land and patrimonial assets of displaced population
- ✓ Institutional Strengthening for assistance to conflict victims
- ✓ Support to public policy for IDPs.
- ✓ Technical Assistance to Trade in Colombia

### 3.4 Documents

In addition to the interviews, the evaluation team collected quite extensive documentation, enriching the analysis. The main sources were EUD, programme managers, beneficiary institutions and organizations, other donors, EU Member States, other civil society organizations and academic centres.

### 3.5 Analysis

Information processing took place in two main steps:

- ✓ **Identifying, gathering and processing information** relevant for the indicators contained in the matrix of Evaluation Questions. The information so collected at general and intervention-specific levels has been analysed at the level of each indicator and presented in the form of an evaluation data collection grid that reproduces the Judgment Criteria and Indicators of the Evaluation Questions matrix (Annex 15 (Vol. 3) presents the data collection grid with the collected information in an unprocessed form).
- ✓ **Analysing and assembling the information collected** for each indicator at the level of the judgment criteria. For each judgment criterion the team assembled information gathered.

### 3.6 Difficulties encountered and limitations

As a general comment on the above different steps, techniques and tools utilized throughout the evaluation exercise, it should be stressed that it was successfully carried out in spite of a number of factors which partially impeded its progress and results. Among major limitations encountered, the following would be the most important:

- *EC interventions' data availability and quality*

The limitations of the analysis are closely related to the quantity and the quality of the information obtained. Availability of information varied among interventions.

Furthermore, although related programme indicators' are foreseen in the log frames of the relevant programmes assessed, they are not informed in programme related documents, such as progress reports, evaluations, ROMs, etc.

Given that several projects are financed within one single programme, like in the framework of the Third peace Laboratory, Desarrollo Regional Paz y Estabilidad, or Desarrollo Económico Local y Comercio, the evaluation team was expecting to find more systematised information.

These limitations render almost impossible for the present evaluation to provide an informed answer on the results and short-term to medium term impacts of EC interventions.

➤ *Lack of data availability at local/municipal level in conflict zones.*

In many cases, it is difficult, from the documentary sources at hand, to assess to what extent the situation observed is due to EC's cooperation strategy in the conflict zones.

The websites of the Peace Laboratories are often outdated and the baseline and progress reported on-line were for municipalities, while limited information was available at departmental level.

Concerning the statistics at departmental level, the multiannual investment plan of the Departmental Development Plan (DDP), they were often not available or could not be compared.

## SECTION 2: EVALUATION FRAMEWORK

### 4 NATIONAL DEVELOPMENT CONTEXT IN WHICH THE EC INTERVENES<sup>6</sup>

#### *Economic background*

Nowadays, the country is a middle-income country, ranking 79th out of 169 countries in the 2010 Human Development index (HDI)<sup>7</sup>.

The Colombian economy has enjoyed relatively good growth rates. The latest crisis presented itself in 1999. Between 2000 and 2009, the Gross Domestic Product (GDP) growth rate has averaged 4.2%. Mining / oil, finance, and trade have experienced the main growth during this time period. The dynamic of trade is directly related to the appreciation of the peso, now that a large part of goods are imported. Thanks to high prices of oil and carbon, Colombia's current account balance has stayed positive. Colombia's major exports are commodities and are mostly natural resources: oil, carbon, gold, minerals, coffee, and flowers. Industrial, agricultural, and livestock products make up only a small amount of the country's exports, and these products are primarily sold in Venezuela.

#### *Social background*

Colombia's troubles in converting GDP growth into employment helps to explain its high poverty incidence (45.5% in 2009). The 2010 Development Plan *Prosperity for All, More Employment, Less Poverty, and More Security*, demonstrates the regional inequality and lack of convergence. The regional gaps have intensified. According to the 2011 Human Development Report of the United Nations, inequality continues to be an important problem for Colombia. The country has one of the worst distributions (of income and wealth) in Latin America.

The territorial inequality has gone hand in hand with the inequality of distribution of income and wealth. In some regions (20% of the municipalities), land concentration is very large (with a Gini coefficient greater than 0.8). The last official data on the Gini of incomes is 0.564. Meanwhile, the country has not reverted to taxes as a means of distribution. Taxation levels are low (only 14% of GDP) and are not progressive.

Between 2002 and 2009 the poverty incidence decreased: at a national level from 53.7% to 45.5%<sup>8</sup>. While this is a positive trend, it is important to note that this reduction has been inferior to the average reduction of Latin America (Cepal 2009), with Colombia underperforming the rest of the countries in the region. Social conditions have deteriorated, especially in rural zones.

Although the percentage of people that live in "indigencia"<sup>9</sup> conditions decreased between 2002 and 2005, it is worrisome that it increased from 15.7% and 17.8% between 2005 and 2008. Poverty increased after GDP reached its highest levels.

The difficult situation facing the people in rural areas has become more evident with the armed conflict and displacement. There are high expectations over the results that may be realized due to the new Victim's Law. The government is hoping that the recovery of lands will contribute to the

<sup>6</sup> Annex 4 (Vol. 2) provides a detailed context analysis

<sup>7</sup> International Human Development Indicators 2010. UNDP, Colombia.

<sup>8</sup> In Colombia, the poverty line was in 2008, \$269.362, monthly per capita (US\$150).

<sup>9</sup> In Colombia, the "indigencia" (misery) line was in 2008, \$116.570, monthly per capita (US\$65).



peace process. Notwithstanding, drug trafficking persists in Colombia, which has become the dynamic incentive of war.

### *Human rights context*

The evolution of the human rights situation in Colombia in the period 2002-2011 has been closely related to the country's protracted armed conflict involving the state and several illegal non-state armed groups. Particularly in the first six to seven years of the reporting period, a number of factors impacted negatively on the human rights situation in the country. Some of those were related to the some aspects of the government's security policy and the way it was being implemented, as well as the collusion between some members of the armed forces (especially the army) and paramilitary groups.

Colombian and international human rights organizations, including UNHCHR, generated evidence suggesting that for most of the past decade the country has witnessed a critical and grave human rights situation. However, the lack of reliable and/or consolidated official data on abuses and violations has to be noted<sup>10</sup>.

Due to the severity of the armed confrontation and its grave impact on the civilian population, attention was mostly focused on civil and political rights. Throughout the period 2002-2006, which coincided with the toughest phase of the government's military struggle against the insurgents, the situation was critical with respect to the rights of life, physical integrity, freedom and due process. There were serious violations involving extrajudicial executions, torture, cruel, inhumane or degrading treatment, the unnecessary and disproportionate use of force, forced disappearances, massive illegal and arbitrary detentions, and illegal impediments to free movement within the country, massive forced displacements, arbitrary and illegal interference in private life and the home, violations of judicial safeguards and high impunity<sup>11</sup>.

Of particular concern in this period was mounting evidence of large numbers of extrajudicial executions of civilians allegedly committed by members of the state security forces. Further, the process of disarming, demobilizing and reintegrating more than 31,000 paramilitaries, which unfolded between 2003 and mid-2006, and the adoption of a new transitional justice framework (Justice and Peace Law, JPL) in June 2005 spurred fears that the rights of victims to truth, justice and reparation would not be guaranteed and respected.<sup>12</sup>

In the period 2007-2011, the human rights situation continued to be of much concern but saw some improvements, particularly since 2009. In part this was related to the decrease in the intensity of the armed confrontation with the insurgents and improvements in the security environment in important parts of the country, which had a positive effect on the Colombian state's human rights performance.

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<sup>10</sup> The *Programa Presidencial para los Derechos Humanos y el Derecho Internacional Humanitario* is the principal Colombian government entity charged with monitoring and documenting the human rights situation in the country. It produced regular reports during the evaluation period. However, while the data generated by the Programa is relevant in its own right it fails to comply fully with international human rights and IHL observation standards. Documenting the evolution of rates of homicides, kidnappings, massacres, civilians and military personnel killed or injured by anti-personnel mines, among other categories of violent acts and victims, and of the overall security situation in the country does not equal rigorous human rights monitoring. The programme's data does not help to determine the responsibility of state agents in the commission of human rights abuses and IHL transgressions or their omission to prevent them.

<sup>11</sup> See the annual reports of the UN High Commissioner for Human Rights in the period 2002-2011 at [HTTP://WWW.HCHR.ORG.CO/](http://www.hchr.org.co/); the annual reports on the human rights situation in Colombia published by the US Department of State, at [HTTP://WWW.STATE.GOV/I/DRL/RLS/HRRPT/](http://www.state.gov/i/drl/rls/hrrpt/); and numerous reports published by the Comisión Colombiana de Juristas and Human Rights Watch.

<sup>12</sup> International Crisis Group, Colombia: Towards Peace and Justice?, 14 March 2006; International Crisis Group, Uribe's reelectino: Can the EU help Colombia develop a more balanced peace strategy?, 8 June 2006.



Extrajudicial executions or “false positives” (‘falsos positivos’), as they are referred to in Colombia, remained on top of the agenda of human rights defenders<sup>13</sup>, as did violations of the civil and political rights of vulnerable groups, including Afro-Colombian and indigenous communities, internally displaced persons (IDPs), social leaders, human rights advocates, union members, women and children. Since the implementation and monitoring of the measures adopted in late 2008, complaints about extrajudicial executions have decreased significantly. However, the large caseload of alleged extrajudicial executions continues to be a matter of serious concern. In 2010, the Attorney General's Office was investigating some 1,500 cases with approximately 2,600 victims.<sup>14</sup>

The application of the Justice and Peace Law (JPL) has advanced at a slow pace, producing a first conviction involving two former paramilitaries in June 2010, a second one involving one former paramilitary in December 2010 and another two thereafter. Yet, more than 3,000 former paramilitaries are slated for prosecution under the JPL and it is still unknown whether the Colombian state will be able to bring them to justice within the framework of the JPL for the crimes and atrocities they allegedly committed. A big concern is a certain tolerance of members of the security forces with NIAGs.

In May 2011, the senate approved the “*Ley de Víctimas*”<sup>15</sup>, or *Victims Law*. The *Victims Law* seeks to reinforce the right to remedy for lands seized illegally and recognizes the different needs of different victims, especially women, children and displaced people. According to Human Rights Watch, over the past two decades, 3.7M people were forcibly displaced and they left behind an estimated 16 million acres of land<sup>16</sup>. The law lays the foundation for justice for some 3.5 million displaced people and estimated 500,000 victims of human rights abuse who can claim recommendation for their lost land patrimonial assets.

### *Environmental profile*

The country is considered one of the richest centres of biodiversity in the world since it hosts 10% of all world ecosystem variety. Indeed, 60% of Colombia's land area is forested. 87% of the country's forests are primary forests, which gives Colombia one of the largest areas of primary forest in the world<sup>17</sup>. Deforestation represents a serious issue of concern, from 2005 to 2010 the forest areas has decreased by 2.1%<sup>18</sup>. In 2006, the Colombian Congress passed the General Forest Law.<sup>19</sup>

Forest Ownership is both private and public. Forest management is part of the National Environmental System (SINA), which is made up of 33 autonomous regional corporations. These are responsible for the management of all natural resources within their jurisdiction. Nonetheless the impact of the conflict hinders the management and control of forest area, specifically protected areas.

The impact of the armed conflict and the cultivation of illicit crops, constitute an additional threat to biodiversity. According to UNDOC data, in Colombia there are 68,000 hectares planted with coca distributed in 22 out of the 32 departments. The majority of cultivated area (79%) is distributed in 8 departments: Nariño, Guaviare, Cauca, Putumayo, Bolívar, Antioquia, Meta and Caquetá<sup>20</sup> which are also the most affected areas by the conflict.

<sup>13</sup> See CINEP's database on human rights in Colombia at [HTTP://WWW.NOCHEYNIEBLA.ORG/TAXONOMY/TERM/22](http://www.nocheyniebla.org/taxonomy/term/22); and the annual reports of the UN High Commissioner for Human Rights, at [HTTP://WWW.HCHR.ORG.CO/](http://www.hchr.org.co/)

<sup>14</sup> UN High Commissioner for Human Rights, Annual report on Colombia 2011, at [HTTP://WWW.HCHR.ORG.CO/](http://www.hchr.org.co/)

<sup>15</sup> Texto Definitivo Plenaria al proyecto de Ley 107/10 – Cámara-Acumulado con el proyecto de Ley no. 85/10 – Cámara.

<sup>16</sup> Human Rights Watch “*Colombia: Victims Law: an historic Opportunity*” June 2011. [HTTP://WWW.HRW.ORG/EN/NEWS/2011/06/10/COLOMBIA-VICTIMS-LAW-HISTORIC-OPPORTUNITY](http://www.hrw.org/en/news/2011/06/10/colombia-victims-law-historic-opportunity)

<sup>17</sup> USAID, “Land Tenure and Property Right Issue, Colombia Country profile” (2010), pag. 13

<sup>18</sup> Based on the World Bank indicators 2011, in 2005 the forest rate amount to 3.4 million sq. km while in 2010, forest area shrinks up to 3.19 million sq km.

<sup>19</sup> Ley 1021 de 2006 “Ley General de Florestas”

<sup>20</sup> United Nations Office on Drugs and Crime (UNDOC), “*Colombia Coca Cultivation survey 2009*”, June 2010

### Political Background

In order to analyze Colombia's political evolution during the evaluation period, it is useful to differentiate between the two administrations of Alvaro Uribe (2002-2006; 2006-2010) and the beginnings of Juan Manuel Santos's government (2010-2014).

Uribe's development plans during his two administrations (*Hacia un Estado Comunitario*, 2002-2006, and *Estado Comunitario: Desarrollo para Todos*, 2006-2010) were essentially articulated around the big challenge of improving the *security environment* in the country. While the first plan focused on *democratic security* and the second on *development with universal access*, both plans were essentially concerned with improving internal security. Since his campaign for president, Uribe insisted on the necessity to re-establish law and order in Colombia and combat the illegal armed groups, especially the insurgent Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN). His electoral successes can be largely attributed to his "iron fist" policy to dealing with the insurgents, a large contrast to the failed attempts of dialogue launched by the previous administration of President Andrés Pastrana (1998-2002)<sup>21</sup>.

By 2010, at the end of Uribe's second mandate, the FARC had been driven back to remote areas of the country, its number of fighters had been significantly reduced (to approximately 8-9,000), several of its key commanders had been killed or captured by the government security forces, and overall the insurgent organization's military power and organizational capacity had been significantly reduced. Notwithstanding Uribe's successes, FARC was not defeated.

Focused on regaining law and order and military control over the national territory, Uribe's two administrations impacted negatively on Colombia's democratic governance and institutions. A constitutional amendment in 2004 allowing for one re-election of the president caused an imbalance between the legislative, executive, and judicial branches, the public control and oversight entities, the central bank, etc.<sup>22</sup> As the balance of power was shifted in favour of the executive, the relationship between the executive office and the judiciary, deteriorated. In consequence, the rule of law in Colombia, suffered a series of blows.

President Juan Manuel Santos, who served as minister of defence in Uribe's second administration, was elected in June 2010. Since taking office he has promoted a number of important legislative initiatives that mark a departure from the previous strategy. While not letting up on the military struggle against the insurgents and NIAGs, under Santos the *Ley de víctimas y restitución de tierras* (Law on victims and land restitution) was approved by Congress. The significance of this law cannot be overstated considering that the forced displacement of millions of small farmers from their lands and the illegal acquisition of some 5 million hectares of the best agricultural lands by paramilitaries and/or their associates have been at the heart of the Colombian armed conflict. Without doubt, implementation of the law and the restitution of land to their rightful owners will be very difficult given that representatives of victim organizations have been targeted by armed groups that seem determined not to let go on their war loot.

### Colombia's national development policy

The three presidential elections coincide with three National Development Plans.

The lack of peace and security were considered by Uribe's first administration as the most important issues facing the country. These two concerns reflect the focus of the first **National Development Plan 2002-2006 "Hacia un Estado Comunitario"** which identifies four key objectives:

1. Endow Colombia citizens with democratic security
2. Foster sustainable economic growth and employment creation
3. Develop social equality

<sup>21</sup> President Pastrana (1998-2002) initiated peace talks with the FARC in a large demilitarized zone (DMZ) in the southern Cauca region.

<sup>22</sup> The Constitution of 1991 designed the balance of power under the assumption that presidential terms were limited to 4 years.

#### 4. Enhance the transparency and accountability of the state.

Enforcing Democratic Security was one of the pillars of Uribe's policy. A comprehensive government strategy was displayed in order to strengthen public forces throughout the national territory, hinder the production and traffic of illicit drugs, strengthen justice system and rule of law in the conflict affected areas.

Social equality and cohesion represented the third objective. The worsening of social conditions required the Government to meet three objectives: enhance the efficiency of Government social expenditure, focus on the most vulnerable population groups, strengthening the social protection system. On the basis of the National Development Plan, a Plan of Social Renewal was elaborated "**Plan de Reactivación Social**". Furthermore, in December 2004, the Government launched the Mission for a Poverty and Inequality Reduction Strategy (**MERPD**). 37 sectoral studies have been conducted which have been the basis for defining and formulating the strategies in the fight against poverty and inequality, namely the National Development plan 2006-2010.

Further to extensive consultation with the inline ministries, in August 2005, the DPN officially presented the strategic document "**Visión Colombia II Centenario. Propuestas para discusión.**" The document presents 17 fundamental strategies and identifies seven targets to be achieved by 2019 <sup>23</sup>:

In June 2005, the Colombian senate enacted the Justice and Peace Law (JPL) "**Ley de Justicia y Paz**"<sup>24</sup>. The Law 975 was defined as a set of provisions intended to facilitate individual or collective reinsertion into civilian life of former members of illegal armed groups with the aim of achieving pacification. Indeed the JPL prescribes a benefit that suspends application of a specific sentence, and enforces an alternative prison sentence ranging from five to eight years for an armed group member who decides to abandon illegal armed group and reinsert into civil life.

In 2006, further to Mr. Uribe election for his second-term presidency, a new Development plan was submitted "**Plan Nacional de Desarrollo 2006-2010. Estado Comunitario Desarrollo para todos**".

The NDP 2006-2010, that seeks to give continuity to the previous policies and initiatives, recommends policy approaches in five main areas: (i) social peace and democratic security; (ii) poverty reduction and promotion of employment and equity; (iii) competitiveness; (iv) environmental management; and (v) modernization of the State to serve the citizens.

The Santos administration tried to retain central elements of Mr. Uribe's economic policy; namely attracting FDI, fostering macroeconomic stability and improving the business environment. Moreover, the new administration is trying to focus its supports towards the so-called economic "engines" of growth: agriculture, housing, infrastructure and innovation. Amid the key policy challenges foreseen by the Government, there are: the reallocation of royalties from commodities, improvement of the tax system, job growth and export competitiveness.

In April 2011, a new "**Development Plan 2010-2014. Prosperidad para Todos**" was launched. The Plan marks a shift towards a new policy agenda labelled "**Democratic Prosperity**". The plan stresses the focus on employment, poverty reduction and economic growth rather than on improving national security. Indeed the US\$250bn development plan seeks to position Colombia as a competitive economy with an average annual GDP growth of 6.2%. To achieve this, the Santos administration has committed to deepening the reforms, particularly the land reforms.

<sup>23</sup> Double the GDP size and attain a level of foreign direct investment (FDI) up to 25% of GDP. Reduce poverty headcount ratio by 15%. (in 2005 it amounts up to 45%). Decrease unemployment up to 5% (in 2004, the average rate amount to 13.6%). Build up 3.9 million of new housing. Reduce homicide rate (8 per 100,00 inhabitants). Strengthen the effectiveness and presence of the State. In cities with more than 100,000 people, increase the availability of public space (from 4 m<sup>2</sup> up to 10m<sup>2</sup>). Promote the political and economic integration of Colombia into the global arena and namely in Latin America.

<sup>24</sup> Ley 975 de 2005

## 5 OVERVIEW OF EC-COLOMBIA COOPERATION FRAMEWORK<sup>25</sup>

### 5.1 The intervention levels of the Commission's strategy in Colombia<sup>26</sup>

The European Commission (EC) has cooperated with Latin American countries since the 1960s. Relations have consisted of political dialogue, trade relations and a cooperation framework. It is necessary to differentiate between regional level (Latin America), sub-regional level (Andean region), and bilateral level (Colombia).

In 1994 the EU defined a renewed strategy towards Latin America<sup>27</sup> in which it explicitly declares the shift of the EU's interest in the region. From a focus on the democratic consolidation of the Latin-American region in the 1980s, the EU's interest led in the 1990s to a widened economic agenda linked to an increase in trade and European investments in the emerging markets of Latin America. In this framework, special attention was to be given to the feared disadvantage in terms of trade flows that the North American Free Trade Agreement (NAFTA) and the Free Trade Area of the Americas (FTAA) could generate for European investors.

Approved by the Council in October 1994, this strategy sought to establish an "association" based on the existing "third generation" agreements and on new "fourth generation" agreements with the "emerging markets" of Latin America, recognizing the progress achieved by the regional integration schemes. These latter agreements were signed between 1995 and 1997 with Mercosur, Chile and Mexico. They include political dialogue oriented to i) promotion of democracy; ii) "advanced economic cooperation" that reflects the greater weight of these economies; and iii) commitment to initiating negotiations leading to the establishment of free trade areas. This last commitment generated ample expectations in Latin America since the possibility of access to the European market was opened up for the first time, and with that the possibility of over-riding market access rules considered highly protectionist in Latin America. For this reason, the new agreements would facilitate a broadening of relations.

The strategy sought to respond to the heterogeneity of the region, offering differentiated schemes according to the degree of development of each regional group, or non-member countries such as Chile. The trade and investment potential and the economic interests, as well as recognition of the asymmetries with the EU, are the factors that explain the different scope and intensity of the relations, since the new model of "association" and the advanced agreements were mainly reserved to the "emerging markets" of Mercosur, Mexico and Chile.

In relation to Central America and the Andean Community of Nations, the EU strategy was based on continuity of the "third generation" agreements and, in the Andean Community case, the *Framework Agreement on Cooperation between the European Economic Community and the Cartagena Agreement and its member countries* (along with Bolivia, Colombia, Peru and Venezuela)<sup>28</sup>.

From this legal framework, although with relative independence, the relationship would be based on three elements: regular political dialogue, trade relations (the trade preferences of the Generalised

<sup>25</sup> See Annex 5 (Vol. 2) for further details

<sup>26</sup> This section mainly builds, with the exception of the § focusing on Colombia, on previous evaluations carried out by DRN: Evaluation of ALA Regulation 443/92 (2002), Evaluation of EC Regional Strategy in Latin America in the period 1996-2003 (2005) and Evaluation of EC regional cooperation in Central America in the period 1996-2006 (2007). The last two evaluations benefited from the participation of José Antonio SANAHUJA.

<sup>27</sup> This strategy was debated at the Councils of Corfú (June 1994), Essen (December 1994) and Madrid (December 1995). Also refer to the Communication of the Commission *The European Union and Latin America: The present situation and prospects for closer partnership 1996-2000*, COM (95) 495, 23 October of 1995 and to the Communication of the Commission on *a new European Union-Latin America partnership on the eve of the 21st century*, COM (1999) 105 final, March 1999, prepared as a contribution to the first EU-LAC Summit held in Rio de Janeiro in 1999.

<sup>28</sup> This agreement was aimed to be replaced by the EU-CAN Political Dialogue and Cooperation Agreement signed in 2003, not ratified yet.

System of Preferences (GSP-drugs till July 2005 and GSP Plus from July 2005 onwards), and development cooperation.

### 5.1.1 EU-COLOMBIA DIALOGUE

As mentioned above, EU relations with Colombia are mainly framed within regional (all-LA) and sub-regional (CAN) relations<sup>29</sup>. Further to the regional and sub-regional dimension, the dialogue between the EC and the Colombia Government has often taken place within two channels: i) EU Delegation and former Acción Social<sup>30</sup> dialogue<sup>31</sup>, and ii) within the G24.

The G24 is an informal working group encompassing the donor community in Colombia<sup>32</sup>. The key objective of the group is to maintain a constant dialogue with the Government and civil society. Since 2003 the Government of Colombia together with the G24 has set up the so-called London-Cartagena-Bogotá process which culminated in three international meetings.

The first step of this coordination process was the London meeting on International Support for Colombia (10 July 2003), the first meeting with the Uribe Administration on international support to Colombia. The "*London Declaration*" identified the key areas of donor cooperation in the country: democracy, terrorism, illegal drugs, human rights, international humanitarian law violations and the serious humanitarian crisis. Based on the context analysis, the donor representatives agreed to review and refocus their cooperation programmes with particular emphasis on contributing to the strengthening of State institutions, alleviation of the humanitarian crisis, protection of human rights, environmental activities, and development of alternatives to drug production.

The London Meeting triggered a process of dialogue between the Government, civil society and the international community. A Monitoring Committee was established to play a consultative and facilitation role. Furthermore thematic groups were created to work on and follow up specific themes and inform the Monitoring Committee in timely fashion.

In 2005 political dialogue between the EC and the Colombian Government was also affected by the Government's introduction of the theory of the absence of conflict or humanitarian crisis in the country. The international community (except USA) opposed this idea. This political stance could have had consequences for the EC's cooperation, specifically on the Peace Laboratories and humanitarian assistance. Meetings with the High Commission for Peace and between the international community and the GoC were held to reach a consensus on the subject. Further meetings involving NGOs and beneficiaries were also conducted. At the end of 2005 the Government finally withdrew its Declaration.

In 2006-2007 the G24 exhausted its dialogue potential. In 2007 several meetings were organized with European and Colombian NGOs to discuss specific topics of interest in the cooperation strategy (e.g. Justice and Peace process and "future actions for the conflict victims").

In November 2007 the *third Meeting* was held in Bogotá with the objective of strengthening the political dialogue and cooperation between the G24, the civil society and the Colombian Government. This third meeting constituted an opportunity for evaluating the current EU cooperation in Colombia and to identify the possible future areas for aid implementation. During the Conference the GoC

<sup>29</sup> The legal foundation for cooperation with Colombia is the Framework Agreement on Cooperation between the European Economic Community and the Cartagena Agreement and its member countries (along with Bolivia, Colombia, Peru and Venezuela) signed in 1993.

<sup>30</sup> Agencia Colombiana de Cooperación Internacional [ACCI] before 2005, now Agencia Presidencial de Cooperación Internacional (APC)

<sup>31</sup> It is important to underline the evolution of the role played by the EU Delegation further to Lisbon Treaty entry into force.

<sup>32</sup> Governments of Argentina, Brazil, Canada, Chile, the European Union, Japan, Mexico, Norway, Switzerland and the United States of America, the European Commission, the UN and agencies, the Andean Development Corporation, Inter-American Development Bank, IMF and the World Bank.



announced its adhesion to the Paris Declaration (PD)<sup>33</sup>. The *Paris Declaration* constituted a formal framework for reinvigorating the GoC's demand for aligning donor policies and resources behind its own vision of development and its corresponding policy and budgetary framework.<sup>34</sup>

Further to the G24 meeting, from 2008 to 2009 the Delegation took part in relevant policy dialogue fora such as the National Peace Council, land tenure, and the reintegration and reconciliation process, and it closely follows up the elaboration of the National Plan on Human Rights as well as implementation of the recommendations of the United Nations High Commissioner for Human Rights (HCHR).<sup>35</sup>

In 2008 the Council of the European Union announced its support for launching Human Rights Consultations with Colombia in order to enhance its Human Rights Dialogue<sup>36</sup>. Indeed, *démarches* and declarations are widely used to convey concerns relating to human rights. The main subjects tackled by them are protection of human rights defenders; illegal detention; forced disappearances; torture; child protection; refugees and asylum seekers; extrajudicial executions; freedom of expression and association; and the right to a fair trial. In 2010 four meetings were organised with the GoC<sup>37</sup> and one was organised for June 2011 following approval of the Victims Law.

Besides institutional meetings, the Delegation set up regular meetings with Human Right Defenders and Women's Right Organisations. Four times a month the Delegation has participated in regular meetings with CSOs on the issue of child rights in Colombia, organised by UNHCHR.

### 5.1.2 EU-CAN (AND COLOMBIA) TRADE RELATIONS

#### *The generalised system of preferences (GSP)*

In October 1990, the EC granted the GSP scheme to most countries of the Andean Group (Bolivia, Colombia, Ecuador and Peru)<sup>38</sup> on the premise of shared co-responsibilities. This scheme gave full tariff preferences to the region with the aim of creating export opportunities to help the Andean countries develop alternative activities to producing illicit crops<sup>39</sup>.

This regime allows preferential access to the European market for developing countries, has a non-reciprocal character. Although it is considered by the EC a suitable regime for both groups, the fact remains that from the late 1990s, given the noticeable existing asymmetries between Central America, the Andean countries and the EU, both regions engaged in negotiations towards reciprocal free trade areas, as is the case for other sub-regional groups and countries.

The EU adopted in 2005 the new system of GSP-Plus. The latter is a regime of incentives granted in exchange of the ratification and effective implementation of 27 specified international conventions in the fields of human rights, core labour standards, sustainable development and good governance<sup>40</sup>.

<sup>33</sup> Initially, the GC had questioned whether it was appropriate to join Paris Declaration; being a middle-income country and not being dependent on cooperation. However, when donors - especially the European Union - began to increasingly rely on PD in their dialogue with the Colombian authorities, they began to perceive the PD as an essential tool of the new aid architecture and feel that it was increasingly unsustainable for Colombia to stay out of the circle. Rosemary McGee e Irma García Heredia, "*París en Bogotá: Aplicación de la Agenda de la Eficacia de la Ayuda en Colombia*" *Institute of Development Studies* vol. pag 16

<sup>34</sup> Rosemary McGee e Irma García Heredia, "*París en Bogotá: Aplicación de la Agenda de la Eficacia de la Ayuda en Colombia*" *Institute of Development Studies* vol. pag 20

<sup>35</sup> A joint working group, composed by the Delegation's and the HCHR Colombian Office, has been set up at the end of 2007 in order to maintain a permanent political and cooperation dialogue between the two institutions.

<sup>36</sup> 2907th Council Meeting Council Conclusion, 27 November 2008, 16326/1/08 REV 1 (Presse 345)

<sup>37</sup> EAMR, January 2011

<sup>38</sup> Venezuela was incorporated in 1995.

<sup>39</sup> For this reason it is also called "GSP-Drugs".

<sup>40</sup> For the list of Conventions refer to: [http://trade.ec.europa.eu/doclib/docs/2009/october/tradoc\\_145261.pdf](http://trade.ec.europa.eu/doclib/docs/2009/october/tradoc_145261.pdf)

As with the previous system, the GSP-Plus has been considered unsatisfactory by the governments of the Andean region<sup>41</sup>.

### *Towards an EU-CAN Association agreement*

At the Vilamoura meeting in February 2000, the Ministers requested from the European Commission and the General Secretariat of the Andean Community an analysis of the current and future state of economic and commercial relations between the two regions, the final outcome being the establishment of an Andean Association Agreement.

At the 2<sup>nd</sup> EU-LAC Summit of Heads of State and Government held in May 2002 in Madrid, the Andean countries tried without success to obtain European endorsement of inclusion of a commercial chapter in the new agreement. The possibility of initiating trade negotiations was considered, but only following the conclusion of the WTO "Round" initiated in November 2001 and expected to end in December 2004. This temporary reference was welcomed by the Andean representatives.

In the EU-CAN Political Dialogue and Cooperation Agreement signed in 2003, but not ratified yet, reference was made to the *joint objective of working towards creating conditions under which, building on the outcome of the Doha Work Programme, a feasible and mutually beneficial Association Agreement, including a Free Trade Agreement, could be negotiated*. In addition, in order to create such conditions, reference was made to *striving for political and social stability, deepening the regional integration process and reducing poverty within a sustainable development framework in the Andean Community*. The final declaration of the EU-LAC Guadalajara Summit (2004) confirmed this objective again and opened the process leading to conclusion of such an Agreement. In this framework, a joint assessment phase of the Andean integration process was launched. The *realization of a sufficient level of regional economic integration* is stated as a precondition for the conclusion of such an Agreement.

#### **BOX 3 : HIGHLIGHTS OF THE EU FREE TRADE AGREEMENT WITH COLOMBIA**

65% percent of industrial products from Colombia will have zero tariffs immediately, with a timetable in place to remove the remaining barriers. Sugar, meat, bananas, coffee, flowers, ethanol and bottled rum, among other products, will also gain new preferential access to the European market. For example, Colombia will be allowed to sell up to 50,000 tonnes of sugar in the EU annually, while the tariff for bananas will drop from €176 per tonne to €75 over ten years. Meanwhile, European tariffs on 99 % of Colombian fish exports will be immediately eliminated.

One of the discussed topics of the Free Trade Agreement has been the proposal for a progressive liberalisation of the dairy sector. Further to consultations with the Colombian representatives of the dairy sector, the two parties EU and Colombia had reached an agreement for the application of safeguard measures. The treaty provides for a progressive elimination of Colombian tariff barriers for powdered milk and cheese coming from the EU. Tariff barriers will be kept along a 12-17 year time framework in order to protect national dairy production, and small producers. Furthermore, the EU will carry out a progressive elimination of export subsidies and launch cooperation initiatives to enhance the competitiveness of the dairy sector and its compliance to sanitary and phyto sanitary (SPS) measures.

This precondition was already present in the Communication elaborated in preparation of the Guadalajara Summit<sup>42</sup>. This Communication recalls that it is not possible to establish a bi-regional free trade area if there is no free effective circulation of goods, services and capital in one of the two regions concerned, because of weaknesses in the integration process. Such free circulation was not guaranteed in the Andean region<sup>43</sup>.

The joint assessment agreed on in Guadalajara started in

<sup>41</sup> Due to its unilateral and temporal character as well as for the exclusion of key products (i.e. banana)

<sup>42</sup> Comisión Europea (2004), *Communication from the Commission to the European Parliament and the Council on the Commission's objectives, in the framework of the relations between the European Union and Latin America, in view of the 3rd Summit of Heads of State and Government of the European Union and Latin America and the Caribbean to be held in Guadalajara (Mexico) on 28 May 2004*, Brussels, COM(2004) 220 final.

<sup>43</sup> Christian FRERES and José Antonio SANAHUJA (coords.) (2006), *América Latina y la Unión Europea. Estrategias para una Asociación necesaria*, Barcelona, Icaria

the framework of the EU-CAN Joint Committee in January 2005. At the Vienna Summit (2006) a decision to start the negotiation process for an Association Agreement, which would include three different chapters (political dialogue, cooperation and a trade agreement), was taken. At the Lima Summit (2008), given the asymmetries between the regions, the European parties decided to give special attention to the specific development needs of Bolivia and Ecuador.

Such asymmetries, and the different development speeds, led to a decision to continue the negotiations, not between regional blocs but between the EU and each single Andean country, aiming at a Multiparty Trade Agreement. In the light of that decision, Bolivia decided in February 2009 to abandon the negotiations, arguing that only a negotiation between blocks could benefit Andean integration. In July 2009 Ecuador also decided to suspend the negotiation process, alleging that the EU banana tariff was not in line with international trade rules (the tariff set was considered too high), as confirmed also by the WTO. In December 2010 Bolivia decided to re-launch the negotiations with the EU, and on 21 February 2011 Ecuador also officially expressed its willingness to re-initiate the negotiations.

In March 2010, during the ninth negotiation round, Colombia, Peru and the EU reached an agreement on the trade deal. The agreement was confirmed in May 2010, during the Madrid Summit. The agreement provides for total liberalisation of trade in industrial products and fisheries including, at entry into force, 80% liberalisation of industrial products with Peru and 65% with Colombia. As far as sectors are concerned, it will offer new market access prospects for exporters of all signatory parties in fruit and vegetables, fisheries, automobiles, electronics and machinery, wines and spirits, services (in particular telecoms), banking and others. The market access package is complemented by a comprehensive set of rules that guarantees - in areas such as intellectual property (including more than 200 Geographical Indications), trade defence, and competition - respect for common disciplines beyond those agreed at multilateral level.

The trade agreement takes into account the different levels of development of the signatory countries by establishing a cooperation chapter aimed at promoting competitiveness and innovation; modernising production; facilitating trade; and facilitating transfer of technology between the parties. Finally, it will anchor Colombia and Peru in a reform and open agenda which is crucial for the interests of the EU in Latin America. A core principle of the agreement is the commitment of the parties to the respect for human rights and the development of sustainable economies based on the protection and promotion of labour and environmental rules and standards.

## 5.2 [EC Development cooperation with Colombia](#)

This third axis is the core of the present evaluation.

### 5.2.1 [THE COMMISSION OF THE EUROPEAN UNION'S COOPERATION WITH COLOMBIA DURING THE PERIOD 2002-2011](#)

The European Commission's cooperation with Colombia during the period 2002-2011 is set out in: i) the 2002-2006 Country Strategy Paper, ii) the 2007-2013 Country Strategy Paper and (iii) the 2011-2013 Mid-Term Review.

#### [Country Strategy Paper 2002-2006](#)

The EC's cooperation with the country during the period 2002-2006 had one main objective, as stated in the CSP:

*To support Colombia's search for Peace, defining as a priority fighting against the main root causes of the conflict such as marginality, inequality, social exclusion and extreme poverty.*

The CSP confirmed the validity of the four focal sectors identified in the 2000 Commission communication COM (2000) 670, thus ensuring continuity of EC cooperation, and focused these sectors on achievement of its main objective: supporting the peace-building efforts. Two main elements help illustrate this concentration: the first is the Peace Laboratory concept, a programme-based territorial multi-sector approach proposed under Programmable Aid which contains elements from the four focal sectors; the second is the fact that, in the National Indicative Programme (NIP), the funds registered under a fourth sector of intervention, initially undefined as to its purpose, will



later be used to finance the Third Peace Laboratory, thus strengthening the 2002-2006 CSP's financial allocation to the first sector.

The CSP postulates, as complementary to the main strategy, six areas of intervention specific to non-programmable aid: NGO co-financing; Uprooted People; Humanitarian Aid (ECHO), Human Rights (with Colombia selected as a "focus" country in the Human Rights Budget Line for the period 2002-04); Environment/Tropical Forests; and Science & Technology.

Finally, in line with the EU Development Policy of 2000, the strategy explicitly mentioned the need to mainstream - at all stages from identification to evaluation - the following cross-cutting issues: environment, gender, and respect for cultural diversity (in particular the rights of indigenous people), also adding disaster preparedness as a cross-cutting issue.

### Country Strategy Paper 2007-2013

The EC strategy for Colombia, as formulated in the CSP 2007-2013, globally continues the strategy established and implemented during the previous programming period. Peace remains the main objective in this period. The financial allocation, which increases from €70.2m in the first programming period to €160m for 2007-2013, confirms that choice.

The CSP acknowledges that to achieve peace - and all the more a lasting peace - in the country, it is necessary to implement simultaneously a combination of measures aimed at conflict prevention and resolution.

It then proposes a three-fold strategy which combines a short-term programme providing assistance to victims of the conflict, a medium-term programme supporting national and local initiatives contributing to peace and, finally, a long-term programme addressing the root causes of conflict in the country through the promotion of sustainable and equitable development ("development for all").

The implementation of this three-fold strategy is based on three areas of intervention:

- *Peace and stability, including alternative development.*
- *Rule of law, justice and human rights.*
- *Productivity, competitiveness and trade.*

The innovating aspect of this CSP, as compared with the previous programming exercise, is that it provides support to the Economic sector, thus satisfying a need the Government of Colombia has articulated since the first programming period.

### Mid Term Review 2011-2013

The MTR concludes that EC's three-fold strategy as established in the 2007-2013 CSP, is still valid; and envisages continuing with its implementation, although with an increase in the financial allocation to the third priority sector and enhancements in the expected results. And it recommends monitoring for better articulation and complementarity between bilateral co-operation and other programmes.

**TABLE 2 : FOCAL SECTORS OF INTERVENTION DURING THE PERIOD 2003-2010**

CSP 2002-2006		CSP 2007-2013	
SECTORS	AMOUNT	SECTORS	AMOUNT
<i>Alternative socio-economic development, including an" initially undefined sector"</i>	€28.1m + €26.7m	<i>Peace and Stability, incl. alternative development</i>	€112m
<i>Land mines</i>	€4.9m	<i>Rule of Law, justice and human rights</i>	€32m
<i>Administrative and judicial reform</i>	€10.5m	<i>Productivity, competitiveness and trade</i>	€16m + €3m

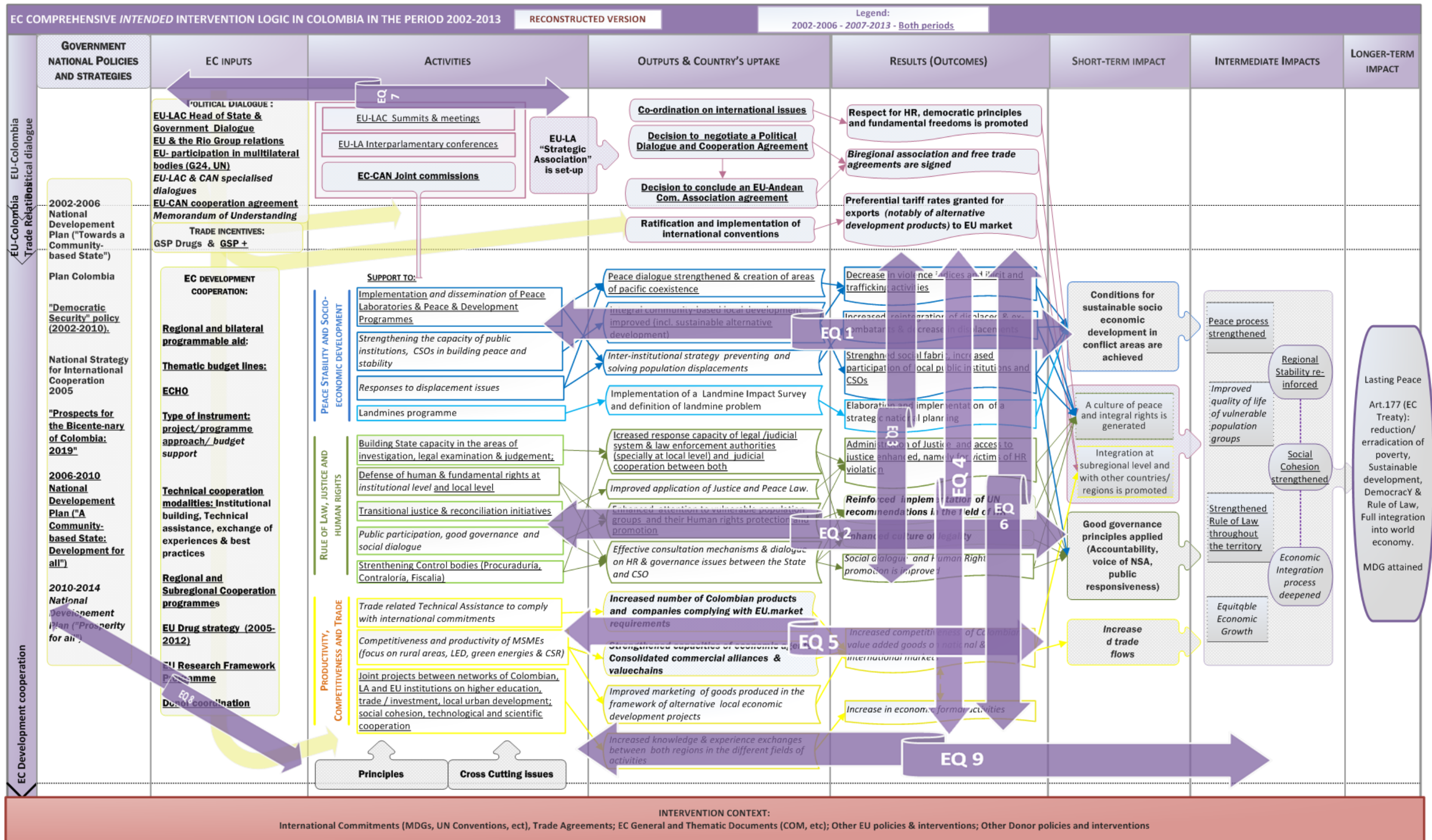
### 5.2.2 THE DIAGRAM OF THE INTERVENTION LOGIC

The intervention logic represents the hierarchy of objectives and expected effects as expressed in the main strategy documents over the years. As such, it represents the backbone of the evaluation, and outlines the set of objectives against which the EC intervention is assessed. The IL aims at reflecting the overall EC approach and interventions in an aggregate form and is based on the official documents that set out the EC strategies in the country, in particular the two Country Strategy Papers, the Mid-Term Review and related NIPs covering the periods 2002-2006 and 2007-2013.

According to the reconstructed ILs, the EC's strategy of cooperation with Colombia between 2002 and 2011 aimed at achieving impacts as classified in three different time-spans:

- For the short term, the main expected impacts are the generation of conditions for sustainable socio-economic development in conflict areas, generation of a culture of peace and integral rights, promotion of integration at sub-regional level and with other countries or regions, application of good governance principles, and an increase in trade flows.
- For the medium term, the expected intermediate impacts aim at strengthening of the peace process, improvement of the quality of life of the most vulnerable population groups, strengthening of the rule of law throughout the country, and generation of equitable economic growth, with an overall view to reinforcing regional stability, social cohesion in the country, and the Economic integration process.
- For the long term, the EC's cooperation strategy is expected to impact on such essential dimensions of development in Colombia as the achievement of lasting peace and of the MDGs; poverty reduction; sustainable economic, social and environmental development; democracy, rule of law and respect for human rights and freedoms; and full integration of Colombia into the world economy.

DIAGRAM 1: SYNTHESIS OF EC INTERVENTION LOGIC WITH EQs\*



\*To be printed in A3

## 6 THE IMPLEMENTED COOPERATION STRATEGY<sup>44</sup>

Between 2002 and 2011, the EC committed more than €58.3 billion in development cooperation and contracted more than €49.8 billion worldwide<sup>45</sup>. The Latin American Region benefitted of an overall 6.22%<sup>46</sup> of total EC contracted amount (regional, sub-regional and bilateral cooperation), amounting to €3.1 billion<sup>47</sup>. The Andean region (sub-regional and bilateral cooperation) benefitted from €1,1 billion<sup>48</sup>, accounting for 2.2% of EC global aid and 35.7% of funds to Latin America as a whole.

Between 2002-2011<sup>49</sup>, the European Commission committed €323.9 M in Colombia (bilateral funds committed under ALA & DCI-ALA and under Thematic budget Lines) and contracted €237.2M<sup>50</sup>.

EC cooperation with Colombia accounts for less than 0.48% of EC global contracted funds, and 7.64% of funds in Latin America and almost 21.3% of the disbursed amount in the Andean region. Among Andean countries, Bolivia was the one that benefitted the most of EC development initiatives (27.8%).

EC cooperation accounts on average for less than 0.2% of central government expenditure. In 2009, the *per capita* contribution of EC funds was less than \$1.

Bilateral programmable aid, represented by the geographical instruments ALA<sup>51</sup> and DCI-ALA<sup>52</sup>, represent 58.1% of total EC commitments. The trend of non-programmable aid, represented by the thematic budget lines<sup>53</sup>, also fluctuated over the years and especially over the two programming periods. In the first programming period non-programmable cooperation constituted the 60% of EC funds, while from 2007 to 2011 thematic budget lines accounted for 20% of EC cooperation. Non-programmable aid decreased by 70% over the two periods, mainly as a result of the REH Regulation derogation in 2006, as detailed below.

Aid delivery modalities have experienced a progressive shift towards bilateral cooperation and programmable aid. In the first programming period funds were allocated through grants made available through calls for proposals. As mentioned before, the thematic budget line accounted for 60% of total EC cooperation. Furthermore, 82% of funds under Peace Laboratories II and III have been allocated through grants channeled by Acción Social. The NIP 2011-2013 has marked a major change in EC strategy, introducing Sector Budget Support (SBS) in the dairy sector (€8.6m). Contribution agreements with an international organisation accounted for more than 8.3% of EC total commitments (€ 26.9m). UNHCR and UNDP were the major beneficiaries.

<sup>44</sup> A more detailed overview of the EC-Colombia Cooperation framework can be found in annex 6 (Vol. 2). It includes an analysis of EC bilateral cooperation in Colombia, as well as sub-regional cooperation with the Andean Community of Nations and EC cooperation with Colombia via regional horizontal programmes (All Latin America).

<sup>45</sup> This overall amount includes all EC development cooperation commitments (Budget & EDF). It is based on EC CRIS database extraction relating to all financing decisions issued during the evaluation period (2002-2011). It should be highlighted that this amount includes not only funds committed through geographical budgetary lines but also from thematic budgetary lines, without prior geographical allocation.

<sup>46</sup> The amount for Latin America includes the entire contracted amount between 2002-2011

<sup>47</sup> This amount includes interventions financed under ALA, CDC, DCI-ALA, DCI-ENV, DCI-HUM, DCI-MIGR, DCI-MULTI, DCI-NSAPVD, DDH, EIDHR, ENV, IFS-RRM, MAP, MIGR, ONG-PVD, REH, RRM.

<sup>48</sup> Ibid.

<sup>49</sup> The extraction from CRIS database was done on the 6th of May 2011

<sup>50</sup> Regional Cooperation Programmes within the Framework of the Andean Community and All Latin America Countries (horizontal programmes) are considered aside. All Latin America programmes lack detailed disaggregated data by country.

<sup>51</sup> Council Regulation (EEC) No 443/92 of 25 February 1992 on financial and technical assistance to, and economic cooperation with, the developing countries in Asia and Latin America.

<sup>52</sup> Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation.

<sup>53</sup> They are considered as non-programmable as commitments are demand-driven (granted generally via calls for proposals), and they are not included in the EC's intended country-specific intervention logic.



Based on the sectoral classification of programmable and non-programmable aid presented in Annex 8 (Vol. 2), the following can be observed.

Conflict Prevention and Resolution constitutes the backbone of EC strategy in Colombia during the evaluation period, accounting for more than €215.2m (66% of EC total cooperation). This macro-sector has a specific territorial focus targeting areas, and their populations, significantly affected by the conflict. Over the two programming periods there has been a considerable decrease (up to 47%) in the funds allocated to Conflict Prevention and Resolution.

EC aid in support of the Rule of Law, Justice and HR macro-sector and of the Trade and Competitiveness macro-sector has covered the entire national territory. In terms of financial commitments, "*Rule of Law, Justice and HR*" is the second most important sector totaling €58.1m over the two programming periods; the amount committed was constant (€29.8m). This sector continues to be a priority in the EC strategy.

Natural Resources Management encompasses all initiatives supporting forest governance, reduction of forest degradation and promotion of biodiversity. It accounts for more than €22m. Natural Resources Management allocations decreased by 42.7% over the last programming period.

Since 2007, in line with the 2007-2010 and 2011-2013 NIPs, "*Trade and Competitiveness*" constitutes one of the focal sectors of EC cooperation (€19.7m). The initiatives financed under this area aim at enhancing MSME competitiveness in regional, national and international markets; improving business development services (BDS) and access to finance; and developing SPS and TBT infrastructures.

EC support to Sustainable local Development covers local economic development targeting rural enterprises as well as participatory territorial planning. This macro-sector has a budget of €5.5m (2%).

**FIGURE 2 : EC COOPERATION BY MACRO-SECTOR DISTRIBUTION (2002-2011)**



Source: DRN elaboration based on CRIS data

## SECTION 3: EVALUATION FINDINGS

### 7 INTRODUCTION TO THE EVALUATION FINDINGS

This Section provides the main findings generated around the nine Evaluation Questions (EQs) as they emerge from the information gathered using the available range of techniques and tools during the various evaluation phases<sup>54</sup>. These findings represent the joint results obtained through a comparative analysis of several sources, from desk documentation studies, from interviews in Brussels and in Colombia, and from direct analysis of relevant programmes and projects carried out or still under implementation.

The EQs, besides covering the main focal sectors of the two EC Country Strategy Papers (CSPs) and the 2010 Mid-Term-Review (MTR), encompass a broad range of investigation areas. More specifically, the proposed EQs address all evaluation criteria and cover issues such as the 3Cs (coordination, complementarity and coherence) and cross-cutting issues (Art 101 of the European Consensus) although these are treated either as part of the sector concerned or as “thematic” EQs rather than via a specific EQ.

The EQs are associated with their respective DAC evaluation criteria and with additional EC-specific criteria and themes.

TABLE 3 : RELATIONSHIP BETWEEN THE DAC EVALUATION CRITERIA, EC-SPECIFIC ISSUES AND THE EQs

	EQ 1	EQ 2	EQ 3	EQ 4	EQ 5	EQ 6	EQ 7	EQ 8	EQ 9
	PEACE, STABILITY AND SOCIO- ECONOMIC DEVELOPMENT	RULE OF LAW, JUSTICE, HUMAN RIGHTS	HR AND THE VICTIMS OF THE ARMED CONFLICT	GOOD GOVERNANCE	PRODUCTIVITY, COMPETITIVENESS AND TRADE	ENV. SUSTAINABILITY	INSTRUMENTS & Aid MODALITIES	3Cs, VALUE ADDED	LINKING RELIEF, REHABILITATION AND DEVELOPMENT
<b>Relevance</b>	√√	√√	√√	√√√	√√		√		
<b>Efficiency</b>							√√√		
<b>Effectiveness</b>	√√√	√√√	√√√	√√√	√√√	√√√	√√		√√√
<b>Impact</b>	√√	√√	√√	√√√		√√			√√√
<b>Sustainability</b>	√√	√√	√	√√	√√	√√	√		√√√
<b>EC value added</b>								√√√	
<b>Coherence</b>							√√		√√√
<b>3Cs</b>			√					√√√	√√
<b>Cross-cutting issues</b>	√√	√√√	√√√	√√√	√√	√√√			

√√√ LARGELY COVERED    √ ALSO COVERED

<sup>54</sup> Volume 2 – Section 2 (Annex 8) provides the completed Evaluation Questions matrix, with all the information gathered by Indicator under each Judgment Criteria. The Evaluation Questions and respective Judgment Criteria and Indicators were defined and approved by the Reference Group at the end of the evaluation exercise structuring phase.

## 8 ANSWERS BY EVALUATION QUESTION

### 8.1 Peace, Stability and Socio-Economic Development

#### EQ. 1

**TO WHAT EXTENT HAS EC SUPPORT CONTRIBUTED, AND IS AT PRESENT CONTRIBUTING, TO SUPPORTING THE PEACE-BUILDING EFFORTS AND ADDRESSING THE ROOT CAUSES OF CONFLICT IN THE AFFECTED AREAS OF THE COUNTRY?**

#### OVERVIEW RESPONSE

*During the last 10 years the, EC strategy in Colombia has contributed to supporting peace-building efforts and tackling the root causes of conflict in the regions most affected by the latter. The main achievements of the EC's contribution have been in the creation of spaces of dialogue between the different actors present in the territory, in the strengthening of networks and civil society organizations, in promoting the creation of alliances between public and private actors, and in support for productive activities for the socio-economic stabilization of the territories.*

*The cooperation strategies are coherent with and relevant to the policies defined by the Colombian government in relation to peace-building at local and national levels. In this framework, EC strategies were elaborated with the participation of regional and national public and private institutions, and therefore clearly reflect the priorities established by the national government for peace-building. All local counterparts confirm the relevance of the EC's implemented strategies in their territories. Indeed it is important to mention that in some cases the experience and achievements of the first peace laboratories supported by the EC were taken into account by departmental governments and, at national level, incorporated into the definition of peace-building strategies.*

*Although this cannot be solely attributed to EC cooperation, a significant reduction in the main indicators of violence, such as the number of violent deaths, forced massacres, displacements and kidnappings can be observed, both at national level and in the regions most affected by the conflict. Also the areas dedicated to illicit crops have been reduced, and there is an increase in legal agricultural activities in the territories prioritized by the EC cooperation.*

*EC programmes have provided important resources for the most affected populations with the aim of generating sustainable productive alternatives and invigorating the local economies. Within a conflict context, as a first stage the productive activities contributed to the socioeconomic stabilization of the regions, creating a fundamental incentive for rural communities to remain in their territories, as well as enhancing the communities' organizational capacities thanks to directed interventions to improve their technical capacity at entrepreneurial level. In a second phase it is expected that productive activities will contribute to competitiveness and local economic development and to the improvement of the level of income and quality of life of the communities. In this sense and even though there are positive indications of the establishment of some productive initiatives, particularly in the framework of the DELCO program, there is not sufficient evidence to demonstrate that they have attained a consolidation level that ensures viability and economic sustainability.*

*Although it is clear that achieving economic sustainability is a long-term process which also requires further in-depth analysis, this aspect is one of the main challenges faced by EC programmes financed in the regions more affected by conflict.*

*Finally, it can be affirmed that sustainability conditions have been generated within the framework of the actions financed via the Peace laboratories, Regional Development and Stability and Local Economic Development programmes, both at national and departmental levels. Recent national policies may also constitute an encouraging basis for sustainability. Although compensation for victims, restitution of land and the eradication of extreme poverty policies have national coverage, they are of high priority in the regions affected by the conflict. In addition the departmental governments, in their development plans for 2008-2010, included activities and budgetary resources aimed at peace-building and stability in their regions.*

***EC support strategy reflects national needs and priorities as established in the 2002 -2006, 2006-2010 and 2010-14 National Development Plans (NDP) (cfr: JC 1.1)***

During the period subject to evaluation, the EC cooperation strategy reflected those needs prioritized by the national government and local institutions geared to building peace and promoting stability and social development.

The experience and objectives achieved in the first peace laboratories generated valuable tools and inputs that were regarded by the national government as the strategic axes governing prioritization of Regional Peace and Development initiatives. Activities included:

- Plan Nacional de Desarrollo: Hacia un Estado Comunitario 2002-2006 (National Development plan: Towards a State for the community 2002-2006)
- Plan Nacional de Desarrollo: Un Estado Comunitario: Desarrollo para todos 2006-2010 (National Development plan: A State for the community: Development for all 2005-2010)
- Estrategia de Cooperación Internacional 2003 – 2006 (International Cooperation Strategy 2003-2006)
- Consejo de Política Económica y Social - (CONPES) 3278 - 03/2004, (Social and Economic Policy Council- CONPES. “Autorización de la Nación para contratar una operación de crédito externo hasta por un monto de US 30 millones, con destino a la financiación del Programa Paz y Desarrollo”.
- CONPES 3395 - 11/2005 “Importancia estratégica de los Laboratorios de Paz en Colombia Desarrollados con la Cooperación Financiera no Reembolsable de la CE”
- CONPES 3566 - 02/2009. “Concepto favorable a la nación para contratar un empréstito externo con la banca multilateral hasta por US\$ 7.812.500, destinado a financiar la segunda fase del programa Paz y Desarrollo”.

These priorities geared to attainment of peace and stability were defined by the national government on the basis of regional experiences in Colombia. The related EC cooperation statements include:

- CSP 2002-2006: “The EC’s main objective is to support Colombia’s search for Peace. In this area, fighting against the main root-causes of conflict such as marginality, inequality, social exclusion and extreme poverty are a priority”. The Commission’s response to the challenges outlined above was:
  - Support for ongoing Colombian activities in the search for peace.
  - Targeting the roots and causes of conflict.
  - Providing humanitarian assistance to conflict victims.
- CSP 2007-2013: “The EU strategy’s main objective is to contribute to attain peace and stability taking into account the great economic potential that a peaceful Colombia will bring to the region”.

At the same time in the EC cooperation strategic documents for the last 10 years (CSP 2002-2006 and CSP 2007-2013) there are explicit indications as to how the proposed interventions are incorporated within the main challenges being addressed at national and regional levels with regard to peace-building.

Civil society, NGOs, universities and local institutions participated in the identification and definition of the priorities to be included in the cooperation strategies. Evidence of this is found in the elaboration of the country strategic document 2007-2013, through validation and consultation processes.<sup>55</sup> Furthermore, according to the Peace Laboratory III mid-term evaluation, undertaken in two different geographical territories with big differences in their administrative structure,

<sup>55</sup> Refer to Annex 14 of the CSP 2007-2011.



performance, visions and priorities: "The perception with regard to Program's usefulness in the territories where it was implemented was very high amongst local and regional government, evidence of this, is the inclusion of LP III in the regional development plans, in territorial agendas and the fact that it was mentioned during the opinion exchange with local functionaries who value the project's participatory approach and it's respect for the public institutions".

The key stakeholders interviewed at local, regional and national levels confirm the consistency of EC support and its responsiveness to national priorities. All the counterparts agree that EC support has been fundamental in the model of peace-building in the midst of the conflict, building peace from local level thanks to dialogue involving all actors within the affected part of a territory. This has been fundamental for the country and is reflected in national and local strategies (development plans).

***EC support strategy has helped generate a culture of peace and integral rights and create and stabilize areas of peaceful coexistence in the conflict zones. (cfr: JC 1.2)***

Even though there is still a presence of armed groups in the zones of conflict and cases of displaced people, it can be stated that the EC cooperation strategy has helped generate a peace culture in the areas most affected by the conflict.

The EC cooperation strategy has directly contributed to strengthening the social tissue in regions affected by conflict through backing community organizations, creating social networks and generating links between public and private institutions with the aim of generating the conditions for peace in the regions. An example is the Montemariana network which is the basis for the *Programa de Desarrollo y Paz de los Montes de María* (Montes de Maria Development and Peace programme), which links 102 regional organizations supported by different programmes. This network "built over solid basis has an inclusive and politically independent nature in tune with the regional and local planning procedures. It supports the search and generation of ground based solutions in response to violence, social and economic problems through alliances, agreements, regional, sub regional and local projects with public and private institutions based on trustworthiness and good will from the actors involved".

The territories benefitting from EC intervention are the areas most affected by forced displacements which are still continuing. The number of displacement registered has decreased by three-quarters, but there are still regions such as Nariño where the number of displaced people has increased compared to 2002<sup>56</sup>. (More details in EQ3 on this point)

In relation to the presence of armed groups, the number of individual demobilized combatants increased between 2003 and 2010<sup>57</sup>. Antioquia, Meta and Valle del Cauca were the regions which registered the highest number of demobilized ex-combatants.

Finally having analyzed the regional development plans central to this study during the period of 2008-2011, there is evidence of the influence that the EC's cooperation has had over local programme formulation, including peace and reconciliation actions. Departments such as Antioquia, Nariño, Cauca, Norte de Santander, Bolivar, Sucre and Meta, defined specific thematic lines and allocated resources within their own development programmes to back up these types of initiative.

***The EC support strategy has contributed to strengthening local, regional and national public institutions with a view to strengthening their capacity to deliver basic social services in the conflict zones and ensure equitable access for the most vulnerable populations. (cfr: JC 1.3)***

The statistics on the coverage and quality of social basic services provision show a significant improvement in the departments and municipalities covered by the present study, particularly in the

<sup>56</sup> *Acción Social, Estadísticas de Población en Situación de Desplazamiento. Dinámica General (1998-2011)*

<sup>57</sup> *Información Departamental Sector Defensa y Seguridad*. Oct. 2011

rural areas. In this respect it is important to highlight that the level of investments that the local and departmental governments offer is not a consequence of, cannot be attributed to EC support. In fact this is not the objective of EC programmes. The strategy of the Peace Laboratories and Development peace and stability programmes is focused on strengthening the technical capacity of local and regional institutions as fundamental actors in the promotion of territorial development, construction of peace and protection of human rights.

According to the index of integral performance of the municipalities as measured by the DNP<sup>1</sup>, the prioritized municipalities of the departments of Antioquia, Bolivar, Sucre and Meta show an improvement over the last four years (2007-2010). There is also an important difference in the performance of the municipality of Antioquia, one of the wealthier departments of the country, *vis-à-vis* those of Bolivar and Sucre, which in spite of having improved their management, showed management results between low and critical levels, as in the cases of San Onofre 46,7, Ovejas 45,9 and San Jacinto 48.3.<sup>58</sup>

As far as the efficiency of provision of basic services (Health, Education, Water and Sewage system) is concerned, similar results appear, namely a general improvement in the indicators of provision of services with significant differences between departments. Generally, the municipalities where the third peace laboratory is in operation give the lowest results, namely between low and critical management levels.

When analyzing the available investment budgets, evidence was found of substantial investments in key social services (housing, health, education). The department of Bolivar allocates 78,7% of its investment in these sectors, Cauca 70,1%, Nariño 75%, Sucre 63,6% and Antioquia 53,5%. (More details in EQ4, JC4.1, on this point).

***The EC support strategy has helped generate and strengthen sustainable and viable rural productive activities in conflict zones, including alternative development initiatives (cfr: JC 1.4)***

The analysis of the different programmes (LAB III, Desarrollo, Paz y Estabilidad, y Desarrollo Económico Local) allows us to conclude that most resources have been invested in sustainable rural development and in strengthening productive chains and economic alternatives. For instance, in the Montes de María region within the LAB III framework, a total of 35 projects were financed, 60% of them part of the third integral sustainable development axis which involves different activities in productive and sustainable projects, agroforestry, restoration of production cultures with the aim of improving food security and so forth. At the same time the Local Economic Development Programme (DELCO) has as its principal focus promotion of local development initiatives mirroring LEADER<sup>59</sup> in six regions, some of them within the Peace Labs.

These investments have contributed to reactivation of productive activities by local producers. This is the case in the Montes de María region where seven priority rural productive chains have been reactivated, namely: Beekeeping, Plantain, Ñame, Sesame seeds, Chili, and Fish Farming. 9,000 families are benefitting from them.

With regard to the information analyzed, there is evidence that these resources have at the primary stages helped improve food security and promote permanence in the territories for families that have been victims of conflict. Also the actions undertaken in these projects have strengthened the communities' organizational capabilities through application of administrative concepts and tools that have improved their business technical capacity. In this sense the evaluation elaborated by the

<sup>58</sup> [www.dane.gov.co](http://www.dane.gov.co)

<sup>59</sup> Leader' is the term used to describe a special local development approach for rural areas. The name Leader originates from the French abbreviation for '*Liaison Entre Actions pour le Développement de L'Economie Rurale*' (which roughly translates to 'links between actions for developing the rural economy'). It was originally introduced by the European Commission in the early 1990s as an experimental approach to rural development, and it is now part of EU structural funds.

DNP<sup>60</sup> states that: *Experience with productive projects has shown that in many cases the most evident and early changes occur with social cohesion, more so than with economic sustainability. In some cases the initial productive experiences of a farmers' group did not work out, but the lessons that they learned allowed them to consolidate a productive and more sustainable scheme years later. In some regions, the first productive projects were aimed at transitory products, and the promotion of permanent crops, which have a greater capacity to generate income surpluses and sustainability, only started three years ago*<sup>61</sup>.

As regards economic impacts, some productive initiatives are beginning to show evidence of a degree of consolidation and economic viability. This applies particularly to the initiatives promoted within the framework of the DELCO project which have among their main achievements such aspects as strengthening of trade union networks, employment generation, implementation of good practices for access to markets, development of new products, and increases in sales and in commercial and business contacts. In relation to the latter there is still insufficient evidence to ensure the sustainability and competitiveness of local or national productive chains supported by the EC.

It is important to bear in mind that consolidation and economic sustainability of the rural productive processes can only be obtained in the long term and that it is premature to jump to conclusions regarding the projects being evaluated.

In terms of illicit crops, over the last ten years the coca areas have decreased by 60,7% (from 144.807 ha in 2001 to 56.905 ha in 2010)<sup>62</sup>. In the regions under analysis the reduction was only 22%, considerably less than the national reduction. Illicit crops reduction reflects a combined strategy that includes (i) crop eradication, through aerial spraying and manual cutting; and (ii) crop substitution programmes implemented under the government of President Uribe. There is no information with which to determine how far the EC resources had a direct impact on this illicit crop reduction.

Nevertheless there is no quantitative evidence on the impact of these resources. During the evaluation period there was a decline in farming areas in the departments in which the programmes were implemented. It is important to note that the national system of farming statistical information is elaborated with the information provided by institutions at local level. Some of these regions, mainly the most remote, have important difficulties in data collection. This explains the fact that the national system does not provide accurate information from all the available sources of information.

For instance, according to the Montes de María observatory, "It is important to note that the areas that were planted with the National Government Peace and Development programme resources were not registered in the municipal and departmental farming census. Although these areas are not very big, they imply the reactivation of these crops in the region, especially of chili, which has its production centre in San Jacinto".

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<sup>60</sup> Evaluación de Impacto de los Programas Paz y Desarrollo y Laboratorios de Paz. Departamento de Planeación Nacional – DNP, Dec. 2007

<sup>61</sup> *La experiencia con los proyectos productivos ha mostrado que en muchos casos los cambios más evidentes y tempranos se dan en temas de cohesión social, más que en sostenibilidad económica. Existen casos en los que las primeras experiencias productivas de un grupo de campesinos no funcionaron, pero que ese aprendizaje les permitió años más tarde consolidar un esquema productivo más sostenible. En algunas regiones los primeros proyectos productivos estuvieron orientados a productos transitorios y solo hasta hace tres años se empezaron a promover cultivos permanentes, que tienen mayor capacidad para generar excedentes y sostenibilidad en los ingresos.*

<sup>62</sup> Oficina de las Naciones Unidas para la Droga y el Delito UNOC. Monitoreo de los Cultivos de Coca. Colombia, June 2011

### **Conditions are given for sustainable results after the end of external support. (cfr: JC 1.5)**

There is evidence that at the conclusion of the EC interventions conditions exist for sustainable results at both regional and national levels, in the areas of peace, stability and socioeconomic development.

At national level one of the most important government objectives is for victims to obtain suitable compensation and eradication of extreme poverty. President Santos's government (2010-2014) has developed and is implementing a programme with four main thrusts: Overcoming Poverty; Attention to Displaced Populations; Attention to Victims of Violence; Territorial Recovery and Development. This national programme has concentrated its actions in regions more affected by the armed conflict such as Antioquia, Bolívar, Sucre, Magdalena, Atlántico, Córdoba, Guajira, Cesar, Meta, Cundinamarca, Chocó, Santander, Norte de Santander, Arauca, Tolima-Huila, Valle del Cauca-Cauca and Nariño. These regions coincide with those in which the EC cooperation has concentrated its efforts.

At regional level the departmental governments have included within their programmes and budgets actions directed to attention of victims and peace construction. An example of this is Antioquia where within the development plan there is in strategic line N.1: Political development (with a budget of \$416 million, 4,2 % of the total) under Chapter 3: Apoyo a Programa Laboratorio de Paz del Oriente Antioqueño, with a budget of \$13 million, just 0.13 % of the total for the 2008-2011 period. Meta, Nariño, Norte de Santander, Cauca and Bolívar have also defined actions within their own programmes<sup>63</sup>.

There is evidence that the EC cooperation strategy has contributed to the inclusion of political actions both at a regional and national levels. The space generated by the III Peace Lab Political Dialogues component has made possible to gather local and regional experiences useful for the formulation of government policies in issues such as: (i) Peace and Human Rights: Reconciliation, Prevention and Reparation of Victims, and (ii) Land, Territory and territorialities: Restitution; Access; land tenure formalization; productive strategies geared towards generating roots amongst the population, collectivities and territory.

## **8.2 Rule of Law, Justice & Human Rights**

### **EQ. 2**

**TO WHAT EXTENT HAS EC SUPPORT CONTRIBUTED, AND IS AT PRESENT CONTRIBUTING, TO STRENGTHENING THE RULE OF LAW THROUGHOUT THE COUNTRY?**

#### **OVERVIEW RESPONSE**

*Regarding the rule of law in Colombia, the EC has made significant contributions to the implementation of the new Penal Oral Accusatory System (POAS). It has also helped strengthen the capacity of the institutions charged with application of the country's transitional justice framework, the Justice and Peace Law, and the protection of victims' rights to truth, justice and reparation.*

*When assessing these EC contributions to the strengthening of the rule of law and protecting victims' rights it is useful and reasonable to differentiate between, on the one hand, achievements regarding the strengthening of the relevant Colombian institutions and the capacity of victims to participate in the transitional justice process and claim their rights to truth, justice and reparation, and on the other hand the entrenched impunity situation.*

<sup>63</sup> During the desk phase, only the present development plans (2008-2001) were available, along with the detailed investment plans for the following departments: Antioquia, Nariño, Norte de Santander y Meta. During the field phase a collection of information from previous periods and budgets took place so that a comparative framework could be drawn.

With respect to institutional strengthening, the evidence suggests that *bilateral* EC interventions (FORJUS and FORVIC) have made specific contributions to (a) increasing Colombia's capacity to implement the POAS by strengthening the administrative capacities of primarily the CSJ, Defensoría, Fiscalía and Procuraduría; and (b) strengthening the Colombian State's capacity to assist victims within the transitional justice framework (Justice and Peace Law) through interventions in the Defensoría, Fiscalía and the Ministry of Justice. Key activities have included supporting the establishment of the 'carrera fiscal'; the design of a management model and its regulations for the holding of virtual hearings for the CSJ; the creation of the Centro de Prueba e Investigación para la Defensa Pública and the Centro para la Observación del Sistema Penal Acusatorio at the Procuraduría; improving the State's legal assistance to victims through strengthening the protocols and mechanisms for the training of operators of the National System for Transitional Justice; wide dissemination among victims of information of the legal framework for transitional justice; and creation of a Mobile Unit for improved access to victims in rural areas. Through *thematic* interventions such as the project 'Protection and promotion of human rights, democracy and the rule of law in Colombia', the EC has contributed to enhancing victims' capacity to participate in the transitional justice process and make claims.

Within the framework of this evaluation it is not possible to establish the discrete impact of the EC interventions on the functioning of the POAS and the transitional justice system and legal assistance to victims. However at a general level of analysis there is evidence that the length of judicial proceedings has dropped significantly and there has been an increase in the rates of investigation, legal examination and of the number of judicial hearings since the POAS began to be rolled out in 2005. With respect to improving legal assistance to victims there is both 'hard' and 'anecdotal' evidence that, for instance, a number of judicial cases involving paramilitaries and members of the Colombian armed forces have been reactivated; that there have been advances with respect to fomenting the 'auto-reconocimiento de las víctimas en tanto sujetos de derecho'; and that the operators of the transitional justice system are providing an improved service to victims (e.g. by means of the Mobile Unit).

With respect to the impunity situation in Colombia, we found no evidence that it has improved during the evaluation period, particularly after the new POAS began to be gradually rolled out in 2005. In this regard it is important to note that there are numerous reasons for this and that there is no consensus among justice operators and practitioners and legal scholars on the most appropriate approach to studying the phenomenon of judicial impunity in Colombia. The same applies to measuring the effectiveness of the new POAS with respect to reducing high impunity rates.

Among the main persisting problems of Colombia's justice system with respect to the impunity situation are the lack of a state 'criminal policy' (política criminal); the low capacity of the judicial system to investigate complex cases and even the so-called 'flagrante cases', which show relatively modest rates of conviction; shortcomings with respect to investigation of human rights violations involving problems of coordination and cooperation between the ordinary and military justice systems; limited coordination and cooperation between different parts of the ordinary justice system; limited supply of, and access to, justice across many parts of the national territory, especially in rural areas; limited citizen trust in the institutions of the justice system; and the existence of a 'culture and tradition of impunity in Colombia' which is exacerbated by the country's protracted internal armed conflict and high levels of criminality. With respect to transitional justice, it is of course of great concern that so far there have only been four convictions of former paramilitaries out of a total of more than 4,000 slated for prosecution under the JPL. This very low number of convictions since late 2006 when application of JPL started indicates that the process is faltering and particularly that the rights to justice and reparation through the transitional justice system of victims are not guaranteed.

Given this complex picture, it would not be reasonable to expect that the analyzed EC contributions to strengthening the rule of law in Colombia during the period 2002-2010 could have fundamentally changed the impunity situation in the country.



***The EC support strategy generally reflects the evolution of national needs and priorities (cfr: JC 2.1)***

During the evaluation period the EC's support strategy in the fields of the rule of law, justice and human rights has generally reflected the evolution of national needs and priorities, which however were defined differently by the Colombian government and State entities *vis-à-vis* civil society organizations. There are some interesting differences in this regard between the periods 2002-2006 and 2007-2013 and between bilateral and thematic EC interventions that are worth highlighting.

The first period, 2002-2006, was characterized by a close match with respect to national priorities and needs regarding the rule of law and justice between the Colombian National Development Plan (PND) and the EC's CSP 2002-2006<sup>64</sup>. Relevant key Colombian State actors confirmed a high level of involvement in the design and implementation of *bilateral* EC interventions in these two areas during that period. By the same token, Bogotá-based Colombian CSOs confirmed a high level of involvement in the design and implementation of *thematic* EC interventions during the period 2002-2006, highlighting that the EC support strategy responded to, and was reflective of, CSO priorities and needs, particularly in the field of human rights.

This situation changed during the period 2007-2013. The EC's CSP for that period did not reflect as strongly as its predecessor Colombia's national priorities as spelled out in the PNDs (2002-2006 and 2006-2010, the second period coinciding with the second government of Alvaro Uribe). For instance, the CSP 2007-2013 did not refer much to the Justice and Peace Law (JPL) or transitional justice in Colombia, which figured prominently in the PND 2006-2010<sup>65</sup>. This notwithstanding, relevant key Colombian State actors confirmed that their level of involvement in the design and implementation of *bilateral* EC interventions continued to be high during the last programming period (2007-2013), particularly with respect to strengthening the rule of law and Colombia's justice sector through the project 'Justice Sector Strengthening for the Reduction of Impunity in Colombia', FORJUS. Although it did not figure prominently in the CSP 2007-2013, the EC did support Colombia's transitional justice process through the bilateral project 'Institutional Strengthening for Assistance to Conflict Victims', FORVIC.

However Colombian CSOs pointed out that during the last programming period they had less involvement in the design of *thematic* EC interventions and that their relationship and interactions with the EU Delegation in Bogotá became less fruitful and frequent. This notwithstanding, in that period the EC did launch a number of important *thematic* interventions in the fields of human rights and the rights to truth, justice and reparation of the victims of the armed conflict. But overall the EC's significant political support to the work of Colombian CSOs, which they considered to be a high priority in both periods, saw a decline during the period 2007-2010.

***The EC support strategy is contributing to strengthening the response capacity of the legal system to the impunity situation, particularly through the support to the implementation of the new penal oral accusatory system. (cfr: JC 2.2)***

The evaluation team could find no evidence that overall the response of Colombia's legal system to the impunity situation in the country has improved during the evaluation period. The identified reasons for this are manifold and include, inter alia, persisting difficulties of the Colombian judicial system to investigate complex cases, significant difficulties with respect to access to justice especially in rural areas and significant difficulties regarding the coordination and cooperation in the investigation of criminal cases between the different entities of the judicial system and law enforcement authorities. Although there is a lack of consensus among justice operators, practitioners and scholars as to the most appropriate methodology for the study of judicial impunity in Colombia,

<sup>64</sup> CSP 2002-2006; NDP 2002-2006.

<sup>65</sup> CSP 2007-2013; NDP 2007-2010.

the evaluation has revealed that there is sufficient reason to state that impunity continues to be a major problem in the country<sup>66</sup>. The same is true with respect to measuring the effectiveness of the new penal oral accusatory system (POAS). In this vein, the report 'Memoria del proyecto Fortalecimiento del sector justicia para la reducción de la impunidad en Colombia', which was published in April 2011<sup>67</sup> states: *Impunity is a multi-faceted and complex phenomenon combination which requires a State plan that transcends isolated actions of policy or institutional reforms or sector and staffing budgetary increases, or large-scale technological applications, although any or all of them could be necessary. For the same reason, the most appropriate initiatives are not always the most instrumental, nor the ones that produce sound and sustainable results. This compels us to be above the political gains of such actions and investments*<sup>68</sup>.

Among the main persisting problems of Colombia's justice system with respect to the impunity situation are the lack of a stable 'criminal policy' (política criminal); the low capacity of the judicial system to investigate complex cases and even the so-called 'flagrant cases', which show relatively modest rates of imputation and conviction; shortcomings with respect to investigation of human rights violations involving problems of coordination and cooperation between the ordinary and military justice systems; limited coordination and cooperation between different parts of the ordinary justice system; limited supply of, and access to, justice across many parts of the national territory, especially in rural areas; limited citizen trust in the institutions of the justice system; and the existence of a 'culture and tradition of impunity in Colombia' which is exacerbated by the country's protracted internal armed conflict and high levels of criminality<sup>69</sup>.

These serious difficulties notwithstanding, the EC's cooperation has contributed through FORJUS to increasing the capacity of the relevant Colombian justice institutions, above all the CSJ, *Fiscalía and Defensoría* (and to a lesser extent the *Procuraduría*), to implement and operate the new POAS. This support has included the training of justice sector servants ranging from judges and magistrates to promoters of alternative conflict resolution mechanisms; increasing the capacity of the Defensoría with respect to its role in guaranteeing the provision of the 'defensoría pública'; providing technological support; and some measures to improve access to justice.

Importantly, there is statistical evidence that the length of judicial proceedings under the new POAS has seen a significant reduction along with an increase in the rates of investigation, legal examination and judicial hearing<sup>70</sup>. This trend reflects the gradual rolling out of the new POAS, which started in 2005, and is related to efforts at capacity-building for operators across the new system and the introduction of a system of automated judicial process management, among other measures. Further, efforts have been made to investigate and sanction crimes against certain categories of victims, with the allocation of significant extra resources to relevant parts of the justice system, including for the prosecution of crimes against trade unionists and human rights defenders. This has resulted in an increase in the number of cases that have been processed and in the number of convictions.

<sup>66</sup> MTR/NIP 2011-13, p. 22; Luis Hernando Bareto and Sneider Rivera, *Una Mirada a la impunidad en el marco del SPOA*, 2009; MN 104 and 109;

<sup>67</sup> 'Memoria del proyecto Fortalecimiento del sector justicia para la reducción de la impunidad en Colombia', Ministry of Justice & European Union, 2011.

<sup>68</sup> *La impunidad es un fenómeno poliédrico y complejo cuya conjura requiere de un plan de Estado que trascienda a acciones aisladas de reformas normativas o institucionales o incrementos presupuestales sectoriales y de plantillas, o a la aplicación masiva de la tecnología, aunque unas y otras pueden ser necesarias. Por la misma razón, las iniciativas más adecuadas no siempre son las más mediáticas, ni las que producen resultados consistentes y sostenibles; ello obliga a estar por encima de la rentabilidad política de dichas acciones e inversiones.* (p. 103).

<sup>69</sup> Bareto and Sneider, op. Cit.; Consejo Superior de la Judicatura, Informe al Congreso de la Republica, 2010-2011; MN 104, 109.

<sup>70</sup> Consejo Superior de La Judicatura, Sistema Penal Acusatorio Ley 206 de 2004 Informe de Gestión, 2010; Fiscalía General de la Nación, Anuario estadístico 2010.

However, for the reasons outlined above, these improvements have so far failed to contribute in any tangible way to the improvement of the overall impunity situation in the country.<sup>71</sup> In this respect, it is important to highlight that EC cooperation with Colombia through the ongoing project 'Institutional support for the Colombian criminal justice system' aims at contributing to harmonizing the goals and strategies of the various institutions of the criminal justice system, strengthening the investigative capacity of the judicial police (CTI), and establishing mechanisms for the social reintegration of prisoners and for the education and protection of youth offenders.

***The EC support strategy is contributing to improving legal assistance to the victims of the armed conflict with respect to their rights to truth, justice and reparation (cfr: JC 2.3)***

The EC support strategy has combined bilateral and thematic interventions aimed at improving (legal) assistance to victims of the armed conflict, including internally displaced persons (IDPs). Key interventions in this area have been the projects 'Institutional strengthening for assisting victims of the conflict, FORVIC' (bilateral) and 'Protection and promotion of human rights, democracy and the rule of law in Colombia' (thematic), and three contribution agreements with UNHCR-Colombia (bilateral and thematic).

Because FORVIC underwent a number of adjustments due to the change of government in Colombia in mid-2010 the project is currently in the process of contracting activities and therefore the available evidence with respect to its achievements and results is limited. However it is possible to say that FORVIC has already contributed to improving the legal assistance offered by the State to victims of the conflict through strengthening the protocols and mechanisms for training operators of the National System for Transitional Justice (which was created under President Santos), the wide dissemination of the legal framework for transitional justice among the communities of victims (e.g. through the publication *Revista Rastros*) and the creation of a Mobile Unit which allows the institutions charged with the implementation of the JPL to better reach victims who often reside in rural areas. Not least, the well-being of the operators of the National System for Transitional Justice, who often work under stressful conditions, has also been increased through the training provided by FORVIC. This is important as it enhances the capacity of the system to provide good-quality assistance to victims.

With respect to Colombian civil society, the EC support strategy has made important contributions to improving legal assistance and the level of protection of victims and human rights defenders (particularly through the project 'Protection and promotion of human rights, democracy and the rule of law in Colombia'). Of particular significance have been the reactivation of a number of judicial cases in Colombia involving paramilitaries and members of the Colombian armed forces; following up on 25 cases of grave human rights violations which are being dealt with by the Inter-American System of Human Rights; providing legal assistance to victims of human rights violations that occurred in the context of the armed conflict; working with victim movements such as MOVICE; and not least, promoting the self-recognition of the victims as legal persons (*auto-reconocimiento de las víctimas en tanto sujetos de derecho*).

Regarding IDPs, we highlight that the EC's cooperation with UNHCR-Colombia has made a significant contribution to the protection of the rights of victims of the armed conflict, especially regarding the protection of their lands and patrimonial assets as well as increasing the capacity of the Colombian State to guarantee the rights of the displaced population or population at risk of forced displacement. In practice, during the period 2002-2010 UNHCR-Colombia was successful in protecting close to 5 million hectares of both collectively and individually owned lands. With EC support, UNHCR-Colombia also provided assistance to the Colombian government for the strengthening of public policy for IDPs.

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<sup>71</sup> 'Memoria del proyecto Fortalecimiento del sector justicia para la reducción de la impunidad en Colombia, Ministry of Justice & European Union 2011; Bareto and Sneider, op. Cit;



In sum, the EC's support strategy has helped improve legal assistance to victims of the armed conflict, including IDPs, with respect to their rights to truth, justice and reparation, as offered both by the Colombian State and civil society organizations. Of course this does not mean that victims' rights are as yet fully guaranteed and protected; for instance, there is much concern about the extremely limited number of convictions (four) under the JPL thus far, which clearly shows that guaranteeing victims' right to justice remains a major task.

***In relation to the strengthening of the institutional environment, EC interventions have focused on supporting reforms and efforts to modernize the administrative capacities of the Fiscalía, Procuraduría, Contraloría and CSJ through the FORJUS programme which was later complemented by two other projects. (cfr: JC 2.4)***

FORJUS focused above all on strengthening the administrative capacities of the CSJ, *Defensoría, Fiscalía and Procuraduría* to support implementation of the new POAS. The *Contraloría* was not among the beneficiaries of the project. FORVIC has been focusing on the Ministry of Justice, *Fiscalía* and *Defensoría* with a view to strengthening the State's assistance to victims of the armed conflict. Finally the project 'Institutional support for the Colombian criminal justice system' (FORSISPEN) will be focusing on two State institutions: the Ministry of Justice and the *Fiscalía*. At the time of writing the implementation of FORSISPEN has not started and the project can therefore not be considered in the present evaluation.

FORJUS contributed most prominently to the establishment of the 'Carrera Fiscal' at the *Fiscalía*, the design of a management model and its regulations for the holding of virtual hearings for the CSJ, the creation of the *Centro de Prueba e Investigación para la Defensa Pública* at the *Defensoría*, and the *Centro para la Observación del Sistema Penal Acusatorio* at the *Procuraduría*. However there is evidence that, for instance, the *Carrera Fiscal* needs to be strengthened further, the *Fiscalía's* investigative capacity has to be increased, and that coordination and cooperation between the different entities of Colombia's justice sector needs to be improved. In part the ongoing project FORVIC has been contributing to addressing some of these issues in the *Defensoría, Fiscalía* and the Ministry of Justice, particularly with respect to strengthening administrative capacities to provide assistance to victims within the transitional justice framework and taking steps to improve inter-institutional coordination and cooperation. FORSISPEN, once it starts to be rolled out, is designed to make a specific contribution to improving the investigative capacity of the Judicial Police (CTI).

In general it is worth noting that there is a broadly shared perception among Colombian and international stakeholders that the institutional environment has seen some progress in the past years but there remain a number of big challenges, including increasing the independence and administrative capacity of particularly the *Defensoría* but also of the *Fiscalía, Procuraduría, CSJ* and the Ministry of Justice. In this regard stakeholders also highlighted that there are marked inefficiencies in the spending of resources in the justice sector and that there are indications of a lack of transparency in the administration of public assets. According to Transparency International, corruption perception in Colombian justice sector increased in recent years and in comparison with other Latin American countries is located at the higher end of the scale.

***Colombia has gained significant capacity to promote and respect the rule of law, with much work still to be done, however, in the fields of human rights protection, reducing high levels of impunity, assisting IDPs and JPL implementation (particularly regarding the rights of victims to truth, justice and reparation). (cfr: JC 2.5)***

In general it can be stated that in the evaluation period Colombia has gained the capacity to promote and respect the rule of law. This process has been supported by the EC through both bilateral and thematic interventions. Most importantly, through FORJUS, FORVIC and several contribution agreements with UNHCR, Colombian State institutions have increased their capacity to implement and operate the new POAS and the country's transitional justice system and provide assistance to victims of the armed conflict, including IDPs. Civil society, human rights and victim organizations

have also benefitted from EC support and have increased their capacity to promote and protect human rights and the rights of victims to truth, justice and reparation.

Throughout this process there has been considerable involvement, at both strategic and project levels, of representatives of key Colombian State entities in the design and implementation of capacity-building measures and interventions. At project level the same can be said of participation by Colombian civil society organizations. Overall, public financing and planned human resources investment in the justice sector, including transitional justice, has been on the rise. There are no indications that this trend will be reversed in the foreseeable future. Further, there is a high level of independent non-state watchdog activity and capacity in Colombia, which has been supported by thematic or IfS EC interventions such as the 'Victim-oriented assistance as a contribution to peace-building and reconciliation' and 'Protection and promotion of human rights, democracy and the rule of law in Colombia' projects.

This notwithstanding, big challenges remain in the fields of human rights protection, reducing high levels of impunity, assisting IDPs implementing the JPL and guaranteeing the rights of victims to truth, justice and reparation. One aggravating factor in this respect is that Colombia's armed conflict is ongoing and until the formal opening of peace talks between the government of President Santos and the FARC in mid-October 2012 there were few indications that the country would be able effectively to end the violence and the victimization of large numbers of people, including IDPs and other vulnerable groups in the foreseeable future. With the beginning of the talks, this situation has started to change but until the results of the dialogues are known it is to be expected that the country will continue to face considerable challenges to its rule of law and the protection of human rights as well as guaranteeing the rights of victims to truth, justice and reparation.

In addition to the pressures associated with the armed conflict there are a number of salient institutional weaknesses, such as low capacity for coordination and cooperation between different entities of the justice sector, the lack of a coherent 'political criminal', and low state capacity for investigating more complex criminal cases and improving access to justice across the country. These persisting weaknesses are likely to make the fight against impunity very difficult in the future. In this regard we must not forget the magnitude of the challenges in relation to the rule of law and the effective protection and promotion of human and victims' rights in Colombia: there are several hundred thousand registered victims, several million IDPs, more than 4,000 former paramilitaries slated for judicial proceedings under the JPL, and several million backlogged court cases; to which must in all probability be added many more new victims and cases in the years to come.

### 8.3 Human Rights and the Victims of the Armed Conflict

#### EQ. 3

**TO WHAT EXTENT HAS EC SUPPORT CONTRIBUTED, AND IS AT PRESENT CONTRIBUTING, TO PROMOTING HUMAN RIGHTS AND ASSISTANCE TO VICTIMS OF THE ARMED CONFLICT?**

#### OVERVIEW RESPONSE

*In the difficult conflict and human rights context in Colombia over the evaluation period, EC cooperation in promoting human rights and assisting victims of the armed conflict has made a number of significant contributions. There are two different levels of analysis that need to be considered here. The first is in relation to the 'political' support the EC provided to key Colombian and international stakeholders engaged in the promotion and defence of human rights (reasonably focused mostly civil and political rights) and provision of assistance to the victims of the armed conflict. The second level of analysis is related to the actual project activities supported by EC interventions during the evaluation period.*

*With respect to the EC's political support, it is important to highlight the widely shared view in Colombia that the EC helped strengthen Colombian civil society organizations and human rights groups which were faced with a difficult and sometimes hostile environment during the two administrations of President Alvaro Uribe. Putting its considerable weight behind the imperative to uphold human rights (especially civil and political rights) and guarantee the rights of the victims to truth, justice and reparation in the midst of the ongoing armed conflict,*

*the EC provided Colombian and international human rights defenders, such as UNHCHR and UNHCR, with significant support for carrying out their work. Providing this support was politically not easy as it meant adopting a position on, and strategy for, promotion of human and victims' rights that differed from those adopted by the Colombian government. This was particularly the case during the period 2002-2006/2007, after which the degree of congruence between the government's and EC's positions increased when the second Uribe administration adopted a somewhat more comprehensive stance on the human rights issue and the EU Delegation in Bogotá established a close rapport with the government (which included the launch of an official dialogue on human rights) while distancing itself more from Colombia's non-governmental human rights community. During the administration of President Juan Manuel Santos, a further increase in congruence began to emerge, also including civil society.*

*Regarding the second level of analysis in relation to actual project activities supported by the EC, it can be said that there were key contributions to (a) the protection of land and patrimonial assets of IDPs and Colombian public policy for IDPs (through UNHCR-Colombia); and (b) the strengthening of the capacity of victim and human rights organizations to participate in the transitional justice process and maintain a high level of activity in favour of the defence and promotion of human rights amidst often adverse circumstances marked by threats, intimidation and violence against representatives of those organizations. These significant contributions were complemented by components of the EC's non-specific interventions, such as the Peace Laboratory III and the programme 'Desarrollo regional, paz y estabilidad', which have helped to strengthen the capacity of local civil society organizations and empower people to promote and protect their fundamental rights.*

*While it is currently not possible to attribute conclusively any specific improvements in the human rights situation of the targeted population groups to EC interventions, we have sufficient reason to believe that future impact evaluations will show that both the EC's political support (particularly during the period 2002-2006/07) and support for project and programme activities have had positive effects on the complex and difficult human rights situation in Colombia.*

***The EC's support strategy in Colombia has reasonably focused more on civil and political rights, particularly the rights to life, integrity, personal freedom and safety, and less on economic, social and cultural rights, though there is a broadening of the focus in the 2007-2013 CSP. (cfr: JC 3.1)***

Given the severely adverse conflict and human rights situation in Colombia during most of the evaluation period, it can be considered as reasonable that the EC's support strategy focused reasonably more on civil and political rights and less on economic, social and cultural rights. In the view of UNHCHR-Colombia, this prioritization of civil and political rights responded appropriately to the critical situation in the country. The CSP 2002-2006 reflects this, putting the emphasis on 'serious violations of human rights and IHL' and the defence and promotion of civil and political rights. At the same time the document identifies different groups of victims, namely victims of paramilitaries, insurgents and State agents. It also highlights the grave situation of IDPs.

The CSP 2007-2013 contains a broader analysis of the human rights situation, makes reference to a broader set of rights and fundamental freedoms, and is more specific about the different groups of victims than its predecessor. "The situation as regards human rights and democracy in Colombia is still critical. There are continued violations of the right to life, integrity, personal freedom and safety, and privacy, and the fundamental freedoms of movement, residence, opinion and expression and the fundamental rights of labour, association and collective bargaining. The most vulnerable groups include indigenous peoples and Afro-Colombians, as well as, inter alia, social leaders, trade union leaders, journalists and human rights defenders."<sup>72</sup>

<sup>72</sup> CSP 2007-2013, p. 11.

Key non-programmable, thematic EC interventions that supported the protection and promotion of civil and political rights of vulnerable population groups, including victims of the armed conflict and human rights defenders, have included the projects 'Protection and promotion of human rights, democracy and the rule of law in Colombia', and 'Victim-oriented assistance as a contribution to peace-building and reconciliation'. Regarding the rights of IDPs, the EC has provided support to UNHCR-Colombia for the projects 'Protection of land and patrimonial assets of displaced population' (programmable, bilateral), 'Support to public policy for IDPs' (programmable, bilateral) and 'UNHCR activities in Colombia in favour of IDPs and their patrimonial assets' (non-programmable, thematic).

Key non-specific EC interventions, such as the Peace Laboratory (PL) III and the programme 'Desarrollo regional, paz y estabilidad', had important human rights components mostly although not exclusively related to civil and political rights. They aimed at strengthening the capacity of civil society organizations and empowering people to promote and protect their rights. The PL III has a special focus on ethnic groups, women and youth and supports the protection of human rights through educational, cultural and artistic initiatives as well as the institutionalization of human rights protection through the creation of local committees and the generation of proposals and policies for peace-building. The programme 'Desarrollo regional, paz y estabilidad' has promoted the work of civil society organizations in entering into dialogue on human rights, the functioning of public institutions and peace-building. IDPs, uprooted populations and communities have received support to help them enjoy a protected environment and social, economic and political assets which contribute to reducing their extreme vulnerability.

There is no mention of human rights in the two EC programmes that relate to trade and private sector development: 'Technical assistance to trade in Colombia' and 'Local economic development and trade in Colombia'.

***There is limited congruence between the CSP and Colombian Government analysis, positions and strategies, mainly in the first period. And globally, a high level of congruence between the CSPs and Colombian CSO analysis, positions and strategies, can be observed with some exceptions. (cfr: JC 3.2)***

Starting from a situation of limited congruence between the CSP's and Colombian Government's analyses, positions and strategies in 2002-2006, an increasingly higher level of congruence emerged during the period 2006-2010, and especially after 2010.

In contrast to the EC's CSP 2002-2006, the NDP 2002-2006 makes limited mention of human rights and vulnerable population and professional groups such as indigenous peoples, Afro-Colombians, human rights defenders, trade unionists and journalists. There is somewhat more discussion of IDPs. It is important to highlight that the concept of human rights as used in the NDP 2002-2006 did not fully reflect international human rights law – and by implication did not fully reflect the EC's position – as it did not clearly include State agents as potential perpetrators of human rights violations. The emphasis was rather put on members of illegal non-State armed groups. In this respect it has to be considered as highly problematic that the document does not contain an acknowledgement of (potential) State involvement in human rights violations through, for instance, collusion between members of the State security forces and illegal paramilitary groups. This constituted a major difference from the EC's analysis and understanding of the human rights situation in Colombia (as well as that of other international stakeholders, such as UNHCHR-Colombia).

These earlier omissions were in part remedied in the NDP 2006-2010, where there are more numerous references to IDPs, indigenous communities, trade unionists and so forth, although no mention of human rights defenders (*defensores de derechos humanos*). However there is still a marked divergence from the EC's CSP for 2007-2013, which explicitly acknowledges that the human rights situation in Colombia remains critical<sup>73</sup>. Finally the NDP 2010-2014 is a game-changing

<sup>73</sup> NDP, 2006-2010; CSP 2007-2013.

document as it contains numerous references to all groups that were omitted, or were only mentioned in passing, in the previous two NDPs<sup>74</sup>.

It is however important to stress that other Colombian government documents, such as those that refer to the mandate and activities of the erstwhile Red de Solidaridad Social (RSS) - which subsequently was transformed into Acción Social - and documents of the Presidential Human Rights Program housed in and implemented by the vice-president's office, make extensive reference to IDPs, trade unionists, human rights defenders and similar players<sup>75</sup>. In sum, while there was limited congruence between the Uribe administration's position and strategy on human rights and the EC's, particularly during the first Uribe government, this limited congruence was not evident across all sectors of government.

In contrast with the Colombian government's positions there is overall a high level of congruence between the EC's CSPs and Colombian CSOs, particularly during the period 2002-2006/2007. A high level of congruence existed, for instance, regarding the grave situation of IDPs and indigenous and Afro-Colombian groups as well as human rights defenders, trade unionists and social leaders. Colombian human rights defenders, as well as UNHCR-Colombia and UNHCHR-Colombia have stressed that the EC played a significant role in upholding the banner of human rights during the period 2002-2006/2007 and supporting the work of local human rights groups under highly adverse conditions created by the intensity of the armed conflict and the often hostile stance of sectors of the Uribe administration *vis-à-vis* the Colombian human rights community.

By way of example of more limited congruence we would draw attention to the CSP 2007-2013 which states that 'most violations are committed by illegal armed groups (the FARC and AUC). In some cases the military forces have conducted operations in which humanitarian principles have not been observed' (pp. 11-12). This statement did not reflect much evidence-based analysis by Colombian CSOs and INGOs working in or on Colombia at the time, which also witnessed how the EU Delegation in Bogotá adopted a more distant and less supportive stance *vis-à-vis* CSOs after 2006/2007<sup>76</sup>. They persuasively highlighted the alleged involvement of security forces personnel in, for instance, a large number of extrajudicial executions. In effect, echoing these independent analyses the MTR/NIP 2011-2013 states that 'in recent years, there has also been an increase in human rights violations, including extrajudicial killings, attributed to members of the security forces'<sup>77</sup>

In sum, owing to a markedly different analysis and understanding of Colombia's human rights situation as between the first Uribe administration and the EC, there was little or limited congruence during 2002-2006/2007. This changed during the period 2007-2010 when the second Uribe administration adopted a somewhat more comprehensive position and strategy on human rights and the EU Delegation in Bogotá established a close rapport with the government (which included the launch of an official dialogue on human rights in 2009) while seeking a greater degree of distancing from Colombia's non-governmental human rights community.

***While there are improvements in respect of human rights among the targeted population groups, EC contribution cannot be stated. (cfr: JC 3.3)***

It is not possible conclusively to attribute to EC interventions any specific improvements in the human rights situation among the targeted population groups. The human rights situation in Colombia and its evolution during the period 2002-2010 was shaped by a complex set of interrelated

<sup>74</sup> NDP, 2010-2014.

<sup>75</sup> Programa Presidencial de Derechos Humanos y derecho Internacional Humanitario, Situación de los Derechos Humanos, annual reports, various years.

<sup>76</sup> See, for instance, International Crisis Group, The virtuous twins: protecting human rights and improving security in Colombia, 2009.

<sup>77</sup> MTR/NIP 2011-2013, p. 5.



factors, such as the armed conflict, government policy and strategy, the illegal drug business, the demobilization of the AUC, other large donor interventions (e.g. Plan Colombia) and so on. While there is much evidence available, it is scattered and has not been systematized. Other international stakeholders, such as UNHCHR-Colombia and representatives of some EU Member States, have pointed out that at present it is difficult to gauge the impact of EC interventions. This difficulty is compounded by the fact that thus far there have been no impact evaluations of the EC's interventions in the areas of human rights and the rights of victims to truth, justice and reparation. Hence, we can only present here an indicative picture of what could have been EC contributions to the improvement in the human rights situation among the targeted population groups in Colombia during the evaluation period.

According to data of the *Observatorio de Programa Presidencial de Derechos Humanos y DIH*, the overall number of victims of the armed conflict and violence has been decreasing over the evaluation period. This decrease covers homicides, victims of anti-personnel mines, kidnapping, forced recruitment (including of minors), massacres, and some forms of human rights violation (with the notable exception, for instance, of extrajudicial executions, which started decreasing only in 2009-2010). This trend has been reflected in the zones of EC intervention, although not across all of them and not over the whole duration of the evaluation period. For instance, in 2006-2007 Cauca department (where parts of the second PL was being implemented) saw a 21% increase in homicides, while Antioquia and Norte de Santander witnessed a decrease of 9% and 7%, respectively. Likewise, in 2008-2009 Nariño department (where the second PL was being implemented) saw a 300% increase in massacre victims, while Bolivar and Sucre departments (where the third PL was being implemented in the Montes de Maria region) respectively witnessed decreases of 100% and zero<sup>78</sup>.

With respect to IDPs, data from the *Departamento para la Prosperidad Social* reveals an overall decline of the aggregate yearly numbers of forcibly displaced persons in the municipalities where the Peace Laboratories I, II and III were implemented. This trend is roughly in line with the national trend in forced displacement during the period 2002-2010. In both the municipalities of the PLs and at national level, there was a decline in the rate of annual new expulsions in the first years of the evaluation period, followed by a renewed increase during the period 2005-2007 and then another significant and steady decrease until 2010. Given this picture, it is not possible at present to attribute improvements in the numbers of new forced displacements in the municipalities of the PLs to EC interventions<sup>79</sup>.

Anecdotal evidence suggests that Colombian human rights defenders and CSOs appear to believe that EC projects in support of the protection and promotion of human and victims' rights have made some important contributions to the improvement in the human rights situation in the country. This view was substantiated during interviews with key CSO stakeholders in Bogotá who pointed out that EC support allowed them to continue working in a very difficult environment during the two Uribe administrations. In the words of a human rights defender, 'the cooperation of the European Commission has been important for the victims, the protection of human rights and for strengthening civil society. The political backing of the European Union Delegation in Bogotá for the work in support of human rights and the rights of the victims has been important, although since 2006 there has been a detachment, the dialogues have become more sporadic and the level of feedback has been low'.<sup>80</sup>

Interviews with UNHCR-Colombia officials revealed a similar interpretation of the political significance of the EC's contribution to UNHCR's work on the protection of the land and patrimonial assets of IDPs.

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<sup>78</sup>Programa Presidencial de Derechos Humanos y derecho Internacional Humanitario, Situación de los Derechos Humanos, annual reports, various years.

<sup>79</sup> Official Colombian government data provided by UNHCR.

<sup>80</sup> MN102.

In sum, while on the basis of the available evidence it cannot be stated that the EC made a specific contribution to improving the human rights situation of the targeted population, there are some indications that its interventions have had a positive effect.

## 8.4 Good Governance

### EQ. 4

**TO WHAT EXTENT HAS EC SUPPORT CONTRIBUTED, AND IS AT PRESENT CONTRIBUTING, TO BUILDING AN INSTITUTIONAL ENVIRONMENT CONSISTENT WITH GOOD GOVERNANCE PRINCIPLES?**

#### OVERVIEW RESPONSE

*EC support has contributed moderately to building an institutional environment consistent with good governance principles.*

#### Presence of the State and service provision

*Even though EC cooperation did not cover, and was not supposed to, important public management issues as regards public service provision, such as fiscal policy or inter-institutional coordination and complementarity across the different government levels, through promotion of multilevel governance it devised and implemented an institutional development strategy.*

*EC cooperation has helped sub-national bodies meet two of the three main challenges they have to face with decentralization: (1) promote participative budgeting; and (2) focus public service delivery according to social and territorial needs; and it has partially helped them meet the third challenge relating to technical capacity-building and the fight against corruption.*

#### Citizens' and CSOs' participation in debates or decision-making on key issues

*Building dialogue and participation mechanisms to facilitate interaction between civil society and public institutions at local, regional and national levels is definitely part of the peace-building process in Colombia and, in particular, part of the EC's peace-building philosophy and cooperation strategy. EC cooperation has both i) directly contributed to the constitution and effective operation of three forms of dialogue platform, at sub-national level, in the PDPs in which Peace Laboratories and RDPE are participating; and ii) helped CSOs gain credibility and technical capacities at local level where they have been favoured interlocutors of EC projects and programmes. But the EC cooperation strategy has failed to give them the political support they would have needed at national level.*

*Finally, the circumstances have not been the most favourable during the evaluation period for promoting bipartite and tripartite social dialogue mechanisms, as the EC cooperation strategy had aimed to do.*

#### Equal opportunities for all

*EC's contribution on this issue is not homogeneous. On the one hand the EC has not directly contributed to the identification of the most vulnerable population groups in the national and departmental planning exercises during the evaluation period. Nor has it directly contributed to the design of the main governmental programmes aimed at poverty reduction, focusing on MDGs, vulnerable groups and IdPs. And its contribution to citizens' and CSOs' participation in the design of public policy has been only nominal.*

*On the other hand, with the second component of the PLIII the EC directly contributed to the development, recognition and capacity-building of the most vulnerable groups (women, indigenous or afro-Colombians populations).*

#### Transparency and accountability

*Information and accountability tools and mechanisms do exist in the public bodies benefitting from EC cooperation in Colombia and selected for this evaluation. Yet their operation seems rather deficient; there is little evidence that the EC cooperation strategy has contributed to*



*enhancing the accountability system in the country.*

*Citizens' trust in public institutions at national, regional and local levels*

*The EC cooperation strategy is expected to help improve over the long run citizens' perceptions of and trust in public institutions.*

*Finally the EC's efforts to enhance the above-mentioned good governance principles during the evaluation period have built more on a coherent, yet not standard, capacity development strategy than on a structured and on-going political dialogue on governance issues. This may in part explain the EC's limited contribution in this field.*

***The State is present - as public service provider - in the departments with acknowledged zones of conflict and, to some degree, has improved its capacity to deliver basic services in the zones of conflict. The EC cooperation strategy has contributed to this state of affairs, although in a limited and indirect way (cfr: JC 4.1)***

The State is present in the sectors of education, health, water and sanitation, through departmental government, in six of the seven departments where there are acknowledged conflict zones and EC interventions. According to the DDPs investments in the three main service sectors - education (including culture), health and housing - range from a high 78.7% (Bolívar) to a low 46.6% (Norte de Santander) of total programmed expenditures for the 2008-2011 period; with intermediary programmed expenditure levels of 70.1% (Cauca), 75% (Nariño) 63.6% (Sucre) and 53.5% (Antioquia)<sup>81</sup>.

As to the effective service delivery capacity of the State in the conflict zones, studies carried out by the National Planning Department over 2007-2010 at municipal level show a global improvement in the coverage and quality of basic social services at local level in the conflict zones (Municipal Performance Index) as well as in municipal delivery capacity (Municipal Efficiency Index). Nevertheless this improvement has not been evident in all the municipalities<sup>82</sup>, as confirmed by another study according to which, in spite of relevant progress in education, health and, albeit to a lesser degree, water supply and sewage treatment, public service delivery in Colombia is still deficient<sup>83</sup>.

Judiciary services are reported to be delivered – although often in a limited way - through the *Fiscalía, Defensoría, Procuraduría* and the court system in the conflict zones<sup>84</sup>.

As regards the EC cooperation strategy's contribution to the presence of the State during the evaluation period, it is necessary to bear in mind that EC cooperation with Colombia was never meant to act directly on the three main basic service sectors (education, health and housing services), but " ... to support the Colombian state in its efforts to ensure that institutions and public services – the judiciary, schools, hospitals and a drinking water supply - are ... present ... with a view to achieving a medium-term effect on the conflict in Colombia (CSP2007-13)." Consequently the EC has devised and implemented an institutional development strategy built initially on three pillars: institutional capacity development of (1) the State through capacity building in (1a) the judiciary institutions and of (1b) local public institutions; and (2) NSA, grassroots and community organizations at local level<sup>85</sup>. With the implementation of this strategy the EC has contributed indirectly to improving the State's presence as public service provider at local level.

<sup>81</sup> 2008-11 Departmental Development Plans (DDP) and corresponding budgets. No information available for the Department of Meta nor on municipal investments.

<sup>82</sup> Details can be found in EQ1 above (JC 1.3)

<sup>83</sup> Sánchez and Zenteno, Study on decentralization and fiscal sustainability, BID 2010

<sup>84</sup> DNP, Evaluación de Impacto de los Programas Paz y Desarrollo, Laboratorios de Paz: Línea de base e impactos preliminares, 2008; ICG, The Virtuous Twins, May 2009

<sup>85</sup> Details can be found in EQ7 below (JC 7.2)

❖ Decentralization's role in the evolution of service provision capacity at sub-national level

With the 1991 Constitution competences were redistributed between public bodies of the three levels of government and a gradual transfer to territorial bodies (departments and municipalities) of more than half of the nation's current income took place. Adjustments in the technical, administrative, legal, financial and fiscal organization of public bodies at national, regional and local levels were introduced. Yet in 2009, eighteen years after the 1991 decentralization measures, sub-national entities still show limited fiscal performance and, therefore, a relatively high degree of fiscal dependence. Sub-national bodies' expenditure budgets are highly dependent on resources which are "tagged" (or conditioned) to be used on investments in basic public service sectors, that is education, health and housing services (water, sanitation). This partly explains the substantial weight of investments in education, health and housing services in departmental expenditure budgets, as reported above.

Furthermore, these adjustments have not entailed a clear distribution of responsibilities in the field of public service delivery between the three levels of governmental bodies, especially in education, health, and housing services in which competences overlap and conflicts between administrations often arise. This lack of a clear distribution of competences makes it difficult to identify inter-institutional complementarity and promote coordination procedures, a weak point of the decentralization process in Colombia. It also eliminates all possibility of introducing the principle of subsidiarity in public management.

The EC cooperation strategy during the evaluation period did not cover the public management issues of fiscal and multilevel governance.

With decentralization, sub-national bodies have to face three challenges:

- i. to promote citizen's participation in local budget allocation (participative budgeting);
- ii. to increase the efficiency of local public expenditure through technical capacity-building in local entities and more extensive and better control of corruption by control bodies or watchdog organization; and
- iii. to focus public services delivery according to social and territorial needs.

There is awareness of these three challenges at sub-national level, as shown below (JC 4.2 & JC 4.3 on dialogue and participation; JC 4.3 on most vulnerable population needs; JC 4.6 on institutional capacity development).

EC cooperation, through projects and programmes in its 3 sectors of intervention, has helped sub-national bodies to meet the first and the third challenges, related to citizen/CSOs' participation and to better focus public service delivery; and to meet partially the second one, related to technical capacity building and fight against corruption.

***EC cooperation strategy has helped promote the participation of civil society and citizens in debates and /or decision-making on key issues for the strengthening of society and public affairs management at local /municipal level in the zones of conflict , but not so at national level (cfr: JC 4.2)***

Building dialogue and participation mechanisms, aimed at facilitating interaction between civil society and public institutions at local, regional and national levels, is definitely part of the peace-building process in Colombia. As CSO Red Prodepaz puts it: *a PDP (and Peace Laboratories are part of 11 of the 19 existing PDPs) is a bet on dialogue. Peace and development have to be built at the confluence of local interests, bringing those who think differently to sit together around the dialogue round-table in order to de-construct violence.*

The EC peace-building philosophy and cooperation strategy in Colombia has been based on a set of four fundamental EU principles including promotion of political dialogue and the active participation of Civil Society. Hence EC cooperation programmes such as the Peace Laboratories and their successors have promoted dialogue and CSO's or citizens' participation and have created, wherever possible, mechanisms for dialogue and participation at local, regional and, lately, national levels.

The PDPs have promoted three types of dialogue platform; (1) helping create at community (sub-municipal) level dialogue platforms aimed at fostering social capital; (2) helping create, at municipal level, thematic dialogue platforms responding to regional and local priorities, aimed at debating issues which are sources of conflict among local players and interests (dialogue on mining, environmental issues, human rights, etc.); and (3) helping strengthen, at municipal and departmental levels, the capacity of constitutional institutions such as the territorial planning committees, the municipal and departmental committees on rural development, municipal social and political policy committees, initiatives for victim organization, and committees attending IDPs. Those platforms exist and are operational. Key stakeholders confirm it.

EC cooperation has contributed directly to those three dialogue modalities in the 11 PDPs in which Peace Laboratories and RDPE are participating.

Most of the 2008-11 Departmental Development Plans (DDPs) that cover acknowledged conflict zones incorporate, within their institutional development component, actions aimed at promoting "participation and community development". But the budgets allocated to this line of action are rather limited.

At national level dialogue and participation have two characteristic features. The first concerns the active participation of CSOs in dialogue platforms which in the end are sterile; such is the case of the Dialogue on Policies, the new line of action of EC's latest programmes – LPIII and DRPE I - aimed at building round-tables at which national players from different sectors would jointly produce inputs for public policies. While the Dialogue on Policies has promoted workshops on different issues (youth, land, etc.) and most notably, in October 2010, a workshop in which inputs to the 2010-14 National Development Plan were reviewed, it has not been able to produce a stable mechanism for an on-going and productive dialogue. The second feature concerns the marginal participation of CSOs in important fora. One case is that of the London-Cartagena-Bogotá dialogue process and the G24<sup>86</sup>. While CSOs have from the beginning had full membership of those fora, they denounce their gradual exclusion from those fora during the evaluation period. Another case is that of the Bilateral Dialogue on Human Rights, a mechanism established in 2009 between both the EU and the GoC. CSOs receive information but are not invited to participate directly in this dialogue on Human Rights.

At local level EC programmes have contributed to the active participation of CSOs in public municipal affairs, in particular in the drafting of municipal development and territorial plans. To achieve this, EC programmes have promoted CSOs' capacity building through actions such as the Strategic Territorial Plans of Participative Governance (PET de *Gobernabilidad participativa*), small HR and Governance projects, and socio-economic projects. Other projects have helped develop the lobbying capacities at local and regional levels, of women, youth, indigenous and afro-Colombian peoples, along with networking.

Civil Society Organizations participating in dialogue on peace, social or human rights issues or in territorial planning committees enjoy high degrees of legitimacy and representativeness, partly as the result of their technical and political capacity (which the EC cooperation strategy at local level has helped strengthen), partly as a result of citizens' positive perceptions and of their need to find a substitute for the much discredited traditional bodies of political mediation and representation (i.e. political parties).

Yet in the national context, CSOs of the HR sector view themselves as fundamental players, in particular as defenders of democracy, and they consider that during the evaluation period the EU has not understood their role and significance and has not provided them with adequate political support.

In sum, during the evaluation period the EC cooperation strategy has clearly helped CSOs gain credibility and technical capacity at local level where they have been favoured interlocutors of EC projects and programmes and have been deemed eligible to receive grants and institutional capacity-

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<sup>86</sup> Details on those fora can be found in EQ8, CJ 8.1 on Donor Coordination Mechanisms

building. But the EC cooperation strategy has failed to give them the political support they would have needed at national level.

Finally, on the issue of bipartite and tripartite social dialogue mechanisms, which the EC planned to promote as part of Colombia's integration into the global economy, it seems necessary to recall, as human rights CSOs point out, that in Colombia the OIT agenda during the evaluation period has been less centred on labour rights than on violence against trade unions and trade union members; and that in such circumstances social dialogue seems rather out of place and action should instead be aimed at defending labour rights as civil and political rights.

***EC contribution to the generation of an environment for equal opportunities for all, in particular for the most vulnerable groups of population in a context of armed conflict, has been limited during the period under study. (cfr: JC 4.3)***

National and Departmental Development Plans clearly identify who they consider as part of the most vulnerable population groups and extensively register their needs, which can be summarized as respect for human rights in a wide sense of the term (humanitarian but also social, economic, political rights, etc.). While NDPs restrict their definition of the most vulnerable groups to ethnic groups (Afro-Colombian and indigenous) and women, the departments selected for this review include in their 2008-11 DDP ethnic groups, women and youth, displaced and "reintegrados" (re-integrated people). As for the EC, its identification of the most vulnerable groups as ethnic groups, women and youth - particularly those living in the conflict zones - as well as uprooted populations and IDPs (displaced), at first sight reveals a closer match to the departmental concept than to the national concept.

Where points of view diverge is on the IdP issue. IdPs have been an important receptor of EC humanitarian aid from the beginning of the evaluation period, namely as IdPs in the first part of the evaluation period (2002-06), and afterwards as part of the victims of the armed conflict. In the three successive NDPs drafted during the evaluation period, the IdP issue is treated separately from the rest of the vulnerable population groups. In the 2002-06 NDP, IdPs are addressed, in a short paragraph, as part of the urban problem. The 2007-10 NDP handles IdPs as a HHRR issue in the Defence and Democratic Security Chapter. Finally, in the 2010-14 NDP IdPs join the poorest in the Social Promotion line of action. From 2007 attention to IdP needs ranges from official registration to integral attention (prevention, protection, humanitarian aid, socioeconomic stabilization). In spite of this particular perspective, IdP needs are addressed through the main governmental programmes aimed at poverty reduction<sup>87</sup>.

In sum, it cannot be asserted that the EC has directly contributed to the identification of the most vulnerable population groups in the national and departmental planning exercises. Nor that it has contributed to the design of the main governmental programmes aimed at poverty reduction, focusing on MDG, vulnerable groups and IdPs. Nevertheless we can conclude that, with the inclusion of the PDPs in the 2007-10 and 2010-14 NDPs, the EC has indirectly - through the PL - helped focus governmental programmes on the needs of the most vulnerable populations living in the PDPs' intervention territories, that is the conflict zones.

As regards the EC contribution to a participatory approach in the design of national and sub-national strategies and programmes targeting vulnerable groups, it should be recalled first that in Colombia citizens' and CSOs' participation is regulated at national level through different laws since the 1991 Political Constitution was inaugurated. According to this legal context CSOs can take part, through a variety of consulting mechanisms, in the drafting of the main national programming documents (NDP, DDP), although not automatically in policy drafting.

<sup>87</sup> Familias en Acción, Red para la superación de la Pobreza Extrema Red UNIDOS -before RED Juntos-, Protección de Tierras y Patrimonio de la Población Desplazada por la Violencia y Programa contra Cultivos Ilícitos (PCI), which includes "Familias Guardiabosques" and "Proyectos Productivos"

The EC's contribution to citizens' and CSOs' participation in the design of public policy during the evaluation period is infrequent. In October 2010 EC's PLIII programme, through its Dialogue on Policies component, organized a workshop aimed at reviewing inputs to the 2010-14 NDP with the participation of Colombian government entities, non-State and civil society organizations, and representatives of international organizations, European governments and the EC<sup>88</sup>. This workshop is part of a new line of action that the EC has tried – with little success - to promote through its latest programmes, aimed at the installation of discussion round-tables where national players from the public and civil society spheres, among others, would jointly produce inputs for public policies.

We have already discussed (JC 4.2) the dialogue and participation mechanisms that the PL have promoted at local level.

With the second component of the PLIII the EC has directly contributed to the development, recognition and capacity-building of most vulnerable groups. Women, indigenous or afro-Colombian populations have received grants to implement projects they have designed; their organizations and networks have received support with which to derive the capacity to participate in the design of future programmes of attention of the most vulnerable.

At local level, as reported in JC 4.2 above, the EC has through the PL programmes helped create, or strengthen and operate, dialogue platforms and mechanisms at community, municipal and departmental levels.

Finally, citizens' and CSOs' participation is an issue closely connected with trust and how CSO and citizens' initiatives conceive their relationship with the State and, conversely, how State representatives conceive their relationship with CSO and citizens' initiatives. The EC's contribution to building trust is addressed in the Impact Assessment of the Peace and Development Regional Programmes (of which the Peace Laboratories are part), in which it comes to the conclusion that the programmes have a positive impact on citizens' perceptions of public institutions. It can therefore be concluded that the EC cooperation strategy has helped improve the level of citizens' trust in public institutions.

***While there are extended evidence that information and accountability tools and mechanisms formally exist in selected public bodies benefitting from EC cooperation in Colombia, those tools are not totally operational, the information produced show weaknesses and EC cooperation has not contributed to enhance the accountability system in the country. (cfr: JC 4.4)***

In line with the existing legal regulations, the public bodies benefitting from EC cooperation in Colombia and which have been selected as a reference for this evaluation have developed information and accountability tools and mechanisms. A rapid review of the website of the selected bodies confirms this fact. Websites generally include a section called transparency or accountability ("*rendición de cuentas*") in which the institution publishes documents such as Management Reports, Accountability Reports, Improvement Plans and assessments of their progress, Management Plans, and Financial Statements. But the information provided is far from flawless. Information varies in terms of quantity, quality, reliability and timeliness from one institution to the other. Depending on the type of report, information may be insufficient or too superficial; available but scattered under different sections and different labels; or available but not updated.

The Ministry of Justice and Home Affairs, the National Planning Department and the *Fiscalía General de la Nación* are among the selected institutions which provide the most detailed information. The *Fiscalía General de la Nación* is the only body which has issued a Detailed Report on the State of Internal Control, as required by the 2011 Law # 1474<sup>89</sup>. This new Law provides additional evidence

<sup>88</sup> DNP, Memorias, October 2010

<sup>89</sup> The 1474 Law of 2011 establishes rules and procedures aimed at strengthening the mechanisms to prevent, investigate and punish acts of corruption and enhance the effectiveness of control on public management.

that public bodies in Colombia have mechanisms to enhance transparency and accountability, the weak point being the application of those mechanisms.

It is important to note that the role played by CSO's and citizens' control bodies (the '*Veedurias Ciudadanas*') is quite limited and often overlooked on the various websites. As regards the EC's role, there is little evidence about EC cooperation strategy's contribution to this issue.

***In the long run, the EC cooperation strategy will help improve citizens' trust in public institutions (cfr: JC 4.5)***

Trust in local, regional and national governments, as measured through an indicator of performance very similar to that of transparency, attracts very low scores. When asked if they considered that the governments consult them on their decisions, making public those decisions and sharing information in timely fashion, citizens allotted municipal, departmental and national governments scores of 29, 25 and 33 respectively (out of a maximum of 100).<sup>90</sup> 62% of persons interviewed in 2010 consider that corruption is the main problem affecting public institutions and public management in Colombia<sup>91</sup>.

Nevertheless, the levels of trust showed vary considerably from one institution to the other. The America's Barometer 2010 survey outlines an interesting scale of citizens' trust or distrust.<sup>92</sup>

As far as overall trends are concerned, changes were rather minor between 2004 and 2010.

Finally, the Impact Assessment of the Peace and Development Regional Programmes (of which the Peace Laboratories are part) concluded that the programmes have a positive impact on citizens' perception of public institutions. It can therefore be concluded that the EC cooperation strategy will in the long run help improve the levels of citizens' trust in public institutions.

***In conclusion, the EC's efforts to enhance the above-mentioned good governance principles during the evaluation period build more on a coherent, yet not standard, capacity development strategy than on a structured and ongoing political dialogue on governance issue, a situation that may explain EC's limited contribution in this field (cfr: JC 4.6)***

The EC's promotion of good governance principles does not appear to have rested on a structured or constant political dialogue of institutional calibre, directly or indirectly related to governance issues, led within established fora<sup>93</sup> or within other less formally established spaces, until the appointment to the EUD, at the end of the evaluation period, of a Political Counsellor specifically responsible for political issues including political dialogue.

On the contrary, even without following the Institutional Capacity Development (CD) framework as proposed in the 2008 Backbone Strategy<sup>94</sup> and without carrying out standard institutional capacity assessments, EC interventions in Colombia have been framed within a coherent institutional

<sup>90</sup> America's Barometer, LAPOP, 2010

<sup>91</sup> DANE 2010 Survey in MTR 2010, Consulta con la institucionalidad Pública, Anexo 2,12

<sup>92</sup> Rodríguez Raga Juan Carlos (Universidad de los Andes) y Mitchell A. Seligson, Ph.D. (Vanderbilt University), Political Culture of Democracy in Colombia, 2010 - Democratic Consolidation in the Americas in Hard Times, Barómetro de las Américas et al., Bogotá August 2011

<sup>93</sup> We refer to the following: London-Cartagena-Bogotá Conferences and Declarations; G24 meetings; National Government Consultations on EC's 2006 and 2009 CSP and MTR Planning; IDPs and Land Tenure multiactor dialogues; Bilateral dialogue on HR, etc. See detail in Matrix JC 4.6

<sup>94</sup> Refer to EC's Backbone Strategy [HTTP://CAPACITY4DEV.EC.EUROPA.EU/ARTICLE/BACKBONE-STRATEGY-WHAT-WHO-WHERE](http://capacity4dev.ec.europa.eu/article/backbone-strategy-what-who-where); EC, European Commission Technical Cooperation reform, Introduction to the EC's approach, Nov. 2010; EC, Reforming Technical Cooperation and Project Implementation Units for external Aid provided by the EC : a backbone strategy, July 2008



development strategy<sup>95</sup>. This institutional development strategy was initially built on three pillars: institutional capacity development of (1) the State through capacity-building in (1a) the judiciary institutions and of (1b) local public institutions; and (2) NSA, grassroots and community organizations at local level. And it was later complemented with an additional, fourth pillar: trade-related technical assistance and capacity-building<sup>96</sup>.

Therefore, we can conclude that the EC's efforts to enhance good governance principles have been less focused on policy dialogue than on selected institutions (in the field of justice), selected types of players (in the social and public sectors) at a specific level of administration (local), and on a selected sector (trade) linked with the Trade Agreement.

## 8.5 Productivity, Competitiveness and Trade

### EQ. 5

**TO WHAT EXTENT IS EC SUPPORT CONTRIBUTING TO IMPROVING PRIVATE SECTOR PRODUCTIVITY AND COMPETITIVENESS AND HELPING COLOMBIAN MICRO, SMALL AND MEDIUM ENTERPRISES (SME) TO POSITION VALUE-ADDED GOODS ON NATIONAL AND INTERNATIONAL MARKETS EFFECTIVELY?**

#### OVERVIEW RESPONSE

*The EC contribution has helped micro, small and medium enterprises to access local and national markets, particularly in the rural areas of the country with an important emphasis on environmental sustainability aspects. On the other hand it has contributed to strengthening the National System of External Trade, which in the medium term will facilitate commercial activity in the enterprise sector and therefore its competitiveness.*

*For the national government, trade, competitiveness and productivity are fundamental axes that are prioritized in the national development plans elaborated during the last 10 years, along with elaboration of the national competitiveness and productivity policy CONPES. Additionally, during the last two periods of government (2002-2006 and 2006-2010), trade liberalisation has been prioritized, which is reflected in the conclusion of free trade agreements, particularly with the EU, Canada and the USA. In the 2007-2013 CSP the EC included the area of competitiveness and productivity in its cooperation strategy, with proposals for intervention in line with national policies.*

*Governmental policy has aimed at increasing access to finance, improving provision of business development services and enhancing the business enabling environment. According to the report *Doing Business 2010 in Colombia*, the country has made many improvements since 2007. With a total of 24 reforms across the ten *Doing Business* topics, Colombia has made it easier for firms to start and operate, has strengthened property rights and has improved bankruptcy procedures. In this regard, it is not possible to determine the level of contribution of the EC's strategy.*

*With the implementation of the DELCO programme in six regions, micro and small businesses have been supported, with important achievements such as tying them into regional productive chains, improving their commercial management and levels of sales, and developing new brands and products for local and national markets. The current application of the LEADER approach adopted by DELCO (refer to footnote 71) could represent a successful example of fostering the competitiveness of rural areas through economic diversification and territorial development. Additionally, the regionalised approach has been also adopted by the Ministry of Trade through the FOMIPYME, the national fund supporting MSMEs in promoting technological development and productive transformation.*

<sup>95</sup> The issue of Institutional Capacity Development (CD) is developed in EuropeAid's Backbone Strategy (Reform of Technical Cooperation), (and emphasized in the EC Communication "Proposal for the EU common position for the 4th high level forum on aid effectiveness, Busan (EC, 2011, 541)

<sup>96</sup> Further details on this issue can be found in EQ 7, JC 72 below.



*Although it is premature to mention the effects it will have on the competitiveness and productivity of the national companies, the EC has contributed to strengthening the National System of External Trade and to reducing the impact of non-tariff barriers to trade, which in the medium term will facilitate export activity and access to new markets. This contribution includes the creation of the National Institute of Metrology and the recognition of the National Organism of Accreditation, as well as the strengthening of institutions linked to the System, such as the Superintendence of Commerce and Industry, the National Institute for the surveillance of food and drugs (INVIMA), the Colombian Agricultural Institute and the Risk Assessment Unit for Food Safety (UERIA). There is very little harmonisation between regional and sub-regional programmes in this respect, even if there are similarities (such as INTERCAN, FAT Trade, INPANDES, AL-Invest, CESCAN I). Only in this last case is there evidence of synergy with the DELCO Project.*

*Both in the local and national governments, as with project partners, there is evidence of sustainability of the activities promoted by the EC cooperation programme. At national level the National Policy of Competitiveness and Productivity was drawn up, and the CONPES for the Local Economic Development is being revised. Also, regional authorities have included in their development plans action and financial resources for Local Economic Development promotion activities.*

***The EC support strategy responds, as from 2006, to the national needs and priorities in terms of competitiveness, productivity and trade performance and takes into account the overarching objectives of the specific EC regional policy framework (cfr: JC 5.1)***

The strengthening of competitiveness, productivity and trade performance have been a national priority as of the National Development Plan 2002—2006 *Hacia un Estado Comunitario*. Each Development Plan identifies different and specific measures to promote sustained economic growth, for instance the following in the above-mentioned Plan: i) streamlining bureaucratic procedures; ii) strengthening the coordinator role of the State, iii) creating a balanced system of property rights, iv) enhancing access to ICT within the framework of Connectivity Agenda. These measures were considered key priorities in achieving sustained growth. In the 2006-2010 National Development Plan five strategies were identified to foster competitiveness: 1) business development, innovation and technological development; 2) promotion of saving, investment and financing initiatives; 3) physical capital; 4) human capital; and 5) productive development institutions. In the new national development plan 2010-2014 five driving forces have been identified: science, technology and innovation; agriculture; housing; mining and energy; and infrastructure. Moreover the Plan stresses the importance of micro, small and medium enterprises (the so-called MiPYMEs).

Nevertheless, as stated in the CSP 2002-2006 the priority for the EC until 2007 was supporting the peace process and contributing to eradicating the roots of violence. The EC support strategy for productivity, competitiveness and private sector development started to be put in place after 2006, during the second programming period (CSP 2007-2013). Prior to this the EC did not consider competitiveness and private sector development (PSD) as a priority of the bilateral cooperation with Colombia, although support to trade and private sector development (TPSD) was channelled through regional and sub-regional programmes such as AL-Invest, @lis or “Cooperación UE-CAN en materia de Asistencia técnica relativa al Comercio”, among others.

At regional and sub-regional levels of cooperation, there is clear evidence of low harmonisation between projects which, given their objectives and scope, would have high potential for synergies and complementarities; they include INTERCAN, FAT COMERCIO, INPANDES, AL-Invest, CESCAN I. Only the last-mentioned shows evidence of articulation or synergy with the DELCO project, manifested in a number of meetings and contacts to promote the DELCO model in trans-boundary areas. Several boundary regions are indeed starting to apply the DELCO model in their territory.

In line with the CONPES document (3527) on the National policy of Competitiveness and Productivity (2010), there is evidence that the EC strategy reflects some of the specific national needs: (1) strengthening growth in productivity and employment, (2) promoting a competitive

agricultural sector, (3) encouraging business formalization, (4) promoting environmental sustainability as a competitiveness factor, and (5) contributing to institutional strengthening.

Additionally, further to the signature of the Free Trade Agreement between Colombia and Perú on the one hand and the EU on the other, and also between Colombia and the USA, productivity, competitiveness and trade will, or should, gain further relevance in the EC cooperation programme. Indeed, the provision of technical assistance for modernisation and innovation, for transfer of technologies and trade facilitation, particularly in relation to technical barriers to trade, seems to be envisaged.

***EC support is focused on helping improve national SMEs' productivity and competitiveness, while complying with social responsibility and energy efficiency criteria (cfr: JC 5.2)***

Overall, there is documentary evidence that national SMEs' productivity and competitiveness are increasing, thanks to a governmental policy aimed at increasing access to finance, improving the provision of business development services and enhancing the business enabling environment. According to the report Doing Business 2010 in Colombia, the country has made many improvements since 2007. With a total of 24 reforms across the ten Doing Business topics, Colombia has made it easier for firms to start and operate, strengthened property rights and improved bankruptcy procedures. This pace of reform has allowed Colombia to move up the "ease of doing business" ranking; and indeed, in the Doing Business 2011 report, Colombia ranks 42<sup>nd</sup> of 183.

Based on the statistics of the DANE survey '*Encuesta de Microestablecimientos*' 2010, the total number of registered enterprises almost doubled between 2002 and 2010, from 630,159 to 1,161,996. The introduction of one-stop shops (*Centros de Atención Empresarial* or CAEs) in six cities could be an explanation. Also, the time to start a business and its cost have dropped, thanks to legal changes that allow creation of a company with a private document, without a notary. In 2008 the government also issued decrees to cut the number of mandatory company books and the cost of registering them.

Access to credit is also improving. A new credit information law '*Ley de Habeas Data*' regulates credit information sharing and introduces protection for consumers by allowing them to access and review their data. Nonetheless, according to the Enterprise Survey 2010 for Colombia, of the 349 small enterprises taking part in the survey, only half had access to a loan or line of credit despite the fact that 94% had a savings account. On the other hand the large firms have easy access to financial services and only 11.6% of them identify finance as a major constraint (more than 50% of small enterprises consider access to finance as a major constraint).

The impacts in improving MSME productivity and competitiveness of EC interventions are to be seen in the medium to long term. An example of this is the programme of Technical Attendance to Trade in which the main actions aim to strengthen the National System of Trade so as to facilitate the processes of external trade for national companies, thereby contributing to their future competitiveness. In this sense, actions such as the strengthening of the Super Intendencia of Industry and Trade, the creation of the National Institute of Metrology and the elaboration of the National Policy of Metrology, the support for the process of international recognition of the National Organism of Accreditation, the strengthening of the *Instituto de Vigilancia de Medicamentos y Alimentos*, among others, will facilitate the commercial activities of national companies. In the specific case of DELCOs' productive activities, there are evidences on the impact of these activities in employment creation and on the increase of sales. The consolidation of these businesses and the improvement of their competitiveness after DELCOs' end are yet to be observed. On the other hand environmental sustainability appears to be extensively mentioned in "*Desarrollo Económico Local y Comercio en Colombia*" and the Third Peace laboratory. As regards "*Desarrollo Económico Local y Comercio*", the programme incorporates a component addressing environmental mitigation measures within MSME production strategies. One of the activities of the programme under Result 1<sup>97</sup> includes Support to

<sup>97</sup> Result one of the Programme '*Desarrollo Económico Local y Comercio*' aims at developing institutional capacities in public and private stakeholders to strengthen the national system of care to MSMEs.

the National Plan of Green Markets as elaborated by the Ministry of Environment. Additionally, the programme intervenes at three levels to mainstream environmental sustainability:

1. supporting coordination with the Ministry of Commerce and Ministry of Environment as well as the Regional Autonomous Entities to ensure that environmental rules are applied at national level;
2. elaboration of two sectoral studies on green market and green production to identify relevant value chains, which could encourage provision of green products and services;
3. support, through Calls for Proposals, initiatives which stimulate good environmental practices.

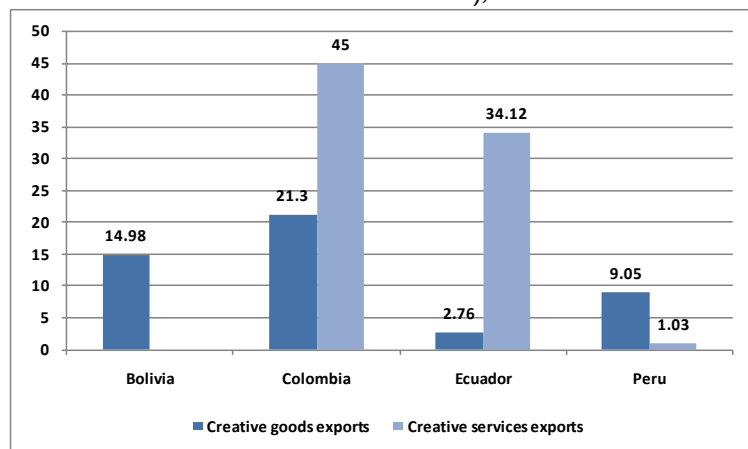
Environmental sustainability was not considered within the Technical Assistance to Trade programme; nonetheless one component entailed improving producer organisations' and SMEs' awareness of Corporate Social Responsibility (CSR) so as to enhance their CSR practices.

***EC support is contributing to improving the positioning of MSMEs' products on regional, national and international markets. (cfr: JC 5.3)***

The EC's support is helping improve the positioning of MSME products in the markets, with greater emphasis at national level and in some cases at international level. In the six regions in which the programme DELCO was implemented, promotion of productive chains was expected to generate significant achievements in commercial management and increase the level of sales, as well as development of new brands and products and employment generation in their regions.

At local level networks of producers and commercial alliances between actors have been strengthened, which on the basis of the main products and general potential of a region are contributing to the local development of the territories. The companies linked to these chains have participated in training processes and in business spaces that have allowed access to new markets and increased sales volumes. Also, the EC cooperation resources have helped them manage, and acquire sanitary permission for, commercialization of new products. Also the TA to Trade Programme has facilitated measures aimed at reducing the impact of non-tariff barriers; and furthermore, through the demonstration projects, productive activities have managed to attract quality certificates and sanitary registration for the export of their products.

**FIGURE 3: CREATIVE GOODS AND SERVICES (% OF TOTAL GOODS AND SERVICE EXPORTS), 2011**



Source: Global innovation Index 2011

Based on statistics from the Ease of Doing Business Report<sup>98</sup>, the Global Innovation Index<sup>99</sup> and the Enterprise Surveys<sup>100</sup>, some major findings have emerged on the positioning of SMEs in international

<sup>98</sup> The Ease of Doing Business Index is based on the study of laws and regulations, with the input and verification by more than 8,000 government officials, lawyers, business consultants, accountants and other professionals in 183 economies who routinely advise on or administer legal and regulatory requirements. A nation's ranking on the index is based on the average of 10 subindices: 1) Starting a Business -; 2) Dealing with construction permits; 3) Employing workers; 4) Registering property; 5) Getting credit; 6) Protecting investors; 7) Paying taxes; 8) Trading across borders; 9) Enforcing contracts; and 10) Closing a business.

and regional markets. Among the Andean Community of Nations, Colombia was the best performer in terms of the Global Innovation Index, ranking 71<sup>st</sup> out of 125 economies, while Peru ranked 83<sup>rd</sup>, Ecuador 93<sup>rd</sup> and Bolivia 112<sup>th</sup>.

As illustrated in the figure, more than 45% of Colombian services exported in 2011 were creative services<sup>101</sup> while around 21% of goods exported were of creative goods, which denotes a very good performance in terms of export diversification.

Based on Ease of Doing Business Index, Colombia and Peru are on the same positions ranking 42<sup>nd</sup> and 41<sup>st</sup> respectively. Over the past six years Colombia and Peru have worldwide been among the 40 economies that have done the most to improve their regulatory environments for entrepreneurs.

But in spite of the good performance some major issues still persist and constitute key limits to the positioning of SMEs in international markets, namely political stability (Colombia ranks 120 out of 125 economies)<sup>102</sup> and access to finance (in 2011, 51.6% of small firms identified access to finance as a major development constraint).

***The benefits of the intervention in the area of productivity, competitiveness and trade will be maintained after the end of external support. (cfr: JC 5.4)***

Over the past six years Colombia has been among the economies worldwide that have done most to improve their competitiveness. Colombia climbed five places to rank 46<sup>th</sup> of 58 countries. In the 2009 World Competitiveness Yearbook (WCY) Colombia ranked 51<sup>st</sup>, but by 2011 it was the world's 45<sup>th</sup> most competitive nation. Moreover, competitiveness and MSMEs continue to be a governmental priority as demonstrated in the policy papers such as CONPES (3527) '*Política Nacional de Competitividad y Productividad*' (2010).

EC cooperation seems to have also created a basis for sustainability of the outcomes of its local economic-development-related interventions. Some indicators of potential sustainability rest on the following elements that emerged from the mid-term evaluation of the DELCO programme:

- inputs into the elaboration of a CONPES of Local Economic Development and inclusion of several departmental development plans with financial resources to promote local economic development;
- inclusion of local authorities in the programme and the financial contributions of the departments and municipalities to the call for proposals; during the start-up phase of the programme the Governments of the benefitting departments of DELCO<sup>103</sup> committed around 800 million pesos each (with the exception of Bolívar);

<sup>99</sup> The Global Innovation Index 2011 (GII) is a joint publication by INSEAD and the Confederation of Indian Industry, and is an example of a framework for assessing countries' innovation readiness. The report brings together indicators to measure innovation performance, taking into account the country's ability to draw the best advantage from leading-edge technologies, expanded human capacities, better organisational and operational abilities and improved institutional performance.

<sup>100</sup> The enterprise Survey is a firm-level survey conducted by the World Bank on a representative sample of private sector representatives. The surveys cover a broad range of business environment topics including access to finance, corruption, infrastructure, crime, competition, and performance measures.

<sup>101</sup> Based on UNCTAD definitions creative services encompass the following categories of: (1) advertising, market research and public opinion polling services; (2) architectural, engineering and other technical; (3) research and development services; (4) personal, cultural and recreational services, (including 4.a. audiovisual and related services); and (5) other personal, cultural and recreational services.

<sup>102</sup> The Global Innovation Index 2011

<sup>103</sup> The benefitting department of the programme '*Desarrollo Económico Local y Comercio en Colombia*' under result 2 are as follows: Bolívar, Boyacá, Nariño, Valle del Cauca, Santander y Meta

- FOMIPYME<sup>104</sup>, the Colombian Fund for Modernization and Technological Development of micro, small and medium enterprises, has adopted the same approach as that launched by the EC Programme DELCO, for example regionalising the funds; each call for proposals was tailored to the characteristics of the MSMEs for each department;
- application of Leader methodology<sup>105</sup> which encompasses five driving factors which could assure enhanced sustainability:
  1. organisation of a local partnership – called a “local action group” (LAG) – with the participation of local players and implementation of an action plan;
  2. development and implementation in a number of rural areas of a “local action plan” setting out several priority lines of intervention for development projects;
  3. a multi-sectoral approach and a systematic search for links between actions, as part of an integrated global strategy;
  4. co-financing of these action plans;
  5. networking between the respective rural areas in order to develop a learning platform of best practice. Indeed the Ministry of Trade of Colombia has started to develop the on-line platform SIG-WEB which is intended to be a learning tool as well as a monitoring and follow-up instrument of progress achieved. Unfortunately the platform is not working yet.

Nonetheless the political stability of the regions can seriously affect the sustainability of the process; for instance the evaluators of DELCO underlined the precarious situation and the high turnover in the administration in Bolivar department.

On the other hand, within the framework of the TA to Trade project, the National Policy of Metrology was formulated and the National Institute of Metrology was created, with its own budget and independent plan of action. The actions developed jointly with the *Super Intendencia* of Trade Industry will continue since they are part of the institution's mandate. To continue the training processes, the *Super Intendencia* has a cooperation unit that has developed a strategic cooperation management and articulation plan.

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<sup>104</sup> The FOMIPYME 'Fondo Colombiano de Modernización y Desarrollo tecnológico de la micro pequeña y mediana empresa' is one of the main tools of the National Government to promote the productive transformation of Colombian SMEs, by providing co-financing grants, projects aimed at strengthening, improving productivity and technological development MSMEs with sector, regional and national impact.

From 2001 until June 2008, the FOMiPYME approved 828 programs with a total amount of assigned co-financing non-refundable resources accounting for \$ 142,691 million pesos. 69.8% of total of these resources has been earmarked to support microenterprises. In 2009, the FOMiPYME had approved 12,190 million pesos for co-financing initiatives.

<sup>105</sup> 'Leader' is the term used to describe a special local development approach for rural areas. The name Leader originates from the French abbreviation for '*Liaison Entre Actions pour le Développement de L'Economie Rurale*' (which roughly translates to 'links between actions for developing the rural economy'). It was originally introduced by the European Commission in the early 1990s as an experimental approach to rural development.

## 8.6 Environmental sustainability

### EQ. 6

**TO WHAT EXTENT HAS EC SUPPORT, AND IN PARTICULAR MAINSTREAMING THIS CONCERN IN NON-SPECIFIC ACTIONS, CONTRIBUTED TO ENHANCING ENVIRONMENTAL SUSTAINABILITY?**

#### OVERVIEW RESPONSE

*Although environmental sustainability is not a priority within the EC's cooperation strategy in Colombia, considering the actions taken and results achieved, it can be stated that the EC cooperation has contributed to improving the sustainability of the environment of the country.*

*Evidence gathered to date shows that EC support has succeeded in mainstreaming environmental sustainability across its interventions. Environmental sustainability is closely related to local economic development in the departments affected by the internal conflict, namely Antioquia, Meta, Bolivar and Sucre departments. This concern also features in all productive activities promoted within the framework of the DELCO program, as well as in the implementation of environmental-friendly productive practices and in the elaboration of environmental management and impact plans. Furthermore, in several productive chains it constitutes an element of differentiation that has allowed producer organizations access to new markets.*

*In more detail, territorial sustainability represents a key priority in the 'Procesos Estratégicos Territoriales' (PET) of Meta department or in applying the agricultural approach of 'Finca Montemariana'.*

*Most of the EC interventions financed under the environment thematic budget lines focus on forest governance, which has played a key role in strengthening the capacity of the 'Corporaciones Autónomas Regionales' (CARs) and enhancing the coordination process with community-based organizations and small entrepreneurs.*

*There is significant participation by indigenous and Afro-Colombian communities in the projects and owing to the actions taken their concern for and sensitivity to the environment has increased. The EC-financed projects are closely related to FLEGT<sup>106</sup> and REDD<sup>107</sup> initiatives.*

*Nonetheless, evidence to date on the sustainability of environmental measures is unclear. In spite of the positive outcomes of financed interventions, external factors such as persistent violence, illegal land seizure, major agricultural projects and increasing investments in the mining sector could endanger forest conservation and sustainable forest management.*

*There is coordinated work with Regional Environmental Authorities (CARS), Institutes of Investigations, environmental NGO and Universities; they participate actively in the projects supported by the EC and there is evidence of their willingness to continue this participation. Nevertheless, there is no evidence of the involvement of the Ministry of Environment and Sustainable Development, the main environmental authority of the country in charge of the implementation of the National Environmental Policy.*

<sup>106</sup> The Forest Law Enforcement, Governance and Trade (FLEGT) Action Plan was published by the EU in 2003. The Action Plan focuses on seven broad areas: Support to timber exporting countries; Activities to promote trade in legal timber; Promoting public procurement policies; Support for private sector initiatives, including action to encourage private sector initiatives for good practice in the forest sector; Safeguards for financing and investment; Use of existing legislative instruments or adaption of new legislation to support the Plan; and addressing the problem of conflict timber.

<sup>107</sup> Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (REDD) is an international mechanism framed by the international climate change negotiations to provide incentives for developing countries to Reduce Emissions from Deforestation and forest Degradation and to foster conservation, sustainable forest management, and enhancement of forest carbon stocks.



***The EC support strategy has contributed adopting environmental sustainable practices in sustainable local development initiatives, mainly at regional and local level (cfr: JC 6.1)***

Overall there is documentary evidence that the EC support strategy has contributed to adoption of sustainable environmental practices in sustainable local development initiatives, above all at regional and local levels. Indeed the key beneficiaries under programmable aid and thematic interventions have been the *Corporaciones Autónomas Regionales* (CARs)<sup>108</sup>, the most important environmental authorities at regional level, the local associations of producers, small agricultural entrepreneurs, and community organizations.

Between 2002 and July 2011 the EC allocated more than 6.8% of the total amounts committed to environmental projects (more than €22M)<sup>109</sup> under ENV, DCI ENV and NSA budget lines. Nonetheless this figure does not take into account environmental measures under non-specific environmental projects. For instance programmes relating to Conflict Prevention (i.e. Third Peace Laboratory) and those supporting micro, small and medium enterprises (MSMEs) (i.e. *Desarrollo Económico Local y Comercio*) encompass specific measures for sustainable economic development such as ecotourism, organic production, soil and water conservation practices, and solid waste management, among others.

❖ Mainstreaming under non-specific interventions

Within the framework of the Third Peace Laboratory, several projects<sup>110</sup> have been financed in *Meta* department and *Montes de María* areas (encompassing *Bolívar* y *Sucre* departments) under the third geographic component (sustainable economic development), with the objective of fostering concerted local socio-economic development initiatives through environment-friendly techniques.

The '*Finca Montemariana*' model appears to be one the most innovative solutions addressing the problems of the area such as land concentration, extensive livestock production and progressive reduction of original ecosystems. The '*Finca Montemariana*' is an agricultural production system aimed at promoting sustainable production since it contributes to strengthening living conditions in poor households, promoting food security, enhancing proper management of surpluses, and enhancing environment conservation and protection (see I. 6.1.5).

Moreover, based on the findings of the mid-term evaluation of the Third Peace Laboratory (2010), environmental issues have been deeply integrated into the Territorial Strategic Processes '*Procesos Estratégicos Territoriales*' (PET)<sup>111</sup> of *Meta* department. Indeed territorial sustainability

<sup>108</sup> They are territorial entities endowed with administrative and financial autonomy and they manage environmental and renewable natural resources within the area of their jurisdiction. Based on the Law 99 of 1993 that creates the Ministry of the Environment and restructure the Public Sector managing environment conservation of the natural resources, the CARs have among other the following competencies:

1. Execute the national environmental policies, plans and programs within the scope of its jurisdiction.
2. Perform the function of the highest environmental authority in the area of their own jurisdiction
3. Promote and develop community participation in activities and programs relating to environmental protection, sustainable development and proper management of renewable natural resources.
4. Coordinate the process of preparation of environmental plans, programs and projects that should make the different agencies and entities within the National Environmental System (SINA) in the area of their own jurisdiction

<sup>109</sup> Refer to DRN, Colombia Country Strategy Evaluation Inception Report, November 2011, page 56.

<sup>110</sup> "Integración de la cadena de valor ecoturismo del Valle de Tenza, Fortalecimiento de la comercialización del Café orgánico del Valle de Tenza y de las Mujeres Campesinas Guayatá, BRUT destino eco turístico y de bienestar", Reutilización residuos sólidos urbanos y rurales de los municipios del Alto Rio Ariari, Prestación de servicios turísticos en la región del Ariari en Ecoturismo, Fortalecimiento dinámicas organizaciones de apicultores en transformación apícola sostenible e innovadora In montes de Maria, Desarrollo de una red de proveedores de abono orgánico en la Provincia de Vélez, Consolidación de la red de bio comercio y mercado justo y negocios solidarios en el Oriente Antioqueño.

<sup>111</sup> The PET aims to promote and strengthen collaboration agreements between public institutions, private sector and civil society in specific sectors. The PET is the product of a convergence and systematization process of the local initiatives supported by the national government.



'*sostenibilidad territorial*', which covers several topics such as food security, employment, eco-sustainable production and alternative development, is a key priority for the department (see I. 6.1.1).

Environmental sustainability is also mainstreamed in the programme '*Desarrollo Económico Local y Comercio*'. Indeed, one of the activities of the programme includes supporting the National Strategic Plan for Green Markets '*Plan Estratégico Nacional de Mercados Verde*' (PENMV)<sup>112</sup> so as to promote environmental-friendly products and services produced by MSMEs. Furthermore, among the achievements of the DELCO programme can be observed (i) inclusion of the environmental variable as a competitiveness factor in the territories and in the business initiatives supported, (ii) 461 productive units applying good practices and national regulation, (iii) 38 regional undertakings with environmental plans elaborated and under implementation, and (iv) systematization of the environmental norms at national and international levels.

Referring to specific thematic interventions implemented under different budget lines (including ENV), deforestation, forest governance, and promotion of sustainable management of timber and non-timber forest products (NTFPs) are the most important sectors of intervention<sup>113</sup>.

EC projects in this field have sought to improve the effectiveness of forest governance through implementation of the Forest Law Enforcement Governance and Trade (FLEGT) Action Plan<sup>114</sup>. Two projects: '*Proyecto Bosques FLEGT/Colombia*' (ENV-2006- 114796) and '*Posicionamiento de la Gobernanza Forestal en Colombia (FLEGT)*' (DCI-ENV/2009/221025) were financed in 2006 and 2009 respectively. Both projects constitute an attempt to enhance forest governance so as to

<sup>112</sup> *Plan Estratégico Nacional de Mercados Verdes*" (PENMV) was prepared and published in July 2002 by the Ministry of Environment (now Ministry of Environment and Sustainable Development) with the participation of the National Environmental System entities, public sector institutions and representatives of private sector. The main goal of the Plan is to strengthen national production of environmental goods and services and exploit Colombia's comparative advantages in this sector, in order to meet the growing international and domestic demand for more environmental friendly products.

<sup>113</sup> Support to Natural Resource Management has been broken down into three sectors (all 12 interventions were financed under the ENV and DCI-ENV budget lines):

- Forest protection accounts for the majority of interventions (50% of disbursed funds allocated in this macro-sector and more than 7.3% of total EC cooperation; it includes: i) *Ordenación forestal y gestión a través del manejo y aprovechamiento sostenible de los recursos maderables y no maderables del bosque bajo modelos de fortalecimiento organizacional como estrategia de desarrollo*, ii) *Fortalecimiento de la gobernabilidad local para la conservación de los bosques en la Amazonia de Colombia, y la construcción de programas transfronterizos con Brasil y Venezuela*, iii) *Proyecto Bosques FLEGT/Colombia*, iv) *Establecimiento de sistemas de garantía de legalidad a partir de la Certificación de Sostenibilidad para la Producción Forestal y para cadena de custodia, con PYMES en Colombia*, v) *Posicionamiento de la Gobernanza Forestal en Colombia (FLEGT)* and vi) *Gobernanza ambiental para evitar la deforestación y promover la conservación de los bosques en la Amazonia colombiana*).
- Biodiversity amounts to €8.16m: i) *Conservation and sustainable development in the Chocó Biogeographic Region: Building Capacities for livelihood improvement and environmental*, ii) *Un Paisaje Vivo: Conservación, Integración Regional y Desarrollo Local en la Cordillera Real Oriental Colombia, Ecuador y Perú*, iii) *Ecological and financial sustainable management of the Guiana Shield Eco-region*, iv) *Estudio sobre la sostenibilidad de los medios de vida de las poblaciones locales que habitan o utilizan directamente los páramos y su relación con la sostenibilidad del uso de éstos ecosistemas*, and v) *Guiana Shield Facility (GSF)*.
- Climate change adaptation measures played a minor role, accounting for €1.1m. One Project: *Fortalecimiento de las capacidades institucionales para la implementación de prácticas locales de gestión integral del riesgo como medida de adaptación al cambio climático en la zona insular y costera del Caribe colombiano*.

<sup>114</sup> Refer to footnote 105. At the heart of the Action plan there is a voluntary timber licensing system covering imports of a number of forest products into the European market. In the absence of a multilateral regime governing forests, the legality licensing scheme is being implemented via a number of bilateral agreements (known as Voluntary Partnership Agreements or VPAs) between the EU and tropical timber producing countries that wish to be involved. The agreements commit the EU to funding capacity building and institutional investment that would allow countries to enforce forest law and capture revenue from planned exploitation of forest resources. Following an agreed period of investment, the EU will make import from these partner countries on presentation of a legality license.

contribute to more sustainable forest management and to an increase in the production and marketing of legal forest resources by small and medium producers. While the first initiative '*Proyecto Bosques FLEGT/Colombia*' (2006) was implemented only in four departments (*Quindío, Risaralda, Tolima and Norte de Santander*), in the second phase '*Posicionamiento de la Gobernanza Forestal en Colombia FLEGT*' (2009) the initiatives was scaled up in ten departments<sup>115</sup>, representing 22% of the national territory with 12 million hectares of forest, and giving rise during the period 1998-2008 to massive extraction of timber (more than 12.9 million cubic meters of wood) representing 79.9% of the total national volume<sup>116</sup> (see I.6.1.5).

One of the most significant outcomes of the '*Bosques FLEGT*' project has been the creation of an Intersectoral Pact on Legal Timber '*Pacto Intersectorial por la Madera Legal en Colombia*'. The '*Pacto*' is a voluntary agreement which aims to ensure that transported, processed and marketed timber has only legal origins. The agreement could contribute to implementation of a national environmental policy, and to improving environmental governance in the public and private sectors<sup>117</sup>

There is coordinated work with Regional Environmental Authorities (CARS), Institutes of Investigation, environmental NGOs and Universities; they participate actively in the projects supported by the EC and there is evidence of their willingness to continue their participation. Nevertheless, there is no evidence of the involvement of the Ministry of Environment and Sustainable Development, the main environmental authority of the country in charge of the implementation of the National Environmental Policy.

***Sustained benefits from EC support in relation to environmental sustainability concerns are still at risk after external support comes to an end (cfr: JC 6.2)***

Considering non-specific interventions, evidence that environmental measures are likely to continue after EC interventions cease is unclear.

There is increasing awareness and responsiveness of key stakeholders in taking up sustainable productive approaches such as the *Finca Montemariana* or the inclusion of environmental concerns in the *Proceso Estratégicos Territorial* of Meta Department. However, external factors such as persistent violence, illegal land seizures, and large agricultural projects are likely to impede the sustainability of the programmes' benefits.

Results in terms of ownership of environmental issues vary across programmes and organizations. For instance there is documentary evidence that the Guyana Shield Facility (GSF) presents limited sustainability on account of three main factors: i) governments, local communities and NGOs are unlikely to continue to fund independently the highly expensive activities of the project such as remote sensing and on-the-ground monitoring; ii) the international legal framework is unhelpful given the need for the international community to alter current carbon policies, and iii) there is limited support from governmental authorities.

In spite of this, at governmental level the three National Development Plans stress the importance of environmental sustainability as one pillar enhancing democratic wellbeing '*prosperidad democrática*'. However, in the National Development Plan 2010-2014 the Government also identifies five economic driving forces the so-called '*locomotoras*': agriculture, mines and energy, infrastructure, housing, and innovation. Given the strategy for fostering the competitiveness of those five sectors, this appears a potential threat to environmental sustainability. Indeed the new agricultural policies focus on eliminating restrictions on the family farm unit with a view to developing large-scale projects. As also mentioned in the EC mid-term review for Colombia, an increasing concern of some observers is the

<sup>115</sup> Nariño, Cauca, Valle del Cauca, Chocó, Antioquia, Caldas, Risaralda, Quindío, Tolima and Norte de Santander.

<sup>116</sup> See *Posicionamiento de la Gobernanza Forestal en Colombia (FLEGT)*, Project Description, page 7.

<sup>117</sup> Some signatory parties of the Covenant are as follows: the Colombian Truckers Association, the Regional Autonomous Corporations (CARDER, CORTOLIMA, CRQ and Asocars), ANDI, Camera Asomineros, CAMACOL Confederation national Consumers CECODES, FEDEGAN, FEDEMADERAS, WWF, Ministry of Environment, Colombian Agricultural Institute, National Police, among other.

expansion of large-scale plantation monoculture for the production of biofuels as this could destroy some of the world's most biodiverse ecosystems and contribute to accelerated global warming (as well as forced displacement).

Furthermore, mining also constitutes a serious threat to biodiversity and protection of ecosystems. Some major innovations have been introduced such as the amendment in February 2010 of the Mining Code which prohibits mining activities in certain areas, not only national and regional natural parks and forest reserves, but also *páramo* ecosystems and wetlands. Nonetheless as mining in Colombia is of national interest, there is evidence that national parks and collective territories overlap with approved mining titles<sup>118</sup>.

Implementation of good environmental practices has been promoted, and some have been systematized with a view to their replicability and sustainability. They include: protocol for wood storage areas; criterion for sustainable forest management; and systematization of forest governance experience (Guadua Case, and Model of Terms of Reference for elaboration of forest management plans), among others.

Significant results in terms of forest protection and the fight against non-sustainable practices such as illegal timber exploitation and traffic have been achieved.

The fight against illegal deforestation appears to be of the most successful initiatives, the outcome of which is likely to be maintained following the termination of EC support. As mentioned before, under the EC FLEGT Action Plan two programmes were implemented in 2006 and 2009 respectively. Two key outcomes of the first project were i) signature of the Inter-sectoral Pact for Legal Timber, and ii) creation of a new diploma course at Tolima University on Forest areas '*Extension Florestal*'.

- i. The signature of the Inter-Sectoral Pact for Legal Timber marks a significant improvement in the governance system controlling illegal logging. While in 2009 the original signatory parties numbered 24, in 2011 there were 50 signatories, among which were various Ministries, namely those of Agriculture and Rural Development, Trade, Industry and Tourism, Mines and Energy, along with the Colombian Council of Sustainable Building, among other parties. Moreover the Ministry of Environment has become the leader of the Coordination and Monitoring Committee of the Pact.
- ii. The creation of a specific diploma in Forestry Extension<sup>119</sup> benefitted 203 people in six departments (Quindío, Risaralda, Tolima, Norte de Santander, Valle Cauca and Caldas). The educational component played a key role in terms of programme sustainability since it was geared to enhancing local knowledge at CAR level.

Evidence gathered to date shows that most EC projects triggered a cultural change among the beneficiaries, introducing a new perspective on natural resources, namely the importance of preserving forests and investing in activities that deliver long-term results and link forestry governance with sustainable rural livelihoods (see I.62.1).

However, in the FLEGT and REDD programmes there is involvement of indigenous and Afro-Colombian communities. As mentioned in the final evaluation of '*Bosques FLEGT/Colombia*', (2010), greater interest in and commitment to forestry governance on the part of indigenous and Afro-Colombian organizations might arise if the initiative were to entail an opportunity to increase their control over their own territories. However indigenous communities would not be interested in timber commercialisation as this phenomenon is far from their cultural traditions and beliefs.

## 8.7 Instruments & Aid modalities

<sup>118</sup> WWF, '*In the field 11.the Challenge of mine. Colombia under Earth. (2011)*

<sup>119</sup> The Diploma of Forest Extension was developed by the Faculty of Forestry of Tolima. This diploma lasted approximately three months and it was online in a deschooling way, which facilitated participation.

## EQ. 7

**TO WHAT EXTENT HAS THE EC ENSURED AN APPROPRIATE MIX OF FINANCING INSTRUMENTS (GEOGRAPHIC AND THEMATIC), AID DELIVERY MODALITIES AND IMPLEMENTATION MECHANISMS TO ACHIEVE ITS OBJECTIVES?****OVERVIEW RESPONSE**

*The aid modalities chosen (and implementation mechanisms) and their mix have proven to be fairly adequate to enable the EC to reach the objectives pursued both at overall cooperation and at sector level. This choice of aid delivery modalities, financing instruments and implementation mechanisms, as well as their mix, is not gratuitous. It is the result of different and complementary factors which the EC takes into consideration, mainly: i) the necessity to adopt a three-fold approach to peace-building (and the related combination of aid instruments it implies) by tackling the roots of the conflict simultaneously in the short, medium and long term; and ii) the importance given to implementation processes and not only to interventions results.*

*As regards effectiveness and impact in the fields of peace and stability, rule of law, justice and human rights, project approach and a mix of programmable and non-programmable cooperation appear to be the most adequate options, although results as regards efficiency are less convincing, insofar as project approach bears negatively on project and programme efficiency, particularly in their initial implementation phase, except in the case of projects implemented under contribution agreements.*

*Good levels of sustainability derive from the promotion of capacity-building processes and ownership. Indeed, even without following the EC Institutional Capacity Development (CD) framework as proposed in the 2008 Backbone Strategy or a standard institutional capacity assessment of partner country institutions, the EC's intervention modalities in Colombia are framed in a coherent institutional development strategy. As regards to ownership, the preference given to calls for proposals and grants, as well as the EC support to the formulation of a national public policy agenda and to the design of national public policies in areas related to peace-building, human rights, IDPs land tenure and trade, are generating the basis for its maturity.*

*Finally, while coordination and complementarity between the different levels of intervention (bilateral, sub-regional and regional) and the different instruments (ALA/DCI-ALA and thematic budget lines and programmes) are considered essential so as to give internal coherence to the EC's cooperation strategy, different factors have militated against internal coherence. The most relevant is the fact that, in a country like Colombia, with its internal armed conflict and demanding humanitarian situation, coordination has been a source of strain, in particular when there is a shift in the balance between bilateral aid implemented by the national government, and thematic budget-lines executed through grassroots organisations and other civil society actors. Such shift raises the issue about how relevant it is for EC's cooperation, in a context of armed conflict, to preserve spaces of "discretionary action" in sensitive fields of intervention (also described as margin of "non-alignment" -as opposed to the aid effectiveness principle of alignment-) through a specific cooperation programme or financial tool.*

***The aid modalities chosen (and implementation mechanisms) and their mix has proven to be fairly adequate to enable the EC to reach the objectives pursued both at overall cooperation level and at sector level (cfr: JC 7.1)***

- ❖ During the period of reference, aid in Colombia was delivered through a combination of financing instruments, aid modalities and implementation mechanisms.

Two aid delivery modalities prevail: mainly the programme-based and project-based approach (PA), implemented through the Government (PA/GoC), CSO (PA/CSO) and under the Contribution Agreement (PA/CA); and, marginally, Sector Budget Support (SBS), introduced at the end of the period.

Beyond the issue of aid modalities, the vast combination of programmable and non-programmable financing instruments used to deliver aid is relevant as also is the choice, under programmable and non-programmable aid interventions, of allocating most of the funds through calls for proposals or grants to finance projects implemented by CSOs and public institutions at national, regional and local levels.

In the 2002-2006 programming documents the EC presents an aid package focused on supporting the peace process, made up of a mix of programmable and non-programmable aid instruments. The main contribution consists of €105M in programmable aid, and the EC underlined its intention to implement this aid through a programme-based multi-sector approach. In addition to this project-based technical and financial cooperation, the EC has made extensive use of a variety of instruments and budget lines such as NGO Co-financing, Uprooted people (closed in 2006); Humanitarian Aid; Human Rights; Environment/Tropical Forests; Science and Technology (S&T); Regional Programmes (at the level of the CAN); and Horizontal Programmes (AL-Invest, ALFA, URB-AL, @LIS, Synergie, etc.). These many budget lines and instruments were updated after 2006 and regrouped into four main thematic budget lines in the following programming period 2007-13: Development Cooperation Instrument (DCI - Migration, Environment, Non State Actors / Local Authorities, etc); European Instrument for Democracy and Human Rights (EIDHR); Instrument for Stability (IfS - for conflict prevention, crisis management and peace-building); and ECHO, the instrument for humanitarian aid.<sup>120</sup>

In the 2007-2013 programming documents and in the MTR (2010), the EC makes clearer the logic that supports the combination of aid instruments. Based on the assumption that there is no single solution for promoting peace in Colombia and that the various roots of the conflict have to be addressed simultaneously, the EC proposes to implement simultaneously short-term impact actions including assistance to victims of violence, mainly through non-programmable aid; medium term effect actions, that is peace promotion at local and national levels through programmable aid under the Development Cooperation Instrument, included within focal sectors 1 and 2 of the NIP; and long-term actions promoting development for all through programmable aid under the Development Cooperation Instrument included within Sectors 1 and 3 of the NIP.<sup>121</sup>

This choice of aid delivery modalities, financing instruments and implementation mechanisms as well as their mix, is not gratuitous. It is the result of four complementary factors, as described below

- i. On the one hand, it is the result of a *rational choice*, made on the basis of different analyses: i) an analysis of the context (humanitarian, political, social, economic), ii) an analysis of peace-building requiring a three-fold approach (as referred to above), and iii) an assessment of the EC cooperation's expected outcomes at sector and global levels.
- ii. On the other hand, the mix of programmable and non-programmable aid is the result of an opportunity which arises when Colombia is declared eligible for non-programmable thematic budget lines and offers the possibility to the EC "...in a context of conflict ... to be able to react rapidly and flexibly in contractual and financial matters"<sup>122</sup>.
- iii. Furthermore, PA is reckoned as a more viable option than budget support owing to the fact that donors' financial contributions are marginal in Colombia (equivalent to 0.4% of GDP) and that budget support requires a sector-wide approach (and only makes sense when interventions target a specific niche or sub-sector), while on the contrary PA offers the possibility for EC cooperation to adhere to the integrated, multi-sector approach to peace-building it has chosen - and, as in the case of implementation through a FAFA Agreement / Contribution Agreement, to implement through "the intermediary of the United Nations" and, "... to benefit from the experience and the neutrality of the organization in specific fields"<sup>123</sup>.

<sup>120</sup> CSP 2002-2006, pp. 21, 22-23 & 25

<sup>121</sup> CSP 2007-2013, 25 and MTR, 2010, p. 17

<sup>122</sup> CSP 2007-2013, 17

<sup>123</sup> Ibid. p 18



iv. Finally, PA associated with the calls for proposals or grants implementation mechanism is essential when, as in the case of interventions aimed at peace-building, processes are as relevant as results, if indeed not more so.

- ❖ As regards project / programme implementation performance (efficiency) and results (effectiveness and impact), this mix of financing instruments (geographic and thematic), aid delivery modalities and implementation mechanisms proved fairly adequate during the evaluation period.

As to project or programme **efficiency**, the most common aid modality during the period of evaluation, the project approach (PA), proved to bear negatively on project and programme implementation performance, particularly in the initial phases.

This shortcoming is clearly interconnected with the complexity of the EC's administrative and financial procedures, in particular since the 2007 reforms which introduced Programme Estimates and curtailed decentralized project or programme management. As a result, projects and programmes are suffering from an over-extended preparation phase and a complex and slow launch phase, prior to a too short execution phase.

It is important to note here that the use of the calls for proposals or grants mechanism in the implementation of projects and programmes has tended to partially compensate for those negative effects.

On the contrary, projects implemented under the PA/CA modality (Project Approach under Contribution Agreement) show good results for efficiency and stakeholders agree that this is due to the use of lighter administrative and financial management procedures than the EC's.

The relatively high levels of **effectiveness and impact** that projects and programmes attained in the three main fields of intervention (peace and stability; rule of law, justice and human rights; competitiveness and trade) tend to prove that PA (in spite of the procedural drawback highlighted above), as well as a mix of programmable and non-programmable aid, has been an adequate option. Projects and programmes have been able to attain, within the programmed time span, their intermediate and global objectives, thus contributing to the achievement of the EC's cooperation strategy in Colombia.

***Partner organizations' needs assessment is a weak point in EC interventions in Colombia. No use is made of EC cooperation's standard tools to design institutional development and capacity building assistance. Yet EC interventions in Colombia are still framed within a coherent institutional development strategy (cfr: JC 7.2)***

- ❖ Institutional Analysis and needs assessment: EC's heterodox ways of Capacity Development (CD) in Colombia.

From the way in which, in the project or programme documents, the partner country institutions' weaknesses and capacity development needs are referred to – if they are referred to at all - it is clear that no standard institutional analysis<sup>124</sup>, such as is established in the 2008 Backbone Strategy, has been used as a tool for assessing the partner country organizations' needs and for designing institutional development actions and capacity-building assistance during the identification, formulation, programming or execution phases of projects and programmes.

<sup>124</sup> No reference whatsoever is made to the four dimensions of institutional analysis for shaping capacities (internal functional and political dimensions; external functional and political dimensions), as indicated in the Backbone Strategy.



There was however one exception: a standard Needs Assessment analysis<sup>125</sup> was carried out in 2006 during the formulation mission of the TA for Trade Programme, apparently responding to an institutional requirement specific to the formulation of trade programmes. The remaining projects and programmes include either a specific component aimed at institutional strengthening or *ad hoc* capacity development actions. Nevertheless, even without following the Institutional Capacity Development (CD) framework as proposed in the 2008 Backbone Strategy and without carrying out a standard institutional capacity assessment of the partner country institutions, EC interventions in Colombia are still framed within a coherent institutional development strategy.

This institutional development strategy was initially built on three pillars: institutional capacity development of (1) the State through capacity building of (1a) the judiciary institutions and of (1b) local public institutions; and (2) NSA, grassroots and community organizations at local level. At a later stage this strategy was complemented with a fourth pillar, namely trade-related technical assistance and capacity building.

Mention should also be made of the NSA-LA thematic programme, an actor-focused programme launched and managed by the EU Delegation in Colombia, from 2007 onwards, which clearly fosters the strengthening of actors (NSA and LA)<sup>126</sup>. As stated in the successive NSA-LA Strategy Papers, the *"... interventions are expected to strengthen the capacity of civil society organisations and local authorities in partner countries, with a view to facilitating their involvement in the policy-making process, and their capacity to deliver basic services to the poorest peoples in developing countries ... in the context of armed conflict"*, as specified in the 2007, 2008-09 and 2010 Guidelines. Yet the documentary review failed to bring to light evidence that this programme is underpinned by a broader strategic view of institutional capacity development as defined above.

Finally it is important to underline one more aspect in this matter of Institutional Capacity Development (CD) and needs assessment. The Colombian national institutions that were the EC cooperation counterparts, such as the Departamento Nacional de Planeación / National Planning Office, have developed and are implementing a variety of institutional capacity assessment tools<sup>127</sup>.

It is then all the more surprising that, even though some of those tools have been developed with the support of the EC in the framework of cooperation programmes, neither the EC cooperation strategy nor the project or programme documents make any reference to, still less any use of, those tools, even though that could be a way of fostering ownership and sustainability.

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<sup>125</sup> CE, programa de cooperación económica, misión de análisis sobre las necesidades comerciales y formulación del programa de asistencia técnica al comercio exterior de Colombia -acexcol-. Informe final de la misión, dic. 2006

<sup>126</sup> In conformity with the REGULATION (EC) No 1905/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 18 December 2006 establishing a financing instrument for development cooperation in particular for the NSA and LA thematic programme (Art.14); and with the successive NSA-LA Strategy Papers for the programming periods 2007-2010 and 2011-2013, in their Objective I (which is aimed at *"promot(ing) an inclusive and empowered society in partner countries to facilitate non-state actor and local authority participation in poverty reduction and sustainable development strategies"*).

<sup>127</sup> Namely the following indexes: (1) Índice de Capacidad Organizacional (ICO) / Index of Organizational Capacity, measuring grassroots' organizational capacity; (2) Índice de Capacidad de los Programas (de Desarrollo y Paz) (ICP, PNUD) / Index of Peace and Development Programmes' Capacity, measuring second-level organizations' capacity of action; (3) Índice de Gobernabilidad (IGOB, still in its laboratory stage) / Governance Index, measuring 6 institutional and territorial indicators; among which the following two indexes are already in use, in particular as programming tools: (3.a) Índice de Desempeño Integral (IDI) / Index of Overall Performance, measuring the overall performance of public institutions; and, (3.b) Índice de Transparencia / Index of Transparency Index, measuring participation, public decision and social control mechanisms.

***During the evaluation period, the aid modalities (and the implementation mechanisms) chosen have helped foster national ownership at implementation level, have helped create conditions for national ownership at policy level, and hence contributing to the sustainability of results (cfr: JC 7.3)***

- ❖ Project /programme receive a rather positive assessment as regards **sustainability**.

It is clear from the strategic programming documents (CSPs and MTR) that the EC pays attention to the sustainability of the processes induced through EC bilateral cooperation interventions and calls for planning exit strategies at the early stages of project and programme design.

There are three essential factors in sustainability: (1) ownership by target groups and institutions, (2) contribution to institutional development and management capacity building, and (3) financial viability.

Key stakeholders in Colombia agree that implementing a project or programme in accordance with the PA aid modality and through the call for proposals or grants mechanism does contribute to developing human talent (capacity building) and induces national ownership at implementation level. And whereas action with public organizations, particularly at local level, yields a lower degree of sustainability because of the high rate of civil servant rotation and the subsequent loss of trained staff, action with CSO presents a higher degree of sustainability inasmuch as it is for instance rather common for grassroots organizations to become eligible for project funding over Euro 0.5M so as to continue and expand what started as a successfully-implemented local micro-project.

- ❖ Supporting factors and obstacles to national ownership at implementation and policy level

In the case of EC cooperation, the issue of **national ownership at implementation level** has to be addressed from two complementary points of view: technical implementation and administrative implementation.

Overall, it appears that, on the one hand, ownership at implementation level is favoured by the PA modality, in particular when associated with the calls for proposal or grants implementation mechanism, while on the other hand it has been seriously hindered by PA's administrative constraints under EC cooperation, in particular from 2007 onwards.

In the field of economic development and trade the EC cooperation's *modus operandi* is considered to favour national ownership at implementation level, in so far as EC cooperation, as opposed to that of other donors, puts the Paris Declaration into practice and delegates the responsibility for project or programme implementation to national institutions, thus promoting ownership and alignment.

In the other two fields of intervention of EC cooperation, where the EC's interventions started in the earlier years of the 2000 decade, two aspects have tended to constrain the delegation of project and programme implementation to national institutions at central government level; the first concerns the limited presence and legitimacy of the State in certain high level of conflict areas (i.e. Magdalena Medio) and the fact that in that period only social movements, such as those supported by the church, could be used as vehicle for development, promotion of peace and rights; the second concerns the EC's methodological choice of confronting conflict at its root causes and of supporting the efforts of local and community-level organizations and institutions in the building of peace. With the Peace Laboratories the EC's methodological choice favours local development and grants as a tool for financing local projects implemented by local players, thus contributing to strengthening ownership by local players at implementation level.

But against this, if considered from the point of view of administrative and financial implementation, the Project Approach (PA) in the context of EC cooperation bans administrative ownership by the counterpart. The obligation to apply the EC's procedures to the detriment of the country's own administrative and financial systems, along with the introduction in 2007 of the partly decentralized management modality have led, according to national key stakeholders, to unwelcome project and programme co-administration between the GoC and the EUD.

As regards **national ownership at policy level**, the years 2002-2011 appear to be a period during which the EC, among other donors, helped create the conditions for future national ownership at policy level in Colombia.

There existed no conditions for, and many obstacles to, national ownership and alignment at political level in Colombia prior to the drafting, in 2012, of public policies in different areas. Such is the point of view expressed by the donor community in Colombia. One clear obstacle during the evaluation period was that cooperation has taken place in a context in which the donor community (the EC included) and the GoC have not always shared the same priorities.

In that context, the EC cooperation has contributed, through PA, to the formulation of national planning documents and to the inclusion of the PDPs (which include the Peace Labs) into the 2006-2010 and 2010-2014 National Development Plans. It has also contributed to the drafting of a national public policy agenda and has paved the way for the design of innovative national public policies in areas related to peace-building, human rights, IDPs and land tenure, trade, local development, and rural development, thereby helping create conditions for national ownership at policy level.

*Although coordination and complementarity between the different levels of intervention (bilateral, sub-regional and regional) and the different instruments (ALA/DCI-ALA and thematic budget lines) are considered as strategically essential so as to give internal coherence to EC's cooperation strategy, in the evaluation period complementarity seems easier to achieve than coordination . (cfr: JC 7.4)*

As a principle, coordination and complementarity between the different levels of intervention (bilateral, sub-regional and regional) and the different instruments (ALA/DCI-ALA and thematic budget lines and programmes) are considered essential to give internal coherence to the EC's cooperation strategy.

Nevertheless a variety of factors play against internal coherence. The EU Delegation's degree of involvement in the management of financing instruments varies from one instrument to the other, according to the degree of decentralization at EUD level. On the other hand, internal EUD organization<sup>128</sup> does not favour coordination, and steps taken internally to improve coordination within and between policy sectors have been few.

To understand this situation, it is important to note that in a country like Colombia, with an internal armed conflict and a demanding humanitarian situation, coordination and complementarity for internal coherence's sake are challenging, particularly between bilateral cooperation and the thematic budget lines and programmes. And while EC's strategy has achieved complementarity between both cooperation tools, coordination between those tools and between the policy sectors in the EUD has been a source of strain. After 2006 it could be read in the 2010 MTR that "when thematic budget lines ceased to represent 60% of cooperation in Colombia, due to the expiry of the 'uprooted people' budget line, one issue permeating EU cooperation with Colombia is that of finding the right balance between bilateral assistance directly implemented by the national government, and support through thematic budget-lines, complementing government interventions, executed through grassroots organisations and other civil society actors. Due partly to the expiry of the 'uprooted people' budget line (in 2006), the balance has been shifting towards bilateral cooperation with the national government", which triggered a reaction of resistance from the non-programmable cooperation sphere.

<sup>128</sup> See Matrix JC 7.4.1. In both the official and the de facto internal organizational charts, technical cooperation is disseminated among various sections, established according to the different financial instruments available for Colombia, not according to fields or topics of intervention. This division shows physically, in EUD's office geography; and in the separated management of each section and subsection, The most evident case is that of justice and HR, which work according to separate working plans, chronograms, projects, beneficiaries (the former aiming its interventions at (national) institutional level; the latter aiming its interventions at specific groups of beneficiaries (victims of armed conflict and OSC active in HR promotion and defence).

The issue behind this debate on coordination and on the balance between cooperation instruments - and particularly between bilateral aid (directly or indirectly) implemented by the national government and thematic budget lines executed through grassroots organisations and other civil society actors - is about how relevant it is for EC's cooperation, in a context of armed conflict, to preserve spaces of "discretionary action" in sensitive fields of intervention (also described as margin of "non-alignment" -as opposed to the aid effectiveness principle of alignment-) through a specific cooperation programme or financial tool.

## 8.8 3Cs, value added

### EQ. 8

#### TO WHAT EXTENT HAS THE EC STRATEGY BEEN DESIGNED AND IMPLEMENTED SO AS TO MAXIMIZE THE EUROPEAN (I.E. EC'S + MEMBER STATES') COOPERATION POTENTIAL?

##### OVERVIEW RESPONSE

*The design and the implementation of the EC cooperation strategy in Colombia during the evaluation period does not entail any maximizing of the European (i.e. EC's + Member States') cooperation potential. Certain factors help explain this situation, such as the lack of effective dialogue mechanisms, the lack of joint key activities, and the lack of EC leadership and clear policy.*

*For the sake of aid effectiveness, efforts were made in the donor community to set up an enabling framework for coordination and complementarity between donors in the country – including between the EC and EU MS; and from 2003 onwards official and informal dialogue mechanisms proliferated, but those mechanisms and tools lacked effectiveness. Efforts were also made in the donor community to undertake joint activities in the programming, implementation or evaluation phases, but results were meagre. No joint strategic planning, (multiannual) programming, implementation, evaluation, or harmonization of administrative and financial procedures took place between donors, not even between the EC and the EU MS.*

*In spite of the publication in 2007 of the Code of Conduct, the EC's Value Added is neither identified nor recognised by donors, leaving the possibility of a Division of Labour between donors.*

*There is one significant reason for this situation: in a country like Colombia, characterized by high-middle income and an internal armed conflict, and where ODA represents 0.4% of GDP, cooperation has an eminently political dimension. This prevailing political dimension limits the applicability of the basic Aid Effectiveness principle of harmonization. It constrains the applicability of the EU Code of Conduct, making it difficult for partners to come to an agreement on division of labour – even between the EC and the EU MS - and hence to apply the principle of subsidiarity.*

*In spite of the limited levels of coordination and harmonization, no contradiction or overlapping between interventions of different donors was reported, except at field level where specific coordination actions and mechanisms needed to be implemented, particularly at the request of local beneficiaries.*

*Finally, EC programming took considerable account of EU policies on agriculture, environment and trade and, to avoid contradictions and adverse effects on the EC's development policy and interventions, introduced specific measures in the context of EC cooperation interventions.*

***Although a variety of instruments responding to EC and international commitments on aid effectiveness are agreed on and set up an enabling framework for coordination and complementarity, such as the Guidelines for strengthening operational coordination between the EC and the Member States in the field of external assistance, and the more recent Paris Declaration or the European Consensus; although donors' coordination platforms have***

***proliferated, donors' coordination and complementarity in the country -so as to reach harmonisation- remain difficult and limited throughout the evaluation period(cfr: JC 8.1)***

Between 1999 and 2008 a variety of communications, statements and guidelines, aimed globally at aid effectiveness, were drafted and made public, namely the EC's Communication on Complementarity of May 1999, the 2001 Guidelines for Strengthening Operational Coordination between the EC and the Member States in the field of External Assistance, the European Consensus on Development of 2006 and, finally, the EU Code of Conduct on Division of Labour in Development Policy (CoC) of 2007. They all contributed to helping set up an enabling framework for coordination and complementarity between donors, in particular between the EC and EU MS. Following the Paris Declaration (2005), when special emphasis was put on ownership, and alignment, coordination and complementarity between donors became all the more relevant to achieving harmonisation, the third pillar of aid effectiveness. In October 2002 a pilot initiative on "Co-ordination of Policies and Harmonisation of Procedures" was launched in a group of four countries to determine how to transpose the texts into concrete measures; and mechanisms were proposed to promote joint strategic planning, joint (multiannual) programming, joint implementation, shared analysis, joint donors' missions, co-financing arrangements, and joint evaluation.

In Colombia, as a corollary to international, including the EC's, commitments to aid effectiveness, from 2003 when the London-Cartagena-Bogotá dialogue process was launched in London and the G24 Cooperation Group created, official and informal initiatives, mechanisms and platforms for coordination and harmonisation between donors were launched and proliferated during the following years. Some were multilateral fora, like the G24 and its many subgroups (on HHRR, justice, basket funds, gender, participation, etc.); others were all-European initiatives, such as the EU (EUD + EU MS) Chiefs of Cooperation Meeting.

Among those developments, attention should be drawn to two platforms on account of their stated objectives: (1) the Donors' Group created in 2010 and aimed at improving international development and humanitarian aid coordination in Colombia, and (2) the EU Cooperation Chiefs Meeting, aimed at fostering coordination and harmonisation between EU MS and the EC in Colombia and, more recently, at analysing the EU Code of Conduct's prospects for implementation.

Key stakeholders all stress that those initiatives and platforms have not been fully operational and have had limited impact on coordination and complementarity between donors in Colombia. Two reasons have been put forward to explain this situation. On the one hand those coordination mechanisms have rapidly proliferated (a recent analysis drafted by Spain as president of the Donors' Group identified some 40 such fora<sup>129</sup>) with no clear objective, no orientation as to results, and no search for coherence or complementarity between them. On the other hand the GoC has failed to assume clear leadership (for the sake of ownership), thus contributing to keeping efforts and actors scattered; and, instead of encouraging harmonisation between donors, it has favoured bilateral relationships, judging that there is little or no complementarity between donors - EC and EU MS included - and that horizontal coordination (harmonisation) would be like adding "apples and pears".

The EUD in Colombia participated in several of those multilateral coordination platforms and fora, mainly those relating to peace, stability, justice, governance, and related issues.

It is therefore relevant to point out that, in spite of their participation, the EC and EU MS have not tried to come to an agreement on a joint European position to be maintained in multilateral fora or in the Donors' Group. According to some EU MS this would have been "superfluous", mainly because (i) cooperation with Colombia has a highly political dimension, and (ii) the EU has kept quite a low profile in those fora, particularly in the second part of the evaluation period, showing no leadership and often behaving like a mere observer.

<sup>129</sup> Presidencia Pro-Tempore España Grupo de Cooperantes, Arquitectura de la coordinación de la cooperación internacional en Colombia: Diagnóstico y propuesta para su mejora bajo criterios de economía, eficacia y eficiencia, 2012 (draft)



During the evaluation period the EC showed interest in and willingness to sharing practices with other donors, mainly the EU MS. There are many examples of information shared on programme identification and implementation, and on policy analysis. There are also co-financing practices, for example in the context of ECHO's channelling of funds through International Organizations (UNCHR, OSCHA); of projects in the Colombian Amazon Basin co-financed with the Swedish Cooperation Agency (SIDA); and of the joint funding of the office of the High Commissioner for Human Rights in Bogotá.

However cooperation appears to be much more limited in the fields of strategic planning and programming and of evaluation, even though the EC's Communication on Complementarity of May 1999 and the subsequent texts deem cooperation in those fields as fundamental to moving forward towards a joint development strategy in the country and to fostering EC's and EU's aid efficiency and effectiveness.

At the end of the evaluation period, some progress could be observed. The EU (EUD + EU MS) Chiefs of Cooperation Meeting paved the way to a joint annual planning exercise between EUD and EU MS.

In spite of those efforts, there is one dimension in which there has been neither coordination nor coherence between donors: the administrative procedures to be fulfilled in order to obtain funds from donors or participate in donor-funded projects. In this area, no effort of harmonisation has taken place. Each donor adheres to its own procedures.

All in all, during the evaluation period, donor coordination and complementarity was difficult and limited, and harmonization remained a commitment for the future. Yet, despite these limited levels of coordination and harmonisation, no contradiction or overlapping between interventions of different donors was reported, except at field level where specific coordination actions and mechanisms have had to be implemented, particularly at the request of local players.

***EC's Value Added is not acknowledged in any of its three main fields of intervention in Colombia during the evaluation period (integrated development, justice and human rights, economic development and trade) (cfr: JC 8.2)***

In spite of the official communication of the EU Code of Conduct in 2007, during the period under study the EC Programming documents do not refer to value added by the Commission as would be expected from the CoC implementation. The EC does not assess its own specific know-how and value added beyond acknowledging the legitimacy and seriousness of its technical cooperation with Colombia. Nor does it assess those of other donors (EU MS as well as others).

On the other hand, no EC value added in any given area among its three main fields of intervention - integrated development, justice and human rights, economic development and trade - has been recognized by any EU MS or by any non-EU donor operating in the same fields. Yet some key stakeholders consider that the bilateral Dialogue on HR (established in 2009 but started in 2010) offers the EC an opportunity to add value to individual EU MS cooperation in a strategic field such as HR, adding that for this to happen the EC has to have the capacity in Colombia to put into practice tools such as the EU Guidelines on Human Rights and International Humanitarian Law (2009)<sup>130</sup>.

Even so, attention has been paid to the issue of value added and attempts have been made to analyse the applicability of the Code of Conduct in Colombia, but with no results yet. Evidence can for instance be found in the declared objectives of the Donors' Group as well as of the EU Cooperation Chiefs Meeting. Further evidence can be found in the constitution, in 2010, of a working group of EU donors active in the field of 'Multi-sectoral support for Peace and Development', with the declared objective of analysing the relevance and feasibility of implementing the EU's Code of Conduct in this field in Colombia.

<sup>130</sup> As to the GoC, it signals here that it recognizes EU's value added to Colombia in the fields of justice, local government and peace building.



There is one significant reason for this situation: the political dimension of cooperation in a country such as Colombia, characterized by high-middle income and internal armed conflict.

In a country in which ODA represents 0.4% of GDP, cooperation does not focus on poverty alleviation. The existence of internal armed conflict in the country is the *raison d'être* for most donors' presence in the country, including the EC and EU MS, and gives cooperation activities an eminently political dimension, which tends to limit the applicability of the EU Code of Conduct on Division of Labour and curtail its implementation, insofar as each European capital sets up its own policy, making each donor strategy distinctive and allowing no delegation or representation between donors; and, last but not least, also insofar as the EU has not devised a policy of its own.

In sum, reservations arise as to the applicability of the Code of Conduct, of the division of labour and of the subsidiarity principle in a country such as Colombia during the evaluation period.

***The EC interventions are designed with a view to taking advantage of EU policies in the same field, identify adverse consequences and take mitigating measures. (cfr: JC 8.3)***

As EC key stakeholders express it, the search for coherence between EC interventions and EU policies is not an easy task.

EC programming documents – the CSPs of 2002-06 and 2007-13 and the MTR of 2010 - make an exhaustive review of EU policies and their possible negative impacts.

The 2002-06 CSP, in a chapter on *Coherence between EU policies and interventions in Colombia*, reviews in brief three main areas: (i) trade policy and Common Agricultural Policy (CAP), (ii) humanitarian assistance and (iii) sustainable development / environment and tropical forests.

The 2007-13 CSP, in a chapter on *Consistency with other EU policies*, goes over the six main EU areas<sup>131</sup> of interest as regards EU bilateral programmable cooperation with Colombia and highlights how they are complementary, consistent or compatible with the programmed interventions, or alternatively are an obstacle to them.

The 2010 MTR, in a chapter on the *“Relevance of new policy objectives and commitments”*, summarizes the new policies on (i) climate change, (ii) migration, (iii) drugs, (iv) energy and (v) aid for trade, and signals their relevance for development interventions in the three main spheres of EC Cooperation in Colombia. These policies appear to present more opportunities for, than obstacles to, EC interventions in Colombia.

The coherence and consistency analysis included in the programming documents points out the adverse effects of conflicts between the EC development strategy and interventions and EU policies in one area only, that of Sanitary and Phytosanitary Control Policy. In this area Consumer Protection - EU sanitary and phytosanitary standards - acts as a non-tariff trade protection barrier to Colombian exports, curtailing benefits that should derive from the Trade Agreement.

In order to help confront this situation and avoid contradictions and adverse effects in the field of trade, in October 2008 the EC formulated and launched a € 5.4M project on Trade Related Technical Assistance to Colombia as part of bilateral cooperation and later agreed to sector-wide budget support to the dairy sector totalling €8.6M.

<sup>131</sup> (i) Humanitarian and emergency aid; (ii) Market Access, with three main lines of action: (a) Trade and development, (b) The Common Agricultural Policy (CAP), (c) Sanitary and Phytosanitary Control Policy, and Consumer Protection; (iii) Environmental policy and biodiversity; (iv) Justice, Liberty and Security (JLS); (v) Knowledge-based society; and (vi) Employment, social affairs and equal opportunities.

## 8.9 Linking Relief, Rehabilitation and Development

### EQ. 9

**TO WHAT EXTENT HAS EC COOPERATION AT COUNTRY LEVEL BEEN, AND IS AT PRESENT, ABLE TO LINK SUCCESSFULLY - IN A SIMULTANEOUS AND COMPLEMENTARY WAY - RELIEF, REHABILITATION AND DEVELOPMENT, I.E. SHORT, MEDIUM AND LONG TERM OBJECTIVES?**

#### OVERVIEW RESPONSE

*The analysis shows that, while EC cooperation at country level between 2002 and 2011 has been able to link - in a simultaneous and complementary way - relief and rehabilitation, that is the short and medium term objectives, it has not been able to establish the link with development, that is the long term objective, although it has been able to create the conditions which will allow linkage to development in the future.*

*EC cooperation has reached these results thanks to:*

- *designing from the start a three-fold comprehensive approach which has integrated the conflict into a long-term perspective with peace-building as a central reference and ultimate goal, as can be confirmed both by the EC strategy of intervention and the interventions which have been identified, formulated or implemented during the evaluation period (2002-2011);*
- *reference to and making use of a multiplicity of high-quality in-depth social and political studies and analyses produced by Colombian and international organizations, so as to clarify the root causes of conflict and violence and target actions accordingly;*
- *building-up of a multifaceted scheme of complementarity which has generated synergy within and between EC bilateral cooperation interventions in Colombia;*
- *profiling of interventions aimed at short and medium term objectives - assistance to victims of violence and peace-building - aided by clear identification of the profile and needs of specific population groups or communities (displaced and uprooted populations, child soldiers, ex-combatants, and other most vulnerable groups), and of the profile of the zones of conflict;*
- *directing the interventions (their activities, outputs and results) to building social cohesion and - to some extent with the Peace Laboratories - territorial cohesion so as to impact on the root causes of conflict (social and territorial marginality and exclusion, extreme poverty);*
- *focusing of the EC contribution on the building and strengthening of legitimate institutions and access to those institutions; drafting of public policy; building and strengthening of citizenry; promotion of dialogue and consensual relationships among local players; CSO capacity building; and local economic development.*

*The following drawbacks have been noted in the EC strategy:*

- *a lack of complementarity and synergy between the technical and the political dimensions of cooperation during the evaluation period, as pointed out by CSOs in the HR sector;*
- *the limited political dialogue with the GoC, which has failed to produce a comprehensive framework of issues which could have helped consolidate the EC's cooperation strategy;*
- *a final aspect that needs to be underlined as having contributed to this result: the EC strategy has failed to link cooperation instruments (thematic with bilateral) and, as we have seen in JC 7.4, in its daily practice the EUD in Colombia has also failed to achieve coordination between sectors and instruments.*

*The EC strategy has not been able to link development to relief and rehabilitation. The weak point, as CSOs in the peace and stability sector point out, lies in the area of local and regional economic development, where the EC has approached the productive challenge as a peace-building issue (a step from humanitarian aid to rehabilitation) and has left out sectoral or territorial competitiveness (the development dimension).*

**EC's interventions have been and are mutually reinforcing and are oriented in terms of priority towards addressing the root causes of conflict, under a threefold comprehensive approach, integrating the conflict into a long-term perspective with peace-building as a central reference and the ultimate goal (cfr: JC 9.1)**

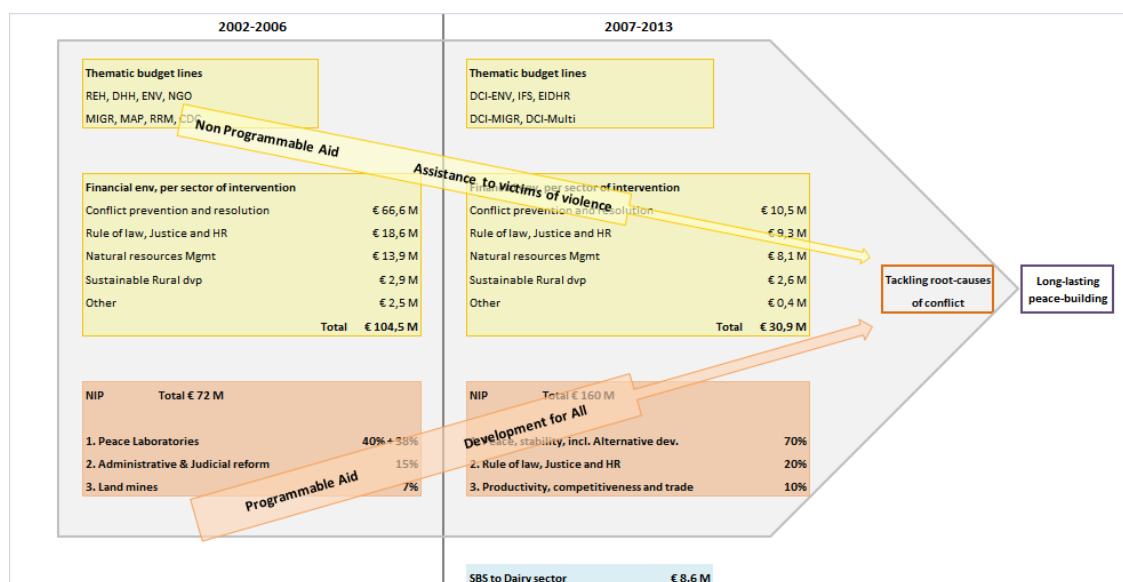
- ❖ *EC cooperation strategy in Colombia during the evaluation period is based on a three-fold comprehensive approach, with peace-building as a central reference and an ultimate goal.*

The successive programming documents, EAMR as well as project and programme identification documents, confirm that peace-building was the leading issue and global objective towards which the EC cooperation programme leaned during the period under study, evolving towards building the conditions for a long-lasting peace when, in 2007, the notion of stability was added as a prerequisite to any form of sustainable development.

Initially this strategy unfolded along two main lines of action, as follows: (1) to achieve a short-term impact on the conflict in Colombia, the EU would first of all provide assistance to the victims of violence; (2) to achieving a medium-term effect on the conflict in Colombia, the EU would support national and local initiatives contributing to peace. Later on, in 2007 via the CSP2007-13, a third line of action, aimed at long-lasting solutions, was added: With a view to achieving a long-term effect on the conflict in Colombia, the EU would promote development for all and in this way tackle the roots of the armed conflict in Colombia.

A review of the three NIPs and thematic budget lines and programmes provides evidence that, during the evaluation period, all the interventions (except for one, the Dairy Sector SBS Project) identified, formulated or implemented in the evaluation period were part of the same strategy and converged towards peace-building as an ultimate goal, as shown hereafter.

**DIAGRAM 2: NIPs INTERVENTION LOGIC**



Source: DRN elaboration based on NIPs and CRIS data

State key stakeholders confirm the consistency of the EC's cooperation strategy with peace-building as an overall long-term objective. They even consider this as the main value added of the EC's cooperation with Colombia.

- ❖ *To clarify the root causes of conflict and violence and target its interventions accordingly, the EC has not carried out extensive analysis of its own, but has relied on and made use of a multiplicity of high quality, in-depth social and political analyses, carried out by Colombian and international organizations.*

Neither the EC's programming documents (CSP, MTR) nor the EC's project and programme identification documents include more than the customary analysis: in the former a social, economic and political context analysis; in the latter a sectoral study (IDP, human rights, etc.) or transversal context study of the conflict zones. This situation is understandable in a country such as Colombia, where the issue of violence and conflict has been extensively studied for decades. Universities and research institutes, international organisms, specialized institutions, and the National Planning Department have all published high quality studies, papers, reports and newsletters analyzing the structural causes of conflict and violence in the country.

For the EC the main root causes of conflict in Colombia are: marginality, social inequalities, social exclusion and extreme poverty (in particular of vulnerable groups), injustice, corruption and impunity (CSP 2002-06).

- ❖ *To address the root causes of conflict it has identified, the EC launched a variety of interventions which all converge towards peace-building as an ultimate goal (as shown above, in the schematic representation of EC interventions in the evaluation period) and link them all through a multifaceted scheme of complementarity and synergy.*

*Complementarity and synergy through an integrated approach.* The Peace Laboratories (and successors) are based on that self-reinforcing integrated approach which aims at addressing simultaneously the root causes of conflict from different complementary thematic standpoints, basically at regional and local levels<sup>132</sup>. The Peace Laboratory III programme, for instance, aims at helping generate "Long lasting peace and peaceful co-existence (GO) through the "building of rules of law" (SO), taking action on three complementary fronts: (i) maintain support to the Regional Development and Peace Programmes which have proved to have impact on violence, conflicts and exclusion; (ii) extend this support to other initiatives promoting peace in a significant way and, particularly, focusing on the most vulnerable groups (women, youth, ethnic groups); and (iii) as a synthesis of the two previous components, support the drafting of an inclusive public policy on peace and development".

*Thematic and strategic complementarity and synergy.* As stated in the 2007-13 CSP, "The EU's overall strategy in Colombia ... is based on the following analysis: there is no single solution for promoting peace in Colombia; the various roots of the conflict have to be addressed simultaneously but results will be felt at different points in time. (i) In order to achieve a short-term impact on the conflict in Colombia, the EU will first of all provide assistance to the victims of violence (mainly through non-programmable aid). This is a moral and humanitarian obligation, but another consideration is that there can be no sustainable solution to the conflict unless measures are taken to assist the victims. (ii) With a view to achieving a medium-term effect on the conflict in Colombia, the EU will endeavour to simultaneously (1) encourage citizens to take part in local governance initiatives; (2) promote human rights, good governance and the fight against impunity; (3) support the government's efforts to consolidate the presence of the State throughout the territory; (4) help the Colombian Government tackle the scourge of drugs; (5) work to bring about human security, within the limitations imposed by EC's instruments for development cooperation and for stability. (iii) With a view to achieving a long-term effect on the conflict in Colombia, the EU will strive to promote development for all through measures aimed at economic and commercial development and encompassing social cohesion policies, the safeguard of environment and biodiversity."

*Territorial and jurisdictional complementarity and strengthening* derive from simultaneous attention to rural and urban areas; expanding attention to new zones of conflict; linking local, regional and national authorities and their respective jurisdictions and territories.

*Strengthening through additional funding, complementary activities or continuity through the transition to another aid modality* as proposed with the Programme Regional Development for Peace and Stability I *vis-à-vis* the three Peace Laboratories but also the suppressed "Aid to uprooted population" budget line.

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<sup>132</sup> Regional development for peace and stability, ID – FICHE, p. 4

❖ *Drawbacks of the proposed strategy noted by key stakeholders in the country.*

Non-State Stakeholders from the HR sector point out a lack of complementarity and synergy between the technical and the political dimensions of cooperation. In their opinion, while the EC contribution to HR through projects has been decisive in Colombia during the evaluation period, the EC's political support to CSOs of the HR sector has been deficient, as if willing to avoid confrontation with the GoC.

Political dialogue with the Colombian Government has failed to produce a comprehensive framework of issues which could have helped consolidate the EC's cooperation strategy. As we have seen in JC 8.1 above, the EU's political dialogue with the GoC during the evaluation period has been rather limited and the EC has kept a rather low profile, at least prior to the bilateral Dialogue on Human Rights which started in 2009.

***Linking humanitarian aid and rehabilitation or "socioeconomic stabilization" through interventions pursuing short- and medium-term objectives in order to help victims of the armed conflict transit from emergency to rehabilitation / socioeconomic stabilization is not an easy task (cfr: JC 9.2)***

❖ *The EC's strategy and interventions clearly identify the profile and needs of populations or communities or of the regions addressed through interventions pursuing short and medium term objectives.*

As regards the identification (profiles and needs) of beneficiaries of EC's interventions aimed at short and medium term objectives, the situation varied according to the approach chosen and, therefore, the type of actions to be implemented.

*Interventions meant to achieve short-term effects* on the conflict provided assistance to victims of violence, mainly through thematic instruments and programmes. They are human rights and humanitarian interventions, which clearly identified who the beneficiaries were insofar as they were focused on specific groups of population, victims of violence.

The 2002-2006 and 2007-2013 CSPs identify victims of human rights violations, committed by paramilitary organizations, insurgent organizations and State agents, against IDPs and indigenous and Afro-Colombian communities, social leaders, trade union leaders, journalists and human rights defenders. Of the vulnerable groups affected by the conflict, indigenous people, Afro-Colombians, women and children were considered the most likely to suffer HR violation. IDPs appear as the population group most exposed to poverty and consequently experiencing limited access to socio-economic and human rights: the right to education, housing, health care and a less precarious position in the labour market.

The analysis is not directly drafted in terms of needs. Nevertheless, it highlights the damage and injustice suffered by the different groups identified, from which the needs and related actions to be taken can be determined.

*Interventions meant to achieve a medium-term effect* on the conflict, financed with programmable bilateral aid, provide support to initiatives, mostly local, contributing to peace and stability. Given the chosen integrated and territorial approach in the area of peace and stability (with the peace laboratories), EC strategy and intervention documents focus on the profile of the regions selected for intervention, reviewing their main political, social, economic and humanitarian aspects.

Beneficiaries of these interventions are in general all inhabitants of the regions of intervention and, more specifically, communities, social organisations (grassroots, peasants, producers, women, cultural associations, etc.), and local and regional institutions and authorities. Nevertheless the programming and identification documents do not analyse the beneficiaries' profiles and needs; they analyse the profile and potential of the region (conflict zone).

The Peace Laboratory III re-introduced the beneficiary dimension. With its thematic component the Programme has paid attention not only to specific territories of intervention (zones of conflict), but also to vulnerable population groups such as indigenous and Afro-Colombian peoples, women and



youth and has offered its services to strengthen ethnic groups' autonomous governmental forms and cultures as well as women's and youths' organisations.

- ❖ *EC cooperation strategy helped only partially victims of the armed conflict transit from emergency to rehabilitation / socioeconomic stabilization.*

In the EC's peace-building strategy, linking emergency and rehabilitation is not an easy task. Socio-economic stabilization is not inherent to emergency interventions. This explains why interventions aimed at IDPs and implementation of the JPL have had only limited effect on helping victims of the armed conflict transit from emergency to rehabilitation and socioeconomic stabilization (see EQ 2). ECHO<sup>133</sup> also highlights one significant issue which tends to hinder the transit from emergency to rehabilitation or socio-economic stabilization as follows: "after an emergency phase of 3 to 6 months, IDPs have the right to 'stabilization': access to housing, employment, etc. in the zone of origin." But this process faces difficulties: one, in particular, is that nobody agrees on the number of IDPs and in 2010, as many as 48% of applications for registrations were rejected, against 12% in 2002. Another one is certainly that by definition IDPs are not in their zone of origin.

On the contrary, key stakeholders consider that the interventions in the fields of peace and stability (the Peace Laboratories) and local economic development (the DELCO project) have contributed not only to curbing violence and conflict escalation but also to helping victims of the armed conflict transit from emergency to rehabilitation and socio-economic stabilization.

Non-State stakeholders attribute this result to the territorial approach of the Peace Laboratories and DELCO (with a specific reference to the LEADER methodology, hence also to their integrated approach). And they even wonder whether the Victims Law can be effective, insofar as it plans to attend victims *from an individual point of view and not from a territorial point of view*.

Therefore the choice of aid instruments and their logic of action (a population-oriented logic *versus* territory-oriented logic) may be decisive in helping victims transit from emergency to rehabilitation.

Another factor needs to be underlined, which certainly has contributed to this limited result, namely the lack of EC cooperation internal coherence, as we have seen in JC 7.4 above.

***EC integrated approach aims at impacting on root causes of the armed conflict, tackling the marginal situation of populations and regions by promoting social and, to a lesser degree, territorial cohesion (cfr: JC 9.3)***

During the period under study the EC markedly focused its strategy on (i) fighting the root causes of violence and conflict over the long term: marginality, social inequalities, social exclusion and extreme poverty (in particular of vulnerable groups), injustice, corruption and impunity; on (ii) the building of social cohesion; and (iii) on the building of territorial cohesion, albeit to a lesser degree,

As regards social cohesion, the EC cooperation strategy has not focused on the provision of basic services. It has left the responsibility for education, health, housing and other basic public services to local, regional and national governments. And it has chosen to help build and strengthen legitimate institutions and citizenry; make access to those institutions easier; support local economic development; promote dialogue and consensual relationships among local players and participative local management; foster CSO capacity-building; and draft public policy.

As emerges from a short review of selected interventions' objectives and actions, the EC cooperation strategy during the evaluation period gives less importance to territorial cohesion, devoting little attention or support to issues such as territorial competitiveness, while land planning, investment in communication infrastructures, fiscal decentralization, balanced regional development, and so forth receive only limited support. According to Non-State stakeholders from the peace and stability sector, this explains why the EC cooperation strategy has failed to link development (long term

<sup>133</sup> Interview with ECHO executive in the exploratory phase, see Matrix JC 9.2.2



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objective) to relief and rehabilitation (short- and medium-term objectives). They consider that the weak point has been that, in local and regional economic development, the EC has approached the productive challenge as a peace-building issue (a step from humanitarian aid to rehabilitation) and has left sectoral or territorial competitiveness (the development dimension) aside.

## SECTION 4: OVERALL ASSESSMENT, CONCLUSIONS & RECOMMENDATIONS

### 9 OVERALL ASSESSMENT

Three major observations can be made.

1. The EC's cooperation strategy with Colombia between 2002 and 2011 has been characterised by one core strategy aimed at Peace Building, all interventions – except for one – focusing on the same goal. Innovative in its approach and methods, the strategy has proved effective in its results. It has helped curb violence and conflict escalation in the conflict zones; it has helped strengthen the rule of law and institutions in charge of Justice and Peace Law and of the protection of victims' rights to truth, justice and reparation; it has helped victims of the armed conflict transit from emergency to rehabilitation; and it has set basic conditions for tackling the main root causes of conflict and for addressing development issues through local environment-friendly productive interventions and trade promotion.
2. Yet during the evaluation period weaknesses of three types prevented the EC's cooperation strategy in Colombia from attaining better levels of effectiveness and impact and negatively affected its levels of efficiency and sustainability.
  - a) *Weaknesses associated with tools and methodologies*, including:
    - ❖ a lack of tools and methodologies for mainstreaming good governance according to basic criteria, and for carrying out a territorial capacity (competitiveness) assessment;
    - ❖ deficient application of existing tools and methods which could have helped with capacity assessment and design capacity development; and with building up the EC's leadership on sensitive issues like Human Rights;
  - b) *Weaknesses associated with the EC's interventions*, including:
    - ❖ a wide range of downstream implementation problems (in particular related to procedures) which have affected efficiency, administrative and financial ownership, and hence sustainability;
    - ❖ the difficulty of overriding the constraining situation of impunity, which has limited the scope for enhancing the rule of law, strengthening the transitional justice process, and decisively improving the human rights situation of the targeted population groups;
    - ❖ the fragile economic viability of the productive activities promoted and the limited capacity to promote the competitiveness of local and regional territories;
  - c) *Weaknesses in EC's organizational, strategic and political capacity*, including:
    - ❖ defective internal coordination between aid instruments and tools, projects and sectors;
    - ❖ reduced application of Aid Effectiveness principles, mainly as regards coordination and complementarity (harmonization) between the EC and EU Member States (and other donors), constraining any possibility of designing and effectively implementing a "joint" strategy;

- ❖ the fact that EC value added has never been assessed nor recognized, making notions of division of labour between donors and subsidiarity unrealistic;
- ❖ the EC's limited leadership at political and managerial level in order to push for sensitive but essential issues such as human rights;
- ❖ the lack of a structured, results-oriented and cross-sectoral actor-inclusive policy dialogue.

### 3. Relevant lessons to be learned.

- ❖ It is essential to bear in mind that, in a country like Colombia characterized by a mid to high level income and by an internal armed conflict, cooperation intervenes in a highly political context.
- ❖ This eminently political dimension requires that the EC defines a clear position on a number of critical issues - in particular on human rights on account of the highly sensitive humanitarian and human rights context - and on quite probably antagonistic key stakeholders, so as to be able to build and assume leadership among donors and particularly EU MS (Value Added).
- ❖ In a situation of internal (armed) conflict, the EC has to take into account a wider range of key stakeholders and take account of their often antagonistic positions, in order to build a relevant cooperation strategy.
- ❖ It seems appropriate to submit for reflection and debate some issues relating to EC methodologies and tools:
  - the relevance, in a situation of territorialized interventions, of carrying out a territorial capacity assessment, insofar as a standard institutional analysis falls short of the required assessment scope; and of associated social and territorial cohesion;
  - the necessity for systematizing models like the DELCO programme methodology and approach, and disseminating them,
  - the relevance of carrying out an impacts evaluations. Mainly of EC's Peace Building Strategy in Colombia in order to systematise the core aspects of an effective peace building strategy, for dissemination purposes.

Below, this overall assessment is further elaborated in a wide range of inter-related conclusions and recommendations.

## 10 CONCLUSIONS

The Conclusions<sup>134</sup> are organized into three **clusters**, as follows:

- i) Policy and Strategy
- ii) EC Response Strategy and Programming
- iii) 3Cs and EC Value Added

and by the results expected in the four **macro-sectors**:

- a) Conflict Prevention and Resolution

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<sup>134</sup> For each Conclusion, the following information is provided: indication of the related EQ(s); the priority level ranging from high (1) to low (3), reflecting the current views of the evaluation team as to the usefulness of each conclusion for providing strategic information to EC policy-makers and decision-takers and practitioners that may lead to changes or improvements in the EC's policy and cooperation strategy; the strength of the conclusion ranging from strong (1) to limited (3).

- b) Rule of Law, Justice and HR
- c) Trade and Competitiveness
- d) Environmental Sustainability

## 10.1 Conclusions by cluster

### 10.1.1 ON GLOBAL POLICY & STRATEGY

1. *The EC cooperation strategy has helped victims of the armed conflict transit from relief to rehabilitation but has failed to link development (the long-term objective) to the former short- and medium-term objectives.*

#### EQs 1, 3, 5 & 9 – PRIORITY 1 – STRENGTH 1

The difficulty that the EC cooperation strategy faces in being able to link relief, rehabilitation and development leads to a two-fold reflection:

- 1.1 First: social and territorial cohesion as a pre-condition for development.

**The EC has approached the productive challenges from a peace-building point of view**, adopting a socio-economic (employment/income) and actor-oriented strategy, thus helping victims of the armed conflict transit from humanitarian aid to rehabilitation; **but it has left out sectoral and territorial competitiveness**, that is the development dimension.

The EC markedly focused its strategy on fighting the root causes of violence and conflict over the long run (i.e. marginality, social inequalities, social exclusion and extreme poverty - in particular of vulnerable groups - injustice, corruption, and impunity), on the building of social cohesion and, to a lesser degree, on the building of territorial cohesion. Only a few of the projects and programmes implemented incorporate a territorial cohesion approach or give attention and support to issues such as territorial competitiveness, land planning, investment in communication infrastructures, fiscal decentralization, balanced regional development, and so forth.

This leaves open the debate on how to better balance and integrate, in LRRD strategies, actor-oriented actions so as to build social cohesion and territory-oriented interventions and, thereby territorial cohesion.

- 1.2 Second: a complex array of instruments.

At the moment, linking HR and humanitarian aid interventions with rehabilitation, socio-economic stabilization interventions and development means setting in motion the use of a complex collection of EC aid modalities, financial instruments and tools available in the country. The first point is that **even the rationalization implemented in 2006 to regroup aid instruments and put an end to the existing dispersion has not totally resolved the problem.**

The second point is that to transit from relief to rehabilitation and development, the victims of the armed conflict have to transit from one aid instrument to the other and have to cope with the EC's and EUD's lack of internal coordination between sectors, budget lines and aid instruments. The third point is that **to help the EC and EUD reach internal coordination is not a simple matter of technical decision. Political issues are at stake.**

2. *The EC has no structured strategic framework to hand to promote good governance principles coherently or, better, mainstream good governance across its regional and country strategies and cooperation interventions.*

#### EQ 4 – PRIORITY 1 – STRENGTH 2

This conclusion is particularly important since the 2011 Agenda for Change (EC, Increasing the impact of EU Development Policy: an Agenda for Change, 2011) identifies good governance as one of the two priority areas on which EU assistance should focus in the future.

## 10.1.2 ON EC RESPONSE STRATEGY AND PROGRAMMING

### 3. *An innovative, effective Peace-building Strategy.*

*EC strategy in the fields of peace and stability (the Peace Laboratories and successors) and local economic development (the DELCO project) demonstrates its effectiveness. Not only has it contributed to curbing violence and conflict escalation in the conflict zones, but it has also contributed to helping victims of the armed conflict transit from emergency to rehabilitation and socioeconomic stabilization. And in a 10-year time span, corresponding to the evaluation period, in an ongoing conflict context the EC strategy has been able to set basic conditions for addressing development goals and for tackling the main root causes of conflict in Colombia (identified by the EC as marginality, social inequalities, social exclusion and extreme poverty - in particular of vulnerable groups - injustice, corruption and impunity).*

#### EQs 1 & 9– PRIORITY 1 – STRENGTH 2

These results tend to validate the strategy and some of its specific features:

- 3.1 **A clear, focused, relevant and comprehensive strategy.** During the period of evaluation the EC has been able to devise, implement and consolidate a comprehensive strategy based on a three-fold approach and focused on peace-building as a central reference and lasting peace as an ultimate goal. This strategy matches the EC's initial analysis of the situation.
- 3.2 **Converging actions towards peace-building.** All the interventions identified, formulated or implemented during the evaluation period, except for the Dairy Sector SBS Project, converged towards peace-building.
- 3.3 **The strategy took advantage of all aid modalities,** instruments and tools available in the country during the evaluation period. Its only drawback lay in the lack of coordination between the different aid instruments and sectors of cooperation at EUD level.
- 3.4 **Adding up.** The strategy took into account and built on the World Bank's peace-building initiatives (PDP).
- 3.5 A territorialized, integrated, bottom-up approach (LEADER approach), which:
  - **convened public authorities as well as CSOs** from regional, local and community levels (in some cases also from national level) **as partners and as participants** in a dialogue aimed at generating consensual relationships;
  - **aimed at building and strengthening legitimate institutions and citizenry,** at making access to those institutions easier, at promoting participative local management and local economic development, and at fostering capacity-building for local authorities and CSOs;
  - **contributed to the drafting of public policies.**
- 3.6 To address the challenges of peace-building, the EC strategy favoured a project approach, implemented through grants, rather than sector budget support (SBS). **The versatility of the project approach compensated for the complicated procedures and their negative effect on efficiency levels,** especially after the new EC financing and management rules were introduced.

### 4. *EC experience of country strategy planning and project programming in Colombia during the evaluation period shows that, in a context of armed conflict, it is not easy to take into account and promote Aid Effectiveness. In spite of the EC's willingness to provide effective aid, the context has been a hindrance.*

#### EQs 7, 8 & 9– PRIORITY 1 – STRENGTH 1

- 4.1 **The EC has neither sought coordination and complementarity nor carried out any joint strategic programming with key stakeholders, undermining the possibility of harmonization between donors.**

While project programming and evaluation have been progressively relatively open processes, the EC convened only specific stakeholders for its strategic planning exercises during the evaluation period. Consultation – more than participation in this case - has been restricted to State and Non-State Actors, leaving out EU MS and other donors.

#### 4.2 **The EC's programming lacks instruments to guarantee results-oriented management of projects and strategy.**

The EC's technical cooperation in Colombia, mainly implemented through a project approach, is essentially focused on procedures and institutional performance.

The practice of designing, from the moment of programming, baseline studies to monitor programme and project results, is still new, while EC's monitoring (ROM) and evaluation tools tend to produce process-oriented, instead of results-oriented, analyses.

It has to be underlined here that, in the answer to EQ7 above and in the EQ Matrix (attached in Annexes), mention is made that, in a peace-building context, processes are as important as results.

Furthermore, the EC's technical cooperation with Colombia overlooks the institutional capacity assessment tools that Colombian governmental institutions, including the EC's cooperation counterparts such as the Departamento Nacional de Planeación / National Planning Office-, have developed (with the support of EC's cooperation programmes) and are using (see details in EQ 7 above). The EC's cooperation strategy and project and programme documents make no reference to, and even less use of, those tools, even though this could help foster ownership and sustainability.

#### 4.3 **The EC's programming (2002-2006 and 2007-2013) does not favour central government ownership or EC alignment.**

When the EC, in its country strategy planning exercises, favours a project approach and chooses to implement projects and programmes at local level, mainly through grants, with local State and Non State Actors, it makes clear that it considers that peace-building and the construction of GoC's **ownership** are two separate processes and challenges.

Furthermore the EC's experience during the evaluation period shows that the conditions for **aid alignment** (to government priorities) are not always optimal. When the EC, in its successive country strategy planning exercises, drafts the main lines of action for its three sectors of intervention, it openly chooses to adopt another approach to conflict and to follow another strategy than the GoC's Democratic Security Policy as defined in the successive 2002-2006 and 2006-2010 NDPs.

### 5. *Even though, according to the Backbone Strategy, "capacity development is the primary aim of EC Technical Cooperation", it is clear that capacity assessment and capacity development are not fully assimilated.*

#### **EQ 7– PRIORITY 1 – STRENGTH 1**

Technical cooperation with Colombia during the evaluation period teaches two key lessons as regards capacity development.

- 5.1 First, **no effective capacity assessment**, more or less in line with the Toolkit for Capacity Development, **was carried out** (except for TA Trade programme) during either the project formulation or implementation phases in the design of the CD strategy and actions.
- 5.2 Second, the capacity assessment and capacity development scheme proposed in the Backbone Strategy referred exclusively to "capacity development of organizations and individuals". It had an all-institutional focus. However, with the Peace Laboratories, the DELCO project, and the Regional Development, Peace and Stability Programmes, the EC strategy prioritized interventions in specific regions and with specific local players; and it territorialized its interventions and adopted a local development approach. In such a methodological context, **strengthening counterparts' capacities so as to improve the conditions for ownership and, thereby, contributing to the sustainability of the**



**actions carried out, requires more than a plain institutional capacity assessment and capacity development.** In fact, not only the actors but also the territories where they perform their action have to be jointly assessed.

The greater part of the EC's cooperation, during the evaluation period, was focused on the Peace Laboratories and their successors, that is to say on integral programmes based on a territorial approach. In such a situation, a standard Institutional Analysis falls short of the required scope of assessment.

### 10.1.3 ON 3 CS AND EC VALUE ADDED

6. *During the evaluation period, coordination and complementarity between donors in Colombia were quite limited and, in spite of the publication in 2007 of the Code of Conduct, EC Value Added was neither identified nor recognised among the donors' community, precluding any possibility of a Division of Labour between donors.*

#### EQ 8 – PRIORITY 1 – STRENGTH 1

**This is fundamentally due to the fact that**, in a country such as Colombia characterized by middle-high income and an internal armed conflict and where ODA represents 0.4% of the GDP, cooperation has an eminently political dimension; **each European capital determined its own policy, making each donor's strategy distinctive and precluding any delegation or representation between donors.**

7. *On the other hand the EC cooperation strategy during the evaluation period suffered from a serious lack of internal coherence that even affected EUD's internal organizational balance.*

#### EQ 7 – PRIORITY 1 – STRENGTH 1

- 7.1 **Coordination between the many aid instruments and modalities implemented in the country was weak, even non-existent.** Owing to the fact that Colombia is confronted with a demanding humanitarian and human rights situation, internal coherence has become a challenging issue at EUD level, some EC Cooperation sectors claiming a margin of “non-alignment” (as opposed to the aid effectiveness principle of alignment) in order to preserve spaces for “discretionary action” in sensitive fields of intervention, when and where necessary.

Furthermore, **coordination between the political and technical dimensions of EC cooperation is not thought of as an issue of internal coherence.** The EU/EC assumes no leadership position, has no significant presence in policy dialogue, and its presence is almost entirely focused on Technical Cooperation. A structured policy dialogue could offer a clear framework for technical cooperation and make joint strategic planning easier between EUMS and the EC.

- 7.2 **But internal coherence is more than a simple matter of coordination and complementarity between the different levels of intervention** (bilateral, sub-regional and regional) **and the different instruments** (ALA/DCI-ALA and thematic budget lines and programmes). And a higher or lower degree of programme management decentralization at EUD level is not the determining factor.

Internal coherence is also much more than a matter of choosing whether to give preference to one financing instrument or one aid modality against another. Each financing instrument has its own implementation modality and rules. And **when, in 2006, the balance between bilateral aid and thematic budget-lines tilted in favour of the former, what changed were not merely aid delivery procedures. EC cooperation gave a wider margin of action to the national government, while at the same time reducing and changing the rules for accessing technical and financial - and indirectly political - support for civil society actors** (including HR defender and grassroots organisations).

In such a case, internal complementarity is preserved but internal organizational balance is disturbed and the conditions for internal coordination are challenged.

8. *External coherence is rather well safeguarded between EU policies and EC interventions at country level.*

### EQs 7 & 8 – PRIORITY 2 – STRENGTH 3

Mitigating actions have been taken, when necessary, although the lack of a structured policy dialogue may have left the choice of sectoral interventions to certain lobbies.

## 10.2 Conclusions by macro-sector

### 10.2.1 ON CONFLICT PREVENTION AND RESOLUTION

9. *The EC strategy in Colombia has contributed to generating the conditions for peace in the conflict zones, mainly with the construction of a social network in the territories thanks to the strengthening of civil society organizations, networks and the promotion of alliances between public and private institutions in the territory. It has also contributed to the generation of spaces for dialogue between the different actors present in the territory. Nevertheless these organizations and spaces for dialogue reveal weaknesses in terms of sustainability and of formalization and incidence of proposals in local and national policies.*

### EQ 1– PRIORITY 1 – STRENGTH 1

- 9.1 In the conflict zones a great number of communitarian organizations and networks have been created and strengthened, their coverage variously including young people, women, victims of the conflict, and producers, among other groups. These forms of organization have allowed the construction of a social network and cohesion that contributes to the recovery of confidence and to generating spaces adapted to the construction of peace in the zones most affected by the conflict. In the majority of cases, these organizations do not have clear means of ensuring their sustainability and permanence in the territories.
- 9.2 Different civil society organizations and “spaces of discussion” such as debate tables, territorial advisory entities, regional nuclei and networks have prepared and presented proposals to municipal, departmental and national authorities with a view to their consideration in the formulation of local and national policies. Although there is some evidence of their inclusion and impact, the majority of these initiatives depend on the political will of the governor or they are simply not followed up. There are no mechanisms for follow-up and formalization of the agreements so that they are taken actively into consideration.
10. *Within the framework of the Peace and Stability and Local Economic Development programmes, EC cooperation has invested important resources in the promotion of productive alternatives in the zones most affected by the conflict. Initially these initiatives contributed to food safety and productive reactivation of the territory and are valued positively for their impacts in terms of social cohesion and contribution to the permanence of the families in the territory. Although some initiatives show a good degree of consolidation, there is no clarity on their economic viability and the real possibilities of promoting the local competitiveness of the territories and of being stable sources of income generation.*

### EQ 1– PRIORITY 1 – STRENGTH 1

- 10.1 While a detailed economic analysis was not planned in the scope of the present evaluation, by dint of documents and interviews with the counterparts, productive initiatives were identified with a high degree of consolidation and which, by their results, levels of production, organizational structure and strategies of commercialization could be defined as economically viable and with development potential. On the other hand, there were also several initiatives that have disappeared or that had a low degree of consolidation with no clear signs of viability.
- 10.2 It is evident that the economic sustainability of these productive activities depended on several factors and that many of them were out of reach of the producer organizations and support institutions., It is also evident that this has long-term impact and it is therefore

premature to give conclusions in this respect. Nevertheless it is noteworthy that the support mechanisms have arisen from studies and clear evidence on the economic potential of these activities, and that the strategies are directed to promoting attainment of this impact. In this sense, the vision and the way to approaching productive issues in Territorial Strategic Programmes and the LEADER vision of the DELCO programme are key to economic sustainability.

## 10.2.2 ON RULE OF LAW, JUSTICE AND HR

*11. In response to national priorities, the EC has focused on supporting implementation of the new Penal Oral Accusatory System (POAS) and has helped to strengthen the institutions charged with the application of the Justice and Peace Law and the protection of victims' rights to truth, justice and reparation, but impunity remains a key problem for the rule of law in Colombia and the transitional justice process is faltering.*

### EQS 2 & 3 – PRIORITY 1 – STRENGTH 1

- 11.1 **EC interventions have above all helped** to strengthen the administrative capacity of the CSJ, Defensoría, Fiscalía and Procuraduría, thereby contributing to (a) **increasing Colombia's capacity to implement the POAS**; and (b) **providing legal assistance to the victims of the armed conflict as well as enhancing their capacity to participate in the transitional justice process and make claims. However, the specific impact of the EC interventions on the performance of the POAS and the transitional justice system/legal assistance to victims could not be established.**
- 11.2 Everything indicates that **EC interventions have not contributed in any tangible way to improving the impunity situation in Colombia** which throughout the evaluation period remained in a critical state. However, it has to be underlined that the impunity situation in Colombia is a complex phenomenon which reflects not only the performance of the justice system but also the persistence of the armed conflict, the high levels of criminality, and the Colombian State's lack of a 'criminal policy'. Further, there is no consensus among Colombian justice operators, practitioners and legal scholars on the most appropriate approach to examining and addressing the impunity situation. In the light of these difficulties it would not be reasonable to expect that EC interventions could have fundamentally changed the impunity situation in Colombia. In addition, progress in this area is difficult to measure and attribute to specific interventions.
- 11.3 **EC interventions have also had no tangible impact on improving the promotion and protection of the rights of victims, particularly the rights to justice and reparation.** Although interventions have contributed to strengthening the institutions charged with the application of the JPL and the protection of the rights of victims, as well as enhancing the capacity of victims to make claims, Colombia's justice and peace process has been faltering, as for instance is drastically reflected in the very small number of convictions to date of former members of paramilitary groups. **Nevertheless, both Colombian State and CSO representatives see the EC's contributions to the transitional justice process in a positive light** as the EC has (a) helped keep the issue of transitional justice and the rights of victims to truth, justice and reparation high on the national agenda; and (b) supported the Colombian government and State in addressing a very complex transitional justice situation.

*12. Although it is not possible to attribute conclusively specific improvements of the human rights situation of the targeted population groups, in a difficult conflict and human rights context, the EC has provided significant political and technical support for the promotion of human rights, especially civil and political rights, and for assisting and empowering victims of the armed conflict in Colombia.*

### EQS 1 & 3 – PRIORITY 1 – STRENGTH 2

- 12.1 While it is not possible to attribute conclusively to EC interventions any specific improvements in the human rights situation among the targeted population groups, Colombian **CSOs and international organizations** working in Colombia **consider that the interventions (a) represented important political support for the promotion and protection of human rights and the rights of victims**, including IDPs, often in adverse circumstances during the two Uribe administrations, especially during the period 2002-2006/2007; **(b) focused on key issues** such as the protection of land and patrimonial assets of IDPs, strengthening Colombian public policy for IDPs, and strengthening the capacity of victim and human rights organizations to participate in the transitional justice process; and **(c) strengthened the capacity of local CSOs and empowered people to promote and protect their fundamental rights** through non-specific interventions, viz. the Peace Laboratory III and the programme 'Desarrollo regional, paz y estabilidad'.
- 12.2 The **EC's interventions focused mostly on civil and political rights and less on economic, social and cultural rights, but this was warranted** given the duress of the armed conflict during the evaluation period and the high pressure - not least from parts of the Colombian government and State - under which human rights and victim groups had to work.
- 12.3 **The establishment of a formal human rights dialogue with the Colombian government in 2009 was a positive step but it was accompanied by a growing distancing between the EUD and Colombian victim and human rights CSOs** during the period after 2006/2007. This was perceived as problematic by Colombian CSOs and human rights groups which claimed that the emerging distance reduced and undermined the EC's important 'political' support for the defence and promotion of human rights that had existed during the preceding period (2002-2006/2007).

#### 10.2.3 ON TRADE AND COMPETITIVENESS

13. *The Local Economic Development approach supported by the EC has contributed to create the basis for the development and competitiveness of the territories, mainly in rural areas. The identified and supported Productive Chains harnessed the comparative advantages of the regions through a combined approach of social inclusion, environmental protection and the last-mentioned benefits to biodiversity. Several of these chains have export potential and may benefit from the trade agreements recently signed with the USA and the EU. Nevertheless most of these MSMEs still face many difficulties in their consolidation in national markets and in accessing international markets*

#### EQs 1 & 5 – PRIORITY 2 – STRENGTH 2

- 13.1 The National System of Trade has been enhanced thanks to the TA to Trade programme's aim of **facilitating trade activities for national businessmen. Tools aimed at eliminating technical barriers to trade have also been developed**. These results could support the work of those MSMEs with export potential and which are supported by the programmes promoting Peace, Stability and Local Economic Development. Nevertheless, there is very little synergy between these programmes.
- 13.2 Neighbouring countries have shown interest in familiarising themselves with and implementing the DELCO model as a mechanism for border development. Other **South-south cooperation mechanisms** can be identified; nevertheless there is rather weak harmonisation between bilateral, regional and sub-regional cooperation in this context.

#### 10.2.4 ON ENVIRONMENTAL SUSTAINABILITY

14. *Colombia is considered one of the most bio-diverse countries and this asset represents a potential for the growth and sustainable development of the country. The mining sector is an economic priority for the national government, and this activity can put the environment at risk. Although environment is not a priority of the EC cooperation strategy in Colombia, its contribution has nonetheless been key to improving the sustainability of*

*the environment in the country. Even so, the EC strategy has not been coordinated with the Environment Ministry or national environmental policy.*

#### EQ 6 – PRIORITY 2 – STRENGTH 2

- 14.1 The great majority of **EC-funded productive projects have implemented environment-friendly practices**. In some cases this reflected an element of differentiation in the market through certifications relating to the environment and biodiversity
- 14.2 **Coordinated work with Autoridades Ambientales Regionales (CARS), Institutes of Investigations, environmental NGOs and Universities existed**; these bodies have participated actively in projects supported by the EC and there is evidence that this is continuing. On the other hand **no EC strategy has interacted with the Ministry of Environment and Sustainable Development**, the main environmental authority of the country in charge of the implementation of the National Environmental Policy.

TABLE 4 : SUMMARY OF CONCLUSIONS BY CLUSTER

CONCLUSIONS	PRIORITY & STRENGTH	SOURCE	RECOMMENDATIONS
<b>POLICY &amp; STRATEGY</b>			
1. The EC cooperation strategy has helped victims of the armed conflict transit from relief to rehabilitation but has failed to link development (the long-term objective) to the former short- and medium-term objectives.	P: 1 – S: 1	EQs 1, 3, 5, 9	R 2
2. The EC has no structured strategic framework to hand to promote good governance principles coherently or, better, mainstream good governance across its regional and country strategies and cooperation interventions.	P: 1 – S: 2	EQ 4	R 3
<b>EC RESPONSE STRATEGY AND PROGRAMMING</b>			
3. An innovative, effective Peace-building Strategy.	P: 1 – S: 2	EQs 1, 9	R 1
4. In spite of the EC's willingness to provide effective aid, the context has been a hindrance.	P: 1 – S: 1	EQs 7, 8, 9	R 4, 7
5. Capacity assessment and capacity development are not fully assimilated in EC cooperation strategy.	P: 1 – S: 1	EQ 7	R 4, 5
<b>3 Cs &amp; EC VALUE ADDED</b>			
6. Coordination and complementarity between donors in Colombia were quite limited and, in spite of the publication in 2007 of the Code of Conduct, EC Value Added was neither identified nor recognised among the donors' community, precluding any possibility of a Division of Labour between donors.	P: 1 – S: 1	EQ 8	R 4, 7
7. EC cooperation strategy has suffered from a serious lack of internal coherence that even affected EUD's internal organizational balance.	P: 1 – S: 1	EQ 7	R 7
8. External coherence is rather well safeguarded between EU policies and EC interventions at country level.	P: 2 – S: 3	EQs 7, 8	R 4, 7
<b>MACRO-SECTORS</b>			
<b>CONFLICT PREVENTION AND RESOLUTION</b>			
9. The EC strategy has contributed generating the conditions for peace in the conflict zones, mainly with the construction of a social network in the territories. It has also contributed to the generation of spaces for dialogue between the different actors present in the territory. Nevertheless, these reveal weaknesses in terms of sustainability and of formalization and incidence of proposals in local and national policies.	P: 1 – S: 1	EQ 1	R 1, 8
10. EC cooperation has invested important resources in the promotion of productive alternatives in the zones most affected by the conflict; these are	P: 1 – S: 1	EQ 1	R 1, 8

CONCLUSIONS	PRIORITY & STRENGTH	SOURCE	RECOMMENDATIONS
valued positively for their impacts in terms of social cohesion and contribution to the permanence of the families in the territory. Nevertheless, there is no clarity on their economic viability.			
<b>RULE OF LAW, JUSTICE AND HR</b>			
11. In response to national priorities, the EC has focused on supporting implementation of the new Penal Oral Accusatory System (POAS) and has helped to strengthen the institutions charged with the application of the Justice and Peace Law and the protection of victims' rights to truth, justice and reparation, but impunity remains a key problem for the rule of law in Colombia and the transitional justice process is faltering	P: 1 – S: 1	EQs 2, 3	R 1, 9
12. Although it is not possible to attribute conclusively specific improvements of the human rights situation of the targeted population groups, in a difficult conflict and human rights context the EC has provided significant political and technical support for the promotion of human rights, especially civil and political rights, and for assisting and empowering victims of the armed conflict in Colombia.	P: 1 – S: 2	EQs 1, 3	R 1, 10
<b>TRADE AND COMPETITIVENESS</b>			
13. The Local Economic Development approach supported by the EC has contributed to create the basis for the development and competitiveness of the territories, mainly in rural areas. Also, The National System of Trade has been enhanced thanks to the TA to Trade programme's aim of facilitating trade activities for national businessmen. Tools aimed at eliminating technical barriers to trade have also been developed. Nevertheless most of the MSMEs still face many difficulties <u>in their consolidation in national markets and in accessing international markets</u>	P: 2 – S: 2	EQs 1, 5	R 11
<b>ENVIRONMENTAL SUSTAINABILITY</b>			
14. Although environment is not a priority of the EC cooperation strategy in Colombia, its contribution has nonetheless been key to improving the sustainability of the environment in the country. Even so, the EC strategy has not been coordinated with the Environment Ministry or national environmental policy	P: 2 – S: 2	EQ 6	R 12



## 11 RECOMMENDATIONS

The recommendations<sup>135</sup> follow the same structure as the Conclusions.

### 11.1 Recommendations by cluster

#### 11.1.1 GLOBAL POLICY & STRATEGY

1. *Considering the lack of quality information on EC cooperation programme results as well as the Agenda for Change and the possible adjustments in EC cooperation towards middle-income countries, it seems advisable to carry out impact evaluations of interventions*

#### CONCLUSIONS 3, 9, 10, 11, & 12 – PRIORITY 1 – S-MT – EUD RESPONSIBILITY

- ✓ Commission a thorough impact evaluation of **EC's Peace-building Strategy in Colombia**. Then **systematize the core aspects of an effective peace-building strategy**, for dissemination purposes.
- ✓ Commission impact evaluations **in respect of increasing Colombia's capacity to implement the POAS, reduce impunity, and contribute to improved provision of legal assistance to victims** of the armed conflict, enhancing their capacity to participate in the transitional justice process and make claims.
- ✓ **Commission an impact evaluation of EC interventions geared at promoting and strengthening human rights and the rights of the victims of the armed conflict** - including IDPs - to truth, justice and reparations.

2. *Fine tune and consolidate the LRRD strategy*

#### CONCLUSION 1 – PRIORITY 2 – ST-M-LT – EC HQ & EUD RESPONSIBILITY

- ✓ Balance and integrate, in a comprehensive and dynamic way, **actor-oriented actions and territory-oriented interventions in order to build jointly social and territorial cohesion**.
- ✓ Foster simplification, flexibility, coordination and continuity of all the aid instruments involved, **keeping to a demand-driven approach while maintaining the basis of a clear institutional (EU / EC) political position** with respect to the crisis that gives rise to the LRRD intervention.
- ✓ **Define, adopt and manage** - at internal (EC, EUD) and external levels - **a clear institutional (EU/EC) political position** on the crisis that necessitated the LRRD intervention (causes, dynamic, resolution options).
- ✓ Attach due importance to **political dialogue** at national and local levels and **with all parties involved**.
- ✓ Leave interventions aiming at development (long term) to the State's responsibility at national, regional and local level, and help design the corresponding strategies and policies with the participation of national, regional and local key players.

3. *Promote good governance principles*

#### CONCLUSION 2 – PRIORITY 1 – ST-M-LT – EC HQ & EUD RESPONSIBILITY

- ✓ Following the Agenda for Change and the main issues on Good Governance that this Agenda underlines, **build or improve** – through field work more than academic analysis - **the**

<sup>135</sup> For each Recommendation, the following information is provided: reference to the related Conclusion; level of priority ranging from high (1) to low (3); suggested timeframe for implementation: a) ST - short-term (e.g.: current CSP) and, b) M-LT - medium to long term (e.g. future cooperation framework); responsible body for implementing each recommendation (e.g. EC HQ, EUD)

**framework for EU Good Governance Policy and Lines of Actions**, along with the tools required, so as to be able to mainstream Good Governance across Country and Regional Strategy and cooperation interventions in any sector. The aim is to establish from the start -and evaluate in the end - a set of impact indicators related to promoting an enabling environment for good governance as a result of interventions.

- ✓ **Include good governance issues coherently and exhaustively in political dialogue.**
- ✓ Define a clear EU position and policy on **decentralization as one of the major tools for leveraging democracy.**

#### 11.1.2 EC RESPONSE STRATEGY

##### 4. Enhance Aid effectiveness

###### CONCLUSIONS 4, 5, 6 & 8 – PRIORITY 1 – S-M-LT – EC HQ & EUD RESPONSIBILITY

- ✓ Following the Agenda for Change, **enhance Aid Effectiveness in the 2014-20 Country or Regional Strategy programming exercises due shortly**, always taking into consideration that the Aid Effectiveness agenda is a complex issue which cannot be addressed as a global package of measures, least of all in contexts marked by armed conflict.
- ✓ Aid Effectiveness is an invitation to build a new inclusive partnership. Strategic thinking pleads in favour of diversifying partners, while local development (as decentralization) opens the doors to alternative partners. Hence always consider the possibility of **building this new inclusive partnership, fostering the principles of “multilevel governance”** which is based on the vertical articulation of actors across the three or four levels of government (local, regional, national, etc.).
- ✓ Whatever the cooperation modality chosen, **promote institutional capacity development of State and Non-State Actors at national, regional or local levels**; make institutional capacity assessment and design of institutional capacity development strategies obligatory throughout the cooperation process, starting from the strategic planning and programming phases.

##### 5. Review the Backbone Strategy and the corresponding 2010 EuropeAid Toolkit for Capacity Development in order to adapt / complement the proposed Capacity Assessment (CA) and Capacity Development (CD) scheme for territorialized interventions

###### CONCLUSION 5 – PRIORITY 1 – ST – EC HQ RESPONSIBILITY

- ✓ In order to adapt the CA & CD methodological proposal to territorialized interventions, consider incorporating in the Backbone Strategy and corresponding Toolkit a **territorial capacity assessment**, that is a Territorial Competitiveness Assessment which will include, but not be limited to, (1) a dynamic mapping of local actors and stakeholders and (2) institutional analysis of key local organizations (State and Non-State Actors).
- ✓ Complement the CD Toolkit with methods and tools designed to tackle territorial CA, **dynamic mapping of local actors and stakeholders**, and so forth, taking advantage of the methods and tools already developed and which have proved their effectiveness at field level<sup>136</sup>.
- ✓ **Improve and fine-tune the tools proposed in the CD Toolkit** for tackling institutional CA and CD, distinguishing between national organizations' and sub-national organizations' CA and CD.
- ✓ **Train the EC's and EUD's officials so that capacity-building of counterparts and partners becomes a key component of EC technical cooperation.**

<sup>136</sup> See for instance <http://www.mesopartner.com/services/tools/> which leave behind the more static tools proposed, for instance, in EC, Engaging Non-State Actors in new aid modalities: For better development outcomes and governance, January 2011.

### 11.1.3 3Cs & EC VALUE ADDED

#### 6. Grant full credit and focus to the political dimension of cooperation and build cooperation strategies starting from that political angle.

##### CONCLUSIONS 4, 6, 7 & 8 – PRIORITY 1 – ST-M-LT – EC HQ & EUD RESPONSIBILITY

**This has to become part of a ST, MT and LT strategy.** In order to achieve this, priority action will:

- ✓ **seek, assess and build EC Value Added** in the strategic and political dimensions of cooperation;
- ✓ **seek and build coordination and complementarity between the EC and the EU MS and other donors in the political field, as a priority over the technical dimension of cooperation**, taking due advantage of effective political and policy dialogue platforms;
- ✓ **link the political and technical dimensions of cooperation**, taking the political focus as a starting point, and building internal coherence between both dimensions, aligning technical cooperation instruments and modalities on the political aspects while keeping in reserve the possibility of maintaining, when and where necessary, a certain margin of “non-alignment” or “discretionary action”, as mentioned above, in sensitive fields of intervention;
- ✓ **create new forms of dialogue and coordination platforms** on which the EU’s and EU MS’ political and technical cooperation officials will be able to work on joint agendas and improve the effectiveness of Aid delivered through dialogue mechanisms and key joint activities (planning, programming, implementation or evaluation), with the EC’s leadership based on clear lines of action.

### 11.2 Recommendations by macro-sector

#### 11.2.1 CONFLICT PREVENTION AND RESOLUTION

#### 7. The EC cooperation strategy should maintain and enhance its support to those civil organizations and spaces for dialogue created in the zones most affected by the conflict, in order to ensure their permanence, formalization and representativeness, while keeping in view the strategies defined in the Agenda for Change in the axis of Human Rights, Democracy and other elements related to good governance.

##### CONCLUSIONS 9 & 10 – PRIORITY 1 – ST-M-LT – EC HQ & EUD RESPONSIBILITY

- ✓ It is necessary to **continue supporting the strengthening of the various social organizations that have been created in the territories most affected by the conflict.** To that aim, it is important to consolidate the spaces of citizens’ participation and to foster mechanisms aiming at formalizing the agreements that they generate. It is also important to provide training processes on participation mechanisms to such organizations, as well as to increase their visibility and representativeness in the regions and to look for sustainability mechanisms.
- ✓ **To elaborate an ample and detailed analysis of the situation and the economic viability of the activities promoted by the EC contribution**, and using the results of this study, define a support strategy aimed at the viability and economic competitiveness of these productive activities.
- ✓ Among the aspects to consider as economic alternatives, it is important to place emphasis on subjects such as regional value chains; competitiveness of the territories; long-term trade agreements with actors in the chain; production quality and fulfilment of standardisation; creation of value added in the markets through elements relating to environmental-friendly agriculture or taking advantage of the local biodiversity; and financial access mechanisms and instruments. In this context due account should be taken of the mechanisms defined in the Agenda for Change for an appropriate balance between grants and loans and for ensuring that companies are models of social responsibility.

### 11.2.2 RULE OF LAW, JUSTICE AND HR

8. In line with the 'Agenda for Change' devise a new cooperation strategy prioritizing robust, open and inclusive political and policy dialogue with the Colombian government, CSOs, and victim and human rights organizations on how best to address the underlying drivers of still widespread impunity as well as tackle the pressing issue of what would be the best way forward in respect of making transitional justice work better in Colombia.

#### CONCLUSION 11 – PRIORITY 1 – ST-M-LT –EUD RESPONSIBILITY

- ✓ Impunity remains a key problem for the rule of law in Colombia. **The EC should devise a new bilateral cooperation strategy in this area that builds on its past interventions** (which have been geared toward institutional strengthening of the justice sector) **but prioritizes addressing of the underlying and structural drivers of impunity**, such as high levels of criminality, the Colombian State's lack of a 'criminal policy', and the shortfalls in the *Política de Lucha contra la impunidad en casos de violaciones a los derechos humanos e infracciones al derecho internacional humanitario, a través del fortalecimiento de la capacidad del Estado colombiano para la investigación, juzgamiento y sanción*. In line with the 'Agenda for Change' this new strategy should contain strong emphasis on political and policy dialogue with the Colombian government, CSOs and human rights organizations on how best to advance towards the goal of reducing Colombia's high levels of impunity.
- ✓ The EC should acknowledge that it is unlikely that Colombia's transitional justice process on the basis of Law 975 of 2005 (Justice and Peace Law) will be able to guarantee the rights of all victims to truth, justice and reparation. Although there has been some important progress on the right to truth, very little has been achieved on victims' rights to justice and reparation. Against this backdrop the EC should establish a robust, inclusive and open political and policy dialogue with the Colombian government and with victim and human rights organizations on the best way forward in respect of transitional justice in Colombia. The evidence suggests that there is little chance that the existing transnational justice framework, which is not without its merits, will effectively guarantee the rights of all victims to truth, justice and reparation. Through such a dialogue **the EC should support Colombia in developing new and more effective polices to address this pressing and most important issue, and support Colombia in the application of the Victims Law of 2011.**

9. In line with the 'Agenda for Change' the EC should establish a robust, open and inclusive political and policy dialogue with the Colombian government, CSOs, victim organizations and human rights groups, focusing on supporting Colombia in the development and implementation of an effective human rights policy (also including progressively more economic, social and cultural rights) and guaranteeing victims' rights to truth, justice and reparation.

#### CONCLUSION 12 – PRIORITY 1 – ST-M-LT –EUD RESPONSIBILITY

- ✓ The EC should assign **more weight to an inclusive, open and regular political and policy dialogue with Colombian State and non-State stakeholders on human rights policy** (including a progressively stronger focus on economic, social and cultural rights) and on how the rights to truth, justice and reparation of victims of the armed conflict can be more effectively guaranteed.
- ✓ Given the persistence of the armed conflict and of threats to and pressures on human rights groups the EC should **continue to focus on supporting the promotion and protection of civil and political rights**. At the same time and as part of its 'Agenda for Change', the EC should **prepare for stronger engagement in the medium term on economic, social and cultural rights** which will gain in prominence as the armed conflict subsides and democratic institutions are strengthened.
- ✓ **On its own the formal human rights dialogue with the Colombian government is insufficient for addressing human rights issues in Colombia.** It is therefore important that in

the short to medium term the EC integrates, in accordance with the 'Agenda for Change', the dialogue on human rights in a **broad political and policy dialogue with all key stakeholders**, including CSOs and non-governmental human rights organizations.

### 11.2.3 TRADE AND COMPETITIVENESS

*10. In line with the "Supporting Inclusive and Sustainable Growth for Human development" chapter of the "Agenda for Change" continue to promote local economic development, thus paving the way for effective use of the recently signed EU-Colombia Trade Agreement.*

#### CONCLUSION 13 – PRIORITY 2 – ST-M-LT – EC HQ & EUD RESPONSIBILITY

- ✓ The strategy should continue promoting the **strengthening of those MSMEs and producer associations that have an important impact on local development and a multiplication effect in the national economy** and in the economies of neighbouring countries. In order to harness their contribution it is necessary to define a joint strategy and related coordination activities between the different levels of cooperation, both at national level and between regional and sub-regional programmes.
- ✓ The EC strategy should also continue its support for institutional capacity strengthening so as to **improve the delivery of financial and business services**, supporting actions that facilitate trade, in particular in relation to the elimination of technical barriers to trade. **This will allow SMEs and cooperatives to benefit both from the recently-signed Trade Agreement with the EU and from the trade agreement signed with the USA.**

### 11.2.4 ENVIRONMENTAL SUSTAINABILITY

*11. The EC strategy in the environmental sector needs to be articulated with the Ministry of Environment and Sustainable Development and to the implementation of the National Policy.*

#### CONCLUSION 14 – PRIORITY 2 – ST-M-LT – EC HQ & EUD RESPONSIBILITY

Furthermore, this is in line with the Agenda for Change, that recommends: "The EU should scale up its support for oversight processes and bodies and continue to back governance reforms that promote the sustainable and transparent management of natural resources, including raw materials and maritime resources, and ecosystem services, with particular attention to the dependence of the poor on them, especially smallholder farms".

RECOMMENDATIONS	CONCLUSIONS	PRIORITY	TIMEFRAME
<b>POLICY &amp; STRATEGY</b>			
1. Commission impact evaluations of interventions.	C 3, 9, 10, 11, & 12	1	S-MT
2. Fine tune and consolidate the LRRD strategy.	C 1	2	S-M-LT
3. Promote good governance principles.	C 2	1	ST-M-LT

TABLE 5 : SUMMARY OF RECOMMENDATIONS BY CLUSTER

<b>EC RESPONSE STRATEGY</b>			
4. Enhance Aid effectiveness.	C 4, 5, 6 & 8	1	ST-M-LT
5. Review the Backbone Strategy and the corresponding 2010 EuropeAid Toolkit for Capacity Development in order to adapt / complement the proposed Capacity Assessment (CA) and Capacity Development (CD) scheme for territorialized interventions.	C 5	1	ST
<b>3Cs &amp; EC VALUE ADDED</b>			
6. Grant full credit and focus to the political dimension of cooperation and build cooperation strategies starting from that political angle.	C 4, 6, 7 & 8	1	ST-M-LT
<b>MACRO-SECTORS</b>			
7. Maintain and enhance support to those civil organizations and spaces for dialogue created in the zones most affected by the conflict.	C 9, 10	1	ST-M-LT
8. Devise a new cooperation strategy prioritizing robust, open and inclusive political and policy dialogue with the Colombian government, CSOs, and victim and human rights organizations on how best to address the underlying drivers of still widespread impunity as well as tackle the pressing issue of what would be the best way forward in respect of making transitional justice work better in Colombia.	C 11	1	ST-M-LT
9. Establish a robust, open and inclusive political and policy dialogue with the Colombian government, CSOs, victim organizations and human rights groups, focusing on supporting Colombia in the development and implementation of an effective human rights policy (also including progressively more economic, social and cultural rights) and guaranteeing victims' rights to truth, justice and reparation.	C 12	1	ST-M-LT
10. Continue to promote local economic development, thus paving the way for an effective use of the recently signed EU-Colombia Trade Agreement.	C 13	2	ST-M-LT
11. EC strategy in the environmental sector needs to be articulated with the Ministry of Environment and Sustainable Development and to the implementation of the National Policy.	C 14	2	ST-M-LT