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ANNEX

Neighbourhood, Development and International Cooperation Instrument (NDICI) – Global Europe

Exceptional Assistance Measure regarding Colombia

1. IDENTIFICATION

Action: Support to the Truth Commission

Action Reference: NDICI CR 2021 / 43

Cost: EUR 2 000 000 (European Union (EU) contribution).

Budget Line: 14 02 03 10

Duration: Maximum 18 months. The authorising officer responsible may decide to extend this period twice by a further period of up to six months, up to a total maximum duration of 30 months, under the conditions laid down in Article 23(6) of Regulation (EU) 2021/947.

Lead service: FPI

2. ACTION SUMMARY

While the Colombian peace process has been largely successful to date, it remains fragile and requires continued support from the international community. A number of threats prevail, including the recent social protests and clashes with security forces in April 2021; continued attacks on the Special Jurisdiction for Peace and Truth Commission (both created as part of the Comprehensive System for Peace after the Final Agreement signed in 2016 and essential in the comprehensive and integrated approach to the rights of victims to truth, justice, reparations and guarantees of non-repetition); an erosion of trust in the transitional justice institutions; and continued killings of ex-combatants (deemed by some observers as the most serious threat to peace), social leaders and human rights defenders. Colombian society and politics remain deeply polarised and tensions are likely to increase in the run-up to the presidential and congressional elections scheduled in June 2022 and the release of the Truth Commission's Final Report shortly thereafter.

The action is a continuation of the previous support to the Truth Commission¹ under the Instrument contributing to Stability and Peace. It seeks to provide additional support to the Truth Commission within the last stages of its mandate, originally planned to end in November 2021 and now extended until August 2022 following a decision of the

¹ Decision C(2019) 5190

Constitutional Court. This extension will allow the Commission to fully complete activities such as private dialogues in remote areas of the country that could not be carried out due to the COVID-19 pandemic restrictions; to publish its Final Report in June 2022, after the new President and Congress of Colombia are elected; and to broadly disseminate the Final Report, its conclusions and non-repetition recommendations. Within this framework, the action aims to support the final stage and phasing-out strategy of the Truth Commission, to guarantee the sustainability of its legacy².

3. BACKGROUND AND RATIONALE

3.1 BACKGROUND

The Final Agreement for the end of the conflict and the construction of a stable and permanent peace signed by the National Government and the Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo (FARC-EP) in November 2016 provides for the creation of the Overall System of Truth, Justice, Reparation and Non Repetition. Its launching answers the commitment of the government of Colombia and the FARC-EP to place the victims at the centre of the Agreement, including their testimonies, proposals and expectations. The System is composed of three components: the Special Jurisdiction for Peace (Jurisdicción Especial para la Paz—JEP), the Search Unit for the Search of Persons assumed as Missing (Unidad de Búsqueda de Personas dadas por Desaparecidas) and the Commission for the Clarification of Truth, Coexistence and Non repetition.

Five years after the signing of the Peace Agreement, the process continues to show benefits of ending the conflict through negotiation and keeping victims at the heart of the discussion moving forward. The extent to which all parties fulfil the commitments they made and the inclusion and full participation of ex-combatants and social leaders, including both men and women, in the process, are crucial to reaching the objectives of the Peace Agreements and consolidate peace.

Nevertheless, Colombia continues to be gripped by strong polarisation, increasing poverty, historical inequality, distrust, a pervasive culture of violence, lack of state control with the presence of illegal armed groups in large parts of the territory, and human rights violations, including alarming levels of killings of local leaders, human rights defenders and FARC ex-combatants³. Within this context, grievances continue to be rife and could fuel further large-scale protests which would likely continue to create further instability, especially in the run-up to the congressional and presidential elections scheduled for June 2022.

While protest activity that re-started in April 2021 has waned, there is still profound distrust between the protesters and the government, and broad popular support in favour of the protesters' agenda. This is aggravated by internal divisions within the government and

² The Commission's legacy is enshrined within the thousands of social processes carried out throughout these years together with over 3000 partners, represented in plural conversations about the violent past, common purposes and actions to promote peaceful coexistence, acts of recognition, requests and offers of forgiveness, the search for commitments to guarantee non-repetition, and the biggest archive of human rights actually existing in the country, that will finally materialize in a Report that will deliver to the country the reflections of this participatory, analytical and rigorous exercise, and the essential recommendations that may contribute to the non-repetition of the armed conflict and the violence that took place in it, as well as to pave the way for the achievement of national reconciliation.

³ In the period 26 June to 24 September 2021, the UN registered the killings of 14 FARC-EP former combatants, bringing the total to 292 since the signing of the Peace Agreement. In addition, the Office of the High Commissioner for Human Rights received information on the killings of 43 human rights defenders, bringing to a total of 158 killed during 2021. In addition, 11 massacres were documented, accounting for some 38 fatalities.

backtracking on the pre-agreement on security guarantees for protests. The Office of the High Commissioner for Human Rights registered 56 killed in the protests (2 police) and more than 2.000 wounded following the most recent protests. There are also concerns about disappearances and armed civilians at the side of the police shooting at protestors.

In addition, Colombia has been hit hard by the COVID-19 pandemic with severe socio-economic consequences, in particular for the most vulnerable, indigenous people, migrants, refugees and those working in the informal sector. Marginalised territories have been even more isolated during lockdown. Illegal armed groups have imposed lockdown themselves to increase their territorial control. The military has been deployed in large numbers but has not been able to stop the violence.

The implementation of the peace agreement is at the centre of a deepening and expanding relationship between Colombia and the European Union. The process stands at a critical juncture considering the context described above and following, inter alia, the recent indictments of former army officials by the Special Jurisdiction for Peace, and acceptance by the FARC-EP of responsibility for crimes against humanity and war crimes.

The Truth Commission planned its processes of testimony collection, research and public dialogues to be developed until July 2021, to deliver its Final Report to the Colombian society at the time, and leave the last months of mandate for its dissemination and pedagogy with the different audiences and sectors. Due to the impact of the COVID-19 pandemic, the upsurge in violence experienced in certain regions of the country, and the upcoming elections, the Commission's mandate has been extended through to August 2022. This will allow the Commission to finalise its Final Report, to delve deeper in some specific areas of the clarification process, and to enable and promote a broad, pluralistic and democratic debate regarding its findings and, more specifically, its recommendations.

The continuing support of the EU to the peace process in general and the Truth Commission in particular is crucial, especially considering the importance of the Commission fulfilling its mandate integrally, including a regional, historic dimension, after such a long-term conflict.

3.2 RATIONALE FOR CRISIS RESPONSE ACTIONS UNDER THE RAPID RESPONSE PILLAR OF THE NEIGHBOURHOOD, DEVELOPMENT AND INTERNATIONAL COOPERATION INSTRUMENT

The current situation in Colombia, including the continuing violence, recent large-scale protests and, increasing political and economic polarisation in a context of forthcoming congressional and presidential elections in 2022 and key milestones foreseen in the work of the institutions working on Truth, Justice, Reparation and Non Repetition constitute an exceptional and unforeseen situation in the sense of Article 4(4) of the NDICI Regulation. An adequate response cannot be provided under any other European Union Instrument due to the urgency with which the funds are required and due to available resources already being firmly committed.

Annex IV, paragraph 1, second paragraph, points (a), (e), (l) and (m) of Regulation (EU) 2021/947 specifically provides for the use of the NDICI rapid response pillar to support, (a) through the provision of technical and logistical assistance, the efforts undertaken by international, regional and local organisations and by State and civil society actors in

promoting confidence-building, mediation, dialogue and reconciliation, transitional justice, women’s and youth empowerment, in particular with regards to community tensions and protracted conflicts; (e) international criminal tribunals and ad hoc national tribunals, truth and reconciliation commissions, transitional justice and other mechanisms for the legal settlement of human rights claims and the assertion and adjudication of property rights; (l) measures to ensure that the specific needs of women and children in crisis and conflict situations, including preventing their exposure to gender-based violence, are adequately met; and (m) the rehabilitation and reintegration of the victims of armed conflict, including measures to address the specific needs of women and children.

3.3 RISKS AND ASSUMPTIONS

<i>Type of risk</i>	<i>Description</i>	<i>Mitigation measures</i>
Political and security risks	Low credibility of the project's activities among the victims and society in general, due to the electoral context.	Existing pedagogical strategies are complemented with those to make the project's results visible, guaranteeing the permanent participation and involvement of communities in the processes, culminating in transparent accountability, and validation of contents with the citizens. In particular, as this project is mainly focused on pedagogical and socialization activities, these activities will be aimed at counteracting this risk.
	Occurrence of violent events and security conditions that directly or indirectly affect the implementation of the Project.	Although the security context is beyond the direct control of the Project entities, all protection and security mechanisms will be used in coordination with the relevant State forces and agencies to guarantee the physical safety of the teams and participants in the different activities.
Operational risks	Health conditions derived from the COVID-19 pandemic prevent the realisation of in person events defined as part of the mass and direct communication strategies for the dissemination of the Final Report.	Alternatives for carrying out the activities in an in person or hybrid manner, with the aim of adapting to the measures and possibilities at the time of implementation will be sought if need be.
	Low response from stakeholders who are reluctant,	In addition to building on the relationships and bridges already

	indifferent or distant to participate in the Project's activities.	established, broad and inclusive calls within the framework of the large-scale and direct dissemination actions foreseen, which promote the participation of diverse actors in the development of the project and the broad reach of the Commission's messages, pieces and narratives will be carried out.
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4. OBJECTIVES

4.1 OVERALL OBJECTIVE

The overall objective of the action is to support the final stage and phasing-out strategy of the Truth Commission, to guarantee the sustainability of its legacy.

4.2 SPECIFIC OBJECTIVES

- 4.2.1 To enhance public and private strategic dialogues at the national and territorial level for the conclusion and dissemination of the Final Report;
- 4.2.2 To contribute to the broad dissemination strategy of the Final Report among the victims, the general public and specific key stakeholders and decision makers; and
- 4.2.3 To support the sustainability of the Truth Commission's legacy.

5. ACTION COMPONENTS AND EXPECTED RESULTS

The main expected results/outcomes include:

Expected Result (1): Dialogues held with specific stakeholders and sectors for the completion, release and dissemination of the Final Report, its findings and recommendations in the territories.

Activities (indicative):

- 5.1.1 Hold private meetings with strategic stakeholders for the conclusion of the Final Report, especially regarding the non-repetition recommendations;
- 5.1.2 Organise public and private events with, inter alia, victims, public institutions, universities, private companies and non governmental organisations to deliver the Report, disseminate its main contents and activate a national democratic debate around its findings;
- 5.1.3 Organise special "pedagogy routes" to reach territories with limited connectivity, with a special focus on pedagogic activities with indigenous and afro-Colombian authorities and organisations, women, children and victims who were exiled and have returned;
- 5.1.4 Hold specific meetings at national level with strategic stakeholders and partners relevant for the implementation of the recommendations, including state agencies of the executive, legislative and judicial branches, economic decision-makers, high-level

stakeholders who have participated in the Commission processes, international community partners in Colombia, media and the Comprehensive System for Peace.

Expected Result (2): Colombian society in general – and distant and indifferent audiences in particular – access the Final Report and its non-repetition recommendations through different formats, channels and languages.

Activities (indicative):

- 5.2.1 Produce and broadcast a TV show focusing on the main findings and recommendations of the Commission’s Final Report;
- 5.2.2 Generate alliances and disseminate content and products (through for example, mass media, radio, libraries and theaters);
- 5.2.3 Produce pedagogic material for the dissemination of the Report, including cross-cutting approaches, such as ethnic and gender perspectives.

Expected Result (3): The Truth Commission ensures the closure and liquidation process necessary to guarantee the sustainability of its mandate.

Activities (indicative):

- 5.3.1 Prepare and ensure the transfer of the Documentary Fund of the Truth Commission;
- 5.3.2 Organise access and safeguard of the Commission’s archives and the continuity of activities by relevant stakeholders, including the Monitoring Committee.

6. IMPLEMENTATION

6.1 IMPLEMENTATION MODALITIES

The Commission will ensure that the appropriate EU rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures⁴.

6.1.1 Grant: direct award (direct management)

(a) Purpose of the grant

The grant will be used to achieve specific objectives 4.2.1 to 4.2.3 through expected results 1, 2, and 3.

(b) Type of applicants targeted

The type of applicants targeted for this direct award non-profit organisations.

(c) Justification of a direct grant

Under the responsibility of the Commission’s authorising officer responsible, the recourse to an award of a grant without a call for proposals is justified because **the action entails crisis management aid as referred to in Article 195(a) and as defined in Article 2(21) of the Financial Regulation** at the date of the Financing Decision.

⁴ www.sanctionsmap.eu Please note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy between the published legal acts and the updates on the website, it is the OJ version that prevails.

6.2 INDICATIVE BUDGET

The total European Union contribution under this Financing Decision **will not exceed EUR 2 000 000**. A breakdown among components is provided hereunder, and is indicative.

Indicative budget breakdown

Components	EU contribution (amount in EUR)	Indicative third party contribution, in currency identified
Component 1: Support to the Truth Commission composed of 6.1.1 – Direct grant (direct management)	2 000 000	N.A.
Total	2 000 000	N.A.

6.3 ORGANISATIONAL SET-UP AND RESPONSIBILITIES

The action shall be implemented under direct management. It will be devolved and sub-delegated to the **European Union Delegation** Colombia, with the support of the Commission for the conclusion of the contracts implementing the action.

6.4 PERFORMANCE AND RESULTS MONITORING AND REPORTING

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final report. Each report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (outputs and outcomes) as measured by corresponding indicators, using as reference the Logframe matrix. The report shall be laid out in such a way as to allow monitoring of the means envisaged and employed and of the budget details for the action. The final report, narrative and financial, will cover the entire period of the action implementation.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

6.5 EVALUATION

Having regard to the nature of the action, evaluations will not be carried out for this action or its components.

The Commission may, during implementation, decide to undertake such an evaluation for duly justified reasons either on its own decision or on the initiative of the partner.

financing of the evaluation shall be covered by another measure constituting a financing decision.

6.6 AUDIT

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audits or expenditure verification assignments for one or several contracts or agreements.

The financing of the audit shall be covered by another measure constituting a financing decision.

6.7 COMMUNICATION AND VISIBILITY

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

This action shall contain communication and visibility measures which shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated at the start of implementation.

In terms of legal obligations on communication and visibility, the measures shall be implemented by the Commission, the partner country, contractors, grant beneficiaries and/or entrusted entities. Appropriate contractual obligations shall be included in, respectively, the financing agreement, procurement and grant contracts, and delegation agreements.

The Communication and Visibility Requirements for European Union External Action (or any succeeding document) shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.

7. COMPLEMENTARITY, COORDINATION AND FOLLOW-UP

The action will complement current EU support to the implementation of the Peace Agreement, in particular through the EU Trust Fund for Colombia⁵. The Trust Fund focuses on a support to the implementation of the peace agreement, with emphasis on integrated rural development in the poorest and most conflict-affected areas and on reintegration of the ex-combatants.

It will also complement support provided through bilateral projects, including under the European Instrument for Democracy and Human Rights that aims at contributing to the identification of, acknowledgement and dissemination of civil society and institutional initiatives that are examples of resilience and positive transformation as a result of and throughout the armed conflict.

Finally, the action will complement on-going projects under the Instrument contributing to Stability and Peace, namely support to the Special Jurisdiction for Peace, to the Missing Persons Unit, and to the Prosecutor General's Office.

⁵ https://ec.europa.eu/international-partnerships/trust-funds_en#header-1651