

**Peace Agreement Access Tool PA-X <https://pax.peaceagreements.org/>**

Country/ entity	Colombia
Region	Americas
Agreement name	Joint Communiqué #69
Date	12 May 2016
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/ conflict level	Intrastate/intrastate conflict ( Colombian Conflict (1964 - ) )
Stage	Framework/substantive - partial
Conflict nature	Government
Peace process	Colombia V - Santos
Parties	The national government, the FARC-EP
Third parties	-
Description	This communiqué states that the negotiating parties reached an agreement on the legal security of the Final Agreement to terminate the conflict. It is agreed to add a transitory article to the constitution and that the Final Agreement shall be signed as a Special Agreement under the terms of common article 3 of the Geneva Conventions.

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Agreement document [CO\\_160512\\_Joint Communiqué # 69, Havana.pdf](#)  | [Download PDF](#)

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## Groups

Children/  
youth No specific mention.

Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ethnic/national group	No specific mention.
Religious groups	No specific mention.
Indigenous people	No specific mention.
Other groups	No specific mention.
Refugees/displaced persons	No specific mention.
Social class	No specific mention.

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## **Gender**

Women, girls and gender	No specific mention.
Men and boys	No specific mention.
LGBTI	No specific mention.

Family No specific mention.

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## **State definition**

Nature of state (general) No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

Independence/ secession No specific mention.

Accession/ unification No specific mention.

Border delimitation No specific mention.

Cross-border provision No specific mention.

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## Governance

Political institutions (new or reformed) No specific mention.

Elections No specific mention.

Electoral commission No specific mention.

Political parties reform No specific mention.

Civil society No specific mention.

Traditional/religious leaders No specific mention.

Public administration No specific mention.

Constitution Governance→Constitution→Constitutional reform/making

Pages 1-2, Article I.

The National Government and the FARC - EP agree that the National Government will introduce, before May 18, 2016, the following wording in the formalization procedures of Legislative Act No. 04/2015 Senate, 157/2015 House of Representatives:

“Article xxx: The Political Constitution will have a new transitory article, which will read as follows:

Transitory Article: In development of the right to peace, the Final Agreement for the termination of the conflict and the construction of a stable and long-lasting peace constitutes a Special Agreement under the terms of common article 3 of the Geneva Conventions of 1949. In order to offer guarantees for the fulfillment of the Final Agreement, once it has been signed and comes into force, the foregoing will be included in strict sense into the constitutionality block so as to be taken into account during its implementation period, as an interpretation parameter and as a reference for the development and validity of the Regulations and Laws for the implementation and the development of the Final Agreement.

In development of the right to peace, the special legislative procedure for the approval of the Final Agreement for the termination of the conflict and the construction of a stable and long-lasting peace will include a “procedure for an approval law for the Special Agreement”, with the following special, procedural criteria: delivery to Congress for its incorporation into the internal law by means of a law; formalization procedures as an ordinary law; filing of the bill of law before the Senate clerk and publication, debate in the joint constitutional committees of the Senate and the House of Representatives, vote, debate in Senate plenary session; and debate in House of Representatives plenary session. The transit of the bill between one and the other chamber shall take 8 days, votes will be limited to the approval or disapproval of the entire wording, by means of qualified majority; constitutionality control of the approval law for the Special Agreement; presidential sanction and publication in the official journal; the Government binds itself to submit this approval law immediately upon the signature and approval of the Final Agreement for the termination of the conflict and the construction of a stable and long-lasting peace, and upon entrance into force of this Legislative Act.

The legislative procedure for the approval of laws or legislative acts for the implementation or development of the Final Agreement will be the special legislative procedure for peace set forth in transitory article xxxx referred to in article one of this Legislative Act, and it will be in force for the approval of the regulations for the implementation and the development of the Final Agreement during the time set forth in article xxxx.

The constitutional control related to the approval of the approval law for the Special Agreement will be unique and automatic.

The constitutional control related to the implementation of the Final Agreement through ordinary or statutory laws will be unique and automatic.

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## Power sharing

Political power sharing	No specific mention.
Territorial power sharing	No specific mention.
Economic power sharing	No specific mention.
Military power sharing	No specific mention.

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## Human rights and equality

Human rights/RoL general	No specific mention.
Bill of rights/similar	No specific mention.
Treaty incorporation	Summary: The common article 3 of the Geneva Conventions is mentioned several times in the agreement. The Final Agreement, which shall be reached to end the conflict, is supposed to be a special agreement under common article 3 of the Geneva Conventions. For the detailed provisions see under constitutional reform, past provision and enforcement mechanism.
Civil and political rights	No specific mention.
Socio-economic rights	No specific mention.

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## **Rights related issues**

Citizenship No specific mention.

Democracy No specific mention.

Detention procedures No specific mention.

Media and communication No specific mention.

Mobility/access No specific mention.

Protection measures No specific mention.

Other No specific mention.

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## **Rights institutions**

NHRI No specific mention.

Regional or international human rights institutions No specific mention.

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## **Justice sector reform**

Criminal justice and emergency law No specific mention.

State of emergency provisions No specific mention.

Judiciary and courts No specific mention.

Prisons and detention No specific mention.

Traditional Laws No specific mention.

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## **Socio-economic reconstruction**

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.



Banks No specific mention.

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## **Land, property and environment**

Land reform/  
rights No specific mention.

Pastoralist/  
nomadism  
rights No specific mention.

Cultural  
heritage No specific mention.

Environment No specific mention.

Water or  
riparian  
rights or  
access No specific mention.

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## **Security sector**

Security  
Guarantees No specific mention.

Ceasefire No specific mention.

Police No specific mention.

Armed  
forces No specific mention.

DDR No specific mention.

Intelligence services No specific mention.

Parastatal/  
rebel and  
opposition  
group  
forces No specific mention.

Withdrawal  
of foreign  
forces No specific mention.

Corruption No specific mention.

Crime/  
organised  
crime No specific mention.

Drugs No specific mention.

Terrorism No specific mention.

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## **Transitional justice**

Transitional  
justice  
general No specific mention.

Amnesty/  
pardon No specific mention.

Courts No specific mention.

Mechanism No specific mention.

Prisoner release No specific mention.

Vetting No specific mention.

Victims No specific mention.

Missing persons No specific mention.

Reparations No specific mention.

Reconciliation No specific mention.

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## **Implementation**

UN signatory No specific mention.

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/similar No specific mention.

Enforcement mechanism Pages 3-4, Article V,  
The National Government and the FARC – EP agree that the Final Agreement for the termination of the conflict and the construction of a stable and long-lasting peace, signed as a Special Agreement under the terms of common article 3 of the Geneva Conventions of 1949, will be deposited, immediately after its signature, before the Swiss Federal Council in Bern or before the body that may substitute it in the future as the depositary of the Geneva Conventions.

Page 4, Article VI,  
Likewise, the National Government and the FARC - EP agree that, upon approval of the Final Agreement for the termination of the conflict and the construction of a stable and long-lasting peace, a presidential statement will be delivered in the form of a unilateral statement of the Colombian State before the Secretary General of the United Nations, quoting the resolution of the United Nations' Security Council dated January 25, 2016, asking the Secretary General to welcome the Final Agreement and relate it to Resolution 2261 of the Security Council dated January 25, generating an official document of the Security Council and attaching the complete wording of the Final Agreement for the termination of the conflict and the construction of a stable and long-lasting peace to said Resolution 2261.

Related cases No specific mention.

Source <https://www.mesadeconversaciones.com.co/documentos-y-comunicados>

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