

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 -)

The Colombian conflict is really a set of conflicts and the peace agreements reflect both different processes relating to different conflict groups and dyads, and processes taking place at different times in a complex peace process history. The Colombian civil war has its roots in the late 1940s and the violent infighting between liberal and the conservative factions. Emerging from the liberal tradition with a thorough grounding in nationalist communist ideology, the Revolutionary Armed Forces of Colombia—People's Army (FARC) began its armed insurrection against the Colombian government in 1964. Other left-wing guerrillas emerged as well, most notably the socialist/populist M-19, which would later be integrated into the formal political system in the peace process of 1990s; the National Liberation Army (ELN), which has strong roots in liberation theology, and the Maoist Ejército Popular de Liberación (EPL) (also part of the 1990 process, less successfully). Several stages of peace processes were undertaken by the various sides, which were further complicated by the emergence of right-wing paramilitary 'self-defence' forces. The peace agreement between the Colombian government under President Uribe and the main alliance of the paramilitary groups, the United Self-Defence Forces of Colombia (AUC), concluded in 2005 and is still heavily disputed as several remnants are still active, but now subsumed under the heading 'Bacrim' (Bandas criminales). In addition, FARC and ELN maintain a military presence, but both demonstrate a strong interest in completing successful peace negotiations with the government, with the most recent agreements being between FARC and the Government.

Close
Colombian Conflict (1964 -)

Stage	Framework/substantive - partial
Conflict nature	Government
Peace process	Colombia V - Santos
Parties	The national government, the FARC-EP

Third parties

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Description

This communique 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.

Agreement document

[CO_160512_Joint Communiqué # 69, Havana.pdf \(opens in new tab\)](#) | [Download PDF](#)

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.

Gender

Women, girls and gender No specific mention.

Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

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.

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.

Page 3, Article IV,

Once Congress has approved the Final Agreement signed as a Special Agreement under common article 3 of the Geneva Conventions, the National Government, by means of the special legislative procedure for peace, will immediately promote a Legislative Act whereby the Final Agreement shall be entirely incorporated into the Political Constitution in a transitory article, in which the Agreement on the Special Jurisdiction for Peace dated December 15, 2015 must be expressly stated. Said transitory article will

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.

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.

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.

Rights institutions

NHRI No specific mention.

Regional or international human rights institutions No specific mention.

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.

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.

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.

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.

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.

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>
