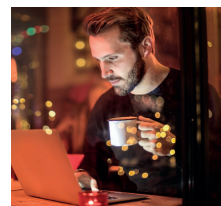




CORTE
CONSTITUCIONAL
DE COLOMBIA



POLITICAL CONSTITUTION OF COLOMBIA



POLITICAL CONSTITUTION OF COLOMBIA

CONSTITUTE

2021

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CONSTITUTIONAL COURT

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Foreword

The official English version of the Political Constitution of Colombia was accomplished as a result of the alliance between the Constitutional Court of Colombia and the Comparative Constitutions Project - CCP of the Universities of Chicago and Texas. The binding agreement between the two corporations was signed on May 18, 2020, by the Director of CCP, Zachary Elkins on one side, and, on the other, the President of the Constitutional Court, Mr. Justice Alberto Rojas Rios.

The Comparative Constitutions Project began at the University of Illinois in 2005 to translate and study the constitutions of the world. In 2013, the organization created the "Constitute Project" to present the text of all Constitutions of the world. Currently, more than 150 Constitutions have been translated into Spanish and English. They have been made available to the public on its official website since September 23, 2013, when it was launched within the framework of the General Assembly of the United Nations in New York.

The Constitute Project started with funding from Google Ideas (Jigsaw), Indigo Trust, and IC2. Later, the University of Chicago, the Constitutions Unit of University College of London, the National Science Foundation, the Cline Center for Democracy, and the United States Institute for Peace supported the project with contributions both in know-how and funding. Likewise, the project has cooperated with Oxford University Press, the most recognized publishing house in the United Kingdom, and W.S. Hein Publishers in the United States.





Presentation

The Political Constitution of the Republic of Colombia was promulgated on July 4th, 1991. It sets at its core the principle of the Social State based on the Rule of Law. A state which is democratic, essentially pluralistic, inclusive, and diverse, with citizens' participation in the decision-making process and its control. It also grants public discussion for policy formation, and holds an unbreakable separation of powers, with entrenching respect for human dignity and social solidarity. Its leading framework is the higher and common good.

Unlike most of the precedent Colombian Constitutions, this one was adopted after a wide democratic deliberation that determined the acceptance and expression of the nuances of the nation's ethnic and cultural pluralism. It is actually the most appropriate political navigation chart to face the challenges that the future still poses to the nation.

The Bill of Rights was also recomposed by this Constitution, which strengthened the freedoms of conscience, worship, together with all other civil and political rights —Liberty Rights. It affirmed the social, economic and cultural rights — minimum social guarantees, collective rights, and environmental protection. It granted recognition and protection to the autonomy of indigenous peoples and Afro-Descendant communities, as well as the rights of these and other minorities that had been ignored and isolated throughout Colombian history.

The National Constituent Assembly gave life to the Constitutional Court. This high Court was empowered with

two essential functions that fixed its *raison d'être*: First, to preserve and protect the new social contract of Colombians; and second, to guarantee the actual enforcement of civil and fundamental rights. It achieves this via two function ranges: On the one hand, the constitutional review of acts and other regulations, to prevent the abuses of power that contradict principles set forth in the Constitution; and on the other hand, the direct control of violations or threats to fundamental rights through a specific legal action called tutela action (aka Amparo action in other countries). This action can be filed by any person to request immediate and effective protection for his/her rights.

The axiology of this novel Constitutional jurisdiction also admitted domestic enforcement of international treaties on Human Rights (known as the Constitutionality Block) as a tool for the interpretation of applicable regulations for the purpose of its judicial decisions. This legal and political framework claimed back the institutional trustworthiness of Colombians, as well as the basic foundations of the Social and Democratic Rule of Law.

The foundational social contract established in the 1991 Constitution is the direct result of the renewal of the Colombian reality, linked to the revolutionary transformation of fundamental rights and of the precept of peace. It is still and for good, the meeting point of hope for Colombians.

Justice ALBERTO ROJAS RIOS
President of the Constitutional Court of Colombia
February 2020 - February 2021

Presentación

Esta es la Constitución Política de la República de Colombia promulgada el 4 de julio de 1991. Adoptó como principio el Estado Social de Derecho, democrático, esencialmente pluralista, participativo y deliberativo, con separación inquebrantable de los poderes públicos, afianzado en el respeto a la dignidad humana y en la solidaridad de las personas que lo componen. Tiene como marco el interés general. A diferencia de la mayoría de las Constituciones que le antecedieron, esta surgió del gran debate democrático que implicó el reconocimiento de los matices y la naturaleza propia de nuestro pluralismo étnico y cultural. La más apropiada para enfrentar los retos que aún plantea el futuro de la nación.

Colombia reconfiguró su carta de derechos y además de afianzar la libertad de conciencia, la libertad de cultos y todos los demás derechos civiles y políticos -Derechos de Libertad-, reconoció los derechos sociales, económicos y culturales -garantías sociales mínimas- y los derechos colectivos y el medio ambiente. Visibilizó y protegió la autonomía de los pueblos indígenas y de las comunidades afrodescendientes, y los derechos de los demás grupos minoritarios que habían sido invisibilizados o marginados históricamente.

La Asamblea Nacional Constituyente le dio vida a la Corte Constitucional, una Corte para la Constitución, con dos funciones consustanciales

a su razón de ser: La preservación y guarda del nuevo pacto de convivencia y la eficacia concreta de los derechos. De un lado, el control constitucional abstracto -un mecanismo efectivo para invalidar las leyes que pretermitan la intangibilidad de la Constitución-, a la manera de línea roja que proteja los colombianos de los abusos y excesos de poder; y, de otro lado, el control constitucional concreto a través de la acción de tutela (equivalente al derecho de amparo en otros regímenes jurídicos) que autoriza a toda persona para que, sin formalidad especial, en cualquier tiempo y lugar solicite la garantía y protección efectiva de sus derechos fundamentales. La justicia constitucional incluyó en su axiología los tratados internacionales sobre los Derechos Humanos como Bloque de Constitucionalidad, y con ese tamizado político-jurídico reivindicó la confiabilidad institucional de los colombianos y la razón de ser del Estado Social y Democrático de Derecho.

El pacto fundamental de convivencia que se consolidó en la Constitución de 1991 es el resultado diáfano de la transformación de una realidad cuyo núcleo ha sido la revolución de los derechos fundamentales y la paz, y continúa siendo el punto de encuentro de la esperanza de los colombianos.

Magistrado ALBERTO ROJAS RÍOS
Presidente de la Corte
Constitucional de Colombia
febrero 2020 - febrero 2021

Contents

15
Preamble



17
Title I
Fundamental
principles



21
Title II
Rights, guarantees
and duties



59
Title III
Population and
territory



67
Title IV
Democratic
participation and
political parties



81
Title V
Organization of
the state



93
Title VI
Legislative branch



129
Title VII
Executive branch



157
Title VIII
Judicial branch



183
Title IX
Elections and
electoral system



193
Title X
Control Organisms



211
Title XI
Territorial
organization



243
Title XII
Economic and
public finance
regime

279
Title XIII
Constitutional
reform

285
**Transitional
provisions**

321
**New
transitional
title, rules for
termination
and the armed
conflict and
construction
of a stable and
lasting peace**

Preamble

The people of Colombia,

In exercise of their sovereign power, represented by their delegates to the National Constituent Assembly, invoking the protection of God, and in order to strengthen the unity of the nation and ensure to its members life, peaceful coexistence, work, justice, equality, knowledge, freedom, and peace within a legal, democratic, and participatory framework that guarantees a just political, economic, and social order, and committed to promoting the integration of the Latin American community, decree, authorize, and promulgate the following:

COLOMBIANOS LAS ARMAS
OS HAN DADO INDEPENDENCIA
LAS LEYES OS DARÁN LIBERTAD

SANTANDER



Political Constitution of Colombia

Title I

Fundamental Principles

ARTICLE 1

Colombia is a social state under the rule of law, organized in the form of a unitary republic, decentralized, with autonomy of its territorial units, democratic, participatory, and pluralistic, based on respect for the human dignity, work, and solidarity of the individuals who belong to it, and the prevalence of the general interest.

ARTICLE 2

The essential goals of the State are to serve the community, promote general prosperity, and guarantee the effectiveness of the principles, rights, and duties consecrated in the Constitution; to facilitate the participation of all in the decisions that affect them, and in the economic, political, administrative, and cultural life of the nation; to defend national independence, maintain territorial integrity, and ensure peaceful coexistence and the observance of a just order.

The authorities of the Republic are established in order to protect all individuals residing in Colombia, in their life, honor, property, beliefs, and all the other rights and freedoms, and in order to ensure fulfillment of the social duties of the State and individuals.

ARTICLE 3

Sovereignty resides exclusively in the people from whom public power emanates. The people exercise it in direct form or through their representatives, within the terms established by the Constitution.

ARTICLE 4

The Constitution is the supreme law. In the event of any conflict between the Constitution and the law, or any other regulation, the application of the Constitution shall prevail.

It is the duty of citizens and foreigners in Colombia to obey the Constitution and the laws, and to respect and obey the authorities.

ARTICLE 5

The State recognizes, without any discrimination whatsoever, the primacy of the inalienable rights of the individual and protects the family as the basic institution of society.

ARTICLE 6

Individuals are responsible before the authorities only for violations of the Constitution and the law. Public servants are responsible for the same violations and for omissions or excess of power.

ARTICLE 7

The State recognizes and protects the ethnic and cultural diversity of the Colombian Nation.

ARTICLE 8

It is the obligation of the State and of individuals to protect the cultural and natural assets of the nation.

ARTICLE 9

The foreign relations of the state are based on national sovereignty, on respect for the self-determination of peoples, and on recognition of the principles of international law accepted by Colombia.

In the same manner, the foreign policy of Colombia shall be oriented toward the integration of Latin America and the Caribbean.

ARTICLE 10

Spanish is the official language of Colombia. The languages and dialects of ethnic groups are also official in their territories. The education provided within communities with their own linguistic traditions shall be bilingual.



Title II

Rights, Guarantees, and

Duties

Chapter I On Fundamental Rights

ARTICLE 11

The right to life is inviolable. There shall be no death penalty.

ARTICLE 12

No one shall be subjected to enforced disappearance, torture, or cruel, inhuman, or degrading treatment or punishment.

ARTICLE 13

All individuals are born free and equal before the law, shall be granted equal protection and treatment from the authorities, and shall enjoy the same rights, freedoms, and opportunities without any discrimination on account of gender, race, national or family origin, language, religion, or political or philosophical opinion.

The State shall promote conditions for equality to be real and effective and shall adopt measures in favor of groups that are discriminated against or marginalized.

The State particularly shall protect those individuals who on account of their economic, physical, or mental condition are in manifestly vulnerable circumstances and shall sanction abuse or ill-treatment perpetrated against them.

ARTICLE 14

Every individual has the right to have his/her legal personality recognized.

ARTICLE 15

All individuals have a right to personal and family privacy and to their good reputation. The State is obligated to respect them and to make others respect them. Similarly, individuals have the right to know, update, and rectify information collected about them in data banks and in the records of public and private entities.

Freedom and the other guarantees consecrated in the Constitution shall be respected in the collection, processing, and circulation of data.

Correspondence and other forms of private communication are inviolable. They may be intercepted or recorded only on the basis of a court order in cases and following the formalities established by law.

For tax or legal purposes and for cases of inspection, oversight, and intervention of the State, accounting records and other private documents may be demanded within the limits provided by law.

ARTICLE 16

All individuals have a right to free development of their personality without limitations beyond those imposed by the rights of others and the legal order.

ARTICLE 17

Slavery, servitude, and human trafficking in all forms are prohibited.

ARTICLE 18

Freedom of conscience is guaranteed. No one shall be disturbed on account of his/her convictions or beliefs or compelled to reveal them or obliged to act against his/her conscience.

ARTICLE 19

Freedom of worship is guaranteed. Every individual has the right to freely practice his/her religion and to disseminate it individually or collectively.

All religious faiths and churches are equally free before the law.

ARTICLE 20

Every individual is guaranteed the freedom to express and diffuse his/her thoughts and opinions, to transmit and receive information that is true and impartial, and to establish mass media.

Mass media enjoy liberty and bear social responsibility. The right to make corrections under conditions of equity is guaranteed. There shall be no censorship.

ARTICLE 21

The right to honor is guaranteed. The law shall stipulate the manner in which it shall be upheld.

ARTICLE 22

Peace is a right and a duty that obligatorily must be upheld.

ARTICLE 22A

As a guarantee of Non-Recurrence and in order to contribute to ensuring the monopoly on legitimate force and on use of weapons by the State and particularly the public force throughout the entire territory of Colombia, it is prohibited to create, promote, instigate, organize, instruct, support, tolerate, cover or favor, or finance or employ, in an official or private capacity, civilian-organized armed groups for illegal purposes of any kind, including the so-called self-defense or paramilitary groups, or their support networks, structures or practices, security groups for illegal purposes, or other equivalent names.

The law will define the criminal offenses related to these behaviors, as well as the relevant disciplinary and administrative sanctions.

ARTICLE 23

Every individual has the right to present respectful petitions to authorities in the general interest or his/her private interest and to secure prompt resolution of the petitions. The legislative body shall be empowered to regulate the exercise of this right with private organizations in order to guarantee fundamental rights.

ARTICLE 24

Every Colombian citizen, within the limitations established by law, has the right to move freely throughout the national territory, to enter and exit the national territory, and to remain and reside in Colombia.

ARTICLE 25

Work is a right and a social obligation and enjoys, in all its forms, the special protection of the State. Every individual is entitled to a job under decent and just conditions.

ARTICLE 26

Every individual is free to choose a profession or occupation. The law may require certificates of competence. The competent authorities shall inspect and oversee the exercise of professions. Occupations, trades, and trade that do not require academic training are to be exercised freely, except for those that involve social risk.

Legally recognized professions may be organized into professional associations (colegios). The internal structure and operation of association shall be democratic.

The law may assign public functions to them and establish appropriate controls.

ARTICLE 27

The State guarantees freedom of teaching learning, research, and professorship.

ARTICLE 28

Every individual is free. No one may be harassed in his/her person or family, sent to jail or arrested, or have his/her home be searched except on the basis of a written order from a competent judicial authority, following the legal procedures, and for reasons previously defined by law.

A person in preventive detention shall be referred to the competent judge within thirty-six hours of his/her detention so that the judge may make an appropriate determination within the time period established by law.

In no case shall be detention, imprisonment, or arrest for debts, or imprescriptible criminal sanctions or security measures.

ARTICLE 29

Due process shall be observed in all kinds of judicial and administrative proceedings.

No one may be judged except in accordance with laws that were in force prior to the alleged act, before a competent judge or tribunal, and in full observance of trial procedure.

In criminal law, permissive or favorable law, even when ex post facto, shall be applied in preference to restrictive or unfavorable alternatives.

Every individual is presumed innocent until he/she is found guilty by way of trial. Whoever is accused is entitled to a defense and the assistance of counsel chosen by the accused or appointed by court during the investigation and trial; to due public process without unreasonable delay; to present evidence and to refute evidence alleged against him/her; to appeal convictions; and not to be placed in double jeopardy for the same act.

Evidence obtained in violation of due process is null and void by right.

ARTICLE 30

Whoever is deprived of his/her freedom and believes that this deprivation is illegal is entitled to invoke habeas corpus before any legal authority, at any time, on his/her own or through a third party. Recourses of habeas corpus must be resolved within thirty-six hours.

ARTICLE 31

Any judicial sentence may be appealed or reviewed unless otherwise provided by law.

When the accused is the sole appellant, the higher court may not impose a heavier penalty.

ARTICLE 32

An offender who is caught in flagrante delicto may be apprehended and taken before a judge by any person. Should he/she be subject to hot pursuit by agents of law and order and take refuge in his/her own home, the law-enforcement agents may enter the domicile to apprehend the accused. Should the accused take refuge in someone else's home, a formal legal demand shall be presented to the resident [before authorities may enter].

ARTICLE 33

No one may be forced to testify against himself/herself or his/her spouse, domestic partner, or family member to the fourth degree of consanguinity, the second degree of affinity, or the first civil degree.

ARTICLE 34

The penalties of banishment and confiscation are prohibited.

Nonetheless, by judicial sentence, dominion will be declared extinguished over assets that were acquired through illicit enrichment, loss to Public Treasury, or with grave harm to public morality.

In an exceptional manner, when a boy, girl, or adolescent has been a victim of aggravated homicide or of sexual molestation that implies violence, or the child or adolescent has been rendered incapable of resisting or is incapable of resisting, a penalty of life imprisonment may be imposed.

Any sentence of life imprisonment will automatically be subject to the control of the superior court.

In any case, the penalty must be reviewed within a period of no less than twenty-five (25) years, to evaluate the resocialization of the convicted person.

28

TRANSITIONAL PARAGRAPH

The National Government will have one (1) year counting from the promulgation date of the present constitutional amendment, to place before the Congress of the Republic a bill to regulate life imprisonment.

Likewise, a comprehensive public policy shall be formulated that develops the protection of boys, girls, and adolescents, founded principally on early warnings, education, prevention, psychological support, and the guarantee of an effective prosecution and conviction of the offender when their rights are breached.

A report will be presented annually to the Congress of the Republic on the advance and fulfillment of this public policy. Similarly, an oversight commission will be formed to support the supervision that the legislative body will undertake.

ARTICLE 35

Extradition may be requested, granted, or offered in accordance with international treaties and, in their absence, with the relevant law.

The extradition of Colombians by birth shall also be granted for crimes committed abroad that are considered as such by Colombian penal legislation.

Extradition shall not be granted for political crimes.

Extradition shall not be granted for acts committed prior to the promulgation of the present norm.

ARTICLE 36

The right of asylum is recognized within the limits provided by law.

ARTICLE 37

Any group of individuals may gather and demonstrate publicly and peacefully. Only the law may define explicitly those cases in which the exercise of this right may be limited.

ARTICLE 38

The right of free association for the promotion of various activities that individuals pursue in society is guaranteed.

Workers and employers have the right to form trade unions or associations without interference by the State. Their legal recognition shall occur by the simple registration of their constituent act.

The internal structure and functioning of trade unions and social or professional organizations shall be subject to the legal order and to democratic principles.

ARTICLE 39

Cancellation or suspension of legal status may occur only through legal means.

Labor union representatives' special jurisdiction is recognized as well as the other guarantees that they need to fulfill their administrative responsibilities.

Members of the public force do not have the right to form associations.

ARTICLE 40

Each citizen has the right to participate in the establishment, exercise, and control of political power. To make this right effective a citizen may

1. Vote and be elected.
2. Participate in elections, plebiscites, referendums, popular consultations, and other forms of democratic participation.
3. Constitute political parties, movements, and groups without any limit whatsoever; freely join them; and diffuse their ideas and programs.
4. Revoke the mandate of those elected in cases and in the form provided for by the Constitution and the law.
5. Have [legislative] initiative in public bodies.
6. Undertake public interest actions in defense of the Constitution and the law.
7. Agree to undertake public functions and responsibilities, except for native-born or naturalized Colombian citizens, who hold dual citizenship. The law shall spell out this exception and shall determine the cases where it applies.

Authorities shall guarantee the adequate and effective participation of women in the decision-making ranks of public administration.

ARTICLE 41

In all educational institutions, public or private, the study of the Constitution and civics shall be mandatory. In this way, democratic practices for the learning of principles and values of citizen participation shall be promoted. The State shall publicize the Constitution.

Chapter II

Social, Economic, and Cultural Rights

ARTICLE 42

The family is the basic nucleus of society. It is constituted by natural or legal ties, through the free decision of a man and woman to contract matrimony or through a responsible decision to form a family.

The State and society guarantee the complete protection of the family. The law may determine the inalienable and non-seizable nature of family assets. A family's honor, dignity, and intimacy are inviolable.

Family relations are based on the equality of rights and duties of the couple and on the reciprocal respect of all its members.

Any form of violence in the family is considered destructive to its harmony and unity, and shall be sanctioned according to law.

Whether born in or out of wedlock, adopted, or conceived naturally or scientifically, children have equal rights and duties. The law shall determine parents' responsibility to their offspring.

The couple has the right to decide freely and responsibly how many children they will have, and they shall support them and educate them while they are minors or not self-supporting.

Forms of marriage, the age and qualifications to contract it, spouses' duties and rights, and separation and dissolution of marriage ties are determined by law.

Religious marriages shall have civil effects under the terms established by law.

The civil effects of all marriages may be terminated by divorce in accordance with civil law.

Annulments of religious marriages issued by authorities of the respective faiths within the limits established by law also have civil effects.

The law shall determine matters relating to the civil status of individuals and consequent rights and duties.

33

ARTICLE 43

Women and men have equal rights and opportunities. Women cannot be subjected to any type of discrimination. During pregnancy and following delivery, women shall benefit from the special assistance and protection of the State and shall receive from it food subsidies if they should find themselves unemployed or abandoned during this period.

The State shall afford particular support to female heads of household.

ARTICLE 44

The following are basic rights of children: life, physical integrity, health and social security, a balanced diet, name and nationality, having a family and not being separated from it, care and love, education and culture, recreation, and the free expression of their opinions. They shall be protected against all forms of abandonment, physical or moral violence, kidnapping, sale, sexual abuse, work or economic exploitation, and dangerous work.

They shall also enjoy other rights upheld in the Constitution, the laws, and international treaties ratified by Colombia.

The family, society, and the State have the obligation to assist and protect children in order to guarantee their harmonious and holistic development and the full exercise of their rights. Any person may demand from the competent authority the fulfillment of these rights and the punishment of those who violate them.

The rights of children take precedence over the rights of all others.

ARTICLE 45

Adolescents are entitled to protection and integral development.

The State and society guarantee the active participation of adolescents in public and private organs that are responsible for the protection, education, and progress of youth.

ARTICLE 46

The State, society, and the family shall all participate in protecting and assisting senior citizens and shall promote their integration into active community life.

The State shall guarantee to them services of comprehensive social security and food subsidies in case of indigence.

ARTICLE 47

The State shall promote a policy of contingency planning, rehabilitation, and social integration for persons who are physically, emotionally, or psychologically handicapped, it shall provide them the specialized attention that they need.

ARTICLE 48

Social Security is an obligatory public service that shall be provided under the administration,

coordination, and control of the State, subject to the principles of efficiency, universality, and solidarity under the terms established by law.

All inhabitants are guaranteed the irrevocable right to Social Security.

With the participation of individuals, the state shall gradually extend the coverage of Social Security, which shall include the provision of services in the form determined by law.

Social Security may be provided by public or private entities, in accordance with law.

The resources of Social Security organs shall not be assigned or used for any other purpose than Social Security.

The law shall define the means whereby resources earmarked for retirement benefits may retain their constant purchasing power.

The State shall guarantee the rights resulting from the Pensions System and its financial sustainability. The State shall respect vested rights in accordance with the law and assume the payment of the pension debt for which it is responsible according to the law. The laws that are enacted concerning pension matters after the entry into force of this constitutional amendment must ensure the financial sustainability of the arrangements they entail.

Notwithstanding discounts, reductions, and seizures of pensions decreed by applicable law, for no reason may the payment of monthly pensions recognized by law be suspended or their value be frozen or reduced.

To acquire the right to pension, it will be necessary to comply with the age, time of service, weeks of contribution payments, or required capital, as well as other conditions

indicated by law, without prejudice to the provisions for infirmity and survivor's pensions. The requirements for and the benefits resulting from obtaining the right to a disability or survivor's pension shall be established by the laws of the General Pensions System.

In pension matters all vested rights are respected.

Pension prerequisites and benefits for all persons, including those related to old-age pensions for high-risk activities, shall be established by the Laws on the General Pensions System. No provision may be issued and no contract invoked that would run contrary to the rules thereby enacted.

The payment of pensions will be based only on factors related to contributions made by each person. No pension may be lower than the existing monthly legal minimum wage. However, The law may determine the cases in which periodic economic benefits that are lower than the minimum wage may be granted to persons with limited resources who do not fulfill the conditions required for the right to a pension.

Upon the entry into force of the present constitutional amendment, there shall be no special or exceptional regimes, notwithstanding provisions that are applicable to the public force and the President of the Republic and provisions of the present article.

Persons whose right to a pension comes into existence after the entry into force of the present constitutional amendment may not receive more than thirteen (13) monthly pension payments per year. It is understood that each pension comes into existence at the time when all requirements for obtaining it are met, even if the pension has not yet been recognized.

The law shall establish a rapid procedure for reviewing pensions that were awarded based on an abuse of law or without fulfillment of the requirements established by law or by valid agreements or arbitral awards.

PARAGRAPH 1

After July 31, 2010, no pensions may come into existence at the expense of public resources that are higher than twenty-five (25) monthly legal minimum wages.

PARAGRAPH 2

Upon the entry into force of the present constitutional amendment, no pension requirements that differ from those established by the laws of the General Pensions System may be established by agreements, collective bargaining, arbitral awards, or any other legal act.

TRANSITIONAL PARAGRAPH 1

The pension regime of national, nationalized, and territorial teaching staff linked to the official public education service is that which has been established for the teaching profession by the legal provisions that were in force prior to the entry into force of Law 812 of 2003, and specified in Article 81 of Law 812. Teachers who have joined or join the service after the entry into force of the aforementioned law shall have the right to the special pension program [prima media] established by the General Pensions System laws, in the terms specified by Law 812 (2003), Article 81.

TRANSITIONAL PARAGRAPH 2

Without prejudice to acquired rights, the regime that is applicable to members of the public force and the President of the Republic, and the provisions in the present article's paragraphs, special pension regimes, exceptional pension regimes, as well as any other [pension regime] that is different from the regime permanently established by the General Pensions System laws shall cease to have effect on July 31, 2010.

TRANSITIONAL PARAGRAPH 3

Pension rules included in pacts, collective labor contracts, arbitral awards, or validly concluded agreements that are in force on the date of entry into force of this constitutional amendment shall remain valid for the period initially established. In the pacts, agreements or awards that are made between the entry into force of this legislative act and July 31, 2010, no pension rules that are more favorable than those currently in force may be stipulated. In any event, they shall cease to have effect on July 31, 2010.

TRANSITIONAL PARAGRAPH 4

The transitional regime established by Law 100 of 1993 and the other rules that develop this regime may not extend beyond July 31, 2010, except for the workers who are subject to that regime and have paid contributions for at least 750 weeks or its equivalent in time of service upon the entry into force of the present constitutional amendment, to whom it shall continue to apply until 2014.

The pension prerequisites and benefits for the persons covered by this regime shall be those established by Article 36 of Law 100 of 1993 and the other rules that develop this regime.

TRANSITIONAL PARAGRAPH 5

In accordance with the provisions of Article 140 of Law 100 of 1993 and of Decree 2090 of 2003, the high-risk regime contemplated by this decree shall apply to the members of the National Prison and Penitentiary Guards Association, starting with the entry into force of the decree. Those who joined earlier will be covered by the previous regime for people in high-risk jobs, which is specified in the relevant provisions in Law 32 of 1986, under which the corresponding employee contributions must have been paid.

TRANSITIONAL PARAGRAPH 6

Persons who receive a pension equal to or lower than three (3) monthly legal minimum wages or, if the pension comes

into existence before July 31, 2011, who obtain fourteen (14) monthly pension payments per year are excepted from the provisions of Section 8 of the present article.

ARTICLE 49

Public health and environmental sanitation are public services for which the State is responsible. All individuals are guaranteed access to services that promote, protect, and restore health.

It is the responsibility of the State to organize, direct, and regulate the provision of health services to the inhabitants and sanitation in accordance with the principles of efficiency, universality, and solidarity. The State additionally has a responsibility to establish policies for the provision of health services by private entities and to exercise oversight and control over them; the State has a responsibility to establish the competences of the nation, territorial entities, and private citizens, and to determine the subsidies to their tasks in the terms and conditions established by law.

Health services shall be organized in a decentralized manner, by care levels, and with the participation of the community.

The law shall define the terms under which basic care for all inhabitants shall be free of charge and mandatory.

Every individual has the right to have access to comprehensive care of his/her health and that of his/her community.

The possession and the consumption of narcotic and psychoactive drugs are prohibited, except by medical prescription. For the sake of prevention and rehabilitation, the law shall establish administrative measures and pedagogic, prophylactic, and therapeutic treatments for persons consuming

these substances. The application of these measures and treatments requires the informed consent of the addict.

In addition, the State shall give special attention to sick individuals who are dependent on or addicted to drugs as well as their families in order to strengthen the family in respect of values and principles which help to prevent behavior detrimental to the comprehensive health care of persons and, by extension, of the community, and it shall develop in a permanent manner campaigns for the prevention of consumption of drugs and narcotic substances and in favor of the rehabilitation of addicts.

ARTICLE 50

Any child under a year old who is not covered by any type of protection or social security shall be entitled to receive free care in all healthcare entities that receive state subsidies. The law shall regulate the matter.

ARTICLE 51

All Colombian citizens have a right to decent housing. The State shall determine the conditions necessary to give effect to this right and shall promote plans for public housing, appropriate systems of long-term financing, and community plans for the execution of these housing programs.

ARTICLE 52

The practice of sports and their recreational, competitive, and autochthonous manifestations have the function of fully developing the human personality, and preserving and promoting better health in human beings.

Sports and recreation are part of education and constitute public social expenditure.

The right of all persons to recreation, the practice of sports, and the enjoyment of free time is recognized.

The State shall foster these activities and shall inspect, look after, and control sports and recreational organizations, whose structure and property must be democratic.

ARTICLE 53

Congress shall issue a labor statute, which shall consider at least the following minimal fundamental principles:

- Equality of opportunity for workers.
- Minimum living wage that is indexed to the gross domestic product and is proportional to the quantity and quality of work.
- Stability in employment
- Minimum benefits not subject to renunciation as established in labor regulations.
- Faculty to negotiate and reconcile uncertain and arguable rights.
- A more favorable interpretation of the formal bases of law for workers in case of doubt concerning their application and interpretation.
- The primacy of the real conditions of workers over legal formalities in labor relations.
- Guarantees of social security, training, instruction, and necessary rest; special protection of women, mothers, and minor-age workers.

The State guarantees the right to timely payment and periodic adjustment of legal retirement benefits.

Duly ratified international labor agreements are part of domestic legislation.

The law, contracts, agreements, and labor settlements may not infringe on the freedom, human dignity, or rights of workers.

ARTICLE 54

It is the obligation of the State and employers to offer training and professional and technical instruction to whoever needs them. The State must promote job placement for individuals of working age and guarantee to the handicapped the right to employment appropriate to their state of health.

ARTICLE 55

The right of collective bargaining to regulate labor relations is guaranteed, except where otherwise provided by law.

It is the duty of the State to promote negotiated agreements and other measures for the peaceful resolution of collective labor conflicts.

ARTICLE 56

The right to strike is guaranteed, except in the case of essential public services defined by the legislature.

The law shall regulate this right.

A permanent commission composed of the Government and employer and worker representatives shall promote good labor relations, contribute to the settlement of collective labor disputes, and coordinate wage and labor policies. The law shall regulate their makeup and functioning.

ARTICLE 57

The law may establish incentives and means for worker participation in the management of enterprises.

ARTICLE 58

Private property and other rights acquired in accordance with civil laws are guaranteed and may neither be disregarded nor infringed by subsequent laws. When a law enacted for reasons of public utility or social interest conflicts in its application with the rights of private interests, the private interest shall yield to the public or social interest.

Property has a social dimension that implies obligations. Given this, an ecological dimension is inherent to it.

The State shall protect and promote associative and joint forms of property.

Expropriation may be carried out for reasons of public utility or social interest defined by the legislature, subject to a judicial decision and prior compensation. The compensation shall be determined by considering the interests of the community and of the individual concerned. In the cases determined by the legislature, the expropriation may take place by administrative action, subject to subsequent litigation before the administrative law courts, including with regard to the price.

ARTICLE 59

In case of war and exclusively to meet its requirements, the need for expropriation may be decreed by the National Government without prior indemnification.

In the said case, real estate may be occupied only temporarily to meet the requirements of war or to direct the property's products to the war effort.

The State shall always be responsible for expropriations effected by the Government on its own or through its agents.

ARTICLE 60

The state shall promote access to property in accordance with the law.

When the State sells its interest in an enterprise, it shall take measures to promote the democratization of the ownership of its shares and shall offer its workers or the collective and workers' organizations special terms to facilitate their acquisition of these shares. The law shall regulate the matter.

ARTICLE 61

The State shall protect intellectual property for the period and using the means established by statute.

ARTICLE 62

The beneficiary of inter vivos or testamentary donations that are made in accordance with the law for purposes of social benefit may not be altered or modified by the legislature, unless the purpose of the donation should no longer be applicable. In this case, the law shall assign the property in question to a similar purpose.

The Government shall oversee the management and investment of such donations.

ARTICLE 63

Assets set aside for public use, natural parks, communal lands of ethnic groups, reservation lands of indigenous peoples, the archaeological resources of the nation, and other properties determined by law are inalienable, imprescriptible, and not subject to seizure.

ARTICLE 64

It is the duty of the State to promote gradually increasing access of agricultural workers to landed property in individual or associational form and to services involving education, health, housing, social security, recreation, credit, communications, the marketing of products, and technical and management assistance with

the purpose of improving peasants' incomes and quality of life.

ARTICLE 65

The production of food crops shall benefit from the special protection of the State. For that purpose, priority shall be given to the comprehensive development of agricultural, livestock, fishing, forestry, and agro-industrial activities as well as to the building of physical infrastructural projects and to land improvement.

Similarly, the state shall promote research and the transfer of technology for the production of food crops and primary resources of agricultural origin, for the purpose of increasing productivity.

ARTICLE 66

Provisions addressing private or public credit may regulate the special conditions of agricultural credit, considering the cycles of harvests and prices as well as the risks inherent in farming activities and environmental disasters.

ARTICLE 67

Education is an individual right and a public service that has a social function. Goals of education include access to knowledge, science, technology, and the other benefits and values of knowledge.

Education shall instill in Colombians respect for human rights, peace, and democracy; the practice of work and recreation for cultural, scientific, and technological progress; and respect for the environment.

The State, society, and the family are responsible for education, which shall be mandatory between the ages of five and fifteen years and which minimally shall include

one year of preschool instruction and nine years of basic instruction.

Education shall be free of charge in public institutions, without prejudice to the collection of tuition from those who can afford it.

It is the responsibility of the State to regulate, inspect, and supervise education at the highest level in order to ensure its quality, fulfillment of its goals, and improvement in students' moral, intellectual, and physical formation; to guarantee adequate service coverage; and to ensure that minors enjoy the conditions necessary to participate and remain in the educational system.

The nation and the territorial entities shall participate in the management, financing, and administration of state educational services under the terms set in the Constitution and statute.

ARTICLE 68

Individuals may create educational institutions. The law shall establish the conditions for their creation and management.

The educational community shall participate in managing educational institutions.

Education shall be in the care of individuals of recognized ethical and pedagogical fitness. The law guarantees the professionalization and dignity of the teaching profession.

Parents have the right to select the type of education for their minor children. In state institutions, no individual may be obliged to receive religious instruction.

Members of ethnic groups shall have the right to education that respects and develops their cultural identity.

The State has special obligations to eradicate illiteracy and educate individuals with physical or mental limitations or with exceptional capabilities.

ARTICLE 69

The autonomy of universities is guaranteed. Universities shall be able to administer and govern themselves through their own by-laws, in accordance with the applicable statute.

The law shall establish a special regime for state universities.

The State shall strengthen scientific research in public and private universities and shall offer special conditions for their development.

The State shall provide financial assistance to ensure that all qualified individuals have access to advanced education.

ARTICLE 70

The State has an obligation to promote and foster all Colombians' equal access to culture by means of lifelong education and scientific, technical, artistic, and professional instruction at all stages of the process of creating national identity.

Culture in its diverse manifestations is a basis of nationality. The State recognizes the equality and dignity of all those who live together in the country. The state shall promote research, science, development, and the diffusion of the nation's cultural values.

ARTICLE 71

Freedom is guaranteed in the search for knowledge and artistic expression. Economic and social development plans shall include promotion of the sciences and of culture in general. The State shall create incentives

for individuals and institutions that develop and foster science and technology and other cultural manifestations and shall offer particular incentives to individuals and institutions that pursue these activities.

ARTICLE 72

The nation's cultural heritage is under the protection of the State. The archaeological patrimony and other cultural resources that shape national identity belong to the nation and are inalienable, not subject to seizure, and imprescriptible. The law shall establish the mechanisms to restore control over them when they are in the hands of individuals and shall regulate the special rights that ethnic groups may enjoy when they occupy territories of archaeological wealth.

ARTICLE 73

Journalistic activity is protected in order to guarantee its freedom and professional independence.

ARTICLE 74

All persons have the right of access to public documents except in cases established by statute.

Professional privilege is inviolable.

ARTICLE 75

The electromagnetic spectrum is an inalienable and imprescriptible public resource subject to the management and control of the State. Equality of opportunity is guaranteed in the access to its use within the limits determined by statute.

To guarantee genuine pluralism and competence, the state shall intervene through the mandate of an act to avoid monopolistic practices in the use of the electromagnetic spectrum.

ARTICLE 76

[Abolished by Legislative Act No. 2 of 2011]

ARTICLE 77

The Congress of the Republic shall adopt an act that determines policy concerning television.

Chapter III

Collective Rights and the Environment

ARTICLE 78

The law shall regulate quality control for goods and services offered and provided to the community as well as the information that must be made available to the public in their marketing.

Those who endanger consumer and user health, safety, and subsistence in the production and marketing of goods and services shall be held responsible in accordance with the law.

The State shall guarantee the participation of consumer and user organizations in the study of the provisions that concern them. In order to enjoy this right, the organizations must be of a representative nature and observe internal democratic procedures.

ARTICLE 79

Every individual has the right to enjoy a healthy environment. The law shall guarantee the community's participation in decisions that may affect it.

It is the duty of the State to protect the diversity and integrity of the environment, conserve areas of special ecological importance, and foster education for the achievement of these goals.

ARTICLE 80

The State shall plan the management and exploitation of natural resources in order to guarantee their sustainable development, conservation, restoration, or replacement.

Additionally, it shall prevent and control environmental deterioration, impose legal sanctions, and demand the repair of any damage caused.

It also shall cooperate with other nations in the protection of ecosystems located in border areas.

ARTICLE 81

The manufacture, importation, possession, and use of chemical, biological, or nuclear weapons are prohibited, as is the introduction into the national territory of nuclear and toxic waste.

The state shall regulate the entry and exit of genetic resources in the national territory and their use, in accordance with the national interest.

ARTICLE 82

It is the duty of the State to ensure that public space is protected and dedicated to common use, which has priority over private interests.

Public entities shall partake of the profits generated by their urban planning activities and shall regulate the use of the soil and urban airspace in order to protect the common interest.

Chapter IV
Protection and Application of Rights

ARTICLE 83

Activities of private parties and public authorities shall conform to standards of good faith, which shall be presumed in all procedures that individuals carry out before public authorities.

ARTICLE 84

When a right or an activity has been regulated in a general way, public authorities may not establish or demand permits or licenses, or impose additional conditions for their exercise.

ARTICLE 85

The rights consecrated in Articles 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 26, 27, 28, 29, 30, 31, 33, 34, 37, and 40 are to be applied immediately.

ARTICLE 86

Any individual may claim immediate legal protection of fundamental rights before a judge at any time or place, through a preferential and summary proceeding, on his/her own behalf or through someone else acting in his/her name, whenever the individual fears these rights may be jeopardized or threatened by the action or omission of any public authority.

The protection shall consist of a judicial order enjoining the public authority in question to act or abstain from acting. The order shall

be implemented immediately but may be challenged before the competent judge, who shall remit the case to the Constitutional Court for its possible review.

The action shall proceed only when the affected party does not have access to other means of judicial expense, except when it is used as a stopgap measure to avoid irreversible harm. In no case can more than 10 days elapse between the request for protection and its resolution.

The law shall establish the cases in which the order of protection should apply to individuals entrusted with providing a public service or whose conduct may seriously and directly harm the collective interest; or cases when the plaintiff may find him/herself in a position of subordination or vulnerability.

ARTICLE 87

Any individual may appear before judicial authorities to demand the fulfillment of an act or administrative act. In case of a successful action, the sentence shall order the delinquent authority to perform its mandated duty.

ARTICLE 88

The law shall regulate collective redress actions to protect collective rights and interests concerning public patrimony, public space, safety, and health; administrative morality; the environment; free economic competition; and analogous rights and interests that the law defines.

The law shall also regulate class actions stemming from harm caused to a large number of individuals, without prejudice of pertinent complaints by specific individuals.

Finally, the law shall define the cases of civil liability for damage to collective rights and interests.

ARTICLE 89

In addition to what is stipulated in the preceding articles, the law shall establish other recourses, actions, and procedures to defend the integrity of the legal order and individual, group, or collective rights against actions or omissions by public authorities.

ARTICLE 90

The State shall be liable for unlawful damages caused by public authorities' acts or omissions.

In that event that the State is ordered to pay compensation for damages caused by wrongful or gravely negligent acts of one of its agents, the State in turn shall demand restitution from the agent.

ARTICLE 91

In the event that a state agent, following orders from his/her superior, gravely breaches the Constitution so he/she causes harm to another person, this fact does not exempt him/her from responsibility.

Members of the military in active duty are exempt from this provision. Where members of the military are concerned, responsibility shall fall exclusively on the superior officer who gave the order.

ARTICLE 92

Any person or legal entity may solicit from the competent authority the application of penal or disciplinary sanctions stemming from the behavior of public authorities.

ARTICLE 93

International treaties and agreements ratified by Congress that recognize human rights and prohibit their limitation in states of emergency prevail in the internal legal order.

The rights and duties mentioned in this charter shall be interpreted in accordance with

international treaties on human rights ratified by Colombia.

The Colombian State may recognize the jurisdiction of the International Criminal Court within the scope of the Rome Statute adopted on July 17, 1998, by the United Nations General Assembly and, consequently, ratify said treaty in accordance with the procedure established by this Constitution.

The admission of a different treatment on substantial matters by the Rome Statute with respect to the guarantees contained in this Constitution shall produce effects only within the scope of application of mentioned Statute.

ARTICLE 94

The rights and guarantees alluded to in the Constitution and in ratified international agreements should not be construed as a denial of other rights that, being inherent to the human being, are not expressly mentioned in these instruments.

Chapter V

Duties and Obligations

ARTICLE 95

Being Colombian elevates all members of the national community. Everyone has the duty to exalt and dignify it. The exercise of the rights and liberties recognized in this Constitution implies responsibilities.

Every individual is obliged to obey the Constitution and the laws.

The following are duties of the individual and of the citizen:

1. To respect others' rights and not to abuse one's own.
2. To act in accordance with the principle of social solidarity, responding with humanitarian actions to situations that endanger human life or health.
3. To respect and support legitimately constituted democratic authorities in maintaining national independence and integrity.
4. To defend and propagate human rights as the foundation of peaceful coexistence.
5. To participate in the country's political, civic, and community life.

6. To strive toward achieving and maintaining peace.
7. To cooperate in the good functioning of the administration of justice.
8. To protect the country's cultural and natural resources and to strive to preserve a healthy environment.
9. To contribute to the financing of the State's expenditures and investments within the principles of justice and equity.



A black and white photograph of a building facade. At the top, a large, multi-faceted glass dome is set within a horizontal band of windows. Below this, a wide, light-colored horizontal band contains a large inscription in Spanish. To the right of the inscription is a small rectangular sign with the word 'SANTANDER'. The building's facade is composed of large, rectangular stone or concrete blocks. Below the inscription band, there are several levels of windows and architectural details, including a prominent entrance area with columns at the bottom. The overall style is modernist or functionalist.

COLOMBIANOS: LAS ARMAS
OS HAN DADO INDEPENDENCIA
LAS LEYES OS DARAN LIBERTAD

SANTANDER

Title III

Population and Territory

Chapter I Nationality

ARTICLE 96

The following are Colombian nationals:

1. By birth:

- a. Colombian natives, on one of two conditions: first, the father or the mother is a Colombian native or national; or second, if both parents are aliens, either parent was domiciled in the Republic at the time of birth.
- b. Children of a Colombian father or mother born abroad who have later established their domicile in the Colombian territory or registered in a consular office of the Republic.

2. By adoption:

- a. Aliens who solicit and obtain a certificate of naturalization in accordance with applicable law, which [also] shall establish the cases in which Colombian nationality is lost through adoption.
- b. People born in Latin America or the Caribbean who are domiciled in Colombia and who, with the Government's authorization and in accordance with the relevant law and the principle of reciprocity, request to be registered as Colombians in the municipality where they reside.

- c. Members of indigenous peoples straddling border areas, in application of the principle of reciprocity according to public international treaties.

No Colombian by birth may be deprived of his/her nationality. Colombian nationality is not lost by virtue of acquiring another nationality. Nationals by adoption shall not be obligated to renounce their nationality of origin or adoption.

Whoever has renounced his/her Colombian nationality may recover it in accordance with the law.

ARTICLE 97

Even a Colombian who has renounced his/her nationality shall be tried and sentenced as a traitor if he/she acts in opposition to the country's interests when Colombia is involved in a foreign war.

Colombian nationals by adoption and aliens domiciled in Colombia cannot be obligated to take up arms against their country of origin; neither may Colombians who have been naturalized abroad take up arms against the country of their new nationality.

Chapter II Citizenship

ARTICLE 98

Citizenship is effectively lost by the renunciation of nationality, and its exercise may be suspended by virtue of a judicial decision in cases determined by law.

Persons whose exercise of citizenship has been suspended may request its restoration.

PARAGRAPH

Unless otherwise provided by law, the exercise of citizenship starts at the age of eighteen.

ARTICLE 99

Being a citizen and exercising citizenship is an indispensable precondition for exercising the right to vote, be elected, and hold public office involving authority or jurisdiction.

Chapter III

Aliens

ARTICLE 100

Foreigners will enjoy in Colombia the same civil rights that are granted to Colombians. However, the law may, for reasons of public order, subject to special conditions or deny, the exercise of certain civil rights to foreigners.

Likewise, foreigners will enjoy, in the territory of the Republic, the guarantees granted to nationals, except for the limitations established by the Constitution or the law.

Political rights are reserved to nationals, but the law may grant foreigners residing in Colombia the right to vote in elections and in popular consultations of a municipal or district nature.

Chapter IV

Territory

ARTICLE 101

The borders of Colombia are those established in international treaties approved by Congress and duly ratified by the President of the Republic, and those defined by arbitration awards in which Colombia takes part.

The borders identified in the form provided for by this Constitution may be modified only by treaties approved by Congress and duly ratified by the President of the Republic.

Besides the continental territory, the archipelago of San Andrés, Providencia, and Santa Catalina, and the island of Malpelo are part of Colombia in addition to the islands, islets, keys, headlands, and sandbanks that belong to it.

Also, part of Colombia is the subsoil, territorial sea, contiguous zone, continental shelf, exclusive economic zone, airspace, segment of geostationary orbit, and electromagnetic spectrum and the space where it operates, in accordance with international law, or with the laws of Colombia in the absence of international regulations.

ARTICLE 102

The territory and the public resources that are part of it belong to the nation.



Title IV
Democratic Participation
and Political Parties

Chapter I

Forms of Democratic Participation

ARTICLE 103

The following are the people's mechanisms for participating in the exercise of their sovereignty: the vote, plebiscites, referenda, popular consultations, open town hall meetings, legislative initiatives, and recalls of elected officeholders. The law shall regulate these matters.

The State shall contribute to the organization, promotion, and guidance of professional, civic, trade union, community, youth, charitable, or nongovernmental public-purpose associations, without prejudice to their autonomy, so that they may constitute democratic means of representation in the various organs of participation, agreement, control, and oversight of the public activity that establishes them.

ARTICLE 104

The President of the Republic, with the signature of all the ministers and pending a favorable evaluation from the Senate of the Republic, may convoke a popular consultation on matters of great national importance. The people's decision shall be binding. The popular consultation may not coincide with another election.

ARTICLE 105

Upon fulfilling the requirements and formalities stipulated by the general law on territorial organization and in the cases determined by this law, governors and mayors shall be entitled to hold popular consultations to decide issues falling under the jurisdiction of their respective departments or municipalities.

ARTICLE 106

Upon fulfillment of the requirements prescribed by law, the people of territorial entities may present bills concerning issues falling under the jurisdiction of the respective public entity, which is obliged to implement them; decide on issues of interest to the community at the initiative of respective government or entity or not less of ten percent (10%) of the citizens enrolled in the respective electoral roll; and elect representatives to meetings of the public service entities within the respective territorial entity.

Chapter II

Political Parties and Political Movements

ARTICLE 107

All citizens are guaranteed the right to establish, organize, and develop political parties and movements and the freedom to join them or to withdraw from them.

In no case shall citizens be allowed to belong simultaneously to more than one political party or movement with legal status recognized.

Political parties and movements shall organize themselves democratically and shall be guided by the principles of transparency, objectivity, morality, equality of sexes, and the duty to present and disseminate their political programs.

In order to make decisions or select their own candidates or coalition candidates, political parties and movements may hold popular, internal, or interparty ballots that may or may not coincide with elections to public bodies, in accordance with the provisions of their by-laws and the law.

The rules relating to campaign financing and advertising and access to State media that govern ordinary elections shall apply to popular consultations. Those who participate in the consultations of a party or political movement or in interparty consultations may not register for another consultation in the same electoral process. The result of the consultations shall be binding.

The leadership of political parties and movements must promote processes of internal democratization and the strengthening of the principle of parliamentary bloc-formation. of parliamentary groups.

Political parties or movements shall be required to assume responsibility for any violation or contravention of the rules that govern their organization, functioning, and funding. They additionally shall also be held responsible for promoting any candidates elected to posts or public bodies by popular election who have been or were sentenced during the exercise of their official duties for crimes involving links to illegal armed groups and drug-trafficking activities, crimes against the system of democratic participation, or crimes against humanity by a sentence that is enforceable in Colombia or abroad.

Political parties and movements additionally shall be held responsible for endorsing any candidates to popularly elected offices or public corporations, even if they are not elected, who receive a conviction, whether enforceable in Colombia or abroad, for criminal links to illegal armed groups or narco-trafficking activities prior to the party's endorsement.

The sanctions may include fines, reimbursement of public funds received based on the party's share of votes received, or even loss of legal status. When the sentence concerns persons who have been elected to posts with a single officeholder the party or movement that endorsed the sentenced person shall not present candidates for the subsequent elections in that constituency. If the elections are less than eighteen months away, the party or movement shall not have the right to present the shortlist of three

candidates. In such a case the nominating body is free to choose a replacement.

Party leaders who are shown not to have acted with the necessary care and diligence in the exercise of the rights and duties that are conferred upon them by virtue of the party's legal status shall also be subject to sanctions determined by law.

Social organizations are also guaranteed the right to demonstrate and participate in political events.

A member of a public body who decides to stand for another party in the next election must renounce his/her seat at least twelve (12) months prior to the opening day of the registration period.

TRANSITIONAL PARAGRAPH 1

Without prejudice to the provisions of Article 134, members of popularly elected collegial bodies shall exceptionally be authorized to register with a party different from the one that initially promoted them within a period of two months following the entry into force of this constitutional amendment, without having to renounce their seat or violating the ban on double membership.

TRANSITIONAL PARAGRAPH 2

The National Government or the members of Congress shall present a bill for a statutory law that implements this article before August 1st, 2009.

The bill shall be accompanied by a demand to expedite the law-making procedure and shall be discussed in a joint session of Congress. The need for the process to be speeded up can be also insisted if so required. The deadlines for the prior constitutionality review of the bill by the Constitutional Court shall be reduced by half.

ARTICLE 108

The National Election Commission shall grant legal status to political parties and movements and significant groups of citizens. They may acquire legal personality by obtaining no less than three percent (3%) of votes validly cast in the national territory in elections to the House of Representatives or Senate. They shall lose it if they do not obtain this percentage in elections to these public bodies. This requirement does not apply to the special regime enacted by law for constituencies of ethnic and political minorities, for which it shall suffice to have obtained representation in Congress.

Political parties and movements also shall lose their legal status if they do not hold a party convention at least every two (2) years that allows their members to influence the political organization's most important decisions.

Political parties and movements with recognized legal status may register candidates for elections. This registration must be endorsed by the party's or political movement's legal representative or by the person delegated by him/her.

Social movements and significant groups of citizens may also register candidates.

All registrations of disqualified candidates shall be revoked by the National Election Commission in accordance with the requirements of due process.

The by-laws of political parties and movements shall regulate the issues pertaining to their internal disciplinary regime. The members of public bodies elected by the political party or movement or significant group of citizens shall act within these bodies as parliamentary group under the terms defined by law and in accordance with decisions democratically adopted by them.

The internal by-laws of political parties and movements shall define matters of conscience to which this regime does not apply and may establish sanctions for disregard of these guidelines by members of the parliamentary groups. These sanctions shall constitute various levels up to expulsion from the party and may include the loss of voting rights as member of Congress, deputy, councilor, or alderman/alderwoman for the remainder of the term for which the person concerned was elected.

**TRANSITIONAL
PARAGRAPH 1**

For the elections to Congress that take place in 2010, the percentage to which the first section of this article refers shall be two percent (2%); the requirement of party membership for one year prior to registration stipulated in Section 8 shall not apply.

ARTICLE 109

The State shall contribute to the political and electoral expenses of political parties and movements with legal status recognized, in accordance with the relevant law.

Election campaigns conducted by candidates put forward by parties and movements with legal status recognized and by significant citizen groups that put candidates on the ballot shall be funded partly with state resources.

The law shall determine the percentage of votes necessary to qualify for the right to such funding.

The expenses that parties, movements, relevant citizen groups, or candidates incur in election campaigns, as well as the maximum amount of private contributions, may also be limited in accordance with applicable law.

A percentage of this funding shall be directed to parties and movements with legal status and significant citizen groups that put forward candidates prior to the election or ballot

in accordance with the conditions and guarantees determined by law and with the authorization of the National Election Commission.

Electoral campaigns for President of the Republic shall have access to a maximum of advertising space and institutional space on radio and television paid for by the State, for candidates of those parties, movements, and relevant citizen groups whose electoral bids comply with the requirements of seriousness stipulated by law.

In the elections following the entry into force of this constitutional amendment, violations of campaign spending limits shall, if duly proved, be sanctioned with loss of mandate or public office. The law shall determine the other effects resulting from the violation of this provision.

Parties, movements, and candidates shall publicly account for the amount, sources, and use of their funds.

It is prohibited for political parties and movements and significant citizen groups to receive funding for electoral campaigns from foreign natural or legal persons. No type of private funding may have objectives that are antidemocratic or attack public order.

PARAGRAPH

The annual funding of political parties and movements with legal status shall rise, at a minimum, to 2.7 times the amount contributed in 2003, maintaining its value over time.

The amount of campaign funding of political parties and movements with legal status shall be at least three times the amount contributed in 1999–2002 in per the peso's value in 2003.

This includes transportation costs on election day and the cost of currently funded postal franking.

Internal elections of parties and movements that opt for this mechanism shall receive funding based on the shares of votes that they obtain. This funding shall maintain its value in constant pesos in force at the time of approval of the present constitutional amendment.

TRANSITIONAL PARAGRAPH

The National Government or Members of Congress shall present a bill for a statutory law that implements this article before August 1st, 2009.

The bill shall be accompanied by a demand to expedite the law-making procedure. The need for the process to be speeded up can be also insisted if so required. The deadlines for the prior constitutionality review of the bill by the Constitutional Court shall be reduced by half.

76

ARTICLE 110

Officeholders are prohibited from making any contribution whatsoever to parties, movements, or candidates or inducing others to do so, aside from exceptions established by law. Noncompliance with any of these prohibitions shall be cause for dismissal from office or loss of mandate.

ARTICLE 111

Political parties and movements with recognized legal status have the right to use mass media that make use of the electromagnetic spectrum at all times in accordance with law. This law also shall determine the conditions and the form in which duly registered parties, political movements, and candidates shall have access to said media.

Chapter III

Status of the Opposition

ARTICLE 112

Political parties and movements with recognized legal status that declare themselves to be in opposition to the Government may freely formulate their critical stance toward the government and plan and develop alternative policies. For these purposes, they are guaranteed the following rights: access to official information and documentation, subject to the restrictions stipulated by the Constitution and law; use of the State's mass media or of mass media that use the electromagnetic spectrum, in accordance with the representation that they obtained in the immediately preceding congressional elections; and the right of reply in the same mass media.

Minority parties and movements with legal status shall have the right to participate in the executive committees of collegial bodies, in accordance with their representation in them.

A statutory law shall regulate the matter in its entirety.

The candidate who follows the number of votes of the elected President and Vice President of the Republic, department governor, district mayor, or municipal mayor will have a personal right to occupy a seat in the Senate, House of

Representatives, departmental assembly, district council, or municipal council, respectively, during the corresponding corporation's term.

The seats thus assigned in the Senate of the Republic and in the House of Representatives will be added to those foreseen in Articles 171 and 176. The other seats will not increase the number of members of such institutions.

In the case of nonacceptance of a seat in a public corporation of the territorial entities, the seat will be assigned according to the general rule of seat assignment provided in Article 263.



Title V
Organization of the State

Chapter I

Structure of the State

ARTICLE 113

The branches of public power are the legislative, executive, and judicial.

In addition to the organs that constitute these three branches, there are other autonomous and independent organs for the execution of other State functions. The different State organs have separate functions but cooperate harmoniously for the realization of the State's goals.

ARTICLE 114

The Congress of the Republic has the power to amend the Constitution, make laws, and exercise political control over the Government and public administration.

The Congress of the Republic shall be composed of the Senate and the House of Representatives.

ARTICLE 115

The President of the Republic is the Head of State, Head of Government, and supreme administrative authority.

The National Government is composed of the President of the Republic, Cabinet ministers, and directors of administrative departments. The President and the minister or director of the appropriate department represent the Government in any particular issue.

No act of the President, except the appointment and dismissal of ministers and directors of administrative departments and those decreed in his/her capacity as Head of State and supreme administrative authority, shall have any value or force whatsoever if it is not countersigned and communicated by the minister of the respective office or by the director of the appropriate administrative department, who, by virtue of this countersignature and communication, become responsible for the act.

Governorates and mayoralties as well as the super-intendencies, public establishments, and industrial or commercial enterprises of the State are part of the executive branch.

ARTICLE 116

The Constitutional Court, Supreme Court of Justice, Council of State, National Judicial Discipline Commission, Office of Attorney General of the Nation tribunals, and judges administer justice. So does the Military Criminal Justice System.

Congress shall exercise specific judicial functions.

On an exceptional basis, the law may assign jurisdictional functions in specific subject areas to certain administrative authorities. However, they are not allowed to investigate, prosecute or judge criminal offenses.

Individuals may be invested temporarily with the function of administering justice as jurors in criminal proceedings, mediators, or arbitrators authorized by the parties in a dispute to issue verdicts in law or equity according to the terms defined by law.

ARTICLE 117

The Public Ministry and the Office of the Comptroller General of the Republic are control organs.

ARTICLE 118

The Public Ministry shall be exercised by the Inspector General of the Nation, the Ombudsman, the Assistant Inspectors General, and agents of the Public Ministry before judicial authorities, as well as by municipal representatives of the public ministry and other officials determined by law. The Public Ministry has the faculty of defending and promoting human rights, protecting the public interest, and overseeing the official conduct of those who perform public functions.

ARTICLE 119

The Office of the Comptroller General of the Republic has the duty to oversee fiscal management and control administrative performance.

ARTICLE 120

The electoral organization consists of the National Election Commission, the Office of the National Civil Registrar, and of other organs established by law. It is responsible for the organization, direction, and oversight of elections, as well as matters relating to personal identification.

ARTICLE 121

No authority of the State may exercise functions different from those assigned to it by the Constitution and law.

Chapter II Public Service

ARTICLE 122

Every public job shall have its functions detailed by law or regulation; in order to fill remunerated positions, it is necessary for them to figure in the respective employment plan and for their salaries to be provided in the corresponding budget.

No public servant shall accede to his/her post without swearing an oath to defend and abide by the Constitution and to fulfil the duties incumbent on him or her.

Before taking office, on resigning from it, or when the competent authority requests, the public servant shall declare, under oath, the amount of his/her assets and income.

This declaration may be used only for the purposes of applying the rules on civil servants.

Notwithstanding other sanctions established by law, persons who have been sentenced at any time for having committed crimes involving the State patrimony or who have been convicted of crimes related to membership in or promotion or funding of illegal armed groups, crimes against humanity, or drug trafficking in Colombia or abroad may not be registered as candidates for popularly elected offices, be elected, or be appointed as civil servants; nor may they conclude

contracts with the State, whether personally nor through an intermediary.

The same prohibitions apply to civil servants whose intentional or grossly negligent conduct, as certified by court sentence, has required the State to pay court-ordered damages, unless the civil servant him/herself assumes the compensation for the damages using his/her own patrimony.

PARAGRAPH

Members of organized armed groups outside the law who are convicted of crimes committed because of, in the context of, or in direct or indirect relationship with the armed conflict and who sign a peace accord with the Government or have demobilized on an individual basis — as long as they have laid down their arms, accepted the framework of transitional justice applicable in each case, among them the Special Jurisdiction for Peace per the terms of this constitutional amendment, and as long as they have not been convicted of criminal acts following the peace accord or their demobilization — will be eligible to be designated public employees or official workers as long as they are not effectively deprived of their freedom, whether preventatively or in fulfillment of a punishment that has been imposed; they additionally will be eligible to sign contracts with the State on their own or through an intermediary. Persons to whom the present article refers will not be disqualified from exercising any profession, trade, or occupation.

The previous disposition will apply equally to members of the public force who submit to the Special Jurisdiction for Peace. They may be public employees, official workers, or State contractors, as long as they have not been effectively deprived of their liberty, be it preventively or as part of a sanction that has been imposed upon them, without prejudice

to the prohibition of reincorporation to the active service provided in Law 1820, 2016, for the situations indicated in it.

To support guarantees of non-repetition, the Colombian State will guarantee that the acts that occurred in the past are not repeated, and to this end it will implement the measures concerning this matter referred to in the Peace Accord. Those who are sanctioned for grave violations of human rights or grave infractions of International Humanitarian Law cannot be part of any State security, defense, judicial, or oversight organ.

ARTICLE 123

Civil servants include members of public entities, and employees and workers of the State and its territorially decentralized branches and services.

Civil servants are at the service of the State and of the community; they shall perform their function in the form prescribed by the Constitution, law, and regulation.

The law shall determine the regime applicable to individuals who fulfill public functions temporarily and shall regulate their exercise.

ARTICLE 124

The law shall determine the responsibility of civil servants and how to make it effective.

ARTICLE 125

Jobs in State institutions and bodies are career positions, except for those subject to popular election, jobs subject to free appointment and dismissal, , jobs of official workers, and other jobs determined by law.

Functionaries whose system of appointment has not been determined by the Constitution or law shall be appointed on the basis of a public competitive examination.

Hiring and promotion in career positions shall be made after fulfilling the requirements and conditions determined by law to ascertain applicants' merits and qualifications.

Dismissal shall occur for unsatisfactory performance on the job, violation of the disciplinary code, or other causes prescribed in the Constitution or law.

In no case may the political affiliation of citizens determine their appointment to, promotion in, or termination from career positions.

PARAGRAPH

The terms of office established in the Political Constitution or in the law for elected positions have an institutional character. Those appointed or elected to replace an officeholder who is permanently prevented from performing the duties of office shall hold the office for the original officeholder's remaining term.

88

ARTICLE 126

Civil servants may not in the exercise of their functions appoint, nominate, or sign contracts with family members within the fourth degree of consanguinity, the second degree of affinity, or the first degree of civil status, or persons with whom they are connected by marriage or **de facto** relationship.

They likewise will not be able to appoint or nominate as civil servants, nor sign state contracts with, people who have participated in their nomination or appointment, or with people who have the same bonds with them that are described in the previous paragraph.

This article's provisions do not apply to appointments that are made according to current norms concerning merit-based career hiring or promotion.

With the exception of the merit-based competition among job candidates mandated by law, the election of public servants in public corporations should be preceded by a public convocation regulated by law with requirements and procedures that guarantee the principles of publicity, transparency, citizen participation, gender equality, and meritocracy in the election.

People who have held any of the positions in the following list will not be able to be reelected, nor can they be appointed for another of these positions or be elected to a position of popular election until a year after the end of their functions:

Justice of the Constitutional Court, Supreme Court of Justice, Council of State, or National Judicial Discipline Commission; member of the Immunity Commission, member of the National Election Commission, Attorney General of the Nation, Inspector General of the Nation, Ombudsman, Comptroller General of the Republic, and National Civil Registrar.

ARTICLE 127

Civil servants may not, personally or through an intermediary, or in representation of another person, conclude any contract with public entities or private persons who manage or administer public funds, save when legal exceptions apply.

Without prejudice to their free exercise of the right to vote, state employees working in judicial, electoral control, or security organs are prohibited from taking part in the activities of political parties and movements and in political debates. Members of the public force are subject to the limitations set by Article 219 of the Constitution.

Employees not covered by this prohibition may participate in said activities and debates under conditions defined by statutory law.

Using employment to put pressure on citizens to back a cause or political campaign constitutes official misconduct.

ARTICLE 128

No one may hold more than one public position simultaneously or receive more than one salary originating from the Public Treasury, or from enterprises or institutions in which the State is a majority owner, except in cases expressly determined by law.

The term "Public Treasury" means the respective treasuries of the nation, territorial entities, and decentralized entities.

ARTICLE 129

Civil servants may not accept positions, honors, or compensation from foreign governments or international organizations or enter into contracts with them without prior authorization from the Government.

ARTICLE 130

There shall be a National Public Service Commission responsible for the administration and oversight of civil service careers, except for those in a special category.

ARTICLE 131

The law shall regulate public service performed by notaries public and registrars, their employees' labor regime, and special tax levies on notaries public, to be used for the administration of justice.

The appointment of notaries public shall be made by means of competition.

The Government has the faculty to create, eliminate, and merge of notaries and registrars and to determine the number of notaries and registry offices.





Title VI

Legislative Branch

Chapter I

Composition and Functions of the Legislative Branch

ARTICLE 132

Senators and representatives shall be elected for a term of four years beginning on July 20 following the election.

ARTICLE 133

Members of collegial bodies who are directly elected represent the people and shall act in a manner consonant with justice and the common good. The vote of collegial bodies' members shall be by public roll call, unless otherwise provided by law.

An elected member is politically responsible to society and to his/her electors for the fulfillment of his/her mandate.

ARTICLE 134

Popularly elected members of public bodies will not have substitutes. In case of the temporary or permanent vacancies specified by law, they can be replaced only by the nonelected candidates who, according to the order of registration or voting obtained, follow successively and in descending order in the same electoral list as the member.

In no case can members be replaced if they were convicted of common crimes related to affiliation with or promotion or funding of illegal armed groups or narcotrafficking activities; intentional crimes against the public

administration or against mechanisms of democratic participation; or for crimes against humanity. In addition, there will be no replacement of people who have resigned upon being formally linked in Colombia to penal processes for the commission of such crimes, nor for temporary absences of persons with outstanding arrest warrants within the framework of these respective processes.

For the purpose of confirming quorums, the number of members will be the total of the members of the body with the exception of those seats that cannot be replaced. The same rule will apply in the events of impediment and accepted recusals.

If unfillable vacancies reduce the membership of a collegial body to one-half or less, the National Election Commission will call for elections to fill the vacancies, as long as more than twenty-four (24) months remain in the officeholders' terms.

TRANSITIONAL PARAGRAPH

Until the legislature issues regulations concerning the replacements regime, the following provisions apply:

- I) Absolute absences that lead to replacement include death; absolute physical incapacity to exercise the position; nullification of elections; justified and accepted resignation from the respective corporation; disciplinary sanction consistent with destitution; and the loss of investiture.
- II) Temporary absences that lead to replacement include maternity leave and preventive detention for crimes other than those mentioned in the present article.

The prohibition of replacements will apply for judicial investigations initiated with the validity of Legislative Act 1 of 2009, with the exception of the provision concerning commission of crimes against the public administration, which will apply to investigations that begin with the present constitutional amendment's entry into force.

ARTICLE 135

Each House shall have the following powers:

1. To elect its executive committees.
2. To elect Secretary General, whose terms shall last two years starting July 20 and whose qualifications shall be the same as those required for membership in the respective house.
3. To from the Government information that the house may need, except for what is provided in Section 2 of the following article.
4. To convoke sessions reserved on a priority basis for congresspersons' questions to ministers and the ministers' answers. Regulations shall determine the subject matter.
5. To fill positions established by law for the fulfillment of its functions.
6. To demand from the Government the cooperation of organs of public administration for the best fulfillment of its functions.
7. To make its internal regulations.
8. To summon and require ministers and superintendents and directors of administrative departments to attend

sessions. The summons must be made not less than five days prior to a session and be formulated as a written questionnaire. If the ministers or superintendents and directors of administrative departments fail to appear without an excuse accepted by the respective house, the house may table a motion of censure. The ministers and superintendents and directors of administrative departments must be heard at the session for which they were summoned, without prejudice to the possibility of continuing the debate in subsequent sessions following a decision of the respective house. The discussion may not extend to other issues besides those in the questionnaire and shall be placed at the top of the session's agenda.

9. To table a motion of censure concerning ministers or superintendents and directors of administrative departments for matters related to their official functions, or for ignoring requests or summons from the Congress of the Republic. Such a motion of censure must be tabled by at least one-tenth of the members who make up the respective house. The vote shall take place between the third and tenth day following the end of debate, with a public hearing of the respective official. Approval of the motion shall require the affirmative vote of one-half plus one of the members of the house that has tabled it. Once the motion is approved, the official shall be relieved of his/her functions. If it is voted down, no new motion of censure may be proposed concerning the same matter unless it is supported by new facts. The resignation of the official against

which the censure motion has been tabled does not prevent the motion from being approved in accordance with the provisions of this article. Once a decision has been taken on the censure motion by one house, it bars a decision by the other house on the same matter.

ARTICLE 136

It is prohibited for Congress and each of its houses

1. To intervene by means of resolutions or laws in matters that fall under the exclusive jurisdiction of other authorities.
2. To demand from the Government information concerning diplomatic instructions or negotiations of a classified nature.
3. To take votes of approval on official acts.
4. To decree on behalf of individuals or entities contributions, bonuses, subsidies, indemnifications, pensions, or other levies that are not made to satisfy credits or recognized claims in accordance with prior law.
5. To decree proscriptive or persecutory measures against individuals or legal entities.
6. Authorize trips abroad with funds from the Public Treasury, except in the execution of special missions approved by at least three -quarters of the membership of the respective house.

ARTICLE 137

Any standing committee may summon any natural or juridical person to an extraordinary session to give oral or written testimony

concerning matters directly related to the committee's ongoing investigations. The standing committee may require the testimony to be under oath.

If a subpoenaed party should give an excuse for not appearing, and should the committee insist in summoning the individual or individuals, the Constitutional Court, after hearing them, shall definitively solve the issue within ten days. This proceeding is subject to confidentiality.

The refusal of subpoenaed parties to appear or give testimony shall be sanctioned by the committee with the penalty set by the regulations in effect for contempt of the authorities.

If the assistance of other authorities should be needed to conclude the committee's investigation, or for the prosecution of possible criminal infractions, those authorities shall be required to provide whatever is necessary.

Chapter II

Sessions and Activities of the Legislative Branch

ARTICLE 138

In its own right, Congress shall meet in ordinary sessions during two sessions a year, which shall constitute one legislative term. The first period of sessions shall begin on July 20 and conclude on December 16; the second session shall begin on March 16 and conclude on June 20.

If for any reason no meetings are possible on the dates indicated, they shall be convened as soon as possible within the respective sessions.

Congress shall also meet in extraordinary sessions by convocation of and for the period stipulated by the Government.

During these extraordinary sessions, Congress shall be entitled to discuss only the issues submitted for its consideration by the Government, without prejudice to its oversight functions, which it may exercise at all times.

ARTICLE 139

Sessions of Congress shall be opened and closed jointly and publicly by the President of the Republic. This opening ceremony is not essential for Congress to exercise its functions legally.

ARTICLE 140

Congress shall have its seat in the capital of the Republic.

Following an agreement between them, the houses may transfer their seat to some other location, and in case of a disruption of public order, they may meet at a site designated by the President of the Senate.

ARTICLE 141

Congress shall meet as a single body exclusively for the opening and closing of its sessions; to install the President of the Republic; to receive heads of state or government of other countries; to elect the Comptroller General of the Republic, and the Vice President should the popularly elected need to be replaced; and to decide on a motion of censure in accordance with Article 135.

In such cases the President of the Senate and of the House of Representatives shall be the President and Vice President of Congress, respectively.

ARTICLE 142

Each house shall elect, for the respective constitutional period, standing committees that shall act in the first reading of proposed constitutional amendments or laws.

The law shall determine the number of standing committees and their members as well as the subject areas that each of them shall deal with.

When permanent constitutional committees hold joint sessions, the quorum for holding votes shall be that which is required by each of the committees singly.

ARTICLE 143

The Senate of the Republic and the House of Representatives may decide that any of the standing committees should hold meetings during the recess with the purpose of debating issues that remain pending from the previous session, undertaking studies that the respective body determines, and preparing bills that the houses may entrust them with.

ARTICLE 144

Sessions of the houses and their standing committees shall be public, within the limits determined by their rules of procedure.

The chairmanship shall be regulated by law.

ARTICLE 145

Congress as a whole, the houses, or their committees may not open sessions or deliberate with fewer than a quarter of their members present. Decisions may be made only if a majority of the respective house's members are in attendance, unless the Constitution should determine a different quorum.

ARTICLE 146

In Congress as a whole, the houses, and their standing committees' decisions shall be taken by the majority of votes of those attending, unless the Constitution should expressly prescribe a special majority.

ARTICLE 147

The executive committees of the houses and their standing committees shall be rotated each year for the legislative session that commences on July 20, and none of its members may be reelected within the same constitutional four-year term.

ARTICLE 148

The provisions regarding the quorum and deciding majorities also apply to other popularly elected public bodies.

ARTICLE 149

Any meeting of members of Congress for the purpose of exercising the functions of the legislative branch that is held outside constitutional guidelines shall be invalid. Any decisions it may take shall have no effect whatsoever, and whoever participates in such deliberations shall be sanctioned according to relevant law.

Chapter III Statutes

ARTICLE 150

Congress has the power to make laws. Through laws, Congress exercises the following functions:

1. To interpret, amend, and repeal laws.
2. To issue codes in all areas of legislation and to amend their provisions.
3. To approve the national development and public investments plan. The public investments must be undertaken or continued, including allocation of the resources and appropriations that are authorized for their execution and the measures necessary to promote their implementation.
4. To determine the general division of the territory in accordance with this Constitution, to set the bases and conditions for creating, eliminating, modifying, or merging territorial entities; and to establish their jurisdictions.
5. To confer special powers on the departmental assemblies.
6. To relocate the current seat of the high national authorities under extraordinary circumstances and for important reasons of public good.

7. To determine the structure of national administration, and to create, eliminate, or merge ministries, administrative departments, superintendencies, public establishments, and other entities at a national level, as well as specifying their objectives and organic structure; to regulate the creation and operation of regional autonomous corporations within a system of autonomy; and, similarly, to create or authorize the foundation of wholly or mixed government-owned companies.
8. To issue rules to which the Government shall be subject in exercising the inspection and oversight functions assigned to it by the Constitution.
9. To grant authorizations to the Government to enter into contracts, negotiate loans, and sell national assets. The Government shall periodically inform Congress on the exercise of these authorizations.
10. To vest the President of the Republic with specific extraordinary powers for up to six months to issue rules with the force of law when public necessity or good so requires. Such powers must be requested expressly by the Government and be approved by an absolute majority of the members of both houses.

At any time and at its own initiative, Congress may amend decree laws enacted by the Government for the use of its extraordinary powers.

These powers may not be conferred for issuing codes, statutory or organic acts, or anything referred to in numeral 20 of this article, or for decreeing taxes.

11. To establish national revenues and to determine government expenditures.
12. To establish fiscal contributions and, exceptionally, parafiscal contributions as determined by law.
13. To determine the legal currency, its convertibility, and the scope of its power to discharge debts, and to regulate the system of weights and measures.
14. To approve or reject contracts or agreements that, for reasons of evident national necessity, the President of the Republic has entered with individuals, companies, or public entities without prior authorization.
15. To grant honors to citizens who have rendered services to the homeland.
16. To approve or reject treaties that the Government makes with or states or international law entities. By means of these treaties and on the bases of equity, reciprocity, and national convenience, the State may partially transfer specified powers to international organizations that are meant to promote or consolidate economic integration with other states.
17. By a majority of two-thirds of the votes of each Chamber and for serious motives related to the public good, to grant amnesties or general pardons for political offenses. If the beneficiaries were exempted from individual civil responsibility, the State will be obligated to pay the compensation that otherwise would be due.

In no case may the category of political offenses be applied to the offense of

kidnapping or offenses related to the production, traffic, or transport of drugs, or to acts that seek to promote, facilitate, support, finance, or hide any act that attacks the constitutional and legal regime. Therefore, amnesty and pardon cannot be applied to any of these offenses.

18. To issue regulations concerning the appropriation or adjudication and reclamation of uncultivated land.
19. To issue general rules that specify the objectives and criteria to which the Government must be subjected for the following purposes:
 - a. To organize public credit.
 - b. To regulate foreign trade and specify the international exchange system, in agreement with the functions that the Constitution assigns to the Board of Directors of the Bank of the Republic.
 - c. To modify, for purposes of commercial policy, duties and other provisions concerning the customs system.
 - d. To regulate activities concerning finance, the stock market, insurance, and any other activity connected with the management, use, and investment of resources received from the public.
 - e. To establish a system of wage and benefits for civil servants, members of Congress, and the public force.
 - f. To regulate the system of minimum social benefits for official workers.

Where they pertain to social services, these functions are not to be delegated to public territorial bodies and may not be claimed by them.

20. To create the administrative and technical services of the Houses.
21. To issue laws concerning economic intervention provided for in Article 334, which must specify their purposes and scopes and the limits to economic freedom.
22. To issue laws concerning the Bank of the Republic and the functions that must be performed by its Board of Directors.
23. To issue laws to regulate the exercise of public functions and the provision of public services.
24. To regulate the system of industrial property, patents, trademarks, and other forms of intellectual property.
25. To unify regulations concerning traffic police throughout the entire territory of the Republic.

The Congress is responsible for issuing the general governmental contracting statute, especially at the national level.

ARTICLE 151

Congress shall issue organic acts regulating the exercise of legislative activity. These rules shall establish rules of procedure of Congress and each house; regulations concerning the preparation, approval, and execution of the national budget and appropriations law; and the execution of the general development plan and plans concerning the assignment of regulatory responsibilities to territorial entities.

Organic laws shall require an absolute majority of the votes of the members of both houses for their approval.

ARTICLE 152

By means of statutory acts the Congress of the Republic shall regulate the following subject areas:

- a. Fundamental rights and duties of individuals, and procedures and recourses for protecting these rights;
- b. Administration of justice;
- c. Organization and regulations of political parties and movements, the statute of the right of opposition, and electoral functions;
- d. Institutions and mechanisms of citizen participation;
- e. States of exception;
- f. The equal electoral treatment of candidates for the Presidency of the Republic who comply with the requirements established by law.

109

TRANSITIONAL PARAGRAPH

The National Government or members of Congress shall present before March 1, 2005, a bill for a statutory law that implements Article 152, Letter (f) of the Constitution and additionally regulates the following matters: guarantees for the opposition, participation of civil servants in politics, the right of equal access to communications media that make use of the electromagnetic spectrum, the predominant state financing of presidential election campaigns, the right to reply in conditions of equality when the President of the Republic is a candidate, and rules about disqualifications of presidential candidates.

The bill shall be accompanied by a request to expedite the law-making procedure. The need for the process to be speeded up can be also insisted if so required.

The Congress of the Republic shall enact the statutory law before June 20, 2005. The deadlines for prior constitutional review of the bill by the Constitutional Court shall be reduced by half.

ARTICLE 153

The approval, amendment, or repeal of statutory acts shall require an absolute majority of the votes of the members of Congress and shall be completed within a single legislative term.

This procedure shall include prior constitutional review by the Constitutional Court. Any citizen may intervene to support or to oppose it.

ARTICLE 154

Laws may originate in either house at the proposal of its respective members, the National Government, or the entities stipulated in Article 156, or through popular initiative in the cases provided for by the Constitution.

However, the Government may dictate or amend only those laws treated in Article 150, Paragraphs 3, 7, 9, 11, and 22, and Number 19, Subparagraphs (a), (b), and (e); laws that decree shares or transfers of national revenues; laws that authorize contributions or grants by the State to wholly government owned companies; and laws that decree exemptions from national taxes, contributions, or national fees.

Either house of Congress may propose amendments to bills presented by the Government.

Legislative bills concerning taxes shall be originated in the House of Representatives, and bills involving international relations shall be originated in the Senate.

ARTICLE 155

Bills for laws or constitutional amendments may be presented by a number of citizens equal to or greater than 5 percent of the electoral rolls extant at the respective date or by 30 percent of the councilpersons or deputies of the country. Congress shall treat popularly initiated bills in accordance with the provisions in Article 163 concerning bills whose expedite process has been demanded.

Citizens who propose legislation shall have the right to designate a spokesperson who shall be heard by the houses at all stages of the proceedings.

ARTICLE 156

The Constitutional Court, Judicial Superior Council, Supreme Court of Justice, Council of State, National Election Commission, Inspector General of the Nation, and Comptroller General of the Republic have the right to introduce bills in subject areas related to their functions.

ARTICLE 157

No bill shall become law without meeting the following requirements:

1. Official publication by Congress before transmission to the appropriate committee.
2. Approval at the first reading in the appropriate standing committee of each house. The rules of procedure of Congress shall determine the cases in which the first reading shall be held in a joint session of the standing committees of both houses.
3. Approval in each house at the second reading.
4. Government approval.

ARTICLE 158

Every legislative bill shall refer to a single subject matter, and any provisions or amendments not germane to it shall be inadmissible. The chairman of the appropriate committee shall reject initiatives that are not in harmony with this principle, though his/her decisions shall be subject to appeal before the same committee. A law that is partially modified shall be published as a single text incorporating the approved amendments.

ARTICLE 159

A legislative bill that has been rejected in the initial reading may be considered by the respective house at the request of its author, a member of the house, the Government, or the spokesperson of the people proposing the bill in the case of a popular initiative.

ARTICLE 160

Between the first and second readings, a period of no less than eight days must have elapsed, and between the approval of the bill in either house and the initiation of the debate in the other, at least fifteen days must have elapsed.

During the second reading, each house may introduce amendments, additions, and deletions that it deems necessary.

In its report to the plenary house for the second reading, the rapporteur shall present all the proposals that were considered by the committee and the reasons they were rejected.

Every bill for a law or constitutional amendment must include a sponsor's report in the committee in charge of treating the bill, which must be circulated accordingly.

No bill shall be put to a vote in a session different from the one that had been previously announced. The announcement that a bill

shall be put to a vote shall be made by the president of each house or committee in a session different from the one in which the vote takes place.

ARTICLE 161

When there are differences between the houses concerning a bill, they shall form conciliation committees composed of an equal number of senators and representatives, who shall meet in joint sessions. If they are unable to reach a consensus concerning a compromise text, they shall decide by majority.

At least one day after publication of the compromise text, it shall be submitted for discussion and approval by each house in plenary session. If following the repetition of the second reading the differences persist, the bill shall be considered as having been defeated.

113

ARTICLE 162

If a legislative bill has not yet received a final vote in one legislative term yet has been debated at least once in either chamber, it shall continue its course in the following term from its present stage. No bill may be considered in more than two legislative terms.

ARTICLE 163

The President of the Republic may solicit the expedited processing of any legislative bill. In such a case, the respective house shall take a decision on the matter within thirty days. Even within this deadline, the demand to expedite the process may be repeated at all constitutional stages of the bill. Should the President insist on the need to speed up the process, the bill shall have priority in the day's agenda, excluding consideration of any other matter until the appropriate house or committee reaches a decision about it.

If the legislative bill whose expedition has been demanded is under study by a standing committee, the committee, at the request of the Government, shall deliberate jointly with the corresponding committee of the other house in order to complete the first reading.

ARTICLE 164

Congress shall give priority to the passage of legislative bills that approve treaties concerning human rights that are submitted for consideration by the Government.

ARTICLE 165

Once a legislative bill is approved by both houses, it shall be submitted to the Government for its approval. Should the Government see no objections, it shall approve the bill's promulgation as law; if the Government objects to the bill, it shall be returned to the house in which it originated.

ARTICLE 166

The Government has six days to return with its objections any bill that does not include more than twenty articles; ten days should the bill include twenty-one to fifty articles; and up to twenty days should there be over fifty articles.

If the prescribed deadline expires without the Government having returned the bill with its objections, the President shall approve and promulgate it.

If the houses should begin a recess within the stated deadlines, the President shall be obliged to publish the approved or rejected bills within the above-mentioned deadlines.

ARTICLE 167

If the Government objects to a bill totally or in part, the bill shall return to the houses for a second debate.

The President shall sign a bill without being able to present objections if it is approved upon reconsideration by an absolute majority of both houses.

An exception shall be made if the President vetoes the bill because he/she considers it unconstitutional.

If the houses nonetheless insist on the bill's passage, then it shall be sent to the Constitutional Court so that it may decide on the bill's constitutionality within the following six (6) days. If the Court finds the bill constitutional, then the President is obligated to sign it. If the Court finds the bill unconstitutional, then it shall be shelved.

If the Court decides that part of the bill is unconstitutional, it shall indicate the unconstitutional portion to the originating house so that once the appropriate minister has been heard, the house may rewrite the bill, integrating the Court's findings. Once this is done, the house shall transmit the bill to the Court for its final ruling.

ARTICLE 168

If the President fails to fulfill his/her duty to approve a bill within the deadlines and according to the conditions established by the Constitution, the president of Congress shall approve and promulgate it.

ARTICLE 169

The title of an act shall faithfully reflect its contents, and the following formula shall precede the text: "The Congress of Colombia decrees."

ARTICLE 170

A group of citizens corresponding to one-tenth of the electoral rolls may request that the electoral organization hold a referendum to repeal a law.

The law shall be repealed if half plus one of the voters who participate in the referendum so decide, as long as a quarter of the citizens making up the electoral rolls participate in the referendum.

There can be no referendum concerning laws that approve international treaties, the budget, or laws concerning fiscal or tax matters.

Chapter IV

Senate

ARTICLE 171

The Senate of the Republic shall be composed of one hundred members elected in a single nationwide constituency.

There shall be an additional two senators elected in a special national constituency for indigenous communities.

Colombian citizens who happen to be abroad or reside abroad may vote in elections for the Senate of the Republic.

The electoral quotient system shall apply to the special constituency for the election of senators by indigenous communities.

Representatives of indigenous communities who aspire to become members of the Senate of the Republic must have exercised a position of traditional authority in their respective communities or have been leaders of an indigenous organization. This qualification shall be verified by a certificate from the respective organization and endorsed by the Minister of Government.

ARTICLE 172

In order to be elected senator, a candidate must be a Colombian by birth, a citizen in good standing, and over thirty years of age on the date of the election.

ARTICLE 173

The following are the attributions of the Senate:

1. To approve or reject resignation of the President of the Republic or the Vice President.
2. To approve or reject military promotions granted by the Government, from generals and flag officers in the public force up to the highest rank.
3. To grant permission to the President of the Republic to take a temporary leave of absence for reasons other than sickness, and to decide about the qualifications of the Vice President to serve as acting President of the Republic.
4. To allow the transit of foreign troops across the territory of the Republic.
5. To authorize the Government to declare war on another state.
6. To elect judges of the Constitutional Court.
7. To elect the Inspector General of the Nation.

ARTICLE 174

The Senate has the faculty to hear charges that the House of Representatives brings against the President of the Republic or whoever is occupying that office, Justices of the Supreme Court of Justice, Council of State, and the Constitutional Court, members of the Judicial Superior Council, and the Attorney General of the Nation, even if they no longer hold office. In this case, the Senate shall hear acts and omissions that occurred in the exercise of their duties.

ARTICLE 175

The following rules shall be observed in cases tried by the Senate:

1. The accused is automatically suspended from his/her office as soon as the charges are published.
2. If the charge refers to crimes committed in the exercise of his/her functions or disqualification based on official misconduct, the Senate may only impose the sanction of removal from office or temporary or absolute suspension of political rights. However, the accused shall be brought to trial before the Supreme Court of Justice if evidence indicates that he/she is responsible for a crime that deserves other penalties.
3. If the charge refers to common crimes, the Senate shall confine itself to declaring whether there are grounds for further measures, and in the affirmative case it shall place the accused at the disposal of the Supreme Court.
4. The Senate may commission a task force from among its own ranks for investigation, reserving for itself the decision and definitive sanction to be pronounced in a public session by at least two-thirds of the votes of the Senators present.

Chapter V

House of Representatives

ARTICLE 176

The House of Representatives shall be elected in territorial and special constituencies.

Each department and the Capital District of Bogotá will form part of a territorial constituency. There will be two representatives for each territorial constituency and an additional one for each 365,000 inhabitants or fraction greater than 182,500 over the first 365,000. The territorial constituency formed by the department of San Andres, Providencia, and Santa Catalina will elect an additional (1) representative for the Raizal community of the said department, in accordance with the law.

For the election of representatives to the House, each department and the Capital District of Bogotá shall constitute a territorial constituency.

The special constituencies will guarantee the participation of ethnic groups and Colombians that reside abroad in the House of Representatives. Through these constituencies, four (4) representatives will be elected, according to the following distribution: two (2) for the constituency of Afro-descendant communities, one (1) for the constituency of indigenous communities, and one (1) for the international constituency. In this last constituency, only those votes deposited outside the national territory by citizens who reside abroad will be counted.

PARAGRAPH 1

Beginning in 2014, the assignment of additional seats shall be based on the corresponding proportional increase of the national population, in accordance with the results of the census. It shall be the task of the electoral authority to adjust the number for the assignment of seats.

PARAGRAPH 2

If as a result of the application of the formula contained in the present article a territorial constituency should lose one or more seats, it shall keep the number of seats to which it was entitled until July 20, 2002.

**TRANSITIONAL
PARAGRAPH**

The Congress of the Republic shall issue regulations for the international constituency by December 16, 2013; if Congress fails to issue these regulations, the National Government shall do so within thirty (30) days of that date. The regulations shall cover, among other things, the following matters: registration of candidates, registration of citizens entitled to vote from abroad, mechanisms to promote participation in the vote, polling places in consulates, and State funding for visits abroad by elected representatives.

121

ARTICLE 177

To be elected representative, it is necessary to be a citizen in good standing and be older than twenty-five years of age on the date of the election.

ARTICLE 178

The House of Representatives shall have the following faculties:

1. To elect the Ombudsman.
2. To examine and finalize the general budgetary and treasury audit presented to it by the Comptroller General of the Republic.

3. Accuse the President of the Republic or whoever is occupying that office before the Senate, as well as to the Justices of the Constitutional Court, Supreme Court of Justice, members of the Superior Judicial Council, Justices of the Council of State, and the Attorney General of the Nation.
4. To take cognizance of denunciations and complaints presented before it by the Attorney General of the Nation or by individuals against specific officials and, if warranted, to bring charges on that basis before the Senate.
5. To request the assistance of other authorities for conducting investigations under the House's purview, and to commission the collection of evidence when the House considers it appropriate.

ARTICLE 178A

(Ruled unconstitutional)

Chapter VI

Members of Congress

ARTICLE 179

The following are not qualified to be members of Congress:

1. Those who have been sentenced at any time by judicial decision to a prison term, unless for political crimes or crimes of negligence.
2. Those who have exercised, as public employees, jurisdiction or political, civil, administrative, or military authority within twelve months prior to the date of the election.
3. Those who have participated in business transactions of public entities, or have concluded contracts with them in their own interest or that of third parties, or have been the legal representatives of entities that administer taxes or quasi-fiscal levies, within six months prior to the date of the election.
4. Those who have lost their mandate as members of Congress.
5. Those who are related through marriage or de facto relationship or by kinship to the third degree of consanguinity or first degree of affinity, or by purely civil ties to officials who exercise civil or political authority.

6. Those who are related among themselves through marriage or de facto relationship or by kinship to the third degree of consanguinity, second degree of affinity, or first civil degree, and register for the same party, movement, or political group for elections to public office or of members of public bodies that must be held on the same date.
7. Those who hold dual nationality, with the exception of Colombians by birth.
8. No one may be elected to more than one public body or office, nor to a public body and a public office if the respective terms of office overlap, even partially.

The disqualifications provided for in Numbers 2, 3, 5, and 6 refer to situations occurring in the constituency where the respective election must take place. The law shall regulate other cases of disqualification based on kinship with officials not contemplated by those provisions.

For the purposes of this article the national constituency shall be deemed to coincide with each of the territorial constituencies, except for the disqualification stipulated in Number 5.

ARTICLE 180

Members of Congress are prohibited from engaging in the following activities:

1. Holding public or private office or employment.
2. Negotiating, in their own name or another's name, matters before public authorities or persons who administer taxes, or acting as agents before them, or signing any contract with them, whether directly or through a third party. The law shall establish exceptions to this provision.

3. Being a member of boards or executive committees of decentralized official entities of whatever level, or of institutions that administer taxes.
4. Concluding contracts or any kind of dealings with individuals or private legal entities that administer, manage, or invest public funds or are contractors of the State or receive subsidies from the State. Acquisitions of goods or services that are offered to citizens in conditions of equality are exempt from this provision.

PARAGRAPH 1

University professorships are exempt from the regime of incompatibilities.

PARAGRAPH 2

An official who, in violation of the present article, appoints a member of Congress to a job or office, concludes a contract with him/her, or accepts his/her appointment as a business representative in own name or in a third party's name shall be guilty of official misconduct.

ARTICLE 181

The incompatibilities of members of Congress shall be in effect during the applicable constitutional term. In case of resignation, they shall continue to apply during the year following acceptance of resignation if the time that remains before the expiration of the term is greater than the time elapsed.

Whoever is called to occupy the resigned member's seat shall be subject to the same system of disqualifications and incompatibilities upon assuming office.

ARTICLE 182

Members of Congress shall inform their respective house of moral or economic situations that prevent them from participating

in discussion of matters submitted for their consideration. The law shall determine the rules governing conflicts of interest and objections.

ARTICLE 183

Members of Congress lose their seats for the following causes:

1. Violation of rules on disqualifications and incompatibilities or rules on conflict of interest.
2. Absence in the same term of sessions from six plenary meetings at which legislative acts, bills, or motions of censure are voted upon.
3. Failure to take their seat within eight (8) days of the installation of legislative chambers, or on the date on which they are summoned to take their seat.
4. Improper payment of public funds.
5. Duly proven influence trafficking.

PARAGRAPH

Subparagraphs 2 and 3 shall not apply when force majeure is involved.

ARTICLE 184

The loss of a seat shall be decided by the Council of State in accordance with law and within no more than twenty working days counted from the date that the request was made by the respective chamber's executive committee or by any citizen.

ARTICLE 185

Members of Congress enjoy immunity for their opinions and votes that they cast in the exercise of their office, without prejudice to disciplinary rules included in the respective chamber's internal regulations.

ARTICLE 186

Offenses committed by members of Congress will be tried exclusively by the Supreme Court of Justice, the only authority that can order their detention. In case of in flagrante delicto, they shall be apprehended and placed immediately at the disposal of the Supreme Court.

The Special Chamber for Criminal Investigation and Prosecution of the Penal Chamber of the Supreme Court of Justice shall have the faculty to investigate and accuse members of Congress before the Special Chamber of First Instance, of the same Penal Chamber, for offenses that they have committed.

Sentences issued by the Special Chamber of First Instance of the Penal Chamber of the Supreme Court are subject to the recourse of appeal. Such appeals shall be heard by the Chamber of Criminal Cassation of the Supreme Court of Justice.

Sentences issued by the Special Chamber of First Instance of the Penal Chamber of the Supreme Court of Justice may be appealed. The Criminal Appellate Division of the Supreme Court of Justice will have the faculty to hear these appeals.

Objections may be made to the first conviction.

ARTICLE 187

The remuneration of members of Congress shall be readjusted each year in proportion equal to the weighted average of adjustments made in the remuneration of the civil servants of the central administration on the basis of a certification that the Comptroller General of the Republic shall issue for that purpose.



**PALACIO DE JUSTICIA
ALFONSO REYES ECHANDIA**

Title VII
Executive Branch

Chapter I

President of the Republic

ARTICLE 188

The President of the Republic symbolizes national unity, and upon taking the oath of office to abide by the Constitution and the laws, he/she is obligated to guarantee the rights and freedoms of all Colombians.

ARTICLE 189

As Head of State, head of Government, and supreme administrative authority, the President of the Republic has the following faculties:

1. Freely appoint and dismiss Cabinet ministers and directors of administrative departments.
2. Direct international relations; appoint the members of the diplomatic and consular corps; receive the corresponding foreign officials; and make international treaties or agreements with other states and international bodies, which shall be submitted for the approval of Congress.
3. Direct the public force and its disposition as supreme commander of the armed forces of the Republic.
4. Conserve public order throughout the territory and restore it where it has been disturbed.

5. Direct military operations when he/she deems it necessary.
6. Provide for the external security of the Republic; defend the independence and honor of the nation and the inviolability of its territory; declare war with the approval of the Senate or without such authorization to repel foreign aggression; and agree to and ratify peace treaties. The President shall give an immediate account of all these matters to Congress.
7. Authorize, during recess of the Senate and with the prior opinion of the Council of State, the transit of foreign troops across the territory of the Republic.
8. Install and close the sessions of Congress in each legislative term.
9. Sign laws.
10. Promulgate laws, obey them, and ensure their strict fulfillment.
11. Exercise the power to regulate through the issuance of decrees, resolutions, and orders necessary for the implementation of laws.
12. Present a report to Congress at the beginning of each legislative term concerning administrative measures, implementation of plans and programs of economic and social development, and bills that the Government proposes to move forward during the new legislative term.
13. Appoint presidents, directors, or managers of national public institutions and individuals who occupy national

offices that are not filled through competitive examinations or appointed by other officials or bodies, in accordance with the Constitution or law.

In any case, the Government has the faculty freely to appoint and remove its agents.

14. Create, merge, or dissolve, in accordance with law, positions required by the central administration, define their special functions, and determine their benefits and emoluments. The Government may not create, at Treasury expense, obligations that exceed the total amount allocated for the respective service in the initial appropriations law.
15. Eliminate or merge national administrative entities or organs in accordance with applicable law.
16. Modify the structure of ministries, administrative departments, and other national administrative entities or organs, in accordance with principles and general.
17. Assign work according to its nature among ministries, administrative departments, and public institutions.
18. Grant permission to national public employees who request it to accept, on a temporary basis, responsibilities or benefits from foreign governments.
19. Confer ranks on members of the public force, and submit for Senate approval the ranks that fall under Article 173.
20. Oversee the strict collection and administration of public revenues and credits and decree their investment in accordance with law.

21. Effect the inspection and oversight of education in accordance with law.
22. Effect the inspection and oversight of the provision of public services.
23. Make contracts falling under his/her jurisdiction in accordance with the Constitution and law.
24. Effect, in accordance with law, the inspection, oversight, and control of individuals who undertake financial, stock market, insurance, and any other activities connected with the management, use, or investment of resources collected from the public. Similarly, regarding cooperative entities, and commercial companies.
25. Organize public credit; determine the national debt and arrange for servicing it; amend customs duties, tariffs, and other provisions concerning customs; regulate foreign trade; and conduct oversight of financial, stock exchange, insurance, and any other activities connected with the management, use, and investment of resources originating from the savings of third parties in accordance with law.
26. Effect the inspection and oversight of non-profit organizations so that their revenues may be protected and properly applied so that everything that is essential will be implemented according to the wishes of the founders.

27. Grant temporary patents to persons who have made inventions or improved processes according to the law.
28. Issue certificates of naturalization, in accordance with law.

ARTICLE 190

The President of the Republic shall be elected for a four-year term by one-half plus one of the votes, which citizens shall cast in a secret, direct ballot on the date and following the procedures stipulated by law. If no candidate should secure the said majority, a runoff election shall be held three weeks later, in which only the two candidates who received the most votes in the first round of balloting shall participate. The candidate with the larger number of votes shall be declared president.

In the case of the death or permanent physical incapacity of either of the two candidates receiving the majority of votes, his/her party or political movement may enter a new candidate for the runoff election. If the party or movement fails to do so or if the vacancy stems from another reason, that candidate shall be replaced by whoever won third place in the first round and so on in successive and descending order.

Should the vacancy occur less than two weeks before the second round of balloting, the runoff election shall be postponed fifteen days.

ARTICLE 191

In order to be President of the Republic, an individual must be Colombian by birth, a citizen in good standing, and over thirty years of age.

ARTICLE 192

The President of the Republic shall assume his/her office before Congress and shall take the following oath: "I swear to God and promise to the people to faithfully execute the Constitution and the laws of Colombia."

If, for any reason, the President should be unable to assume his/her office before Congress, he/she shall do so before the Supreme Court of Justice or, failing that, before two witnesses.

ARTICLE 193

It is a faculty of the Senate to grant permission to the President of the Republic to be temporarily relieved of his/her duties.

The President of the Republic may be relieved of his/her duties due to sickness for the necessary length of time, following the advice of the Senate or, if it is in recess, the Supreme Court of Justice.

ARTICLE 194

A permanent vacancy in the office of the President of the Republic occurs at his/her death; accepted resignation; sentence of removal from office; permanent physical incapacity, and relinquishment of duties, these last two being declared by the Senate.

Temporary vacancies occur due to leave of absence or sickness, in accordance with the previous article, or suspension from office decreed by the Senate following publication of the charges in the case foreseen in Article 175, Number 1.

ARTICLE 195

The acting chief executive shall have the same privileges and the same powers as the President whom he/she replaces.

ARTICLE 196

The President of the Republic, or whoever replaces him/her, may not move abroad during his/her term of office without first notifying the Senate or, if it is in recess, the Supreme Court of Justice.

A violation of this provision implies relinquishment of his/her office.

The President of the Republic or acting president may not leave the country for one year following the end of his/her term without prior permission from the Senate.

When the President of the Republic travels abroad as part of his/her duties, the appropriate minister, according to the order of legal precedence, shall exercise under his/her own responsibility the constitutional functions that the President should delegate to him/her, both those that pertain to the minister and those that he/she exercises in the capacity of head of government. The delegated minister shall belong to the same party or political movement as the President.

ARTICLE 197

No citizen, who has served as president in any capacity, may be elected President of the Republic. This prohibition does not apply to a Vice President who has served as acting president for less than three months, continuously or discontinuously, during the four-year presidential term. The prohibition against reelection can be amended or derogated only through a referendum of popular initiative or constitutional assembly.

No citizen can be elected as President of the Republic or as Vice President if that person has committed any of the disqualifying acts stipulated in Article 179, Numbers 1, 4, and 7, nor may a citizen be elected President or Vice President if in the year prior to the election he/she has been invested as Vice President or held any of the following offices:

Minister; Director of an administrative Department; Justice of the Supreme Court of Justice, Constitutional Court, Council of State,

or National Commission of Judicial Discipline; member of the National Election Commission; Inspector General of the Nation, Ombudsman, Comptroller General of the Republic, Attorney General of the Nation, National Civil Registrar, commanders of the Armed Forces, Auditor General of the Republic, Director General of the Police, departmental governor, or mayor.

ARTICLE 198

The President of the Republic or whoever replaces him/her shall be responsible for his/her acts of commission or omission that violate the Constitution or the laws.

ARTICLE 199

The President of the Republic, during the term for which he/she is elected, or whoever is entrusted with the presidency, may not be prosecuted or judged for crimes unless the House of Representatives has indicted him and the Senate has declared that there are grounds for pressing charges.

Chapter II The Government

ARTICLE 200

The Government has the following faculties in relation to Congress:

1. Take part in the law-making process by proposing bills through ministers, exercising the right to object them, and signing bills in accordance with the Constitution.
2. Convoke extraordinary sessions of Congress.
3. Present the national development and public investment plan, in accordance with the provisions in Article 150.
4. Send to the House of Representatives the national budget bill of revenues and expenditures.
5. Provide the houses with reports that they request on non-confidential issues.
6. Provide effective support to the houses when they request it, placing at their disposal the public force if necessary.

ARTICLE 201

The Government has the following faculties in relation with the judicial branch:

1. Provide judicial officials, in accordance with the law, with the necessary assistance for their decisions to be duly enforced.
2. Grant pardons, reprieves, or amnesties for political crimes, in accordance with the law, and inform Congress about the exercise of this power. In no case may these pardons extend to the recipients' civil liability vis-à-vis private third parties.

Chapter III

The Vice President

ARTICLE 202

The Vice President of the Republic shall be elected by popular vote on the same day and in the same manner as the President of the Republic.

The candidates for the runoff election, if any, should be the same that took part in the first election.

The Vice President shall hold office for the same term as the President and shall replace the President in case of temporary or permanent presidential vacancy, even if such a vacancy should occur before the President's assumption of office.

In case of a temporary vacancy in the position of President of the Republic, it shall be sufficient for the Vice President to take possession of the President's position as soon as possible so that he/she may exercise it as many times as necessary. In case of a permanent vacancy in the position of the President of the Republic, the Vice President shall assume the office until the end of the term.

The President of the Republic may entrust to the Vice President missions or special duties and to assign to him/her any responsibility of the executive branch. The Vice President may not assume the functions of Minister-Delegate.

ARTICLE 203

When there is a vacancy in the position of Vice President because the latter is assuming the presidency, the vice presidency shall be assumed by a minister in the order of precedence established by law. The individual who, in accordance with this article, replaces the President shall belong to the same party or movement and shall exercise the presidency until Congress, in its own right and within the thirty days following the date of the vacancy, elects the Vice President who shall assume the presidency of the Republic.

ARTICLE 204

The qualifications that are needed to be President of the Republic are also required for election to the vice presidency.

ARTICLE 205

In case of a permanent vacancy in the position of Vice President, Congress shall meet on its own right or on convocation by the President of the Republic in order to elect whoever will fill the office for the rest of the term. A permanent vacancy in the position of Vice President may occur because of his/her death, accepted resignation, or permanent physical disability recognized by Congress.

Chapter IV

Ministers and Directors of Administrative Departments

ARTICLE 206

The number, designation, and order of precedence of ministries and administrative departments shall be determined by law.

ARTICLE 207

Qualifications to be a minister or director of an administrative department are the same as those mandated for members of the House of Representatives.

ARTICLE 208

The ministers and directors of administrative departments are the heads of public administration within their respective jurisdictions. Under the direction of the President of the Republic, they have the faculty of formulating policies pertaining to their portfolio, directing administrative operations, and executing the law.

In relation to Congress, ministers are spokespersons of the Government, present bills to the houses, appear before either house in response to a summons, and take part in debates directly or through deputy ministers.

Ministers and directors of administrative departments shall present to Congress, within the first fifteen days of each legislative term

a report on the state of affairs assigned to their respective ministries or administrative departments and on the reforms that they consider necessary.

The houses may request the assistance of ministers. The standing committees, can also request the assistance of deputy ministers, directors of administrative departments, the manager of the Bank of the Republic, the presidents, directors, or managers of the decentralized entities at the national level, and other functionaries of the executive branch of government.

Chapter V

Administrative Function

ARTICLE 209

The administrative function is at the service of the general interest and is developed on the basis of the principles of equality, morality, efficiency, economy, speed, impartiality, and publicity through the decentralization, delegation, and deconcentration of functions.

Administrative authorities must coordinate their actions for appropriate fulfillment of the purposes of the State. The public administration, at all levels, shall have an internal control that shall be exercised within the limits stipulated by law.

ARTICLE 210

Entities of the decentralized national services may be created only by law or through its authorization, based on the principles that guide administrative activity. Individuals may carry out administrative functions under the conditions stipulated by law.

The law shall establish the juridical regime of the decentralized entities and the responsibilities of their chairs, directors, or managers.

ARTICLE 211

The law shall stipulate functions that the President of the Republic may delegate to ministers, directors of administrative departments,

legal representatives of decentralized entities, superintendents, governors, mayors, and State agencies that this law determines. Similarly, it shall determine the conditions under which administrative authorities may delegate responsibilities to their subordinates or other authorities.

Delegation exempts the delegator from responsibility, which shall fall exclusively on the recipient of the delegation. However, the delegator can always amend or revoke acts of the recipient, in which case the delegator shall assume responsibility.

The law shall establish the possibility to appeal acts by the delegates.

Chapter VI

States of Exceptions

ARTICLE 212

The President of the Republic, with the signature of all the ministers, may declare a state of foreign war. On the basis of such a declaration, the government shall have the powers that are strictly necessary to repel the aggression, defend sovereignty, meet the requirements of the war, and seek the restoration of normal conditions.

The declaration of a state of foreign war may be made only when the Senate shall have approved a declaration of war, except when the President considers the state of foreign war necessary for repelling an invasion.

As long as the state of war continues, Congress shall meet with its full constitutional and legal powers, and the Government shall report to it regularly, giving its reasons for decrees that it has issued and describing the evolution of events.

Legislative decrees issued by the Government that suspend laws incompatible with the state of war remain in force during the time stipulated by the decrees, and shall no longer be in effect as soon as normal conditions are declared to have been restored. At any time, Congress may amend or repeal the decrees through a favorable vote of two-thirds of the members of each house.

ARTICLE 213

In the case of a serious disruption of public order that imminently threatens institutional stability, the security of the State, or the peaceful coexistence of the citizenry, and that cannot be addressed by ordinary police powers, the President of the Republic, with the approval of all the ministers, may declare a state of internal disturbance throughout the Republic or part of it for a period no longer than ninety days, extendable by two additional ninety-day increments, the second of which requires a prior and favorable vote of the Senate of the Republic.

By means of such a declaration, the Government shall have the powers that are strictly necessary to address the causes of the disruption and prevent the spread of its effects.

Legislative decrees that the Government issues can suspend laws incompatible with the state of disturbance and shall cease to have effect as soon as public order is declared to have been restored. The Government may extend the application of these emergency decrees for up to ninety more days.

Within three days of a declaration or extension of a state of disturbance, Congress shall meet in its own right, with all its constitutional and legal powers. The President shall transmit to it an immediate report concerning the reasons for the declaration.

In no case may civilians be prosecuted or judged by the military penal system.

ARTICLE 214

The states of exception referred to in the previous articles shall be subject to the following provisions:

1. Legislative decrees shall be signed by the President of the Republic and all his/her ministers and may refer only to matters that are directly and specifically connected with the situation specified in the declaration of a state of exception.
2. Neither human rights nor fundamental freedoms may be suspended. The rules of International Humanitarian Law shall be observed in all cases. A statutory law shall regulate the powers of the Government during states of exception and shall establish legal controls and guaranties to protect rights, in accordance with international treaties. The measures that are adopted must be proportionate to the gravity of the events.
3. The normal functioning of branches of government or state organs shall not be interrupted.
4. As soon as the foreign war or the causes that gave rise to the state of internal disturbance have come to an end, the Government shall declare public order to have been restored and shall lift the state of exception.
5. The President and the ministers shall be responsible when they declare states of exception without the occurrence of a foreign war or internal disturbance, and they shall also be responsible, as shall other officials, for any abuse that they commit in the exercise of the powers referred to in the earlier articles.

6. Legislative decrees issued under the above emergency powers, shall be sent by the Government to the Constitutional Court so it may decide definitively on their constitutionality. If the Government fails to fulfill this obligation, the Constitutional Court shall automatically and immediately take cognizance of them.

ARTICLE 215

When events other than those foreseen in Articles 212 and 213 gravely and immediately disrupt the nation's economic, social, or ecological order, or constitute a grave public disaster, the President, with the signature of all the ministers, may declare a state of emergency for periods of up to thirty days in each case, which may not total more than ninety days in a calendar year.

By means of such a declaration, which must be justified, the President may, with the signature of all the ministers, issue decrees with the force of law that are meant exclusively to check the crisis and halt the extension of its effects.

These decrees must address matters that have direct and specific connection with the state of emergency and may provisionally establish new taxes or amend existing ones. These latter measures concerning taxes shall cease to have effect at the end of the subsequent fiscal year, unless Congress makes them permanent during this period

In its declaration of a state of emergency, the Government shall stipulate a deadline for using the extraordinary powers stipulated in this article and shall convene Congress within ten days if it is not already in session.

Congress shall examine for a period of up to thirty days, extendable with the agreement of both houses, the explicatory report that the Government submits to it on the reasons for the state of emergency and the measures taken during the emergency, and it shall make an explicit pronouncement on need for the state of emergency and its appropriateness.

During the year following the declaration of emergency, Congress may repeal, amend, or add to the decrees treated in this article in areas that ordinarily only the Government can propose. Congress may exercise these powers at all times in connection with decrees that fall under the jurisdiction of its members.

If it has not already been convened, Congress shall meet in its own right under the conditions and for the purposes provided for in this article.

The President of the Republic and the ministers shall be responsible when they declare a state of emergency without the presence of any of the circumstances stipulated in the first paragraph, and it shall also be responsible for any abuse committed in the exercise of the powers that the Constitution assigns to the Government during an emergency.

The Government may not infringe on the social rights of workers through the decrees mentioned in this article.

PARAGRAPH

The government shall send to the Constitutional Court Court on the day following their promulgation the legislative decrees issued under the powers mentioned in this article so that the Court may determine their constitutionality. Should the Government fail to fulfill its obligation to transmit these decrees, the Constitutional Court shall automatically and immediately take cognizance of them.

Chapter VII Public Force

ARTICLE 216

The public force shall consist exclusively of the Armed Forces and the National Police.

All Colombian citizens are obliged to take up arms when the public need requires in order to defend national independence and public institutions.

The law shall determine conditions that at all times exempt an individual from military service and its concomitant benefits.

ARTICLE 217

The nation shall maintain for its defense the permanent Armed Forces made up of the army, navy, and air force.

The Armed Forces shall have as their primary purpose the defense of sovereignty, independence, the integrity of the national territory, and the constitutional order.

The law shall determine the system of replacements in the Armed Forces as well as the promotions, rights, and obligations of their members and the special career, benefits, and disciplinary regime that pertain to them.

ARTICLE 218

The law shall determine the organization of the police corps.

The National Police is a permanent armed civilian body of the national level, whose primary purpose is to maintain the conditions necessary for the exercise of public rights and freedoms and to ensure that the inhabitants of Colombia may live together in peace.

The law shall determine the career, benefits, and disciplinary regime that pertain to it.

ARTICLE 219

The public force is not deliberative: it shall not be able to assemble except by order of legitimate authority nor direct petitions except on matters connected with the service and morale of the respective corps and in accordance with law.

Members of the public force may not exercise their right to vote while they are in active service nor take part in activities or debates of parties or political movements.

ARTICLE 220

Members of the public force may not be deprived of their ranks, awards, or pensions except in cases and in the manner determined by law.

ARTICLE 221

Punishable acts committed by the members of the public force in active service, and in relation to this service, will be judged by martial courts and military tribunals, according to the provisions of the Military Penal Code. Such courts or tribunals will be composed of members of the public force in active or retired service.

In the investigation and trial of punishable acts committed by members of the public force that are related to an armed conflict or clash that meets the objective conditions of International

Humanitarian Law, norms and principles of International Humanitarian Law will be applied. Judges and public attorneys of ordinary justice and of the military or police justice system that try acts of members of the public force must have appropriate training in and knowledge about International Humanitarian Law.

The military or police criminal justice system will be independent of the General Command of the Public Force.

ARTICLE 222

The law shall determine systems of professional, cultural, and social development of members of the public force. During their training, members shall be taught the fundamentals of democracy and human rights.

ARTICLE 223

Only the Government may introduce and manufacture weapons, munitions, and explosives. No one may possess them or carry them without permission from the competent authority. This permission may not be granted to attend political meetings, elections, sessions of public corporations, or assemblies, whether to take part of merely attend them.

Members of national security organs and other official permanent armed bodies created or authorized by law may carry arms under the control of the Government, in accordance with the principles and procedures stipulated by law.

Chapter VIII

International Relations

ARTICLE 224

In order to be valid, treaties must be approved by Congress. However, the President of the Republic may provisionally apply economic or commercial treaties agreed upon in the context of international organizations that so provide. As soon as such a treaty enters into force provisionally, it shall be sent to Congress for its approval. If Congress does not approve the treaty, its application shall be suspended.

ARTICLE 225

The Advisory Committee on Foreign Relations, whose makeup shall be determined by the law, is a consultative body of the President of the Republic.

ARTICLE 226

The State shall promote the internationalization of political, economic, social, and ecological relations on the basis of fairness, reciprocity, and the national interest.

ARTICLE 227

The State shall promote economic, social, and political integration with other nations and especially with the countries of Latin America and the Caribbean by means of treaties that, on the basis of fairness, equality, and reciprocity, create supranational organizations even to the point of constituting a Latin American community of nations. The law may call for direct elections for the formation of the Andean Parliament and the Latin American Parliament.



Title VIII

Judicial Branch

Chapter I
General Provisions

ARTICLE 228

The administration of justice is a public function. Its decisions are independent. Its proceedings shall be public and permanent with the exceptions established by statute, and substantive law shall prevail in them. Legal limits shall be diligently observed, and failure to apply them shall be sanctioned. The functioning of the judiciary shall be decentralized and autonomous.

ARTICLE 229

The right of any individual to have access to the administration of justice is guaranteed. A law shall specify the cases in which this may be done without the representation of counsel.

ARTICLE 230

In their decisions, judges are bound exclusively by the rule of law.

Fairness, jurisprudence, and the general principles of law and doctrine are the auxiliary criteria of judicial proceedings.

ARTICLE 231

The Justices of the Supreme Court of Justice and the Council of State will be elected by their respective bodies, following a public hearing, from a list of ten eligible people sent by the Superior Council of the Judicature after a public call for nominations is made according to law.

Selection processes for Supreme Court Justices shall observe the criterion of equilibrium among jurists from professional practice, the judicial branch, and academia.

The Supreme Court of Justice and the Council of State will regulate the voting formula and the period in which they should elect the Justices that make up their respective bodies.

ARTICLE 232

Judges of the Constitutional Court, the Supreme Court of Justice, or the Council of State must meet the following requirements:

1. Be Colombian by birth and a citizen in good standing.
2. Be a lawyer.
3. Have not been sentenced to prison by a court, unless it be for political or similar crimes.
4. Have worked for a minimum of fifteen years in positions in the Judicial Branch or the Public Ministry, or have exercised, with good record, for the same period the profession of attorney, or have held an academic position in judicial disciplines in officially known university institutions. For the rank of Justice of the Supreme Court of Justice and the Council of State, the academic university position should be in a judicial field yielding expertise regarding the Justice office.

PARAGRAPH

In order to become a judge in these courts, it shall not be necessary to be a career employee of the judiciary.

ARTICLE 233

Judges of the Constitutional Court, Supreme Court of Justice, and Council of State shall be elected for eight-year terms. They cannot be reelected and shall remain in office [for the full term] as long as they display good behavior, perform satisfactorily, and have not reached the age of mandatory retirement.

Chapter II

Ordinary Jurisdiction

ARTICLE 234

The Supreme Court of Justice is the highest Court of Ordinary Jurisdiction, and it will be composed of an odd number of Justices determined by the law. The Court will be divided into Chambers and Special Chambers, specifying which matters the respective chambers shall hear separately and which matters shall be heard by the Court's full bench.

Where the accused is subject to a special impeachment procedure, the Chamber of Criminal Cassation and the Special Chambers will guarantee a separation between the formal investigation and trial proceedings, as well as the right to have a verdict reexamined by a superior court and the right to appeal verdicts.

The Special Chamber of Criminal Investigation and Prosecution will be composed of six (6) Justices, and the Special Chamber of First Instance will be composed of three (3) Justices.

The members of these Special Chambers must fulfill the requirements for being Justices of the Supreme Court of Justice. They will be subject to the same regime for their election and term length.

Justices of the Special Chambers will only have exclusive competence to hear matters of formal investigation and trial under the conditions specified by law.

The regulation of the Supreme Court of Justice may not assign to the Special Chambers hearings and decisions of matters that are under the purview of the Chamber of Criminal Cassation.

Justices of the Special Chambers may not adjudicate administrative or electoral matters of the Supreme Court of Justice, nor shall they form part of the plenary court.

PARAGRAPH

The persons who are subject to Article 174 of the Political Constitution have the right to challenge verdicts and the right to have a verdict reexamined by a superior court in accordance with what is stipulated by law.

162

ARTICLE 235

The Supreme Justice Court's faculties are as follows:

1. Act as a court of cassation.
2. Hear the right of objection and the recourse of appeal in criminal matters in accordance with law.
3. Judge the President of the Republic, acting president, and senior officials specified in Article 174, following the procedure established in Article 175 [Numbers 2 and 3] of the Political Constitution, for any punishable act the President is accused of. For these trials the Penal Chamber of the Supreme Court of Justice additionally will include the Special Chambers that guarantee the right to challenge verdicts and the right to have a verdict reexamined by a

superior court.

4. Investigate and judge Members of Congress.
5. Through the Special Chamber of First Instance of the Penal Chamber of the Supreme Court of Justice, and following an accusation from the Attorney General of the Nation, the Vice Attorney General of the Nation, or their delegates from the Public Attorneys Unit before the Supreme Court of Justice, judge the Vice President of the Republic, Government ministers, the Inspector General, the People's Defender, agents of the Public Ministry [Parquet] before the Supreme Court, the Council of State, and Tribunals, directors of administrative departments, the Comptroller General of the Republic, ambassadors, chiefs of diplomatic or consular missions, governors, court Justices, and generals and admirals of the Public Force for punishable acts that they are accused of having committed.
6. Through the Chamber of Criminal Cassation of the Supreme Court of Justice, hear appeals of decisions issued by the Special Chamber of First Instance of the Criminal Chamber of the Supreme Court of Justice.
7. Through a Chamber composed of three Justices of the Chamber of Criminal Cassation of the Supreme Court of Justice who did not participate in an original decision, hear a request for a second judicial hearing of an initial conviction issued by the remaining Justices of the aforementioned Chamber concerning the matters that Numbers 1, 3, 4, 5, and 6 of the present

article refer to, or guilty verdicts issued under these conditions by superior or military tribunals.

8. Hear litigation of diplomatic agents accredited before the Government of the Nation in cases foreseen by international law.
9. Issue its own regulation.
10. Other faculties specified by law.

PARAGRAPH

When the aforementioned officers are no longer in office, the special jurisdiction will remain only for punishable acts that they committed in the exercise of their duties.

Chapter III

Contentious Administrative Jurisdiction

ARTICLE 236

The Council of State shall be composed of an uneven number of judges determined by statute. The Council shall be broken down into houses and sections to separate its jurisdictional functions from the other functions assigned to it by the Constitution and law.

A law shall stipulate the functions of each of the houses and sections, the number of judges that constitute them, and their internal organization.

ARTICLE 237

The powers of the Council of State are as follows:

1. To exercise the functions of a supreme contentious administrative court in accordance with rules specified by law.
2. To take cognizance of invalid decrees issued by the national government and held unconstitutional by the Constitutional Court.
3. To act as the supreme consultative body of the Government in matters of administration, whose opinion must mandatorily be heard in all cases determined by the Constitution and laws.

In cases of the transit of foreign troops across Colombia's national territory or the stationing or transit of foreign warships or aircraft in the waters or territory or airspace of the nation, the Government must first seek the opinion of the Council of State.

4. To prepare and present proposals amending the Constitution and other bills.
5. To take cognizance of cases regarding loss of the investiture of congresspersons in accordance with the Constitution and law.
6. To draft its own rules of procedure and exercise other functions determined by law.
7. To rule on petitions for the annulment of elections subject to the rules of competence established by law.

TRANSITIONAL PARAGRAPH

When based on irregularities in the voting process and vote count, disputes concerning popular elections before the administrative jurisdiction are admissible only if they are first submitted to review by the competent administrative authority headed by the National Election Commission before the proclamation of the election results.

ARTICLE 238

The contentious administrative jurisdiction provisionally may suspend, for the motives and following the procedures specified by law, effects of administrative acts that are subject to legal challenge.

Chapter IV

Constitutional Jurisdiction

ARTICLE 239

The Constitutional Court shall be composed of an uneven number of members determined by law. The makeup of the court shall consider the need to select judges belonging to various specialized jurisdictions.

Constitutional Court judges shall be elected by the Senate of the Republic for single terms of eight years from lists presented to it by the President of the Republic, the Supreme Court of Justice, and the Council of State.

Judges of the Constitutional Court are not eligible for reelection.

ARTICLE 240

Persons who have exercised the functions of Cabinet minister or judge of the Supreme Court of Justice or of the Council of State over the year preceding the election are not eligible to be elected to the Constitutional Court.

ARTICLE 241

The safeguarding of the integrity and supremacy of the Constitution is entrusted to the Constitutional Court in the strict and precise terms of this article. For such a purpose, it shall fulfill the following functions:

1. Decide on petitions of unconstitutionality brought by citizens against measures amending the Constitution, whatever their origin, exclusively for procedural errors in their formation.
2. Decide, prior to a popular expression of opinion, on the constitutionality of a call for a referendum or a constituent assembly to amend the Constitution, exclusively for procedural errors in their formation.
3. Decide on the constitutionality of referendums about laws and popular consultations and plebiscites of a national scope; the Court shall review national popular consultations and plebiscites exclusively for procedural errors in their convocation and implementation.
4. Decide on complaints of unconstitutionality brought by citizens against laws, both for their substantive content and for procedural errors in their formation.
5. Decide on complaints of unconstitutionality brought by citizens against decrees with the force of law issued by the government on the basis of Article 150, Number 10, and Article 341 of the Constitution for their substantive content as well as for procedural errors in their formation.
6. Decide on the exceptions provided for in Article 137 of the Constitution.
7. Decide definitively on the constitutionality of legislative decrees issued by the Government on the basis of Articles 212, 213, and 215 of the Constitution.

8. Decide definitively on the constitutionality of bills opposed by the Government as unconstitutional and of proposed statutory bills, both on account of their substantive content and for procedural errors in their formation.
9. In the form determined by law, review judicial decisions concerning protection of constitutional rights.
10. Definitively decide on the execution of international treaties and laws approving them. To this end, the Government shall submit treaties to the Court within six days of their approval by law. Any citizen may intervene to defend or challenge their constitutionality. Should the Court declare them constitutional, the Government may proceed to the exchange of notes; in the contrary case they shall not be ratified. When one or several provisions of a multilateral treaty are declared unconstitutional by the Constitutional Court, the President of the Republic may declare consent, formulating the relevant reservation.

PARAGRAPH

11. Adjudicate jurisdictional conflicts.
12. Enact its own regulations.

When the Court finds a reparable procedural error in an act that is subject to its control, it shall order the act returned to the authority that issued it so that, if possible, it shall correct the error. Once the error is corrected, the Court shall decide on the validity of the measure.

ARTICLE 242

Cases brought before the Constitutional Court concerning the matters treated in this title shall be regulated by law in accordance with the following provisions:

1. Any citizen may initiate the popular actions provided for in the preceding article and intervene as challenger or defender of provisions subject to the court's control in proceedings initiated by others as well as in cases where no public action has occurred.
2. The Inspector General of the Nation shall intervene in all proceedings.
3. Actions to correct formal errors must be brought within one year of the publication of said acts.
4. Ordinarily, the Court shall have sixty days to decide, and the Inspector General of the Nation shall have thirty days to give his/her opinion.
5. In the proceedings referred to in Number 7 of the previous article, the ordinary time-span shall be reduced to a third, and missing deadline shall constitute official misconduct to be sanctioned according to law.

ARTICLE 243

Constitutional Court rulings in exercise of jurisdictional oversight bar double jeopardy.

No authority may reproduce the substance of a juridical measure that has been declared fundamentally unconstitutional as long as the constitutional provisions that contradict the measure remain in force.

ARTICLE 244

The Constitutional Court shall notify the President of the Republic or the President of Congress, depending on the case, of the initiation of any proceeding that seeks to examine the constitutionality of provisions that they respectively issued. Such notification shall not postpone deadlines for the proceedings.

ARTICLE 245

The Government may not provide employment to judges of the Constitutional Court during their terms on the Court or in the year following their retirement.

Chapter V Special Jurisdictions

ARTICLE 246

The authorities of indigenous peoples may exercise their jurisdictional functions within their territorial jurisdictions in accordance with their own laws and procedures as long as they are not contrary to the Constitution and the laws of the Republic. A law shall establish the forms of coordination between this special jurisdiction and the national judicial system.

ARTICLE 247

A law may create justices of the peace entrusted with the equitable resolution of individual and community conflicts. It may also order that they be popularly elected.

ARTICLE 248

Only convictions handed down definitively in judicial trials qualify as a criminal record or a violation in all legal matters.

Chapter VI

Office of the Attorney General of the National

ARTICLE 249

The Office of the Attorney General of the Nation shall consist of the Attorney General, his/her assistant attorneys, and other officials as determined by law.

The Attorney General of the Nation shall be elected to a four-year term by the Supreme Court of Justice from a list submitted by the President of the Republic and is not eligible for reelection. The candidate shall have the same qualifications required for a judge of the Supreme Court of Justice.

The Office of the Attorney General of the Nation is part of the judicial branch and shall have administrative and budgetary autonomy.

ARTICLE 250

In the discharge of its duties or following a denunciation, special petition, or dispute, the Office of the Attorney General of the Nation is obligated to bring criminal charges and to investigate facts that may constitute offenses if there are sufficient reasons to assume the commission of an offense. Crimes committed by members of the public force in active service that are related to this service are excepted.

In exercise of these duties, the Office of the Attorney General of the Nation shall do the following:

1. Request that the judge responsible for the control of [constitutional] guarantees take measures to ensure that defendants appear at the trial, evidence is preserved, and the community at large and victims in particular are protected.

Under no circumstances may the judge who oversees constitutional guarantees try a case in which he/she has exercised this oversight.

In exceptional cases a law may authorize the Office of the Attorney General to carry out administrative detentions; this law likewise will stipulate the limits and circumstances in which administrative detentions may proceed. In these cases, the judge in charge of overseeing constitutional guarantees will review the detention within thirty-six (36) hours.

2. Conduct searches, forcible entries, seizures, and interceptions of communications. In these cases, the judge who is in charge of reviewing constitutional guarantees will review the procedure within thirty-six (36) hours.
3. Take possession of the material elements of evidence, safeguarding chain of custody while they are being examined. When additional measures that involve the infringement of fundamental rights are required, a corresponding authorization must be obtained from the judge responsible for the control of guarantees in order to proceed.

4. Present an indictment before the judge hearing a case in order to initiate a public, oral, adversarial trial in which evidence is examined in the presence of the court and all other guarantees are observed.
5. Request that the judge hearing a case, close investigations when there is no legal basis for bringing an indictment.
6. Request before the judge hearing a case that necessary legal measures be taken for the assistance of victims, as well as restoration of the legal order and complete redress for those affected by the crime.
7. Oversee the protection of victims, juries, witnesses, and all other parties involved in criminal trials. A law shall determine how victims may intervene in the criminal procedure and mechanisms of restorative justice.
8. Manage and coordinate the functions of the judicial police that are customarily carried out by the National Police and other organs as specified by law.
9. Comply with all other functions stipulated by law.

The Attorney General and his/her deputies have competence in the entire national territory.

In the event an indictment is brought, the Attorney General or his/her deputies shall provide, through the judge trying the case, all elements of proof and information he/she is aware of, including those favorable to the defendant.

PARAGRAPH

The Office of the General Prosecutor of the Nation shall continue to perform, in the new system of inquiry, investigation and criminal judgment, the functions of Article 277 of the National Constitution.

PARAGRAPH 2

Depending on the character of the protected interest and the minor gravity of the punishable conduct, the legislature may authorize the victim or other authorities to bring criminal charges. In any case the action by the Office of Attorney General shall have priority.

ARTICLE 251

The following are special functions of the Attorney General of the Nation:

1. To investigate and, if there are sufficient grounds, to bring charges, directly or through the Deputy Attorney General of the Nation or his/her representatives from the investigation unit at the Supreme Court of Justice, against senior officials who are subject to special disciplinary proceedings, with the exceptions provided in the Constitution.
2. To appoint and remove from office, in accordance with law, employees under his/her jurisdiction.
3. To take direct charge of investigations and trials, whatever their stage, and freely assign and move his/her officials in investigations and trials. Likewise, by virtue of the principles of unitary management and hierarchy, to determine the criteria and position that the Office of the Attorney General should adopt, without prejudice to the autonomy of deputy public attorneys in the terms and conditions defined by law.

4. To participate in the planning of state policy in criminal matters and to present draft laws for that purpose.
5. To grant temporary powers to public entities that may accomplish functions of judicial police under the responsibility and functional jurisdiction of the Office of the Attorney General of the Nation.
6. To provide the Government with information about ongoing investigations when this information is necessary for the preservation of public order.

ARTICLE 252

Even during states of exception pursuant to Articles 212 and 213 of the Constitution, the Government is barred from eliminating or modifying either the organizations or the basic functions of indictment and trial.

ARTICLE 253

A law shall determine the structure and functioning of the Office of the Attorney General of the Nation, and the hiring and retirement, disqualifications and incompatibilities, identification, qualifications, remuneration, social benefits, and discipline of the functionaries and employees under its authority.

Chapter VII

Government and Administration of the Judicial Branch

ARTICLE 254

The Superior Council of the Judicature will be composed of six (6) justices elected for an eight-year term as follows: two (2) by the Supreme Court of Justice, one (1) by the Constitutional Court, and three (3) by the Council of State.

ARTICLE 255

To be a member of the Superior Council of the Judicature, one must be a Colombian by birth, a citizen in exercise of his/her rights, and more than thirty-five years old; one additionally must be a licensed attorney and have practiced the profession for ten years in good standing. Members of the Council cannot be appointed from among justices of the bodies that nominate them.

ARTICLE 256

The Superior Council of Judicature has the following faculties, according to the law:

1. Administer the judicial career.
2. Draft lists of candidates to be appointed as judicial functionaries and send the lists to the entity that makes the appointment. The military criminal court system is excepted and shall be regulated by special norms.
3. Exercise oversight of the performance of judicial corporations and offices.

4. Draft a proposed budget for the judicial branch to be remitted to the Government, and execute the budget in accordance with Congress's approval.
5. Other functions specified by law.

ARTICLE 257

In accordance with the law, the Superior Council of the Judicature shall fulfill the following functions:

1. Determine the division of territory for judicial purposes, and set the location and distribution of judicial offices.
2. Create, abolish, merge, and transfer posts in the administration of justice. In exercise of the faculty, the Superior Council of Judicature cannot establish charges to the Treasury that exceed the total amount allocated to the respective service in the initial appropriations law.
3. Issue the regulations needed for effective functioning of the administration of justice, regulations concerning the internal organization and functions assigned to different posts, and regulations concerning the judicial procedures that are to be followed in judicial offices in matters not foreseen by the legislature.
4. Propose bills concerning the administration of justice and substantive and procedural codes.
5. Other functions specified by law.

ARTICLE 257A

The National Judicial Discipline Commission shall exercise jurisdictional disciplinary supervision of functionaries and employees of the judicial branch.

It will be composed of seven (7) justices. Four of them will be elected by Congress in plenary from lists of candidates submitted the Superior Council of the Judicature following a regulated public call for candidates. Three of the seven justices will be elected by Congress in plenary from lists of candidates submitted by the President of the Republic, following a regulated call for candidates. They will serve for eight-year terms and must fulfill the same prerequisites required for Justices of the Supreme Court of Justice.

Justices of the National Judicial Discipline Commission cannot be reelected.

There may be Sectional Committees of Judicial Discipline with membership specified by law.

The National Judicial Discipline Commission will be in charge of examining the conduct and sanction malfeasance of licensed attorneys, according the procedure specified by law, unless the law assigns this function to a collegium of attorneys.

PARAGRAPH

The National Judicial Discipline Commission and Sectional Commissions of Judicial Discipline will not competent to hear legal actions to protect fundamental rights].

TRANSITORY PARAGRAPH 1

Justices of the National Judicial Discipline Commission must be elected within the year following the present constitutional amendment's entry into force. Once seated, the National Judicial Discipline Commission shall assume the disciplinary proceedings of the Jurisdictional Chamber of the Superior Council of the Judicature. The Disciplinary Chambers of the Sectional Councils of the Judicature will be transformed into Sectional Commissions of Judicial Discipline. [Members of the national and regional commissions] will be guaranteed the career rights of justices

and employees of the disciplinary chambers of the Sectional Councils of the Judicature, who will continue hearing cases already in their charge, without the proceedings being continued in another body.





Title IX Elections and the Electoral System

Chapter I

Suffrage and Elections

ARTICLE 258

Voting is both a right and a duty of citizens. The State shall make sure that it is exercised without any type of coercion and in a secret manner in individual booths installed in every polling station, the use of electronic and computerized means of voting notwithstanding. In elections of candidates, ballot cards that are numbered and printed on paper offering sufficient security guarantees may be used, and shall be distributed officially. The Election Commission shall also provide voters with ballot papers on which the political movements and parties with legal status and the candidates shall appear clearly identified and in equal conditions. A law may establish voting mechanisms that provide additional and better guarantees for the free exercise of this right of citizens.

PARAGRAPH 1

The voting process for the election of members of a public body, governor, mayor, or the first round of the presidential election must be repeated in a single additional round when blank votes constitute the majority of the total number of valid votes. In elections in which a single candidate is to be elected, the candidates on the first ballot may not run again, and in elections to public bodies the lists that have not attained the threshold [of votes] may not be submitted for new elections.

PARAGRAPH 2

The electronic vote may be introduced in order to achieve flexibility and transparency in all voting processes.

ARTICLE 259

Those who elect governors and mayors impose on the elected official the program that he/she presented on registering as a candidate. A law shall regulate the exercise of the programmatic vote.

ARTICLE 260

Citizens directly elect the President and Vice President of the Republic, senators, representatives, governors, deputies, mayors, municipal and district councilors, members of local administrative boards, and, when necessary, members of the Constituent Assembly and other authorities or officials stipulated by law.

ARTICLE 261

The election of the President and Vice President may not coincide with other elections. Congressional elections shall be carried out on a date separate from the election of departmental and municipal officials.

ARTICLE 262

Parties, political movements, and significant groups of citizens that decide to participate in popular election processes will register candidates and lists, whose number may not exceed the number of seats or offices allocated to the electoral district, except in districts that elect up to two members, where lists may include up to three (3) candidates.

The selection of candidates of political parties and movements with legal personality will be made according to mechanisms of internal democracy, following the provisions of law and statutes. In the process of making lists,

all parties and movements must progressively observe the principles of parity, alternation, and universality, among other principles, according to the provisions of law.

Each political party and movement can opt for mechanisms of preferential voting. In this case, the elector can indicate his/her preferred candidate among members of the list that appear in the electoral ticket. The list will be reordered according to the quantity of votes gathered by each of the candidates. The allocation of seats among the members of the respective lists will be made accordingly in descending order starting with the candidate that obtains the greatest number of preferential votes.

In the case of political parties and political movements that have chosen the preferential voting system, a vote for a political party or movement that the elector did not assign to any particular candidate will be counted in favor of the respective list where the minimum vote threshold and electoral quotient are concerned, but it will not be considered for the reorganization of the list. When the elector votes simultaneously for the political party or movement and for the candidate of its preference within the corresponding list, the vote will be valid and will be considered in favor of the candidate.

The law will regulate the predominantly public financing of campaigns; mechanisms of internal party democracy; the registration of candidates, single-party lists, and coalition lists in elections for uninominal offices or public corporations; and the administration of resources and protection of candidates' rights. Political parties and movements with legal personality that obtain a total of up to 15 percent of the valid votes within the respective district can present a coalition list of candidates for public institutions.

ARTICLE 263

To guarantee the fair representation of political parties and movements and significant groups of citizens, the seats of public bodies will be distributed according to an electoral quotient system among the list of candidates that reach a minimum of votes that cannot be inferior to 3 percent of the valid votes for Senate of the Republic or 50 percent of the electoral quotient in the case of other bodies, in accordance with the Constitution and law.

The electoral quotient is determined by successively dividing by one, two, three, or more the number of votes for each list, ordering the outcomes in a decreasing fashion until there is a total number of results equal to the number of seats to fill. The lowest result is called the electoral quotient. Each list will obtain a number of seats equal to its total number of votes divided by the electoral quotient [with fractional results rounded down to the next lowest whole number].

Each list will obtain a number of seats equal to the number of slots it receives in the distribution of total votes.

In constituencies where two members are elected, the system of electoral quotient will be applied among the lists that exceed in votes 30 percent of said quotient. In constituencies where a single member is elected, the seat will be granted to the list that obtains a majority.

When none of the lists reach the threshold, the seats will be distributed among all the registered lists, in accordance with the corresponding regulation on allocation.

Chapter II

Electoral Authorities

ARTICLE 264

The National Election Commission shall be composed of nine (9) members elected by the Congress of the Republic in plenary session for an institutional term of four (4) years, in accordance with electoral quotient system and on the basis of nominations submitted by political parties or movements with legal status or by coalitions formed among them. The commission's members shall be civil servants exclusively dedicated to the duties of their office, and shall have the same qualifications, disabilities, incompatibilities, and rights as the Justices of the Supreme Court of Justice.

PARAGRAPH

The contentious administrative jurisdiction shall decide concerning petitions to nullify elections within one (1) year.

If the law only permits a single instance, the period for the decision may not exceed six (6) months.

ARTICLE 265

The National Election Commission shall regulate, inspect, supervise, and control all electoral activity of political parties and movements, relevant citizen groups, and their legal representatives, leadership, and candidates, ensuring compliance with the principles and obligations that apply to them. It shall have the following special powers:

1. To exercise the highest level of inspection, oversight, and control of the electoral organization.
2. To install the National Registrar of the Civil Status.
3. To examine and make a final decision on complaints brought against decisions of its delegates concerning general ballots, declare the results of the elections, and issue the corresponding certifications in these cases.
4. In addition, to review, on its own initiative or upon application, ballots and the electoral documents pertaining to them in each stage of the administrative procedure of the election, with the goal of guaranteeing the truthfulness of the election results.
5. To serve as a consultative body of the government concerning matters within its competence, propose constitutional amendments and ordinary bills, and recommend draft decrees.
6. To oversee compliance with rules concerning political parties and movements and with provisions concerning publicity and political opinion polls; the rights of the opposition and minorities; and the development of electoral processes under conditions of comprehensive guarantees.
7. To distribute the subsidies established by law for the funding of electoral campaigns and the safeguarding of citizens' right of political participation.
8. To count the votes in all national

elections, declare the results of the election, and issue certifications as appropriate.

9. To grant and revoke the legal status of political parties and movements.
10. To regulate the participation of political parties and movements in the social communications media of the State.
11. To cooperate in the realization of internal polls of parties and movements for making decisions and selecting their candidates.
12. To decide on the removal of candidates to public bodies or popularly elected offices from the electoral list where there is convincing evidence that they are disqualified from public office due to one of the causes recognized by the Constitution or law.
13. To draft its own rules of procedure.
14. Other powers that a law may confer upon it.

ARTICLE 266

The National Registrar of Civil Status shall be chosen by the presidents of the Constitutional Court, the Supreme Court of Justice, and the Council of State in a merit-based contest organized in accordance with the relevant law. The term of office shall be four (4) years. The Registrar must possess the same qualities that the Political Constitution requires for Justices of the Supreme Court of Justice, and must not have exercised functions in the executive committee of any political party or movement in the year immediately preceding his/her election.

He/she shall exercise the functions determined by law, including the direction and organization of elections, civil registry, and identification of persons, and he/she shall conclude contracts in the name of the Nation in the cases specified by law.

The National Registry Office shall be staffed by civil servants pursuing a special administrative career which may be entered only by means of a merit-based contest and which provides for a flexible retirement in accordance with service needs. In all cases, positions involving administrative or electoral responsibilities are subject to the principle of free removal, in accordance with the relevant statute.

**TRANSITIONAL
PARAGRAPH**

The term of the current members of the National Election Commission and the National Civil Registrar shall continue until the year 2006. The following election for any of these positions shall take place in accordance with the provisions of the present constitutional amendment.



Title X

Control Organisms

Chapter I

The Office of the Comptroller General of the Republic

ARTICLE 267

Fiscal oversight and control are public functions that will be executed by the Office of the Comptroller General of the Republic, which oversees the fiscal management of the public administration and of the individuals or entities that manage public funds or assets at every administrative level and regarding every type of public resources. The law will regulate the exercise of competences among comptroller offices, in accordance with the principle of coordination, concurrency, and subsidiarity. The control exercised by the Office of the Comptroller General of the Republic will be preferential within the terms defined by the law.

Fiscal control will be exercised subsequently and selectively, and it also can be preventive and concomitant, according to what is needed to guarantee the defense and protection of public assets. Preventive and concomitant control will not imply coadministration and will occur in real time through the permanent tracing of the cycles, use, execution, procurement, and impact of public resources. This tracing will be achieved using information technology, with the active participation of social control and articulating with internal control. The law will regulate its exercise and the systems and applicable principles for each type of control.

Preventive and concomitant control is exceptional and nonbinding. It does not imply coadministration, nor does it comment on the suitability of public resources administrators' decisions. This control will take the form of a warning to the fiscal manager and shall be included in a general system of public warning. The exercise and coordination of concomitant and preventive control belongs exclusively to the Office of the Comptroller General of the Republic in specific matters.

Oversight of the State's fiscal management includes the permanent tracing of public resources without prejudice to fiscal control organs' legally guaranteed access to this information or to financial oversight of management and results based on efficiency, economy, equity, sustainable development, and compliance with the principle of assessing environmental costs. The Comptroller General of the Republic will have prevalent competence to exercise control over the management of any territorial entity, in accordance with what is stipulated by law.

Jurisdictional control of findings of responsibility will have special phases and procedural terms with the objective of guaranteeing the appropriate recovery of public resources. Proceedings will not last more than one year, in the form specified by law.

The Office of the Comptroller General is a technical entity with administrative and budgetary autonomy. It will not have administrative functions other than those inherent in its own organization and the fulfillment of its constitutional mission.

The Comptroller General will be elected by Congress, by absolute majority, in the first month of its sessions, for a term equal to that of the President of the Republic, from a list of

eligible candidates drawn from a public call for candidates per Article 126 of the Constitution. The Comptroller General may not be reelected nor continue exercising his/her functions after the end of his or her term.

Only Congress can receive a resignation submitted by the Comptroller General and provide for absolute and temporary vacancies in the position that last more than forty-five days.

To be elected Comptroller General of the Republic one must be Colombian by birth, in exercise of citizenship, and more than thirty-five years old; must hold a university degree in juridical, human, economic, financial, business, or accounting sciences; have professional experience of no less than five years or a university professorship for the same period; and must fulfill other conditions required by law.

Present or past members of Congress or persons who have held a position of fiscal manager at a national level in the year immediately preceding the election may not be elected Comptroller General. Persons who have been sentenced to prison for misdemeanors additionally cannot be elected Comptroller General.

Under no circumstances whatsoever can persons who are related to candidates within the fourth degree of consanguinity or second degree of affinity participate in the nomination or election of the Comptroller General.

ARTICLE 268

The Comptroller General of the Republic has the following attributions:

1. Prescribe the methods and form of submitting financial reports by persons responsible for the management of national funds and assets, and indicate the criteria to be followed for the evaluation of finances, operations, and results.

2. Examine and close accounts that must be kept by those responsible for the Treasury and determine the degree of efficiency, efficacy, and economy with which they have acted.
3. Maintain a record of the public debt of the Nation and of entities that have been decentralized by territory or by service.
4. Demand reports on fiscal management from official employees at any level or any person or public or private entity that administers public funds or assets.
5. Establish responsibility that is derived from fiscal management, impose and collect appropriate pecuniary sanctions, and conduct collections, for which it will take precedence.
6. Conceptualize the quality and efficiency of the internal fiscal control of the State's entities and organisms.
7. Present to the Congress of the Republic an annual report on the condition of natural resources and the environment.
8. Promote before the competent authorities, bringing the appropriate evidence, fiscal, penal, or disciplinary investigations against those who have caused damage to the State's patrimonial interests. The Office of the Comptroller General, on its own responsibility, will be entitled to demand, based on known facts and in good faith, the immediate suspension of civil servants pending the conclusion of investigations or the respective fiscal, penal, or disciplinary procedures.

9. Present bills concerning the fiscal control regime and the organization and functioning of the Office of the Comptroller General.
10. Provide through public competitive examination the career employments created by law. This law will determine a special regime of administrative career for the selection, promotion, and retirement of functionaries of the Office of the Comptroller General. Persons who form part of the corporations that intervene in the nomination and election of the Comptroller General are forbidden to give personal and political recommendations concerning employment in the Office of the Comptroller General.
11. Present reports to the Congress of the Republic and the President of the Republic about the fulfillment of his/her functions and certification of the State's finances, in accordance with the law.
12. Dictate general rules to harmonize the fiscal control systems of every national and territorial public entity; and direct and implement, with the support of the Office of the Auditor General of the Republic, the National Fiscal Control System to unify and standardize surveillance and control of fiscal management.
13. Warn public servants and private citizens who manage public resources about the existence of any imminent risk in operations and procedures in execution, with the objective of preventing harm, so that the fiscal manager may adopt the measures she/he considers appropriate to prevent the harm from materializing or broadening, or to exercise control over the operations and procedures that the Comptroller has identified.

14. In exceptional cases foreseen by law, intervene in the functions of surveillance and control whose competence belongs to Territorial Comptroller Offices. Such intervention may be requested by the local government, the corporation elected by the people of the respective territorial entity, a permanent commission of the Congress of the Republic, citizens by means of any of the mechanisms of citizen participation, the Territorial Comptroller Office itself, or other parties or entities defined by the law.
15. Present to the House of Representatives the General Account of the Budget and Treasury and certify the financial statement presented to Congress by the Accountant General of the Nation.
16. Exercise, directly or through the entity's public servants, the judicial police functions that are required to exercise surveillance and fiscal control in all their modalities. The law will regulate the matter.
17. Impose sanctions ranging from fines to suspension on persons who neglect the obligation to give information or who prevent or hinder the exercise of fiscal oversight and control, or who fail to fulfill fiscal obligations stipulated by law. Likewise impose sanctions on representatives of entities that, with deceit or culpable behavior, during two (2) consecutive fiscal periods fail to close accounts, or if they are not obligated to render accounts, fail to obtain a favorable evaluation in equivalent proceedings.
18. Other attributions established by the law.

**TRANSITIONAL
PARAGRAPH**

The basic monthly pay of civil servants of the Office of the Comptroller General of the Republic and its transitional staff will be equal to that of equivalent posts in other control organisms at the national level. For the correct implementation of the present constitutional amendment and the strengthening of fiscal control, the law will provide for the creation of a special career regime for civil servants of Territorial Comptroller Offices, the enlargement of their staff, incorporation of civil servants of transitory staff without loss of continuity, and modification of the organic and functional structure of the Office of the Comptroller General of the Republic, guaranteeing job stability for career civil servants in this entity and to Territorial Comptroller Offices that fall under this paragraph's purview. Exclusively for the effects of the present paragraph and for the development of this constitutional amendment, extraordinary power shall be granted to the President of the Republic for a period of six months to issue decrees with force of law.

Likewise, the Congress of the Republic will issue, with unified criteria, laws that guarantee the budgetary autonomy and financial and administrative sustainability of territorial organisms of fiscal control and progressive appropriations that increase the budget of the Office of the Comptroller General of the Republic during the following three terms by increments of 250,000, 250,000 and 136,000 millions of pesos respectively, which will be incorporated in the budgetary bills presented by the National Government, including those that are already in progress in the Congress of the Republic. Such appropriations will not be considered at the moment of issuing deferrals to the General Budget of the Nation.

In the following four-year terms, such appropriations will be in accordance with the medium-term fiscal framework.

ARTICLE 269

In public entities, the appropriate authorities are obliged to plan and implement projects, depending on the nature of their functions, methods, and procedures of internal control, in accordance with the provisions of the relevant law, which may stipulate exceptions and authorize the contracting for said services with Colombian private enterprises.

ARTICLE 270

A law shall organize the forms and systems of citizen participation that enable the oversight of public management completed at the various administrative levels and their results.

ARTICLE 271

The results of oversight and fiscal control exercises as well as of preliminary inquiries or proceedings to determine fiscal responsibility undertaken by comptrollers' offices will have probative value before the Office of the Attorney General and the competent judge.

ARTICLE 272

Oversight of the fiscal management of departments, districts, and municipalities where there are comptrollers belongs to these comptrollers concurrently with the Office of the Comptroller General of the Republic.

Departmental comptroller offices will have oversight of municipalities, except as otherwise provided by law concerning municipal comptroller.

The law will regulate concurrent competences among comptroller offices and the prevalence of the Office of the Comptroller General of the Republic.

District and municipal assemblies and councils have the power and responsibility to organize their respective comptroller offices as technical entities with administrative and budgetary autonomy, and to guarantee their fiscal sustainability.

The Office of the Auditor General of the Republic will perform an annual certification of territorial comptrollers based on management indicators. Based on this input, when there is evidence of a lack of objectivity and efficiency, the Office of the Comptroller General of the Republic will intervene administratively in the Territorial Comptroller Offices and assume their powers.

Departmental, district, and municipal comptroller offices will exercise, in the scope of their jurisdiction, functions attributed to the Comptroller General of the Republic in Article 268 as relevant, according to the principles of coordination, concurrence, and subsidiarity. The control exercised by the Office of the Comptroller General of the Republic will be preferential under the terms determined by law.

Departmental, district, and municipal comptrollers will be elected by Departmental Assemblies and Municipal and District Councils, from a short list of those who obtain the highest score in a public competitive examination in accordance with the law, following the principles of transparency, publicity, objectivity, citizen participation, and gender equity, for a term of four years that may not coincide with the term of the corresponding governor or mayor.

No comptroller shall be reelected for a subsequent term.

In order to be elected departmental, district, or municipal comptroller, one must be Colombian by birth, a citizen in exercise of civil rights, and more than twenty-five years old, and must hold a university degree and meet the other criteria established by law.

The position is forbidden to persons who are or have been in the last year members of the assembly or council responsible for the election, and to persons who have occupied a

public office in the executive branch at the department, district, or municipal level.

Persons who have exercised the office of department, district, or municipal comptroller cannot hold any official employment in the respective department, district, or municipality, or be inscribed as a candidate for popularly elected positions, until at least one year after their functions as comptroller have ceased.

TRANSITIONAL PARAGRAPH 1

The upcoming election of all territorial comptrollers will be for a term of two years.

TRANSITIONAL PARAGRAPH 2

Within a period of time not greater than one year the law will strengthen the finances of departmental, municipal, and district comptroller offices with resources that come principally from current revenues that have not been allocated plus an inspection fee to be paid by subjects of oversight of the respective department, district, or municipality. This law will be presented by the Government and the Office of the General Comptroller of the Republic.

203

ARTICLE 273

At the request of any of the proponents, the Comptroller General of the Republic and other competent authorities of fiscal control shall order that any award of a bid be conferred in public.

The cases in which the mechanism of public awards are made and the manner in which the proposals and the conditions under which they are realized shall be stipulated by statute.

ARTICLE 274

Oversight of the fiscal management of the Office of the Comptroller General of the Republic and all territorial comptrollers will be exercised by the Auditor General of the

Republic, elected by the Council of State from a short list sent by the Supreme Court of Justice, following the principles of transparency, publicity, citizen participation, and gender equity, for a period of four years.

To be elected Auditor General of the Republic, one must to be Colombian by birth, in exercise of citizenship, and more than thirty-five years old, and must hold a university degree in juridical, human, economic, financial, business, or accounting sciences; have professional experience of no less than 5 years or a university professorship for the same length of time; and fulfill the other prerequisites required by law.

Those who are or have been members of Congress or have held any public office at the national level except teaching in the year immediately prior to the election will not be allowed to be elected Auditor General. The same applies to those who had been convicted to prison for common crimes.

The law will determine the manner of exercising such oversight at the department, district and municipal levels.

TRANSITIONAL PARAGRAPH

The Auditor's term set in the present article will apply for those elected after the promulgation of this Legislative Act.

Chapter II

Public Ministry

ARTICLE 275

The Inspector General of the Nation is the supreme director of the Public Ministry.

ARTICLE 276

The Inspector General of the Republic shall be elected by the Senate for a term of four years from a list of candidates selected by the President of the Republic, the Supreme Court of Justice, and the Council of State.

ARTICLE 277

The Inspector General of the Nation, by himself/herself or through his/her delegates and agents, shall have the following functions:

1. To oversee the execution of the Constitution, laws, judicial decisions, and administrative decrees.
2. To protect human rights and ensure their effectiveness, with the assistance of the People's Defender.
3. To defend the interests of society.
4. To defend collective interests, especially the environment.
5. To oversee the diligent and efficient exercise of administrative functions.

6. To oversee at the highest level the official conduct of those who hold public office, including popularly elected officials; exercise disciplinary authority on a preferential basis; and initiate appropriate investigations and impose appropriate sanctions in accordance with the relevant law.
7. To intervene in trials and before judicial or administrative authorities when it becomes necessary to defend the legal order, public domain, or fundamental rights and guarantees.
8. To provide an annual report of his/her administration to Congress.
9. To demand from public officials and individuals, information that he/she considers necessary.
10. Other matters stipulated by law.

For the exercise of its functions, the Office of the Inspector General shall have judicial police powers and shall be authorized to take the measures that it considers necessary.

ARTICLE 278

The Inspector General of the Nation shall exercise the following functions directly:

1. Discharge from office, following a hearing and on the basis of justified reasons, any public officials who are guilty of any of the following deficiencies: manifestly violating the Constitution or the laws; deriving obvious and profitable material advantage from the exercise of their duties or functions; seriously impeding investigations carried out by the Office of the Inspector General or by an administrative or juridical authority;

performing with obvious carelessness the investigation and sanctioning of disciplinary deficiencies of employees under their authority or the denunciation of punishable occurrences that they have cognizance of by virtue of exercising their office.

2. Give opinions in proceedings pressed against officials, subject to special disciplinary procedures.
3. Present government bills relating to matters under his/her jurisdiction.
4. Exhort Congress to pass laws that ensure the promotion, exercise, and protection of human rights and demand their execution by the competent authorities.
5. Give opinions concerning processes of constitutional control.
6. Appoint and remove, in accordance with law, officials and employees under his/her authority.

ARTICLE 279

A law shall determine the structure and functioning of the Office of the Inspector General of the Nation, and shall regulate hiring, competitive examinations, and retirement from the service, along with disqualifications and incompatibilities, designation, qualifications, compensation, and disciplinary regime of all the officials and employees of the organization.

ARTICLE 280

Agents of the Public Ministry shall have the same qualifications, classification, compensation, rights, and benefits as justices and judges of the hierarchy before whom they exercise their duties.

ARTICLE 281

The People's Defender will carry out functions in an autonomous manner. He/she will be elected by the House of Representatives for a four-year term from a shortlist drawn up by the President of the Republic.

ARTICLE 282

The People's Defender shall ensure the promotion, exercise, and publicizing of human rights, for which purpose he/she shall exercise the following functions:

1. Guiding and instructing inhabitants of the national territory and Colombians abroad concerning the exercise and defense of their rights before the competent authorities or private entities.
2. Publicizing human rights and recommending policies for making them known.
3. Invoking the right of habeas corpus and engaging in protective action without prejudice to the rights of interested parties.
4. Organizing and directing the public defense counsel under the conditions stipulated by law.
5. Mediating popular measures in matters falling under his/her jurisdiction.
6. Proposing bills on matters falling under his/her jurisdiction.
7. Making reports to Congress on the exercise of his/her functions.
8. Other matters stipulated by law.

ARTICLE 283

The law will determine issues related to the organization and functioning of the People's Defender as an administratively and financially autonomous body.

ARTICLE 284

Except in the cases provided in the Constitution and law, the Inspector General of the Nation and People's Defender shall be able to request from authorities the information necessary for the exercise of their functions without any objection being possible on any grounds whatsoever.



Title XI

Territorial Organization

Chapter I

General Provisions

ARTICLE 285

Outside of the general division of the territory, there shall be divisions determined by law for the exercise of functions and services for which the State is responsible.

ARTICLE 286

Departments, districts, municipalities, and indigenous reservations are territorial entities.

A law may grant the status of territorial entity to regions and provinces that are formed under the terms of the Constitution and the relevant statute.

ARTICLE 287

Territorial entities enjoy autonomy for the management of their interests within the limits of the Constitution and the relevant law. By virtue of this they shall have the following rights:

1. To govern themselves under their own authorities.
2. To exercise the jurisdictions appropriate to them.
3. To administer their resources and establish the taxes necessary for the exercise of their functions.
4. To partake of national revenues.

ARTICLE 288

The Organic Law on Territorial Organization shall establish the distribution of powers between the Nation and the territorial entities.

The powers assigned to the various territorial levels shall be exercised in accordance with the principles of coordination, competition, and subsidiarity under the terms stipulated by law.

ARTICLE 289

Under the authority of a law, the departments and municipalities located in border areas may promote directly with bordering territorial entities of the same level in the neighboring country projects for cooperation and integration, whose purpose is to promote community development, provision of public services, and protection of the environment.

ARTICLE 290

Upon implementation of the requirements and formalities stipulated by law, and in the cases determined therefrom, the periodic review of the borders of territorial entities shall be formed, and the official map of the Republic shall be published.

ARTICLE 291

Members of the public bodies of territorial entities may not accept any position in the public administration if doing so would make them lose their investiture.

Comptrollers and agents of the public ministry may be involved in the joint administrative boards and councils within which they operate in the respective territorial entities only when they are expressly invited for specific purposes.

ARTICLE 292

Deputies, councilors, and their kin up to the degree stipulated by law are prohibited from participating in executive boards

of decentralized entities of their respective departments, districts, or municipalities.

Spouses or domestic partners of deputies and councilors may not be appointed officials of their respective territorial entities if they are kin at the second level of consanguinity, the first level of affinity, or merely civil kin.

ARTICLE 293

Without prejudice to what is established in the Constitution, a law shall determine the qualifications, disabilities, incompatibilities, date of possession, durations of sessions, absolute or temporary disqualifications, causes of expulsion, and forms of filling vacancies for citizens who are elected by popular vote to assume public functions in territorial entities. A law shall also make the other provisions that are necessary for their election and performance of their functions.

214

ARTICLE 294

Laws may not concede exemptions or preferential treatment in relation to the property taxes of territorial entities. Laws also may not impose surtaxes on top of taxes except as stipulated in Article 317.

ARTICLE 295

Territorial entities may issue public notes and bonds of public debt, subject to the conditions of the financial market and also to contract foreign credit, all of this in accordance with the law regulating the matter.

ARTICLE 296

For the preservation of the public order or for its restoration where it has been disturbed, the decrees and orders of the President of the Republic shall be applied forthwith and preferentially over measures decreed by the governors; decrees and orders of governors shall be applied in similar manner and with the same effects in relation to mayors' measures.

Chapter II Departmental Regime

ARTICLE 297

The National Congress may decree the formation of new departments as long as the requirements mandated in the Organic Law of Territorial Organization are fulfilled and once the procedures, studies, and popular consultation mandated by this Constitution are verified.

ARTICLE 298

Departments enjoy autonomy in the administration of sectional matters as well as the planning and promotion of economic and social development within their territory and within the limits established by the Constitution.

Departments exercise functions of administration, coordination, complementarity with municipal action, intermediation between the Nation and the municipalities, and the provision of services specified by the Constitution and laws.

A law shall regulate matters connected with the exercise of the powers that the Constitution grants departments.

ARTICLE 299

In each department there shall be a popularly elected political-administrative body known as the departmental assembly, which shall be composed of no fewer than eleven (11) nor

more than thirty-one (31) members. This body shall enjoy administrative autonomy and have its own budget, and it may exercise political control over the departmental administration.

The regime of deputies and their disqualifications and incompatibilities shall be determined by law. It may not be less strict than the regime provided for members of Congress in corresponding matters. The term of the deputies shall be four years, and they shall have the status of civil servants.

In order to be elected deputy a person must be a citizen in exercise of his/her rights, must not have been sentenced to imprisonment, except for political crimes or crimes of negligence, and must have resided in the relevant constituency in the year immediately prior to the election.

Members of the departmental assembly shall have the right to remuneration during the relevant sessions and shall be provided with a regime of benefits and social security, in the terms established by law.

ARTICLE 300

Departmental assemblies, by means of ordinances, exercise the following powers:

1. To regulate the exercise of the functions and the provision of services for which the department is responsible.
2. To enact regulations concerning planning, economic and social development, financial and credit support for municipalities, tourism, transportation, the environment, public works, communication media, and development of their border areas.
3. To adopt, in accordance with law, plans and programs of economic and

social development and public works, determining investments and means that are necessary to promote their execution and secure their completion.

4. To decree, in accordance with law, the taxes and levies necessary for execution of the departmental functions.
5. To enact organic rules on the departmental budget and the annual budget of revenues and expenditures.
6. Subject to the requirements stipulated by law, to create and eliminate municipalities, segregate or aggregate municipal territories, and organize provinces.
7. To determine the structure of the departmental administration, the functions of its dependencies, and scales of remuneration appropriate to the various categories of employment; to create the public institutions and industrial or commercial enterprises of the department, and to authorize the formation of mixed [public-private] companies.
8. To issue policy directives on any matter that is not regulated by law.
9. To authorize the Governor of the Department to make contracts, negotiate loans, transfer goods, and temporarily exercise specific functions that belong to the departmental assembly.
10. To regulate, concurrently with municipalities, the areas of sports, education, and public health within the limits determined by law.

11. To request reports on the exercise of their respective functions from the Comptroller General of the Department, Cabinet Secretary, chiefs of the administrative departments, and directors of decentralized entities at the departmental level.
12. To fulfill other functions assigned to them by the Constitution and law.

Plans and programs of development and public works shall be coordinated and integrated with municipal, regional, and national plans and programs.

The ordinances referred to in Subparagraphs 3, 5, and 7 of this article, ordinances that decree investments, shares, or transfer of departmental revenues and property, and those that create services for which the department has or is transferred responsibility may be enacted or amended only at the initiative of the Governor.

13. To summon and require the secretaries of the Office of the Governor to attend assembly sessions. The summons must be made not less than five days prior to a session and be formulated as a written questionnaire. If the secretaries do not attend and do not submit an excuse accepted by the assembly, it may table a motion of censure. The secretaries must be heard at the session for which they were summoned, without prejudice to the possibility of the discussion being continued at subsequent sessions following a decision by the assembly. The discussion may not extend to other issues than those in the questionnaire and shall be placed at the top of the session's agenda.

14. To table a motion of censure with respect to the secretaries of the Office of the Governor for matters related to their official functions, or for ignoring the assembly's requests or summons. The motion of censure must be tabled by one-third of the members who make up the assembly. The vote shall take place between the third and tenth days following the end of the discussion, with a public hearing of the respective official. Approval of the motion shall require the affirmative vote of two-thirds of the members of the relevant body. Once the motion is approved, the official shall be relieved of his/her functions. If it is voted down, no new motion of censure may be proposed on the same matter unless it is supported by new facts. The resignation of the official against whom the censure motion has been tabled does not prevent the motion from being approved in accordance with the provisions of this article.

ARTICLE 301

The law will stipulate the cases and the specific functions in which assemblies may delegate to municipal councils, powers that the law itself specifies. At any moment, the assemblies may reassume the exercise of the delegated functions.

ARTICLE 302

The law may establish for one or several departments powers and competences of administrative and fiscal management different from those stipulated for them in the Constitution, with attention to the need to improve the administration or provision of public services in accordance with the departments' population, economic and natural resources, and social, cultural, and ecological circumstances.

In order to develop these powers and competences, the law may delegate to one or several departments attributions of national public organs or entities.

ARTICLE 303

In each of the departments there shall be a governor who shall be the head of the sectional administration and legal representative of the department; the Governor shall be the agent of the President of the Republic for maintenance of the public order and for execution of the general economic policy as well as for those matters that, through accords, the Nation agrees to delegate to the department. Governors shall be elected for four-year terms and may not be reelected for a subsequent term.

The law shall determine the qualifications, requirements, disqualifications, and incompatibilities for governors; regulate their election; determine the cases in which they may be permanently or temporarily prevented from discharging their official duties and regulate how the resultant vacancies shall be filled; and stipulate the other provisions necessary for the normal fulfillment of their duties.

Whenever a governor is completely prevented from fulfilling his/her duties and more than eighteen (18) months remain until the end of his/her term, a governor shall be elected for the remainder of the term. If less than eighteen (18) months remain until the end of term, the President of the Republic shall appoint for the rest of the term a governor who belongs to the elected governor's registered party, political group, or coalition.

ARTICLE 304

In specific cases stipulated by law, the President of the Republic may suspend or remove governors from office.

The regime of disabilities and incompatibilities that applies to governors shall be no less strict than the regime that applies to the President of the Republic.

ARTICLE 305

The Governor exercises the following powers:

1. To execute and enforce the Constitution, laws, government decrees, and ordinances of departmental assemblies.
2. To direct and coordinate the department's administrative actions and to act in the department's name as manager and initiator of the comprehensive development of its territory, in accordance with the Constitution and laws.
3. To direct and coordinate delegated national services per the terms of the delegation order from the President of the Republic.
4. To present to the departmental assembly in a timely manner, proposals for ordinances regarding plans and programs of economic and social development, public works, and the annual budget of revenues and expenditures.
5. To freely appoint and remove managers or directors of the department's public institutions and industrial or commercial enterprises. The representatives of the department on the executive boards of such entities and the directors or managers of same are agents of the Governor.
6. In accordance with general plans and programs, to encourage enterprises,

industries, and activities that correspond to the cultural, social, and economic development of the department and do not fall under the responsibility of the Nation or the municipalities.

7. To create, eliminate, and merge positions in the department's dependencies, to define their special functions, and to fix their remuneration subject to statute and the respective ordinances. He/she may not create obligations at the expense of the departmental treasury that exceed the global amount specified for the respective service in the budget as initially approved.
8. To eliminate or merge departmental entities in accordance with ordinances.
9. To veto on grounds of unconstitutionality, illegality, or unsuitability proposed ordinances, or to approve and promulgate them.
10. To examine the acts of municipal councils and mayors and, on grounds of unconstitutionality or illegality, submit them to the competent tribunal so that it may decide on their validity.
11. To see to the accurate collection of departmental revenues along with revenues of decentralized entities and of those that may be objects of transfers by the Nation.
12. To convene the departmental assembly for extraordinary sessions in which it shall consider only the issues and matters for which it was summoned.
13. To select from the lists submitted by any national head of administration

the managers or sectional heads of national public institutions that operate in the department, in accordance with the relevant statute.

14. To exercise administrative functions that the President of the Republic may delegate.
15. Other powers specified by the Constitution, laws, and ordinances.

ARTICLE 306

Two or more departments may organize themselves as administrative and planning regions with legal status, autonomy, and their own resources. Their principal purpose shall be the economic and social development of the respective territory.

ARTICLE 307

Pending an evaluation from the Territorial Organization Committee, an organic law shall set the conditions for soliciting the conversion of a region into a territorial entity. Congress's decision in each case shall be submitted to a referendum of the citizens of the affected departments.

The same law shall establish the powers, organs of administration, and resources of the regions and their participation in the management of revenues originating from the National Concessions Fund. It shall also define the principles for the adoption of the special statute of each region.

ARTICLE 308

A law may limit departmental appropriations earmarked for the honoraria of deputies and operating expenses of the assemblies and departmental comptrollers' offices.

ARTICLE 309

The intendencies of Arauca, Casanare, and Putumayo; the Archipelago of San Andrés, Providencia, and Santa Catalina; and the commissariats of Amazonas, Guaviare, Guainia, Vaupés, and Vichada shall become departments. The assets and revenues from any source that belonged to the intendencies and commissariats shall remain the property of the respective departments.

ARTICLE 310

The Department of the Archipelago of San Andrés, Providencia, and Santa Catalina shall be ruled, in addition to the provision in the Constitution and the laws for the other departments, by special provisions that the legislature shall issue in administrative, immigration, fiscal, foreign trade, exchange, financial, and economic development matters.

By means of a law approved by the majority of the members of each house, it shall be possible to limit the exercise of rights of movement and residence, establish controls on the density of population, regulate the use of the land, and place special conditions on the transfer of immovable property in order to protect the cultural identity of the archipelago's native communities and preserve its environment and natural resources.

The departmental assembly shall guarantee the institutional expression of the Raizal communities of San Andrés through the creation of municipalities. The Municipality of Providencia shall have a share of no less than 20 percent of the total value of said departmental revenues.

Chapter III Municipal Regime

ARTICLE 311

As the fundamental entity of the political-administrative division of the State, the municipality shall have the faculty to provide public services determined by law, build the public works required for local progress, organize the development of its territory, promote community participation and the social and cultural betterment of its inhabitants, and execute the other functions assigned to it by the Constitution and the laws.

225

ARTICLE 312

In each municipality there shall be a political-administrative body popularly elected for a four-year term and that shall be known as the municipal council, composed of no fewer than seven and no more than twenty-one members, according to what the law stipulates based on the municipality's population. This body may exercise political control over the municipal administration.

A law shall determine councilors' qualifications, disqualifications, and incompatibilities and the schedule of councils' ordinary sessions. Councilors shall not have the status of public employees.

A law may determine cases in which the councilors shall be entitled to allowances for their attendance at sessions.

A councilor's acceptance of any public employment constitutes a cause for automatic removal from office.

ARTICLE 313

Councils have the following faculties:

1. To regulate the functions and efficient delivery of the services for which the municipality is responsible.
2. To adopt appropriate plans and programs of economic and social development and of public works.
3. To authorize the mayor to make contracts and temporarily exercise specific functions of the council.
4. To approve local taxes and expenditures in accordance with the Constitution and the law.
5. To dictate organic budgetary regulations and issue the annual budget of revenues and expenditures.
6. To determine the structure of the municipal administration and the functions of its dependencies, and the wage scales of the various categories of employees; to create, at the initiative of the mayor, public institutions and industrial or commercial enterprises and authorize the formation of public-private enterprises.
7. To regulate land use and, within the limits determined by law, oversee and control the activities connected with the construction and sale of buildings intended for housing.
8. To appoint the municipal representative

of the Public Ministry for the term set by law and appoint the other functionaries stipulated by law.

9. To dictate the norms necessary for the control, preservation, and defense of the ecological and cultural patrimony of the municipality.
10. Other competences that the Constitution or law assigns them.
11. In departmental capitals and municipalities with more than twenty-five thousand inhabitants, to summon and require the secretaries of the Office of the Mayor to attend sessions of the council. The summons must be made no less than five days prior to a session and be formulated as a written questionnaire. If the secretaries fail to attend and do not have an excuse accepted by the district or municipal council, the council may table a motion of censure. The secretaries must be heard at the session for which they were summoned, without prejudice to a council decision to continue the discussion in later sessions. The discussion may not extend to other issues than those in the questionnaire and shall be placed at the top of the session's agenda.

The councils of other municipalities may summon and require the secretaries of the Office of the Mayor to attend the sessions of the council. The summons must be made not less than five days prior to a session and be formulated as a written questionnaire. If the secretaries fail to attend and do not have an excuse accepted by the district or municipal council, any

of its members may table a motion of observations, which may carry a penalty of removal of the respective official. Its approval shall require an affirmative vote of two-thirds of members of the body.

12. To table a motion of censure with respect to secretaries of the Office of the Mayor for matters related to their official functions, or for ignoring the summons or requirement of the district or municipal council, the motion of censure must be tabled by one-half of the members of the district or municipal council plus one. The vote shall take place between the third and tenth days following the end of the debate, with a public hearing on the respective official. Approval of the motion shall require the affirmative vote of two-thirds of the members of the relevant body. Once the motion is approved, the official shall be relieved of his/her functions. If it is voted down, no new motion of censure may be proposed on the same matter unless it is supported by new facts. Resignation of the official against whom the censure motion has been tabled does not prevent the motion from being approved in accordance with the provisions of this article.

ARTICLE 314

In each municipality there shall be a mayor, head of the local administration and legal representative of the municipality, who shall be popularly elected to a four-year institutional term and may not be reelected for the subsequent term.

When the mayor is permanently prevented from discharging the duties of his/her office for more than eighteen (18) months before the end of his/her term, a [new] mayor shall be elected for the remaining term. If the end of the term

is less than eighteen (18) months away, the Governor shall appoint a mayor for the rest of the term; the appointee must belong to the party, political group, or coalition with which the elected mayor had been registered.

The President [of the Republic] and the governors in the cases restrictively stipulated by law may suspend mayors or remove them from office.

A law shall establish the sanctions that apply for any improper exercise of that power.

ARTICLE 315

The following are powers of the mayor:

1. To execute and to ensure the execution of the Constitution, laws, government decrees, ordinances, and council resolutions.
2. To protect public order in the municipality, in accordance with the law and the instructions and orders that the mayor may receive from the President of the Republic and the departmental governor. The mayor is the highest police authority of the municipality. The National Police shall promptly and diligently execute the orders issued to it by the mayor through the local commander.
3. To direct the administration of the municipality; ensure the fulfillment of official functions and the provision of services under his/her authority; represent the municipality legally and extralegally; and appoint and remove officials under his/her jurisdiction as well as managers or directors of public institutions and industrial or commercial enterprises of a local character, in accordance with the relevant provisions.

4. To eliminate or merge municipal entities and dependencies, in accordance with the respective resolutions.
5. To present to the council in a timely manner, proposals for plans and programs of economic and social development, public works, the annual budget of revenues and expenditures, and other measures that the mayor finds necessary for effective operation of the municipality.
6. To sign and promulgate resolutions that the council has approved and to veto resolutions that he/she considers inappropriate or contrary to legal regulations.
7. To create, eliminate, or merge positions under his/her jurisdiction, stipulate their special functions, and determine their emoluments in accordance with relevant resolutions. The mayor may not create obligations that exceed the total amount allocated for personnel expenditures in the initially approved budget.
8. To cooperate with the council for effective execution of its functions, present to it general reports on his/her administration, and convoke it to extraordinary sessions in which only those issues and matters for which it was summoned may be examined.
9. To manage municipal expenditures in accordance with the investment plan and the budget.
10. Other matters provided by the Constitution and law.

ARTICLE 316

Only citizens residing a given municipality may participate in elections of that municipality's authorities and referenda to decide local issues.

ARTICLE 317

Only municipalities may tax real estate. This does not bar other entities from imposing appraisal levies.

A law shall allocate a percentage of these taxes, which may not exceed the average of existing tax surcharges, to the entities entrusted with the protection and conservation of the environment and renewable natural resources, in accordance with the development plans of the municipalities of the area under their jurisdiction.

ARTICLE 318

With the purpose of improving the provision of services and ensuring the participation of the citizenry in the management of local public affairs, the councils may divide their municipalities into communes when urban areas are involved, and into municipalities' rural subdivisions (corregimientos) in the case of rural zones.

In each of the communes or corregimientos there shall be a popularly elected local administrative board, whose size shall be determined by law and which shall have the following functions:

1. To participate in the elaboration of municipal plans and programs of economic and social development and public works.
2. To oversee and control the provision of municipal services in its commune or corregimiento and the investments realized with public funds.

3. To formulate investment proposals presented to the national, departmental, and municipal authorities entrusted with the elaboration of the respective investment plans.
4. To distribute the overall share allocated to it by the municipal budget.
5. To exercise other functions delegated to it by the council and other local authorities.

Departmental assemblies may organize administrative boards for the execution of the functions stipulated for them by the act of their establishment in the territory that the act of establishment specifies.

ARTICLE 319

When two or more municipalities have economic, social, and fiscal relations that give them, as a unit, characteristics of a metropolitan area, they may organize themselves as an administrative entity entrusted with programming and coordinating the harmonious and integrated development of their joint territory; rationalize the provision of public services by those who are responsible for them, and, if such is the case, jointly provide some of these services; and execute projects of metropolitan interest.

The law on territorial organization shall adopt for the metropolitan area an administrative and fiscal regime of special character; ensure that the municipalities' administrative organs enjoy adequate participation; and stipulate the form of convoking and holding popular consultations to decide about the municipalities' linking together.

Once the popular consultation is held, the mayors and municipal councilors shall formalize the establishment of the [municipal] area and define its powers, financing, and authorities in accordance with law. Metropolitan areas may form themselves into districts in accordance with law.

ARTICLE 320

A law may establish categories of municipalities in accordance with their population, fiscal resources, economic importance, and geographic situation, and stipulate a specific regime for their organization, government, and administration.

ARTICLE 321

Provinces are made up of municipalities or adjacent indigenous territories belonging to the same department.

A law shall stipulate the basic statute and determine the administrative regime of provinces that may be organized for execution of the functions delegated to them by national or departmental entities and that a law assigns to them and to the municipalities that compose them.

The provinces shall be created by ordinance, at the initiative of the governor, the mayors of the respective municipalities, or the number of citizens determined by law.

For admission to an already constituted province, a popular consultation must be held in the municipalities involved.

The department and municipalities shall provide provinces with the percentage of their current revenues that the respective assembly and councils shall determine.

Chapter IV
Special Regime

ARTICLE 322

Bogotá, Capital of the Republic and of the Department of Cundinamarca, is organized as the Capital District.

Its political, fiscal, and administrative regime are determined by the Constitution, the special laws that are enacted for this purpose, and extant provisions for municipalities.

Based on the general rules established by law, the council shall, at the initiative of the mayor, divide the territory of the district into localities in accordance with the social characteristics of their inhabitants, and shall make the corresponding allocation of powers and administrative functions.

It shall be the responsibility of district authorities to guarantee the harmonious and integrated development of the city and the efficient provision of services for which the district is responsible; management of matters specific to their territory shall be the responsibility of local authorities.

ARTICLE 323

Each district council will be composed of forty-five (45) councilors. In each district locality there will be an administrative board elected by popular election for four-year terms and composed of no fewer than seven members, according to

234

what the district council determines based on the size of the population.

Each district mayor will be elected for a four-year term by at least 40 percent of citizens' votes in direct, secret ballot, as long as he/she exceed the second-place candidate by 10 percent. If no candidate obtains such a majority, three weeks later another vote will be held, limited to the two candidates who received the highest number of votes. The candidate who receives the greatest number of votes in the second round will be declared district mayor.

Elections for the district mayor, district councilors, and members of administrative boards will occur on the same day for terms of four (4) years, and the mayor may not be reelected for a subsequent term.

If an absolute vacancy occurs more than eighteen (18) months before the end of the term, another mayor will be elected for the remainder of the term. If less than eighteen (18) months remains in the term, the President of the Republic will appoint a mayor for the remainder of the term from the same party, political group, or coalition in which the elected mayor was registered. Local mayors will be appointed by the district mayor from a slate of three candidates submitted by each local administrative board.

In cases expressly indicated by the law, the President of the Republic will suspend or remove the district mayor from office. Councilors and administrative board members cannot sit on the directive boards of decentralized entities.

PARAGRAPH

Candidates who participate in the second round will be allowed to adjust, in accordance with the programmatic resolutions they anticipate, their platforms of

government, which shall be published in mass media eight business days before the second round.

ARTICLE 324

Local administrative boards shall apportion and appropriate the aggregates that are allocated to the localities in the annual budget of the district, considering the basic unsatisfied needs of their population.

Concerning the departmental revenues that are produced in Santa Fe de Bogotá, the law shall determine the share appropriate to the capital of the Republic. Such share may not be superior to that in force at the date this Constitution goes into effect.

ARTICLE 325

The Metropolitan Region of Bogotá - Cundinamarca shall be created as a special-regimen administrative entity of regional associativity, with the object of guaranteeing the execution of sustainable development plans and programs, and the timely, efficient provision of the services under its purview. The Capital District, the government of Cundinamarca, and the municipalities of Cundinamarca will be able to associate with this region when they share territorial, environmental, social, or economic dynamics.

In its jurisdiction, the decisions of the Metropolitan Region will have precedence over those of the district, the associated municipalities, and the Department of Cundinamarca when they concern matters under its competence. The territorial entities that compose it will maintain their territorial autonomy and will not be incorporated into the Capital District.

The Capital District will be able to form an administrative region with other territorial entities of a departmental character.

TRANSITIONAL PARAGRAPH 1

After the promulgation of this constitutional amendment, the municipal government of Bogotá and the government of Cundinamarca will submit their entry into the Metropolitan Region of Bogotá-Cundinamarca for the approval of the district council and the departmental assembly. With their approval the Metropolitan Region of Bogotá-Cundinamarca will assume its functions.

TRANSITIONAL PARAGRAPH 2

An organic law will define the functioning of the Metropolitan Region and in any event shall attend to the following rules and matters:

1. For its implementation, the Congress of the Republic will promote the participation of citizens and concerned territorial entities.
2. The procedure and conditions for municipalities' association with the Metropolitan Region.
3. The Metropolitan Region's degree of autonomy.
4. The Regional Council will be its highest organ of government and will be made up of the District Mayor of Bogotá, the local mayors of the associated municipalities in Cundinamarca, and the Governor of Cundinamarca.
5. There will be a decision-making system that promotes consensus. The notion of a central municipality will not be contemplated as an organizational structure, nor will there be a place for a right to veto. No decision concerning topics that define the Metropolitan Region can be taken by one of the associated

territorial entities acting alone. Approval by the Mayor's Office of Bogotá and the Governate of Cundinamarca will be required for decisions concerning the appointment and retirement of the director and spending and inversions of the Metropolitan Region.

6. Identification parameters will be established for metropolitan acts, finance mechanisms, the administrative structure of the Regional Council and its functions, the technical secretariat, mechanisms of citizen participation, and the transfer of competences from the Nation.
7. The Metropolitan Region will not modify the finance regime of the Cundinamarca Autonomous Regional Corporation, nor that of the municipalities that constitute its jurisdiction.
8. In any case, political control of the Metropolitan Region's decisions will be exercised by the district council, municipal councils, and the departmental assembly.

ARTICLE 326

Adjacent municipalities may be incorporated into the Capital District if the citizens who reside in them determine to do so by means of a vote that shall be held after the District Council has expressed its approval. If the incorporation occurs, the constitutional and legal provisions in force for the other localities that make up the Capital District shall be applied to the municipality [that has newly joined it].

ARTICLE 327

In the elections of governor and deputies to the Departmental Assembly of Cundinamarca, the citizens registered in the electoral rolls of the Capital District shall not participate.

ARTICLE 328

The Touristic and Cultural District of Cartagena de Indias [and] the Touristic, Cultural, and Historic Districts of Santa Marta and Barranquilla will preserve their regime and character, and Buenaventura and Tumaco are organized as Industrial, Port, Biodiverse, and Eco-touristic Special Districts.

The town of Barrancabermeja is organized as a Port, Biodiverse, Industrial, and Touristic Special District.

The city of Medellín is organized as Special District of Science, Technology, and Innovation.

PARAGRAPH

The municipalities of the metropolitan area of the Valle de Aburrá that consider it, will be able to access the benefits of the Special District of Science, Technology, and Innovation of Medellín, according to the law that regulates it. However, the continuity of the functions and competencies will be granted to those residing within the metropolitan area of the Valle de Aburrá.

ARTICLE 3

The special norms issued based on the present Legislative Act about the political, administrative, and fiscal regime will be applied to all other special districts that consider it.

**ARTICLE 4
VALIDITY**

This Legislative Act comes into force at the date of its enactment.

ARTICLE 329

The configuration of indigenous territorial entities shall be drawn subject to the provisions of the Organic Law of Territorial Organization, and their delimitation shall be performed by the National Government with the participation of representatives of indigenous communities, pending evaluation by the Territorial Organization Committee.

239

Reservations are collective, inalienable property.

A law shall define the relations and coordination of these entities with those of which they form a part.

PARAGRAPH

If an indigenous territory includes some territory of two or more departments, it shall be administered by indigenous councils in coordination with the governors of the respective departments. If this territory decides to constitute itself as a territorial entity, this shall be done in compliance with the requirements established by the first clause of this article.

ARTICLE 330

In accordance with the Constitution and laws, indigenous territories shall be governed by councils formed and regulated according to the usages and customs of their communities and shall exercise the following functions:

1. Oversee the application of legal regulations concerning uses of the land and settlement of their territories.
2. Design the policies, plans, and programs of economic and social development within their territory, in accordance with the National Development Plan.
3. Promote public investments in their territories and oversee their implementation.
4. Collect and distribute their resources.
5. Oversee the conservation of natural resources.
6. Coordinate programs and projects promoted by the different communities in their territory.

7. Cooperate in maintenance of the public order within their territory in accordance with the instructions and provisions of the National Government.
8. Represent the territories before the National Government and the other entities they form a part of.
9. Other matters stipulated by the Constitution and law.

PARAGRAPH

The exploitation of natural resources in indigenous territories shall be done without harming the cultural, social, and economic integrity of indigenous communities. In the decisions adopted with respect to said exploitation, the governments shall encourage the participation of representatives of the respective communities.

241

ARTICLE 331

The Autonomous Regional Corporation of the Río Grande de la Magdalena shall be established and entrusted with the improvement of navigation, port activity, improvement and conservation of land, generation and distribution of energy, and use and conservation of the environment, fishing resources, and other renewable natural resources.

A law shall determine its organization and sources of financing and shall define special treatment of the riparian municipalities in the assignment of royalties and in their share of current national revenues.

CORTE CONSTITUCIONAL
SECRETARIA GENERAL



Title XII
Economic and Public
Finance Regime

Chapter I

General Provisions

ARTICLE 332

The State is the owner of the subsoil and of the natural nonrenewable resources without prejudice to the rights acquired and fulfilled in accordance with prior laws.

ARTICLE 333

Economic activity and private initiative are free within the limits of the public good. For their exercise, no one may demand prior permission or fulfillment of prerequisites without authorization of law.

Free economic competition is a right of everyone, entailing responsibilities.

The enterprise, as a basis of development, has a social function that implies obligations. The state shall strengthen cooperative enterprises and stimulate business development.

The State, by mandate of law, shall keep economic freedom from being obstructed or restricted, and it shall prevent or control any person's or business's abuse of its dominant position in the national marketplace.

A law shall delimit the scope of economic freedom when the social interest, the environment, and the cultural patrimony of the nation so require.

ARTICLE 334

The general direction of the economy is the responsibility of the State. By mandate of law, the State shall intervene in the exploitation of natural resources; land use; the production, distribution, use, and consumption of goods; and the public and private services, in order to rationalize the economy with the purpose of achieving, at the national and regional level and within the framework of fiscal sustainability, improvement of inhabitants' quality of life, equitable distribution of opportunities, and benefits of development and conservation of a healthy environment. This framework of fiscal sustainability must function as an instrument for progressively achieving the objectives of a Social State of Law. In all cases, public spending for social purposes shall have priority.

In a special manner, the state shall intervene to seek full employment of human resources and progressively ensure that all persons, especially those with low income, have effective access to all basic goods and services. It shall also intervene to promote productivity and competitiveness and the harmonious development of the regions.

Fiscal sustainability shall be a guiding principle for the branches and organs of government, within their competences, in a framework of harmonious collaboration.

When a judgment has been handed down by any of the supreme judicial bodies, the Inspector General of the Nation or one of the government ministries may demand a formal assessment of the decision's fiscal impact. The explanations of the Inspector General or the government ministry on the judgment's consequences for public finances shall be heard, as well as a concrete plan for executing the judgment, after which a decision shall be made regarding whether to

modulate, modify, or postpone the effects of the judgment in order to prevent serious setbacks to fiscal sustainability. In no case shall the essential core of fundamental rights be affected.

PARAGRAPH

In interpreting the present article, under no circumstances may any administrative, legislative, or judicial authority invoke fiscal sustainability to undermine fundamental rights, reduce their scope, or deny their effective protection.

ARTICLE 335

Financial, stock exchange, insurance, and any other activities related to the handling, exploitation, and investment of the resources referred to in Article 150, Letter (d), Number 19 are of public interest and may only be exercised with the prior authorization of the State, in accordance with the applicable law, which shall regulate the Government's form of intervention in these areas and promote the democratization of credit.

246

ARTICLE 336

No monopoly may be established except as public revenue source with the intention of benefiting the public or social good and in virtue of law.

A law that establishes a monopoly may not be applied before full indemnification of individuals who by virtue of the monopoly must relinquish the exercise of a legal economic activity.

The organization, administration, control, and exploitation of financial monopolies shall be subject to a special regime, determined by law initiated by the Government.

Revenues obtained in the exercise of monopolies of lotteries and games of chance shall be dedicated exclusively to public health services.

Revenues obtained in the exercise of a liquor monopoly shall be earmarked on a preferential basis for health and educational services.

Tax evasion with respect to revenues originating from financial monopolies shall be sanctioned as a crime under the terms provided by law.

The Government shall sell or liquidate the monopolistic enterprises of the State and transfer their operation to third parties when they do not fulfill the efficiency requirements set by law.

In all cases workers' acquired rights shall be respected.

247

ARTICLE 337

A law may establish for border regions, whether on land or sea, special regulations in economic and social matters that are meant to promote their development.

ARTICLE 338

In peacetime, only Congress, departmental assemblies, and district and municipal councils may impose fiscal or parafiscal taxes. Law, ordinances, and resolutions must directly determine the tax authority, taxpayer, taxable facts, tax bases and rates.

Law, ordinances, and resolutions may permit authorities to determine the rate of taxes and fees that are collected from taxpayers to offset the costs of services that authorities provide them or their participation in the benefits that pertain to these services; but the system and the method to define such costs and benefits and the manner of allocating them must be determined by law, ordinances, or resolutions.

Laws, ordinances, or resolutions that regulate levies based on taxable events occurring during a specific period may not be applied until the entry into force of the respective law, ordinance, or resolution.



Chapter II

Development Plans

ARTICLE 339

There shall be a National Development Plan consisting of a general part and an investment plan for the national public entities. In the general part, the long-term national purposes and objectives, the parameters and priorities for State action in the medium term, and the strategies and general orientations of economic, environmental and social policy to be adopted by the government shall be laid down. The public investment plan shall contain multiyear budgets for the principal programs and national public investment projects, and shall specify the financial resources required for their execution, within a framework that ensures fiscal sustainability.

Territorial entities shall elaborate and adopt development plans in coordination with the National Government with the purpose of ensuring efficient use of their resources, development of strategies in the fight against poverty, and adequate execution of the functions assigned to them by the Constitution and law. Plans of the territorial entities shall consist of a strategic plan and a plan for short- and middle-term investments.

ARTICLE 340

There shall be a National Planning Council made up of representatives of the territorial entities and of economic, social, ecological, community, and cultural sectors. The Council shall have a consultative character and shall serve as a forum for the discussion of the National Development Plan.

The members of the National Council shall be designated by the President of the Republic from lists presented to him/her by the authorities and organizations of the entities and sectors referred to in the previous clause, who must be or have been involved in said activities. Their term shall be eight years, [staggered so that] every four years the Council shall be renovated partially in the form established by law.

In the territorial entities there shall also be planning councils, in accordance with law.

The National Council and the territorial planning councils constitute the National Planning System.

ARTICLE 341

The Government shall elaborate the National Development Plan with the active participation of planning authorities, territorial entities, and the Superior Council of the Judicature, and it shall submit the draft plan to the evaluation of the National Planning Council. After receiving the opinion of the Council, it shall proceed to make amendments that it considers necessary and shall present the plan for the consideration of Congress within six months of the initiation of the respective presidential term.

Based on the report that the joint committees of economic affairs draw up, each house shall discuss and evaluate the plan in plenary session. Disagreements about the content of the general part, if there are any, shall not prevent the Government from executing the proposed policies in matters falling under its jurisdiction.

However, should the Government decide to amend the general part of the plan, it shall follow the procedure indicated in the following article.

The National Investment Plan shall be issued by means of a law that shall have priority over all other laws; consequently, its mandates shall include appropriate means for executing the law and shall replace existing laws without the need for issuing additional laws. Nevertheless, in the annual budgetary laws it shall be permissible to increase or decrease shares and resources approved in the planning law. If Congress does not approve the National Public Investment Plan within three months of its presentation, the Government may put it into effect through a decree having the force of law.

Congress may modify the Public Investment Plan as long as a financial balance is maintained. Any increase of borrowing authorizations requested in the governmental draft plan or added investment plans shall require the approval of the National Government.

ARTICLE 342

The corresponding organic law shall regulate everything concerned with procedures for drafting, approval, and execution of the development plans and shall stipulate the appropriate mechanisms for their harmonization and the alignment of official budgets with them. It shall also determine the organization and functions of the National Planning Council and the territorial councils as well as the procedures for citizen participation in discussions of development plans and the corresponding modifications, in accordance with what is established in the Constitution.

ARTICLE 343

The national planning entity stipulated by law shall be responsible for planning and organizing systems of evaluation of the management and performance of the public administration, with regard to both investment policies and investment plans under the terms that it defines.

ARTICLE 344

Departmental planning organs shall evaluate management and results of departments' and municipalities' planning, development, and investment plans and programs and shall participate in the preparation of their budgets under the terms stipulated by law.

In every case, the national planning organ may, in selective manner, carry out said evaluation of any territorial entity.

Chapter III The Budget

ARTICLE 345

In peacetime, it is not permitted to collect levies or taxes that are not included in the budget of revenues or to make payments from Treasury funds that are not included in budgeted expenditures.

Neither may any public expenditure be made that has not been decreed by Congress, departmental assemblies, or district or municipal councils, or any credit transferred that is not projected in the respective budget.

ARTICLE 346

The Government shall formulate annually the Revenues Budget and Appropriations Law, which shall be presented to Congress within the first ten days of each legislature. The Revenues Budget and Appropriations Law must be drafted, presented, and approved within a framework of fiscal sustainability and be in conformity with the National Development Plan.

In the Appropriations Law, no part whatsoever may be included that does not correspond to a legally recognized credit or an expenditure decreed in accordance with an earlier law, or an expenditure proposed by the Government to duly cover the functioning of the branches of government, or the servicing of a debt, or fulfillment of the National Development Plan.

The economic committees of the two houses shall deliberate jointly to give the first reading of the proposed Revenues Budget and Appropriations Law.

ARTICLE 347

The appropriations bill shall include the totality of the expenditure that the State plans to implement during the respective fiscal period. If legally authorized revenues are not sufficient to cover the projected expenditure, the Government shall propose separately, before the same committees that are considering the budget bill, the generation of new revenues or modification of existing ones to finance the amount of contemplated expenditure.

The budget may be approved without the completion of the bill raising additional revenues, whose consideration may continue in the following legislative term.

TRANSITIONAL PARAGRAPH

During the years 2002, 2003, 2004, 2005, 2006, 2007, and 2008 the total amount of appropriations authorized by the annual budget law for general expenditures, other than those earmarked for the payment of pensions, health [costs], defense expenditure, human resources, the General System of National Budget Distribution, and other transfers specified by law, may not be increased from one year to another by a percentage greater than the inflation rate resulting for each of them, plus 1.5 percent.

The limitation of the amount of appropriations shall not apply to appropriations that are needed to meet expenditures decreed using powers under a State of Exception.

ARTICLE 348

If Congress does not issue the budget, the budget presented by the Government shall apply within the limits of the preceding article;

if the budget is not presented by the deadline [for presenting budgets], the previous year's budget shall apply, but the Government may reduce expenditures and consequently eliminate or reshuffle jobs when calculations of the new fiscal year's revenues so mandate.

ARTICLE 349

During the first three months of each legislature and strictly in accordance with the rules of the organic law, Congress shall discuss and issue the General Revenues Budget and Appropriations Law.

Calculations of the revenues, credit resources, and proceeds from the Treasury balance may not be increased by Congress except following a report and favorable assessment from the appropriate minister.

255

ARTICLE 350

The Appropriations Law shall have a component titled "public social expenditure" that shall group together public social expenditures as defined by the respective organic law. Except in case of foreign war or for reasons of national security, public social expenditure shall have priority over any other allocation.

In the territorial distribution of public social expenditure, account shall be taken of the number of individuals with unsatisfied basic needs, the population, and fiscal administrative efficiency, according to the regulations mandated by law.

The investment budget may not be reduced percentagewise compared to the earlier year with respect to the total expenditure of the corresponding Appropriations Law.

ARTICLE 351

Congress may not increase any of the sections of the estimated budgetary expenditures proposed by the Government or include a new section except with the written consent of the appropriate minister.

Congress may eliminate or reduce parts of the expenditures proposed by the Government with the exception of those needed for servicing the public debt, other contractual obligations of the State, full funding of the ordinary services of the administration, and investments authorized in the plans and programs referred to in Article 341.

Should the computation of revenues increase or should some parts of a given estimate be eliminated, the amounts made available in this manner, without exceeding their aggregate, may be applied to other investments or authorized outlays in accordance with what is prescribed in the final clause of Article 349 of the Constitution.

256

ARTICLE 352

In addition to what is stipulated in this Constitution, the Organic Law of the Budget shall regulate matters concerning the planning, approval, modification, and execution of the budgets of the nation, territorial entities, and decentralized entities of any administrative level, as well as the budget's coordination with the National Development Plan and the capacity of the organs and state entities to enter into contracts.

ARTICLE 353

The principles and provisions established in this title shall apply, where relevant, to the territorial entities for the elaboration, approval, and execution of their [respective] budget[s].

ARTICLE 354

There shall be an Accountant General, an official of the executive branch, who shall be responsible for the general accounting of the

Nation and shall consolidate this accounting with that of entities that are decentralized by territory or service, whatever their level, except accounting concerning the execution of the Budget, which shall be the competence of the Office of the Comptroller General.

The functions of standardizing, centralizing, and consolidating the public accounting system, elaborating on the general balance, and determining the accounting principles that must apply in the country, in accordance with the relevant statute, are the responsibility of the Accountant General.

PARAGRAPH

Six months after the close of the fiscal year, the National Government shall send to Congress the balance of the Public Treasury, audited by the Office of the Comptroller General of the Republic, for its information and analysis.

257

ARTICLE 355

None of the branches or organs of government may decree subsidies or donations in favor of natural or legal persons in the private sector.

At the national, departmental, district, and municipal levels, the Government may, with the resources of the respective budgets, sign contracts with nonprofit private entities of recognized capability in order to promote programs and activities of public interest, in accordance with the National Plan and sectional development plans. The National Government shall regulate the matter.

Chapter IV

Distribution of Resources and Jurisdictions

ARTICLE 356

Except for what the Constitution provides, the law shall determine, at the initiative of the Government, the services that are the responsibility of the Nation and the departments, districts, and municipalities. In order to attend to the services for which they are responsible and to furnish the resources for their adequate provision, the General System of National Budget Distribution of Departments, Districts, and Municipalities is hereby established.

Districts shall have the same competences as municipalities and departments for the purposes allocation of the General System of National Budget Distribution that the law establishes.

For these purposes, once constituted, the indigenous territorial entities shall be beneficiaries. Likewise, a law shall designate the indigenous reservations as beneficiaries, provided that they have not constituted themselves as indigenous territorial entities.

The resources of the General System of National Budget Distribution of Departments, Districts, and Municipalities shall be directed to financing the services for which they are responsible, according priority to the health service, the services of preschool, primary, secondary, and intermediate education, and public services providing household drinking water and basic

sanitation, ensuring the provision of services and the extension of coverage with an emphasis on the poor.

Considering the principles of solidarity, complementarity, and subsidiarity, a law shall establish the cases in which the Nation may contribute to the financing of spending on those services that are specified by law as competences of departments, districts, and municipalities.

The law shall regulate the criteria of distribution of the General System of National Budget Distribution of Departments, Districts, and Municipalities, in accordance with the competences that it assigns to each of these entities; it shall contain the provisions necessary for the implementation of the General System of Shares, incorporating principles of distribution that consider the following criteria:

- a. In the sectors of education, health, drinking water, and basic sanitation: the population that has been taken care of and the population that has yet to be taken care of, the distribution of urban and rural populations, administrative and fiscal efficiency, and equity. In the distribution per territorial unit of each of the components of the General System of National Budget Distribution, priority shall be given to factors that favor the poor, in the terms established by law;
- b. In other sectors: population, the distribution of the urban and rural population, administrative and fiscal efficiency, and relative poverty.

Competences may not be decentralized without a previous allocation of sufficient fiscal resources for their discharge.

The distribution of the resources of the General System of National Budget Distribution of Departments, Districts, and Municipalities shall take place by sectors defined by law.

The amount of the resources assigned to the sectors of health and education may not be lower than the amount transferred to each of these sectors on the enactment of the present constitutional amendment.

The cities of Buenaventura and Tumaco are organized as Industrial, Port, Biodiverse, and Eco-touristic Special Districts. Their political, fiscal, and administrative regimes will be what is determined by the Constitution and the special laws that will be issued for this purpose, and in matters not covered by them, by extant norms for municipalities.

The National Government shall define a strategy for monitoring, follow-up, and comprehensive control of the expenditures of territorial entities with resources from the General System of National Budget Distribution, in order to ensure the fulfillment of the criteria for coverage and quality [of services]. This strategy must extend the space for citizen participation in social control and audit procedures.

In order to apply and fulfill the provisions of the preceding section, the National Government shall, within a period not exceeding six months following the signing of this constitutional amendment, adopt, among other things, pertinent rules defining the situations in which adequate provision of services incumbent on the territorial entities is at risk, measures that may be taken to avoid such situations, and effective determination of the required corrective action.

The town of Barrancabermeja is organized as a Port, Biodiverse, Industrial, and Touristic Special District. Its political, fiscal, and administrative

regimes will be determined by the Constitution and special laws issued for this purpose and, for what is not covered in them, by the valid norms for municipalities.

**TRANSITIONAL
PARAGRAPH**

The Government must present a bill regulating the organization and functioning of the General System of National Budget Distribution of Departments, Districts, and Municipalities on the first month of sessions of the forthcoming legislative term at the latest.

The city of Medellin is organized as Special District of Science, Technology, and Innovation. Its political and fiscal regime will be determined by the Constitution and the special laws that will be issued for this purpose.

PARAGRAPH

The city of Medellin as Special District of Science, Technology, and Innovation, and all other cities organized as special districts, will not be obligated to perform administrative adjustments that increase their costs. The Law will be able to create additional mechanisms to the existing ones that foment and promote developments in science, technology, and innovation.

ARTICLE 357

The amount of the General System of National Budget Distribution of Departments, Districts, and Municipalities shall be increased annually by a percentage equal to the average percentage variation that revenues of the Nation have undergone during the four (4) preceding years, including the estimated increase in the current budget.

For the purpose of calculating the variation in current revenues of the Nation referred to in the preceding subparagraph, the taxes resulting from State of Exception measures shall be excluded, unless Congress makes them permanent in the following year.

261

Seventeen percent (17%) of the resources of the General System of National Budget Distribution for spending purposes shall be distributed among the municipalities with a population inferior to twenty-five thousand inhabitants. These resources shall be spent exclusively on investment, in accordance with the competences assigned by statute. The distribution of these resources shall be based on the same criteria of population size and poverty that are defined by the Law on the National Budget Distribution for General Purposes.

The municipalities classified in the fourth, fifth and sixth categories in accordance with the rules in force may freely spend up 42 percent of the resources they receive from the General System of National Budget Distribution for General Purposes for investment and other expenses inherent in the functioning of the municipal administration, with the exception of the resources distributed in accordance with the preceding section.

When a territorial entity achieves universal coverage and meets the quality standards established by the competent authorities in the sectors of education, health, and/or public services concerning drinking water and basic sanitation in the home, according to certification by the competent national entity, it may spend the surplus resources on investment in other sectors within its competence. The National Government shall regulate the matter.

TRANSITIONAL PARAGRAPH 1

The amount of the General System of National Budget Distribution, GSNBD, of the Departments, Districts, and Municipalities shall increase by taking as its base the amount allocated during its previous period of application. During the years 2008 and 2009 the GSNBD shall increase at a rate equal to the inflation rate, with an additional increase in real terms of 4 percent. During the year 2010,

the increase shall equal the inflation rate, with an additional increase in real terms of 3.5 percent. Between the year 2011 and the year 2016 the increase shall equal the inflation rate, with an additional increase in real terms of 3 percent.

TRANSITIONAL PARAGRAPH 2

If the rate of real growth of the economy (Gross Domestic Product, GDP) certified by DANE for the respective year is greater than 4 percent, the increase of the GSNBD shall equal the inflation rate, with an additional increase in real terms as indicated in Transitional Paragraph 1 of the present Article, plus the difference in percentage points which results from a comparison of the real growth of the economy certified by DANE and the 4 percent. These additional resources shall be spent on comprehensive care for young children. The increase of the GSNBD resulting from higher economic growth which is the object of the present section shall not constitute the basis for the funding of the GSNBD in subsequent years.

263

TRANSITIONAL PARAGRAPH 3

The General System of National Budget Distribution, GSNBD, shall receive an increase in funding in addition to the increases referred to in the preceding transitional paragraphs with regard to the education sector. This additional increase shall take place in the following stages: in the years 2008 and 2009, it shall equal 1.3 percent, in the year 2010 1.6 percent, and during the years 2011 to 2016 1.8 percent. In each of these years, the additional increase shall not constitute the basis for the funding of the System in the subsequent period of application. The resources shall be spent on coverage and quality.

TRANSITIONAL PARAGRAPH 4

The National Government shall define a number of criteria and transitional arrangements in the application of the

results of the last census with the objective of avoiding negative effects resulting from the variations in the census data on the distribution in the General System of National Budget Distribution. The System shall direct the necessary resources in such a way as to avoid under all circumstances a reduction in the level of funding that territorial entities currently receive for reason of diminishing population size.

ARTICLE 358

For the consequences contemplated in the two above articles, current revenues are to be understood as those constituted by tax and nontax revenues, with the exception of capital revenues.

ARTICLE 359

No national revenues shall be specifically earmarked. Excepted are the following:

1. The shares provided in the Constitution for the benefit of departments, districts, and municipalities.
2. Those earmarked for social investment.
3. Those that, based on the earlier laws, the nation assigns to social security entities and the former intendencies and commissariats.

ARTICLE 360

The exploitation of a nonrenewable natural resource shall give rise to an economic offset in the form of a royalty for the benefit of the State, without prejudice to any other right or compensation that might be agreed upon. A law shall determine the conditions for the exploitation of nonrenewable natural resources.

Upon the initiative of the Government, the law shall determine the distribution, objectives, purposes, administration, collection, control, efficient use, and destination of the revenues resulting from the exploitation of nonrenewable natural resources, stipulating the conditions for their beneficiaries' partaking of them. The totality of revenues, assignments, organs, procedures, and regulations shall constitute the General System of Royalties.

ARTICLE 361

Current revenues of the General System of Royalties will be allocated to the financing of investment projects that contribute to the social, economic, and environmental development of territorial entities.

The revenues referred to in the previous subsection will be distributed as follows:

- 20 percent for departments and municipalities in whose territory the exploitation of nonrenewable natural resources is advanced, as well as for municipalities with maritime and fluvial ports through which these resources or products derived from them are transported. Municipalities that exploit nonrenewable natural resources furthermore will receive an additional 5 percent that can be anticipated in the terms defined by the law that the System develops.
- 15 percent for the country's poorest municipalities, with criteria of unsatisfied basic needs and population, of which a minimum of two (2) percentage points will be directed to projects related to or with incidence over the environment and sustainable development, which will be invested according to a national strategy for protection of strategic environmental areas by municipalities.

- 34 percent for regional investment projects of departments, municipalities, and districts, with criteria of unsatisfied basic needs, population, and unemployment, prioritizing projects with high regional impact.
- 1 percent for the conservation of strategic environmental areas and the national struggle against deforestation.
- 10 percent for investment in science, technology, and innovation, through open and competitive public tender under the terms established by the law that the System develops, of which a minimum of two (2) percentage points will be destined to research or investment in science, technology, and innovation projects in topics related to or with incidence over the environment and sustainable development.
- 2 percent for the system's functioning, operability, and management, for fiscal oversight of the exploration and exploitation of the subsoil's geological deposits and knowledge and cartography of the subsoil, evaluation and monitoring of environmental licensing of projects for the exploration and exploitation of nonrenewal natural resources, and stimulus for exploration and production.
- 1 percent for operability of the System of Oversight, Evaluation, and Control, which will ensure the efficient and effective use of resources, strengthening transparency, citizen participation, and good government; half of this allocation will be directed to the Comptroller General of the Republic.

The balance will be allocated to savings for pension liability and to savings for investment stabilization.

The main revenue stream with regard to the biannual budget for royalties will be allocated as follows: 20 percent to improve the revenues of territorial entities where nonrenewable natural resources are explored and exploited, as well as municipalities with maritime or fluvial ports through which these resources or products derived from them are transported; 10 percent for the country's poorest municipalities, based on basic unsatisfied needs and population; 20 percent for conservation of strategic environmental areas and the fight against deforestation; 5 percent for projects of entrepreneurship and generation of employment that progressively allow the participation of the local workforce in different economic activities related to the exploitation of nonrenewable natural resources; and the remaining 45 percent will be allocated to the savings of departments, municipalities, and districts.

The law referred to in Article 360, Subsection 2 of the Political Constitution will regulate all of this article's content, in such a way that the investment projects are aligned with the National Development Plan and the territorial entities' development plans. Similarly, this law will determine the conditions for prioritization of investments in potable water and basic sanitation, educational infrastructure, generation of formal employment, and other investment sectors, as well as coastal, border, and peripheral zones. Likewise, the law will regulate decision-making processes and procedures for the definition of the investment projects, which shall observe the principle of planning with a participatory, democratic, and consensual approach. In such instances,

the National Government may participate, ensuring territorial entities' access to resources of the General System of Royalties.

The General System of Royalties will have its own budgetary system at the initiative of the National Government, which will be ruled by organic norms per Article 151 of the Political Constitution. The System's budget will be biannual and will not be part of the General Budget of the Nation.

PARAGRAPH

In no case may the percentages that departments, municipalities, and districts receive from the Regional Development and Regional Compensation funds be diminished, as is provided by the percentage of regional development stipulated in this article.

TRANSITIONAL PARAGRAPH 1

Article 1, Paragraph 4 and Article 2, Transitory Paragraphs 7, 9, and 10 added to the present article by Legislative Act Number 04, 2017, remain in force except for provisions related to Article 361, Paragraph 7, Subsection 3 of the Political Constitution, amended by the aforesaid constitutional amendment. In any case and in the implementation of Legislative Act Number 02, 2017, the National Government must guarantee the untouchability of the resources treated in this transitory paragraph in order to fulfill the mandates concerning the Final Accord for the Termination of the Conflict and the Construction of a Stable, Lasting Peace.

TRANSITIONAL PARAGRAPH 2

The National Government will present by March 30, 2020, a bill to adjust the General System of Royalties. Until the law is promulgated, the Royalties regime contemplated in Legislative Acts 05, 2011, and 04, 2017, remain in force, as do the norms that implement it.

If by August 30, 2020, the Congress of the Republic has not issued the law referred to in the previous subsection, the President

of the Republic is empowered for one (1) month to issue decrees with force of law that guarantee the operation of the System according to the new constitutional framework, including the budget for 2021.

TRANSITIONAL PARAGRAPH 3

The National Government must, through the General System of Royalties, advance the resources necessary for Peace, defined in the Legislative Act 04, 2017, mentioned in Transitory Paragraph 7 of this article, corresponding to 7 percent of the Royalties for the OCAD Peace, foreseen for the validity of the Accord. Such resources will be invested exclusively in the implementation of Development Plans with Territorial Focus [PDET, initials in Spanish] or, if appropriate, the Itinerary that incorporates them, during the years 2020, 2021, and 2022.

In case the resources of the Peace allocation are smaller than what was projected at the moment of advancing the resources, the General System of Royalties will guarantee the payment of the obligations at the expense of savings resources for investment stabilization.

For the purpose and at the expense of the same resources, the entities that exercise the management of the corresponding OCAD Peace will coordinate the strategy for the projects' structuring.

TRANSITIONAL PARAGRAPH 7

[numbering out of sequence].
During the twenty (20) years that follow the present constitutional amendment's entry into force, 7 percent of the income of the General System of Royalties will be dedicated to a special allocation for Peace, whose object will be to finance investment projects for the implementation of the Final Accord for the Termination of the Conflict and the Construction of a Stable,

Lasting Peace, including projects dedicated to reparation of victims.

This special allocation for peace also will receive 70 percent of the income generated by financial yields of the General System of Royalties during these years, with the exception of yields generated by the direct allocation that are treated in the second clause of the present article. The balance of 30 percent will be earmarked for promoting production in municipalities in whose territories nonrenewable resources are exploited and municipalities and districts with maritime and fluvial ports through which these resources or their derivatives are transported.

The resources referred to in Clauses 1 and 2 of this paragraph will be distributed giving priority to the territorial entities that are most affected by rural poverty, illegal economies, institutional weakness, and armed conflict, and to the municipalities in whose territory projects to exploit natural resources are being advanced. These resources will be directed to closing social, economic, and institutional gaps in these territorial entities.

Upon being financed with the resources specified in Clauses 1 and 2 of this paragraph, the investment projects will be defined by a Collegial Organ of Administration and Decision, in which the National Government will be represented by the Minister of the Treasury and Public Credit of his delegate, one (1) representative of the national planning organism, and one (1) representative of the President of the Republic; the departmental government will be represented by two (2) governors, and municipal government will be represented by two (2) mayors.

This Collegial Organ of Administration and Decision will be attended by two senators and two members of the House of Representatives,

who will have the status of permanent invitees with a voice by no vote in proceedings.

To fulfill the provisions of the present transitional paragraph, within six (6) months of the present constitutional amendment's entry into force the National Government will issue the decrees with force of law that are needed to adjust the 2017–2018 biannual budget and adopt the measures required for the functioning of this Collegial Organ of Administration and Decision and of the Special Allocation for Peace.

TRANSITIONAL PARAGRAPH 9

[numbering out of sequence].

The investment projects that are to be financed with resources of the General System of Royalties and are directed to the implementation of the Final Accord for the Termination of the Conflict and the Construction of a Stable, Lasting Peace shall maintain agreement with the extant planning regime, the specific component for Peace, and the implementation of the Multiyear Investment Plan of the National Development Plan and the development plans of territorial entities.

TRANSITIONAL PARAGRAPH 10

During the twenty (20) years following the entry into force of the present constitutional amendment, the beneficiary entities whose biannual investment appropriation is less than four thousand current minimum legal monthly wages and that have adequate performance in the management of these resources will define investment projects directly when these projects are meant for the implementation of the Final Accord for the Termination of the Conflict and the Construction of a Stable, Lasting Peace, in concordance with the decree with force of law that the National Government shall issue to this effect within six (6) months of the present constitutional amendment's

entry into force. The other projects will be defined by the respective Collegial Organ of Administration and Decision.

ARTICLE 362

The assets and revenues originating from taxes or other sources relating to the exploitation of monopolies of the territorial entities are their exclusive property and enjoy the same guaranties as the property and income of individuals.

Departmental and municipal taxes enjoy constitutional protection, and consequently the law may not transfer them to the Nation, except temporarily in the case of a foreign war.

ARTICLE 363

The tax system is based on the principles of equity, efficiency, and progressivity.

Tax laws shall not be applied retroactively.

ARTICLE 364

The domestic and foreign indebtedness of the Nation and the territorial entities may not exceed their capacity for repayment. The law shall regulate this matter.

Chapter V

Social Purpose of the State and Public Services

ARTICLE 365

Public services are inherent in the social purpose of the State. It is the duty of the State to ensure the efficient provision thereof to all the inhabitants of the national territory.

Public services shall be subject to the juridical regime determined by law and may be provided by the State directly or indirectly, by organized communities, or by private parties. In any case, the state shall retain the regulation, control, and oversight of said services. If, for reasons of sovereignty or social interest, the State, by means of a law approved by the majority of the members of both houses at the initiative of the Government, should decide to earmark for itself specific strategic or public service activities, it must pay prior and full indemnity to those individuals who by virtue of the said law are deprived of the exercise of a lawful activity.

ARTICLE 366

The general well-being and improvement of the population's quality of life are social purposes of the State. A basic objective of its activity shall be addressing unfulfilled public needs for health, education, hygiene, and potable water.

To this effect, in the plans and budgets of the nation and of the territorial entities, public social expenditures shall have priority over any other category.

ARTICLE 367

A law shall determine relative jurisdictions and responsibilities concerning the provision of in-house public services, their coverage, quality, and financing, and the schedule of rates considered in addition to the cost criteria, those of solidarity, and those of redistribution of revenues.

In-house public services shall be provided directly by each municipality when the technical and economic characteristics of the service and the general benefits make them possible and advisable, and departments shall provide support and coordination.

The law shall determine the competent entities that shall determine rates.

ARTICLE 368

The Nation, departments, districts, municipalities, and decentralized entities may grant subsidies in their respective budgets so that individuals with lower incomes may pay the rates of home public services that cover their basic necessities.

ARTICLE 369

The law shall determine the duties and rights of users, the regime of their protection, and their forms of participation in the management and fiscal oversight of the State enterprises that provide the service.

Similarly, the law shall define the participation of municipalities or their representatives in the entities and enterprises that provide in-home public services.

ARTICLE 370

It is the responsibility of the President of the Republic to stipulate, subject to the relevant statute, the general policies of administration and efficiency control of in-home public services and to exercise through the Office of the Superintendent of In-Home Public Services the control, inspection, and oversight of the entities that provide them.

Chapter VI Central Bank

ARTICLE 371

The Bank of the Republic shall exercise the functions of a central bank. It shall be organized as a legal public entity with administrative, patrimonial, and technical autonomy, subject to its own legal regime.

The following shall be the basic functions of the Bank of the Republic: to regulate currency, international exchanges, and credit; to issue legal tender; to administer international reserves; to be the lender of last resort and banker of the credit institutions; and to serve as the government's fiscal agent. All these functions shall be exercised in coordination with the general economic policy.

The Bank shall give a report to Congress on the execution of the policies for which it is responsible and on other matters requested from it.

ARTICLE 372

The executive board of the Bank of the Republic shall be the monetary, exchange, and credit authority, in accordance with the functions assigned to it by law. It shall be responsible for managing and executing the functions of the Bank and shall be made up of seven members, among them the Minister of Finance, who shall chair it. The director of the Bank shall be elected by the executive board

and shall be one of its members. The five other members, who can hold no other employment, shall be appointed by the President of the Republic for renewable terms of four years, with two of the members replaced every four years. The members of the executive board shall represent the interest of the Nation exclusively.

Congress shall adopt a law to which the Bank of the Republic must conform in the exercise of its functions, and the norms to which the Government must subject itself in issuing the Bank's statutes. These laws and norms shall determine, among other things, the form of the Bank's organization, its legal regime, the functioning of its executive board and its board of directors, the term of the director, and the rules for the constitution of its reserves, including rules concerning exchange and monetary stabilization, and the future application of its earnings.

The President of the Republic shall exercise inspection, oversight, and control authority over the Bank under the terms stipulated by law.

ARTICLE 373

The State, through the intermediary of the Bank of the Republic, shall oversee the maintenance of the purchasing power of the currency.

The Bank may not establish credit quotas or give guaranties for the benefit of private parties except when the intermediation of foreign credit is involved for its distribution through the credit institutions or of temporary support of said liquidity. Financing operations for the benefit of the State shall require the unanimous approval of the executive board unless open market operations are involved. In no case may the legislature mandate credit quotas for the benefit of the State or private parties.



Title XIII

Constitutional Reform

ARTICLE 374

The Political Constitution may be reformed by Congress, by a Constituent Assembly, or by the people through a referendum.

ARTICLE 375

The Government, ten members of Congress, 20 percent of councilors or deputies, or citizens totaling at least 5 percent of the electoral rolls in force may introduce proposed constitutional amendments.

The proposal shall be discussed in two ordinary, consecutive sessions. After approval in the first session by a majority of those present, the bill shall be published by the Government. In the second session, the approval shall require the vote of the majority of the members of each house.

In this second session, only initiatives presented in the first session may be discussed.

ARTICLE 376

By means of a law approved by the members of both houses, Congress may stipulate that the people by popular vote decide whether to convoke a Constituent Assembly with the jurisdiction, term, and composition that the same law shall determine.

It shall be understood that the people have convoked an assembly if at least one-third of members of the electoral rolls approve the convocation.

The Assembly shall be elected by a direct vote of the citizens in an election that may not coincide with another. Upon the election, Congress's ordinary powers to reform the Constitution shall be suspended for the period specified for the Assembly to complete its work. The Assembly shall adopt its own rules of procedure.

ARTICLE 377

Constitutional reforms approved by Congress must be submitted to a referendum when they refer to the rights consecrated in Title II, Chapter 1, guarantees, procedures for popular participation, or Congress if at least 5 percent of the citizens who make up the electoral rolls request a referendum within six months of the promulgation of the constitutional amendment. The reform shall be understood to have been derogated when a majority of voters vote to reject it, as long as at least a quarter of the electoral roll has participated in the referendum.

ARTICLE 378

At the initiative of the government or citizens under the terms of Article 155, Congress, through a law that requires approval of the majority of members of both houses, may submit to a referendum a bill of constitutional reform that Congress shall incorporate into the law. The referendum shall be presented in such a manner as to allow voters to choose freely from the agenda or the various items that which they approve or disapprove.

The approval of constitutional reforms by means of a referendum requires the affirmative vote of over half of the voters, and

the participation of more than one-fourth of the total numbers of citizens who constitute the electoral rolls.

ARTICLE 379

The constitutional amendments, the convocation to the referendum, the popular consultation, or the act of convocation of the Constituent Assembly may be declared unconstitutional only when the requirements established in this title are violated.

Public measures against these acts may be taken only within one year of their promulgation with due regard to the provisions in Article 241, Number 2.

ARTICLE 380

The Constitution that has been in force until this time is hereby derogated together with all of its amendments. This Constitution shall have force from the date of its promulgation.

COLOMBIANOS: LAS ARMAS
OS HAN DADO INDEPENDENCIA
LAS LEYES OS DARÁN LIBERTAD

SANTANDER



Transitional provisions

Chapter I

TRANSITIONAL ARTICLE 1

General elections for the Congress of the Republic must be called for October 27, 1991.

Congress thus elected shall have a term that concludes on July 19, 1994. The Registry Office of Civil Status shall open a registration period of citizen rolls.

TRANSITIONAL ARTICLE 2

Full-fledged delegates to the Constituent Assembly or present Cabinet ministers may not be candidates in said election.

Neither may officials of the executive branch who did not resign their position before June 14, 1991.

TRANSITIONAL ARTICLE 3

Pending the installation on December 1, 1991, of the new Congress, the present Congress and its committees shall take a recess and may not exercise any of their powers either through their own initiative or through convocation by the President of the Republic.

TRANSITIONAL ARTICLE 4

The congress elected on October 27, 1991, shall hold ordinary sessions as follows:

From December 1 to 20, 1991, and from January 14 to June 26, 1992. Beginning on July 20, 1992, its schedule of sessions shall be the one prescribed in this Constitution.

TRANSITIONAL ARTICLE 5

The President of the Republic is endowed with specific extraordinary powers in order to do the following:

- a. Issue the regulations that organize the Office of the Attorney General and the regulations of criminal procedures;
- b. Uphold the right of citizens to protection;
- c. Take the necessary administrative measures for the functioning of the Constitutional Court and the Supreme Council of the Judicature;
- d. Issue the general national budget to be in effect in 1992;
- e. Issue temporary regulations to clear up court backlog.

287

TRANSITIONAL ARTICLE 6

A Special Commission of thirty-six members elected using the electoral quotient of the National Constituent Assembly, half of whom may be delegates, shall meet between July 15 and October 4, 1991, and between November 18, 1991, and the day of the installation of the new Congress. The election is to be held at a session convoked to this effect on July 4, 1991.

This Special Commission shall have the following powers:

- a. Veto by the majority of its members, totally or in part, the proposed bills that the National Government, in exercising its extraordinary powers conferred on the President of the Republic by the above article and other provisions of the present Constitutional Act, with the exception of those relating to appointments, may request.

The vetoed articles may not be decreed by the Government.

- b. Prepare proposed bills that it considers necessary to be implemented in the Constitution. The Special Commission may present said bills so that they may be debated and approved by the Congress of the Republic.
- c. Regulate its functioning.

PARAGRAPH

Should the Special Committee not approve, prior to December 15, 1991, the proposed budget for fiscal year 1992, that of the previous year shall apply, but the Government may reduce expenditures and consequently eliminate or merge positions when the computations of revenues of the new fiscal year make this desirable.

288

**TRANSITIONAL
ARTICLE 7**

The President of the Republic shall designate a representative of the Government before the Special Commission. This representative shall express opinions and take initiatives.

**TRANSITIONAL
ARTICLE 8**

The decrees issued in exercise of the powers of martial law up to the time of the promulgation of the present Constitutional Act shall continue to be in effect for a maximum period of ninety days, during which the National Government may convert them into permanent legislation by means of a decree if the Special Commission does not veto them.

**TRANSITIONAL
ARTICLE 9**

Those extraordinary powers for whose exercise no special period is specified shall expire fifteen days after the Special Commission finally ceases to function.

TRANSITIONAL ARTICLE 10

The decrees that the government may issue in the exercise of the powers granted by the articles above shall have the force of law, and their check for constitutionality shall be the responsibility of the Constitutional Court.

TRANSITIONAL ARTICLE 11

The extraordinary powers referred to in Transitional Article 5 shall terminate on the day when the Congress elected on October 27, 1991, is installed.

On the same date, the Special Commission created by Transitional Article 6 shall also terminate its functions.

TRANSITIONAL ARTICLE 12

With the purpose of facilitating the reintegration into civilian life of the guerrilla groups that are definitely involved in the peace process under the Government's aegis, the latter may establish, for one time only, special peace districts for elections to public bodies that shall take place on October 27, 1991, or appoint directly for one time only a number of congresspersons in each house to represent said groups in a process of peace and demobilization.

The number shall be established by the National Government on the basis of the evaluation that it makes of the circumstances and progress of the process. The names of the senators and representatives to whom this article refers shall be agreed upon by the Government and the guerrilla groups, and their appointment shall be the responsibility of the President of the Republic.

For the effects contemplated in this article, the government may disregard specific disabilities and requirements necessary for one to qualify as a congressperson.

**TRANSITIONAL
ARTICLE 13**

Within the three years following the entering into effect of this Constitution, the Government may issue the provisions that may be necessary to facilitate the reintegration of demobilized guerrilla groups who may be involved in a peace process under government aegis; to improve the economic and social conditions of the regions where the guerrilla groups were present; and to provide to the territorial entity the organization and municipal capability, public services, and the functioning and integration of the municipal collegial bodies in said regions.

The National Government shall present periodic reports to the Congress of the Republic concerning the implementation and development of this article.

**TRANSITIONAL
ARTICLE 14**

Within the legislature that opens on December 1, 1991, the National Congress, the Senate of the Republic and the House of Representatives, shall issue their respective rules of procedure. Should they not do so, the Council of State shall issue them within the subsequent three months.

**TRANSITIONAL
ARTICLE 15**

The first election of the Vice President of the Republic shall be held in the year 1994. In the meantime, to fill the absolute or temporary absence of the President of the Republic, the previous system of Designate shall be retained. For that purpose, once the term of the incumbent elected in 1990 expires, Congress in plenary session shall elect a new Designate for the term from 1992 to 1994.

**TRANSITIONAL
ARTICLE 16**

Except in the cases stipulated in the Constitution, the first popular election of governors shall be held on October 27, 1991.

The governors elected on that date shall take possession of their office on January 2, 1992.

TRANSITIONAL ARTICLE 17

The first popular election of governors in the departments of Amazonas, Guaviare, Guainia, Vaupés, and Vichada shall be held, at the latest, in 1997.

A law may set an earlier date. In the meantime, the governors and the aforementioned departments shall be appointed and may be removed by the President of the Republic.

TRANSITIONAL ARTICLE 18

Until the law establishes the regime of disabilities for governors, in the elections of October 27, 1991, the following may not be elected as governors:

1. Those who, at any time, were condemned by judicial sentence to imprisonment, except for political crimes or crimes of negligence.
2. Those who, within the six months prior to the election, exercised as public employees political, civil, administrative, or military jurisdiction or authority at the national level or in the respective department.
3. Those who are involved through marriage or kinship to the third level of consanguinity, second of affinity, or first civil with anyone registered as candidate or the Congress of the Republic in the same election.
4. Those who, within the six months prior to the election, were involved in the management of affairs or in the signing of contracts with public entities in their own interest or the interest of third parties.

The prohibition established in Numeral 2 of this article does not apply to members of the National Constituent Assembly.

**TRANSITIONAL
ARTICLE 19**

The mayors, councilors, and deputies elected in 1992 shall exercise their functions until December 31, 1994.



Chapter II

TRANSITIONAL ARTICLE 20

For a period of eighteen months after the entry into effect of this Constitution and taking into account the evaluation and recommendations of a commission made up of three experts in public administration or administrative law appointed by the Council of State, three members appointed by the National Government, and one member representing the Colombian Federation of Municipalities, the national government shall eliminate, merge, or restructure the entities of the executive branch, the public institutions, the industrial and commercial enterprises, and the mixed [public-private] companies of national scope with the purpose of harmonizing them with the mandates of the present constitutional reform, especially the redistribution of jurisdictions and resources that it establishes.

TRANSITIONAL ARTICLE 21

The legal regulations flowing from the principles stated in Article 125 of the Constitution shall be issued by Congress in the year subsequent to its entering into effect. If in this period Congress does not stipulate them, the President of the Republic has the option to issue them within three months.

Beginning with the issuing of the legal regulations that bear on professional matters, the appointers of civil servants shall apply them within six months.

Noncompliance with the terms stipulated in the clause above shall constitute official misconduct.

While the regulations referred to in this article are issued, those that presently apply to the subject matter shall continue to be in effect as long as they do not violate the Constitution.



Chapter III

TRANSITIONAL ARTICLE 22

As long as the law does not set another number, the first Constitutional Court shall be made up of seven judges who shall be elected for a term of one year as follows: two by the President of the Republic; one by the Supreme Court of Justice; one by the Council of State; and one by the Inspector General of the Nation.

The judges so elected shall designate the remaining two from lists presented by the President of the Republic.

The election of the judges by the Supreme Court of Justice, the Council of State, the President of the Republic, and the Inspector General of the Nation shall be done within five days following the entry of this Constitution into effect. Noncompliance with this duty shall constitute official misconduct. Should the election not be held by any of the organs mentioned within the stated deadline, it shall be done by the remaining duly elected judges.

PARAGRAPH 1

The members of the Constituent Assembly are not eligible to be designated as judges of the Constitutional Court by virtue of this extraordinary procedure.

PARAGRAPH 2

The disability established in Article 240 for ministers and judges of the Supreme Court of Justice and the Council of State is not applicable for the immediate formation of the Constitutional Court prescribed by this article.

**TRANSITIONAL
ARTICLE 23**

The President of the Republic is vested with extraordinary powers so that within the two months following the promulgation of the Constitution by means of a decree, he/she should stipulate the procedures of the judges and the actions that they must take before the Constitutional Court.

At any time, Congress may repeal or modify the regulations established in this manner.

Pending the issuing of the decree mentioned in the first clause, the functioning of the Constitutional Court and the procedure and expediting of the matters under its responsibility shall be subject to the regulations in Decree 432 of 1969.

**TRANSITIONAL
ARTICLE 24**

Public actions for unconstitutionality before June 1, 1991, shall continue to be heard and must be adjudicated by the Supreme Court of Justice within the deadlines stipulated in Decree 432 of 1969.

Actions that are initiated after said date shall be transferred to the Constitutional Court in its current state.

Once all the cases are decided by the Supreme Court of Justice in accordance with the first clause of this article, its Constitutional Division shall cease exercising its functions.

**TRANSITIONAL
ARTICLE 25**

The President of the Republic shall appoint for the first and only time the members of the Disciplinary Chamber of the Supreme Council of the Judicature.

The Administrative Chamber shall be formed in accordance with the provision in Article 254, Numeral 1, of the Constitution.

**TRANSITIONAL
ARTICLE 26**

The cases that are presently under way in the Disciplinary Chamber shall continue to be heard without any interruption by the judges of the said body, and the Disciplinary Chamber of the Supreme Council of the Judicature shall take cognizance of them beginning with the installation of same.

**TRANSITIONAL
ARTICLE 27**

The Office of the Attorney General of the Nation shall begin functioning when the special decrees organizing it and those that establish the new criminal procedures, elaborating on the powers granted by the National Constituent Assembly to the President of the Republic, are issued.

The respective decrees may, however, provide that the jurisdiction of the various judicial organs should be assigned gradually as specific conditions allow, without going beyond June 30, 1992, except for municipal criminal judges, whose installation may be extended up to four years beginning with the issuing of this reform, according to the determination of the Supreme Council of the Judicature and the Attorney General of the Nation.

The current district attorneys' offices of the higher courts, criminal circuit, higher customs courts, and the public order shall be transferred to the Office of the Attorney General of the Nation. The other district attorneys' offices shall be integrated into the organic structure and the personnel of the Office of the Inspector General. The Inspector General shall stipulate the designation, functions, and seats of these civil servants and may designate whoever came to fill said offices, retaining their system of compensation and benefits.

The Office of the Inspector General for Criminal Matters shall continue within the structure of the Office of the Inspector General.

Also under the jurisdiction of the Office of the Attorney General of the Nation is the national directorate and sectional directorates of criminal investigation, the technical branch of the judicial police, and the criminal investigative judges of the ordinary courts of the public and criminal customs divisions.

The National Directorate of Forensic Medicine of the Ministry of Justice, with its sectional subdivisions, shall be integrated into the Office of the Attorney General as a public institution attached to same.

Those jurisdictions that are integrated into the Office of the Attorney General shall be transferred to it with all their human and material resources within the limits stipulated by the law that organizes the Office of the Attorney General.

TRANSITIONAL ARTICLE 28

Pending the issuance of a law that assigns to the judicial authorities, jurisdiction on the actions presently punishable by arrest by police authorities, the latter shall continue to take cognizance of same.

**TRANSITIONAL
ARTICLE 29**

The application at any time of the regulations that prohibit the reelection of the judges of the Constitutional Court, the Supreme Court of Justice, and the Council of State shall relate only to those elections that take place after the promulgation of the present reform.

**TRANSITIONAL
ARTICLE 30**

The national government is authorized to grant pardons, commutations, or amnesties for political and similar crimes committed prior to the promulgation of the present Constitutional Act to members of guerrilla groups who return to civilian life within the context of the policy of reconciliation. To this effect, the National Government shall issue the appropriate regulations. This benefit may not be extended to heinous crimes or to homicides committed outside of combat or to those who prey on defenseless victims.

Chapter IV

TRANSITIONAL ARTICLE 31

One month following the installation of the Congress elected on October 27, 1991, the Council of State shall elect the members of the National Election Commission in proportion to the representation obtained by the political movements and parties in the Congress of the Republic.

Said Council shall remain in office and exercise its functions until September 1, 1994.

TRANSITIONAL ARTICLE 32

Pending the formation of the National Election Commission within the limits established by the Constitution, the actual composition of this organ shall be expanded by four members designated by the Council of State from lists presented by the political movements and parties that are not represented in it in the proportion of the results of the elections held on December 9, 1990, granting two to the majority list and one to each of the lists not represented in descending order of the voting results. Such appointments shall be made before July 15, 1991.

TRANSITIONAL ARTICLE 33

The term of the present National Civil Registrar shall terminate on September 30, 1994.

The term of the National Civil Registrar to whom this Constitution refers shall run from October 1, 1994.

**TRANSITIONAL
ARTICLE 34**

The President of the Republic, within no more than eight days from the promulgation of this Constitution, shall designate, for a term of three years, a citizen whose function shall be to prevent routinely or upon the petition of another the use of resources originating from the Public Treasury or from outside in the electoral campaigns held within the deadline indicated, except when the financing of the electoral campaigns is done in accordance with the Constitution and statute. To this effect, said citizen shall have the right to request and obtain the cooperation of the Office of the Inspector General of the Nation, of the Office of the Comptroller General of the Republic, of all the public entities that exercise control and oversight powers, and of those organs that exercise judicial police functions.

The President of the Republic shall regulate this arrangement and shall lend to the designated citizen all the administrative and financial support that is indispensable to him/her.

**TRANSITIONAL
ARTICLE 35**

The National Election Commission shall automatically recognize the legal personality of the political movements and parties represented in the National Constituent Assembly when they so request.

Chapter V

TRANSITIONAL ARTICLE 36

The present Comptroller General of the Republic and Inspector General of the Nation shall continue to exercise their responsibilities until such time as Congress, elected for the constitutional term 1994–1998, arranges for the new election that must be held within the first thirty days following its installation.

TRANSITIONAL ARTICLE 37

The first People's Defender shall be selected by the Inspector General of the Nation from a shortlist originating from the President of the Republic within thirty days at the most.

Chapter VI

TRANSITIONAL ARTICLE 38

The government shall organize and make up, within six months, a Territorial Planning Committee entrusted with realizing studies and formulating before the competent authorities the recommendations that it considers necessary to adjust the country's territorial divisions to the provisions of the Constitution. The Committee shall perform its functions during a term of three years, though a law may assign it a permanent character. In such a case, the same law shall determine the periodicity according to which the Committee is to present its proposals.

TRANSITIONAL ARTICLE 39

The President of the Republic shall be vested with specific extraordinary powers for a period of three months in order to issue decrees with the force of law through which the organization and functioning of the new departments created by this Constitution are assured.

In the exercise of these powers, the Government may abolish the national institutions entrusted with the administration of the former intendancies and commissariats and assign to the territorial entities the national resources that belong to them, in the Government's opinion.

**TRANSITIONAL
ARTICLE 40**

The establishment of municipalities by departmental assemblies prior to December 31, 1990, remains valid.

**TRANSITIONAL
ARTICLE 41**

If during the two years following the date of promulgation of this Constitution, Congress does not adopt a law to which Articles 322, 323, and 324 refer on a special regime for the Capital District of Santa Fe de Bogotá, the Government, on one occasion exclusively, may issue the appropriate regulations.

**TRANSITIONAL
ARTICLE 42**

Pending the issuance by Congress of the laws referred to in Article 310 of the Constitution, the Government shall adopt by decree the regulations necessary to control the density of population of the archipelago Department of San Andrés, Providencia, and Santa Catalina, empowered for the purposes expressed in the same article.

Chapter VII

TRANSITIONAL ARTICLE 43

In order to finance the operation of the new institutions and to attend to the obligations derived from constitutional reform that have not been offset by a reduction in expenditures or transfers of responsibilities, Congress may, on one occasion only, prescribe tax adjustments whose yield is to be designated exclusively for the Nation.

If within a period of eighteen months from the installation of Congress, it has not passed such fiscal adjustments and it is evident that the efforts of the administration to make the collection more efficient and to reduce public expenditures at a national level have been insufficient to cover these new expenditures, the National Government may, on one occasion only, make these adjustments through a decree with the force of law.

TRANSITIONAL ARTICLE 44

The fiscal situation for the year 1992 should not be worse, expressed in constant pesos, than that of 1991.

TRANSITIONAL ARTICLE 45

The districts and municipalities shall collect as a minimum during the fiscal year of 1992 the shares of the IVA (value added tax) established by Act 12 of 1986. Beginning in 1993, the provisions in Article 357 of the

Constitution shall enter into effect concerning the municipalities' share in the Nation's current revenues.

However, a law shall establish a gradual and progressive transition schedule beginning in 1993 and for a period of three years, at the end of which the new criteria of distribution stipulated in said article shall enter into effect. During the transition period, the value received by the districts and municipalities via revenue sharing shall in no case be less than the amount collected in 1992, in constant pesos.

TRANSITIONAL ARTICLE 46

The National Government shall place into operation, for a period of five years, a solidarity and social emergency fund under the jurisdiction of the Office of the President of the Republic. This fund shall finance assistance projects for the more vulnerable sectors of the Colombian population.

The fund must seek, additionally, resources from states and international cooperation.

TRANSITIONAL ARTICLE 47

A law shall organize a social emergency security plan for a period of three years for the regions affected by extreme violence.

TRANSITIONAL ARTICLE 48

Within three months of the installation of the Congress of the Republic, the Government shall present bills relative to the juridical regime of public services; the determination of jurisdictions and general criteria that shall regulate the provision of public in-home services as well as their financing and rate schedule; also, the schedule of participation of representatives of municipalities involved and of users in the management and fiscal oversight of State enterprises that provide the services, as well as matters relating to the protection, duties,

and rights of the users and to stipulating the general policies of administration and efficiency control of public in-home services.

If by the conclusion of the two subsequent legislatures, the appropriate laws are not issued, the President of the Republic shall put the bills into effect through decrees with the force of law.

TRANSITIONAL ARTICLE 49

In the first legislature following the entry into effect of this Constitution, the Government shall present to Congress the bills referred to in Article 150, Numeral 19, Letter (d), Article 189, Numeral 24, and Article 335 relating to financial, stock exchange, insurance, and any other activities connected with the management, application, and investment of resources collected from the public.

If at the end of the two subsequent ordinary legislatures, the latter does not issue them, the President of the Republic shall put the bills into effect through decrees with the force of law.

TRANSITIONAL ARTICLE 50

Pending the prescription of the general provisions that the government must follow to regulate financial, stock exchange, insurance, and any other activities connected with the management, application, and investment of resources collected from the public, the President of the Republic shall exercise, under his/her own constitutional authority, initiative in these activities.

TRANSITIONAL ARTICLE 51

While the corresponding laws are being dictated, the new executive board of the Bank of the Republic, to be provisionally appointed by the President within the month following the entry into force of this Constitution, shall assume the functions that presently

correspond to the Monetary Board, which it shall execute in accordance with provisions in the Constitution.

A law shall determine the entities to which development funds administered by the Bank are transferred. In the meantime, the Bank shall continue exercising this function.

The Government shall present to Congress, in the month following its installation, the bill relating to the exercise of functions of the Bank and the regulations on whose basis the Government shall issue its ordinances in accordance with Article 372 of the Constitution.

If within one year following the presentation of the bill the corresponding law has not been adopted, the President of the Republic shall bring it into effect by way of a decree having the force of law.

308

TRANSITIONAL ARTICLE 52

Beginning with the entry into force of this Constitution, the National Securities Commission shall have the status of a superintendency. The National Government shall prescribe what is necessary for the outfitting of the said institution appropriate to its new character, without prejudice to what the Government may prescribe in implementing the provisions of Transitional Article 20.

TRANSITIONAL ARTICLE 53

The Government shall make the administrative decisions and shall make the budgetary transfers that may be necessary to ensure the normal functioning of the Constitutional Court.

Chapter VIII

**TRANSITIONAL
ARTICLE 54**

For the purpose of all constitutional and legal applications, the results of the National Population and Housing Census of October 15, 1985, shall be used.

**TRANSITIONAL
ARTICLE 55**

Within the two years following the entry into effect of the present Constitution, Congress shall issue, following a study by a special commission that the Government shall create for that purpose, a law that shall take cognizance of the Black communities that have come to occupy uncultivated lands in the rural zones adjoining the rivers of the Pacific Basin, in accordance with their traditional cultivation practices and the right to collective property in the areas that the same law shall demarcate.

In the special commission referred to in the previous clause, representatives elected by the communities involved shall participate in each case.

The property thus recognized shall be transferable only within the limits stipulated by law.

The same law shall establish mechanisms for the protection of the cultural identity and the rights of these communities and for their economic and social development.

PARAGRAPH 1

Provisions of the present article may be applied to other zones of the country that have similar conditions through the same procedure, following a study and the favorable opinion of the special commission prescribed here.

PARAGRAPH 2

If at the conclusion of the deadline stipulated in this Article Congress shall not have issued the law to which it refers, the Government shall proceed to do so through a decree having the force of law.

**TRANSITIONAL
ARTICLE 56**

Pending the issuance of the law referred to in Article 329, the Government may prescribe the necessary fiscal regulations and other matters relating to the functioning of the indigenous territories and their coordination with the other territorial entities.

**TRANSITIONAL
ARTICLE 57**

The Government shall form a commission made up of representatives of the Government, labor unions, economic associations, political and social movements, and regular farmers and workers so that, within 180 days from the entry into force of this Constitution, the commission may draft a proposal that will elaborate regulations on social security.

This proposal shall serve as a basis for the Government's preparation of bills that it shall present on the issue for the consideration of Congress.

**TRANSITIONAL
ARTICLE 58**

The National Government is authorized to ratify negotiated treaties or agreements that may have been approved by at least one of the houses of the Congress of the Republic.

**TRANSITIONAL
ARTICLE 59**

The present Constitution and the other acts promulgated by this Constituent Assembly are not subject to any kind of legal review whatsoever.

310

TRANSITIONAL ARTICLE 60

For the purposes of the application of constitutional Articles 346 and 355 and the rules pertaining thereto, the National Development Plan for the years 1993 and 1994, and until it enters into force the one approved by the Congress of the Republic, under the terms and conditions established in the present Political Constitution, shall be that which corresponds to the annual laws on the National Budget of Revenues and Appropriations. The respective bill presented by the Government shall develop the programs, projects, and plans approved by the National Council of Economic and Social Policy (CONPES).

In discussing departmental, district, and municipal plans of development, those approved by the respective Territorial Public Body shall be considered.

If the draft development plan has been presented by the respective head of administration of the territorial entity, [and] it has not been enacted by the Public Body before the expiration of the ordinary sessions following the entry into force of this constitutional amendment, he/she shall impart to it its legal validity. This Plan shall apply for the period established by law.

TRANSITIONAL ARTICLE [Unnumbered]

All mayors and Governors who begin their term between the entry into force of the present constitutional amendment and December 31, 2003, shall exercise their functions for a term equivalent to half of the time necessary to reach December 31, 2007. Their successors shall be elected for a term that shall end on the December 31 of the year 2007.

All Governors and mayors who have been elected later than October 29, 2000, and prior to the entry into force of the present constitutional amendment shall exercise

their functions for a term of three years. Their successors shall be elected for a term ending on December 31, 2007.

In any case, mayors and Governors for all municipalities, districts, and departments shall be elected on the last Sunday of the month of October of the year 2007 for official terms of four years, which shall start on January 1, 2008.

The term of four years of the members of departmental assemblies, district and municipal councilors, and aldermen/alderwomen shall start on January 1, 2004.

**TRANSITIONAL
ARTICLE**
[Unnumbered]

312

In the year following the entry into force of the present constitutional reform, Congress, after the study of a special commission created by the Government for this end, shall issue an act dealing with a Special Economic, Political, Social and Administrative System for the territories that make up the ecoregions of Sierra Nevada de Santa Marta, Ciénaga de Zapatosa, Serranía del Perijá, Llanos Orientales, Amazonia, Catatumbo Region, Orinoquia, Chocó Biogeográfico, Montes de María, Mojana, and the stilt-house communities of the Magdalena and the Pacific, with the objective of reducing the disparities that exist between their development and that of the rest of the country.

**TRANSITIONAL
ARTICLE**
[Unnumbered]

Within six months of the entry into force of the present constitutional amendment, Congress shall issue the rules that define the distribution of competences among the State entities that are charged with the formulation of plans for and the regulation, direction, management, and control of television services. While the relevant statutes are enacted, the National Television Commission shall continue to exercise the functions assigned to it by the legislation in force.

**TRANSITIONAL
ARTICLE
[Unnumbered]**

[Declared unconstitutional]

**TRANSITIONAL
ARTICLE 66**

Transitional justice instruments shall be exceptional. Their principal objective will be to facilitate the end of the internal armed conflict and achievement of a stable and lasting peace, with guarantees of non-recurrence and security for all Colombians. Such instruments shall ensure at the highest possible level victims' rights to truth, justice, and reparation. A law may authorize, within the framework of a peace agreement, a different treatment for armed groups outside the law who have participated in the armed conflict and for related state agents.

A statute to guarantee State duties of investigation and punishment will establish transitional justice instruments of a judicial or extrajudicial nature. In any case mechanisms of extrajudicial nature will be applied to clarify the truth and provide reparations to victims.

A Truth Commission shall be created by law. This law shall establish its purpose, composition, powers, and functions. The Commission's powers shall include recommendations for the implementation of transitional justice instruments, including the application of selection criteria.

The criteria of prioritization and selection are equally inherent to the instruments of transitional justice. The Nation's Attorney General will determine the criteria of prioritization for making a formal criminal accusation, except in subjects that are within the scope of the Special Jurisdiction for Peace [JEP in Spanish initials]. Without prejudice to the State's general duty to investigate and sanction serious violations of human rights and International Humanitarian Law within the

framework of transitional justice, the Congress of the Republic, at the initiative of the National Government, shall be empowered to determine by statutory law selection criteria that allow efforts to be focused on criminal investigations of those most responsible for crimes that reach the level of crimes against humanity, genocide, or systematically committed war crimes; establish cases, prerequisites, and conditions in which extrajudicial sanctions, alternative penalties, or special modalities for executing and fulfilling penalties might proceed; and authorize conditional renunciation of criminal judicial prosecution of all cases that have not been selected, as long as Congress's statutory law does not alter what has been stipulated in the Accord creating the JEP and its norms. This law will bear in mind the gravity and representativity of cases in determining selection criteria.

In any case, application of the above-mentioned special criminal constitutional instruments shall be subject to conditions such as abandonment of weapons, recognition of responsibility, contribution to discovering the truth and making reparation to victims, release of hostages, and decoupling of minors who are illegally recruited and held by armed groups outside the law.

PARAGRAPH 1

The application of transitional justice instruments to armed groups outside the law who took part in hostilities will be limited to those who demobilize collectively under a peace agreement or individually in accordance with established procedures and with the authorization of the National Government.

PARAGRAPH 2

Under no circumstances may transitional justice instruments benefit armed groups outside the law that have not been involved in the internal armed conflict, or any member of an armed group that, once demobilized, continues committing crimes.

**NEW TRANSITIONAL
ARTICLE,
Special Legislative
Procedure for Peace
(From Legislative
Act 1 of 2016)**

With the purpose of facilitating and guaranteeing the implementation of the Final Accord for Termination of the Conflict and Construction of a Stable, Lasting Peace (Final Accord) and of offering guarantees of compliance and an end to the conflict, on an exceptional and transitional basis the Special Legislative Procedure for the Peace will be put in motion for six months following the coming into force of the present constitutional amendment. This procedure may be extended for an additional period of up to six months by means of a formal communication by the National Government before the Congress of the Republic.

The Special Legislative Procedure for Peace will be governed by the following rules:

- a. Proposals for laws and legislative acts processed through the Special Legislative Procedure for Peace will be exclusively at the National Government's initiative, and their content will have the goal of facilitating and ensuring the implementation and normative development of the Final Accord for Termination of the Conflict and Construction of a Stable, Lasting Peace;
- b. Proposals for laws and constitutional amendments processed through the Special Legislative Procedure for Peace will have a preferential timeline. Consequently, they will have priority in the Order of the Day over any other topic, until the respective chamber or committee decides about it;
- c. The titles of the laws and legislative acts mentioned in this article must correspond precisely to their content, and their text must begin with precisely the following

formula: "The Congress of Colombia, by virtue of the Special Legislative Procedure for Peace, DECREES";

- d. The first debate on the bills will occur in a joint session of the respective Permanent Constitutional Committees, without the necessity of request by the National Government. The second debate will occur in the plenaries of each chamber;
- e. The bills will be approved with the majorities foreseen in the Constitution and the law, in accordance with their nature;
- f. The constitutional amendments will be processed in one round with four debates. The transit of the proposal between one chamber and the other will be of eight days;
- g. Proposals for constitutional amendments will be approved with an absolute majority;
- h. <Ruled Unconstitutional>
- i. All proposals for laws and constitutional amendments may be processed in extraordinary sessions;
- j. <Ruled Unconstitutional>
- k. Laws and constitutional amendments processed through the Special Legislative Procedure for Peace will be submitted to automatic and extraordinary constitutional review after they have entered into force. The Statutory Laws [processed through the Special Legislative Procedure for Peace] will be subject to prior review, in accordance with what is stipulated in Article 153 of the Constitution. Constitutional review of constitutional amendments will be conducted only regarding procedural defects in their formation. The time-span of this review for laws and constitutional amendments [processed through the Special Legislative Procedure for Peace] will be reduced to one-third of the time-span for ordinary procedure and may not be extended.

For what is not established by this special procedure, the Congress of the Republic's regulation will apply.

**TRANSITIONAL
ARTICLE,
Presidential Powers
for Peace
(From Legislative
Act 1 of 2016)**

Within 180 days following the entry into force of the present constitutional amendment, power will be given to the President of the Republic to issue decrees with force of law whose content will have the objective of facilitating and guaranteeing the implementation and normative development of the Final Accord for Termination of the Conflict and Construction of a Stable, Lasting Peace.

The aforementioned power may not be used to issue constitutional amendments, statutory laws, organic laws, code laws, or laws that need qualified or absolute majority for their approval, nor may this power be used to decree taxes.

The decrees with force of law that result from this article will have automatic constitutional review after their entry into force. The constitutional review of such dispositions must take place in the Constitutional Court within two months following their promulgation.

**TRANSITIONAL
ARTICLE,
Investment plan
for Peace
(From Legislative
Act 1 of 2016)**

The National Government for the next twenty years will include in the Pluriannual Investment Plan of the National Investment Plan a specific component for peace, prioritizing the citizens and territorial entities most affected by rural poverty, illegal economies, institutional weakness, and the armed conflict. These resources will be in addition to investments already scheduled by public entities at the national or territorial order, and will be oriented toward closing social, economic, and institutional gaps in these territorial entities. The Government may promote the

institutional and normative adjustments that are needed to execute the peace component of the Pluriannual Investment Plan.

Departmental, municipal, and district authorities will have the power to make the necessary adjustments to their development plans to adapt them to the Investment Plan for Peace during the six months following its adoption.

At the beginning of each legislature, the President of the Republic, the Office of the Attorney General of the Nation, the Office of the Comptroller General of the Republic, and the Office of the People's Defender will present to Congress a detailed report on the execution of the resources and fulfillment of the Peace component's goals within the Pluriannual Investment Plan.



New Transitional Title
(From Legislative Act 1 of 2017)
**Rules for Termination of
the Armed Conflict and
Construction of a Stable
and Lasting Peace**

Chapter I

Integrated System of Truth, Justice, Reparation, and Non-Recurrence

TRANSITIONAL ARTICLE 1

Integrated System of Truth, Justice, Reparation and Non-Recurrence (SIVJRNR, in the Spanish initials)

The Integrated System will be composed of the following mechanisms and measures: Committee for Clarification of Truth, Coexistence, and Non-Repitition; Unit for Searching for Persons Considered Disappeared in the Context of and as a Result of the Armed Conflict; the Special Jurisdiction for Peace [JEP, in the Spanish initials]; measures of comprehensive reparation for the construction of peace and guarantees of non-recurrence.

The premise of the Integrated System is the recognition of the victims as rightful citizens; the recognition that there must be full truth telling about what happened; the premise of recognition of accountability for all those who have participated directly or indirectly in the conflict and found themselves somehow involved in serious human rights violations and serious infractions of International Humanitarian Law (IHL); the premise of satisfaction of victims' rights to truth, justice, reparation, and non-recurrence.

The System is integrated so the measures can achieve the most effectiveness in justice and accountability regarding serious violations of human rights and serious infractions of IHL that occurred throughout the conflict. The integration of the system also contributes to the clarification of truth and the construction of historical memory.

The Integrated System will put special emphasis on restorative and reparative measures and does not intend to reach justice only with remunerative sanctions. One of the JEP's orienting paradigms will be enforcing restorative justice, which first and foremost seeks restoration for damage caused and reparation for victims affected by the conflict, particularly seeking to end the social exclusion that results from this victimization. Restorative justice prioritizes the needs and dignity of victims and is applied with a broad focus that guarantees justice, truth, and non-recurrence of what occurred.

The different mechanisms and measures of truth, reparation, and non-recurrence, as part of a system that seeks an integrated response for victims, cannot be understood in isolation. They will be interconnected by relationships of conditionality and incentives for granting and maintaining any special treatment of justice, always based on the recognition of truth and accountabilities. The fulfillment of these conditionalities will be verified by the Special Jurisdiction for Peace (JEP).

PARAGRAPH 1

The Integrated System will have a territorial, differential, and gender-based focus that corresponds to the particular characteristics of victimization in each territory and each population and especially to the special protection and care of women and children who are victims of the armed conflict. The gender and differential approach will apply to all phases and proceedings of the System, especially concerning all women who have suffered or participated in the conflict.

The establishment of all the components of the Integrated System will have to consider equitable participation of men and women, respect for ethnic and cultural diversity, and the principles of publicity, transparency, citizen participation, ethical suitability, and qualification criteria for their selection.

PARAGRAPH 2

The State, through the National Government, will guarantee SIVJRN's administrative autonomy and budgetary sufficiency and autonomy, particularly of the justice component, for which it will be allowed to use the Investment Plan for Peace established by Legislative Act 01, 2016, Article 3.

Chapter II

Committee for the Clarification of Truth, Coexistence, and Non-Recurrence, and Unit for Searching for Persons Considered Disappeared in the Context of and as a Result of the Armed Conflict

TRANSITIONAL ARTICLE 2

Committee for the Clarification of Truth, Coexistence, and Non-Recurrence

The Committee for Clarification of Truth, Coexistence, and Non-Recurrence will be an autonomous national-level entity, with legal status and administrative, budgetary, and technical autonomy, subject to its own legal regime.

The Committee will be a temporary, extrajudicial organ that seeks to learn the truth about what occurred in the context of the conflict and to contribute to clarification of the violations and infractions committed in it, and to offer a broad account of its complexity for the whole society; to promote the recognition of victims and the voluntary recognition of individual or collective accountabilities of those who directly or indirectly participated in the armed conflict; and to promote coexistence within the territories to guarantee non-recurrence.

The Committee's activities will not have a judicial nature, nor may it imply that criminal charges will be brought against those who appear before it.

TRANSITIONAL ARTICLE 3

Unit for Searching for Persons Considered Disappeared in the Context of and as a Result of the Armed Conflict [UBPD, initials in Spanish]

The Unit for Searching for Persons Considered Disappeared in the Context of and as a Result of the Armed Conflict will be a national-level entity with legal status and administrative, budgetary, and technical autonomy. The Unit for Searching for Persons Considered Disappeared in the Context of and as a Result of the Armed Conflict will have a humanitarian and extrajudicial nature and will conduct, coordinate, and contribute to the implementation of humanitarian actions focused on the search for and location of persons considered disappeared in the context of and as a result of the armed conflict who are still alive and, in the cases of death, whenever possible, the identification and dignified release of their remains. The law will regulate the juridical nature, term, functions, composition, and operation of the Unit, including accountability mechanisms of its management, provided they do not undermine its autonomy. The law will establish the necessary powers the UBPD will have at its disposal to fulfill effectively its mandate of humanitarian and extrajudicial search. Nevertheless, the activities of the Unit for Searching for Persons Considered Disappeared in the Context of and as a Result of the Armed Conflict will not replace nor prevent judicial investigations that originate in the fulfillment of the State's obligations.

State organs will provide all the cooperation required by the Unit. Participation of victims and their organizations should be promoted in every phase of the process of search, location, recuperation, identification, and dignified release of remains of persons considered disappeared in the context of and as a result of the armed conflict.

**TRANSITIONAL
ARTICLE 4**

**Exception to the duty of denuncia-
tion.**

To guarantee the adequate functioning of the Committee for the Clarification of Truth, Coexistence, and Non-Recurrence and the Unit for Searching for Persons Considered Disappeared in the Context of and as a Result of the Armed Conflict, their employees and personnel who provide services for them will be exempt from the duty of denunciation, and they may not be obliged to testify in legal proceedings, if and when their knowledge of such facts has been acquired as a result of their functions related to these bodies' missions.

PARAGRAPH

If required by the Special Jurisdiction for Peace, other competent authorities or the Committee for the Clarification of Truth, Coexistence, and Non-Recurrence, those who in consequence of functions pertinent to the Unit for Searching for Persons Considered Disappeared in the Context of and as a Result of the Armed Conflict have submitted forensic technical reports will have to ratify and explain questions relating to these reports and material elements related to the cadaver.

327



Chapter III

Special Jurisdiction for Peace

TRANSITIONAL ARTICLE 5

Special Jurisdiction for Peace

The Special Jurisdiction for Peace [JEP, initials in Spanish] will be subject to its own legal regime, with administrative, budgetary, and technical autonomy; it will manage justice in a transitional and autonomous manner; and with preference over and exclusion of all other jurisdictions it will hear cases concerning acts that took place before December 1, 2016, were caused or occasioned by, or directly or indirectly related to, the armed conflict, and were committed by those who participated in the armed conflict, particularly acts that are considered grave infractions of International Humanitarian Law or grave violations of human rights. Its objectives are to satisfy victims' right to justice; to offer truth to Colombian society; to protect the rights of victims; to contribute to the success of a stable, lasting peace; and to adopt decisions that grant total legal security to those who participated, directly or indirectly, in the internal armed conflict through the commission of the above acts. Where combatants of armed groups operating outside the law are concerned, the System's legal component will apply only to those who sign a final peace accord with the National Government. After rebel groups turn over their enlistment rolls upon arriving at Transitional Rural Normalization Zones [ZVNT, after Spanish initials] and Transitional

Normalization Points (PTN), membership in a rebel group will be determined by a delegate who is expressly designated for this task. These lists will be received by the National Government in good faith, in keeping with the principle of legitimate confidence, without prejudice to corresponding verifications. The JEP also will exercise its competence concerning persons who have been convicted, tried, or investigated for membership in the FARC-EP in judicial proceedings that took place before December 1, 2016, even if they were not on the FARC-EP's rolls. Concerning members of organizations that signed peace accords with the Government, special treatment in courts will apply also to acts that are closely linked to the process of laying down arms from December 1, 2016, until the moment when the extraction of arms by the United Nations is finalized, per the provisions of the Final Accord.

329

The law will determine the criminal acts that will be considered closely linked to the process of laying down arms per what was established in Point 5.1.2 of the Final Accord, and the JEP will evaluate in each case this link per parameters outlined by this law.

The law will regulate the differentiated penal treatment that Number 4.1.3.4 of the Final Accord refers to concerning the voluntary eradication of illicit crops, and it will determine, per what is established in the Final Accord, in which cases and circumstances ordinary courts have the authority to investigate and try the crimes of maintaining and financing drug plantations (Article 375 of the Penal Code); trafficking, manufacturing, or transporting drugs (Article 376 of the Penal Code); and illicit destination of movable and immovable property (Article 377 of the Penal Code) committed by persons under JEP's jurisdiction. If after the entry into force of this constitutional amendment and after the finalization of the process of laying down arms, any of the

persons under the JEP's jurisdiction commits a new crime, it will be tried by ordinary courts. Additionally, in these cases the JEP will evaluate whether this new crime, when committed by persons under its jurisdiction, implies a failure to fulfill the terms of the System. This nonfulfillment would warrant not applying the specific or alternative sanctions for criminal acts that fall under the JEP's purview, but rather ordinary sanctions envisioned in the JEP itself, which must be executed in ordinary places of confinement.

The JEP will maintain its competency over crimes of permanent execution that can be attributed to any of the persons it has jurisdiction over and whose commission began before December 1, 2016, even if after this date the effects of the crime have not ceased. In such cases, the JEP will rule that special and alternative sanctions do not apply if it finds that the conditions of the System were not fulfilled. In all cases, ordinary courts will have the authority to investigate and try crimes treated in Book 2, Chapter 5, Title 10 of the Penal Code when these crimes are committed with goods or assets that were not included in the definitive inventory that was agreed upon and elaborated during the period when the FARC-EP remained in the Transitional Rural Normalization Zones in the process of laying down arms. Ordinary courts additionally will always have the authority to investigate and try such crimes when they were committed after the final submission of this inventory.

Ordinary courts will have the authority to investigate and try offenses treated in Book 2, Chapter 5, Title 10 of the Penal Code when they are committed by noncombatants, financiers, or State agents and concern real estate that has been acquired through forced dispossession or abandonment, as long as these acts were executed after the present constitutional amendment entered into force.

Upon adopting its findings or sentences, the JEP will do its own legal evaluation of the System concerning the acts that fall under its purview. This evaluation will be based on the Colombian Penal Code and/or norms of International Law concerning human rights, International Humanitarian Law, or International Criminal Law, always obligatorily applying the principle of favorability (i.e., the law that is most favorable to the accused shall be applied in cases of doubt or conflict between two penal laws).

To have access to the special treatment described in the Justice component of the Integrated System of Truth, Justice, Reparation, and Non-Recurrence (SIVJRNR), it is necessary to provide the full truth, provide reparation for victims, and guarantee non-recurrence. Providing the full truth means relating, when the elements for doing so are available, exhaustively and in detail, crimes that were committed, the circumstances under which they committed, and providing necessary and sufficient information to determine responsibility and to guarantee the satisfaction of victims' rights to reparation and non-recurrence. The duty to provide the truth does not imply the obligation to accept responsibility. Whoever deliberately provides false information or fails to fulfill any of the conditions of the System will lose special treatment of justice.

The law will regulate, among other matters, principles, organization, and competences, including personnel, procedures, participation of victims, and sanctions regime, per provisions of the Accord of Special Jurisdiction for Peace.

PARAGRAPH 1

The creation and the functioning of the Special Jurisdiction for Peace will not alter current regulations applicable to persons who have held the position of President of the

Republic, in accordance with what is provided in Article 174 of the Political Constitution of Colombia. If information is brought before the JEP that implicates a person who has held the office of President of the Republic, this information will be remitted to the House of Representatives for its competence.

PARAGRAPH 2

With the objective of guaranteeing the functioning and the administrative, budgetary, and technical autonomy of the Special Jurisdiction for Peace, the Executive Secretary and the President, or the level of JEP government that its own justices define, will exercise exclusively, and only for the period in which the JEP has force, every function assigned to the Administrative Chamber of the Superior Council of the Judicature established in Legislative Act 02 of 2015 and in Law 270 of 1996 concerning the government and administration of this Jurisdiction.

332

TRANSITIONAL ARTICLE 6

Prevalent Competence

The justice component of the SIVJRN, according to what was established by the Final Accord, will prevail over penal, disciplinary, or administrative proceedings concerning acts committed as result of, because of, or directly or indirectly related to the armed conflict, upon absorbing exclusive competence over such acts.

Regarding sanctions or disciplinary or administrative investigations, including pecuniary penalties imposed on natural persons in any jurisdiction, the competence of the Special Jurisdiction for Peace will be limited to canceling or extinguishing responsibility or disciplinary or administrative sanction imposed for acts committed as result of, because, or directly or indirectly related to the armed conflict, or reexamining such sanctions at the

request of the sanctioned or investigated party. Such requests cannot be conditioned on the reopening of a penal investigation concerning the aforementioned facts. Section of the Tribunal for Peace will have competence over requests to reexamine imposed sanctions or to nullify sanctions and responsibility. The Chamber for Definition of Juridical Situations will have competence over persons who are under investigation.

TRANSITIONAL ARTICLE 7

Conformation

The Jurisdiction will be composed of the Chamber for the Recognition of Truth, of Responsibility, and of Determination of Facts and Acts and the Chamber for Definition of Juridical Situations. These chambers will develop their work according to criteria of priority elaborated based on the gravity and representativity of the offenses and on the level of accountability for them. The Jurisdiction also will include the Chamber for Amnesty or Pardon; the Tribunal for Peace; the Investigation and Accusation Unit, and the Executive Secretary. The Jurisdiction additionally will include a President.

The Tribunal for Peace is the organ of last resort and highest instance of the Special Jurisdiction for Peace. It will be composed of two first-instance sections, one Revision of Sentences Section, one Section for Appeal, and the Section for Stability and Efficacy. The Court for Peace will be composed of a minimum of twenty Colombians who hold the office of justice. It additionally will include four foreign expert jurists who may intervene. Exceptionally, by request of persons subject to this Jurisdiction or ex officio, the Section designated for the case will ask for the evaluation, as *amici curiae*, of up to two foreign jurists of recognized prestige.

The sole purpose of foreign jurists' intervention will be to contribute a concept or *amicus curiae* about a matter of the case under study, with the goal of obtaining relevant elements or information for the judgment of the case.

The Chambers for the Recognition of Truth, of Responsibility, and of Determination of Facts and Acts; Definition of the Juridical Situations; and amnesty or pardon will be composed of a total of eighteen Colombian justices. They additionally will include six foreign expert jurists. Exceptionally, by the request of the persons subject to this jurisdiction or *ex officio*, the Chamber designated for the case will ask for the intervention, as *amici curiae*, of up to two foreign jurists of recognized prestige. The sole purpose of foreign jurists' intervention will be to contribute an evaluation or *amicus curiae* about a matter of the case under study, with the goal of obtaining relevant elements or information for the judgment of the case.

The JEP also will have at its disposal an additional thirteen Colombian justices as alternate or substitute justices, and four foreign expert jurists to intervene as alternate or substitute *amici curiae*. If necessary, the Jurisdiction's full bench will proceed with the necessary appointments from the list of alternate or substitute justices or the list of foreign expert jurists, chosen by the Selection Committee.

The Investigation and Accusation Unit will conduct the corresponding investigations and will make formal criminal accusations before the Tribunal for Peace, for which the Unit will be able to request the collaboration of the Attorney General's Office and establish cooperation agreements with it. Similarly, the Unit will also be able to request that other competent State organs or human rights and victims' organizations provide information regarding facts about which there is not enough information.

The Unit will include a special investigation team for the cases of sexual violence. The director of the Unit will be chosen by the Selection Committee, as specified in the paragraph of this article. The Unit will include a minimum of sixteen Colombian public attorneys. The public attorneys will be appointed and invested by the director of the Unit, who will have full autonomy to select and appoint them, as well as the other professionals she/he requires to become part of the Unit.

The justices and public attorneys do not need to be career employees, and no limitation of age will be considered a prerequisite for their appointment or permanence in office. Similarly, the career system will not apply for them, nor do they need to belong to the judicial branch.

To be elected Justice of the Tribunal for Peace, the candidate must meet the requirements established by Article 232 of the Political Constitution, except the age limit.

To be elected a Chamber Justice, the candidate must meet the same requirements as a Judicial District Superior Court Justice.

The Executive Secretary will be responsible for administration, management, and execution of resources of the Special Jurisdiction for Peace. The Executive Secretary may adopt anticipated writs of prevention to preserve documents related to the armed conflict, according to the law.

Every sentence by the Tribunal for Peace, as well as resolutions of the JEP's Chambers that define juridical situations, will be considered *res judicata* when it is finalized, and its immutability will be guaranteed.

The Jurisdiction will be structured based on criteria of equal participation between men and women, guarantees of nondiscrimination, and respect for ethnic and cultural diversity.

PARAGRAPH 1

The JEP's justices, the director of the Investigation and Accusation Unit, the foreign expert jurists who will act in the capacity of *amici curiae*, the JEP's Executive Secretary, the JEP's initial president, the members of the Commission for the Clarification of Truth, Coexistence, and Non-Recurrence, and the Unit for Searching for Persons Considered Disappeared in the Context of and as a Result of the Armed Conflict will be chosen by a Selection Committee that will be autonomous and independent, and whose structure will be determined by a regulation issued by the National Government. The JEP's Executive Secretary will be designated by the head of the United Nations Monitoring and Verification Mechanism and will be confirmed by the Selection Committee.

336

Members of the Committee of Choice will not take any personal responsibility for the selection of the justices, commissioners, and other staff whom they must choose due to this Transitional Article. Regarding the JEP's staff, the Executive Secretary will appoint the persons selected by the Committee, who will take office before the President of the Republic.

PARAGRAPH 2

Pending completion of the procedure specified for definitively appointing the Executive Secretary of the JEP, the function of verifying the fulfillment of the requirements for transitional, anticipated, and conditioned freedom or deprivation of freedom for members of military or police units of the public force will be fulfilled by the person designated as Executive Secretary of the Special Jurisdiction for Peace by the person responsible for the United Nations Monitoring and Verification Mechanism, per

the communiqué of January 26, 2017. These functions of the Executive Secretary will begin to be developed by that person from the moment the present constitutional amendment enters into force, without needing to wait for the JEP's operations to begin.

TRANSITIONAL ARTICLE 8

Constitutional rights protection actions against acts or omissions by the JEP

Legal actions to get the protection of fundamental rights before a court will proceed against acts or omissions of the Special Jurisdiction for Peace that have violated or are violating or threatening fundamental rights.

This legal action against judicial findings issued by the JEP will proceed only in cases of manifest disregard for procedures or when harm to a fundamental right is a direct consequence of a court verdict and all recourse within the Special Jurisdiction for Peace have been exhausted for lack of an appropriate mechanism for reclaiming protection for the threatened or prejudiced right. In case of violations of due process, this action may be interposed only after all recourses before JEP organs have been exhausted.

<Part ruled unconstitutional> Petitions for this legal action must be presented before the Tribunal for Peace, which is the only court competent for hearing them. The first instance will be decided by the Revision of Sentences Section, the second by the Appeals Section. This action's decision may be reexamined by the Constitutional Court.

Sentences of reexamination will be issued by the Plenary Chamber of the Constitutional Court.

**TRANSITIONAL
ARTICLE 9**

Matters of Competence

<Ruled unconstitutional>

**TRANSITIONAL
ARTICLE 10**

Revision of Sentences and Findings

By request of a convicted party, the JEP may reexamine sentencing decisions of the Attorney General's Office or the Comptroller General of the Republic and sentences issued by other jurisdictions concerning the following: variation of juridical qualification according to Transitional Article 5 and of Transitional Article 22, Subsection 1; new findings of fact that could not be taken into account previously; or emergence of evidence or supervening evidence that was not known at the time of the conviction. All of the above causes for revision must be for acts committed because of, or that were the occasion of, or direct or indirectly related to the conflict, or with social protest, as long as the System's conditions are met.

The revision of sentences by the JEP will never result in liability being imposed on any type of judges who issued the sentences as a consequence of the content of these sentences, without prejudice to any responsibility that may be found for having improperly favored their own interests or others' interests.

The Supreme Court of Justice will be the competent court to reexamine sentences that it has issued. Only those who have been convicted based on their status as combatants will be able to request a revision of previous verdicts before the Revision of Sentences Section of the JEP. For the sole effects of reexamining sentences by the Revision of Sentences Section of the JEP, the term "combatant" will be understood to mean all members of the public force and members of the FARC-EP based on the lists that were turned

over by the aforesaid group and verified per what is established in the Final Accord; or someone who has been recognized as a combatant in a res judicata ruling.

TRANSITIONAL ARTICLE 11

Replacement of Criminal Sanction

When it does not renounce a criminal prosecution altogether, the Revision of Sentences Section of the Tribunal for Peace, at the request of the Chamber of Definition of Juridical Situations, may replace a criminal penalty imposed by criminal courts with specific or alternative sanctions of the Special Jurisdiction for Peace, whenever and only when the convicted party has made a complete, detailed, and exhaustive truth telling (Recognition of Truth), depending on when he has made this truth telling, and as long as he fulfills the system's other conditions concerning victims' rights to reparation and non-recurrence. This substituted sentence can never be more severe than the previously imposed sentence.

When the Revision of Sentences Section of the Tribunal for Peace has verified fulfillment of the required component of restricting liberties and rights, it will declare this in its substitution finding. If it finds that this component has not been fulfilled, then it will order the execution of the System's specific or alternative penalty. Either way, the Revision of Sentences Section will order the execution of the restorative component of the penalty in the case it is deciding.

TRANSITIONAL ARTICLE 12

Procedure and Regulation

The justices who compose the JEP will have the power to elaborate the processual norms

that will rule this jurisdiction and that must be presented by the National Government to the Congress of the Republic, including the disciplinary regimen applicable to its own officers who are not justices. Such norms shall observe the principles of impartiality, judicial independence, due motivation, publicity, due process, right of the accused to respond to the evidence against them, right of defense, presumption of innocence, favorability, freedom to choose an attorney who is accredited to practice in any country, participation of the victims as intervening actors according to the national and international standards and the parameters established by the Final Accord, and right to have a verdict reexamined by a superior court in the framework of an adversarial model. The justices also will regulate the parameters that shall be used by the JEP to evaluate whether there has been nonfulfillment of the system's conditions, as well as the procedure to determine the legal consequences of such nonfulfillment, always within the parameters established in the Final Accord.

The Attorney General of the Nation, in person or through his delegates and agents, may intervene in the proceedings in order to protect victims' fundamental rights in proceedings of the Special Jurisdiction for Peace.

If the Chamber for the Recognition of Truth and Responsibility requests the Revision of Sentences Section of the Tribunal for Peace to subpoena someone for whom there are clear and sufficient grounds for presuming his determinant participation in one of the acts treated in Point 5.1.2, Number 40, of the Final Accord, the Chamber cannot make its request nor can the section bring the subpoena exclusively based on reports received by the JEP. Rather, these reports must be corroborated with other evidence.

When a witness testifies against someone regarding acts that are under the purview of the Special Jurisdiction for Peace in exchange for any type of procedural or punitive benefit, the probative value of his testimony will be contingent on its content being corroborated by other evidence.

In proceedings carried out by organs of the Special Jurisdiction for Peace, it will not be permitted to presume that the punishable acts under investigation are of a massive or systematic character, nor will it be permitted to presume that the act was committed as part of a plan or policy, or as part of large-scale commission of such crimes; rather, all this must be proved in accordance with legally produced evidence.

Without including procedural norms, the JEP's justices will adopt, in the exercise of their autonomy, the regulation of the JEP's functioning and organization, respecting the principles of impartiality, independence, and the guarantees of due process, avoiding any new victimization, and providing all needed support to victims in accordance with what is established by relevant international standards. The regulation will specify the functions of the President and Executive Secretary, as well as the relationships between them and the other organs of the JEP; establish a mechanism for the integration of the Section of the Tribunal for Peace that guarantees stability, efficacy, and fulfillment of the JEP's resolutions and sentences; determine the procedure the Section must follow in the development of its functions; and indicate the mechanisms of accountability for the JEP's management, under the Executive Secretary's purview, provided these mechanisms do not undermine the JEP's autonomy.

The law will regulate which procedural acts of the JEP's chambers must be protected by secrecy with the purpose of guaranteeing the fundamental rights to a good name and the intimacy of acts that are within the competency of the JEP.

PARAGRAPH

The norms that will rule the Special Jurisdiction for Peace will include procedural, probative, and access guarantees directed toward the satisfaction of victims' rights to truth, justice, and reparation within the JEP's framework, with differential and special measures for those who consider themselves subject to special constitutional protection. Similarly, these norms must guarantee the principles of special criminal treatment conditioned on the assurance of victims' rights, victims' centrality, comprehensive scope, due process, no regressivity in the recognition of rights, and differential and gender focus.

342

TRANSITIONAL ARTICLE 13

Sanctions

Sanctions determined by the JEP will have the essential objective of satisfying victims' rights and consolidating peace. They shall seek the greatest possible restoration and reparation for damage caused, always in relation to the level of recognition of truth and responsibility. The sanctions may be JEP's own, alternative, or ordinary, and in every case, they shall be imposed according to the terms foreseen in Numbers 60, 61, 62 and in the sanctions list of Subpoint 5.1.2 of the Final Accord.

TRANSITIONAL ARTICLE 14

Penal Regime for Justices of the JEP

The JEP's justices will be subject to the same special criminal regime provided for justices of the Supreme Court of Justice, as well as to

the disciplinary regime specified by law for judges and justices of other jurisdictions. In no case may they be held accountable for votes and opinions expressed in their judicial interventions, issued in the exercise of their functional independence, without prejudice to responsibility for improperly favoring their own or somebody else's interests.

The justices of the Special Jurisdiction for Peace will be subject to provisions concerning ineligibility specified by current criminal processual law.

TRANSITIONAL ARTICLE 15

Initiation of Operations and Time-Span for Conclusion of the JEP

<Ruled conditionally unconstitutional> The JEP will begin its operations when this constitutional amendment is approved without needing any implementing norm, without prejudice to subsequent approval of procedural norms and what the JEP's regulation establishes.

Within a time-span of ten years from the effective beginning of operations of all its chambers and sessions, the JEP will conclude the presentation of accusations by the Investigation and Accusation Unit, whether based on its own work or as a consequence of findings by the Chamber for Acknowledgment of Truth, Responsibility, and Determination of Facts and Acts. The JEP will have a subsequent span of five years to conclude its jurisdictional activity; if necessary this latter time-span may be extended by law at the request of the justices of the JEP. The time-span for the Chamber for Acknowledgment of Truth, Responsibility, and Determination of Facts and Acts to receive information will be two years dated from the constitution of all the chambers and sessions of the JEP,

and it may be extended by the Chamber itself for up to three years, although for exceptional reasons it may be moderately extended further by the Chamber for Acknowledgment of Truth, Responsibility, and Determination of Facts and Acts.

In any case and without any temporal limitation whatsoever, the Section of Stability and Efficacy of Verdicts and Sentences may be constituted at any time when it is necessary, in accordance with the provisions of Transitional Article 7, Paragraph 2, and the final paragraph of Transitional Article 12 of this constitutional amendment.

TRANSITIONAL ARTICLE 16

Competence over Third Parties

Persons who are not part of the armed organizations or groups but have contributed directly or indirectly to the commitment of offenses in the framework of the conflict may be accepted by the JEP and receive the special treatment determined by the norms, as long as they fulfill the established conditions of contributing to uncovering the truth, reparation, and non-recurrence.

TRANSITIONAL ARTICLE 17

Differentiated Treatment for State Agents

The SIVJNRN's component of Justice will also apply to State agents who may have committed offenses related to and occasioned by the armed conflict. Such enforcement shall be done in a differentiated way, ensuring equitable, balanced, simultaneous, and symmetrical treatment.

For the purposes of the Special Jurisdiction for Peace, agents of the State are understood to be all persons who at the moment of committing the

alleged criminal act were acting as members of public corporations or as employees or workers of the State or entities of the State that have been decentralized on a territorial or service basis, and who have participated in the design or execution of criminal acts that are directly or indirectly related to the armed conflict. For such acts to be considered eligible to be tried by the Special Jurisdiction for Peace, they must have been realized through actions or omissions committed in the framework of and on occasion of the internal armed conflict, and must not have been motivated by a desire for illicit personal enrichment; or if such a motivation exists, it must not have been the determining motivation for the criminal act.

Chapter IV

Integrated Reparation in the Integrated System of Truth, Justice, Reparation, and Non-Recurrence

TRANSITIONAL ARTICLE 18

I ntegrated Reparation in the Integrated System of Truth, Justice, Reparation, and Non-Recurrence

In the framework of the Integrated System of Truth, Justice, Reparation, and Non-Recurrence, the State will guarantee the right to reparation for victims of grave human rights violations and infractions against International Humanitarian Law who have suffered damages, individually or collectively, in the context of the armed conflict. Reparation will be guaranteed by the State in an integrated, adequate, differentiated, and effective manner, prioritizing the distribution of reparation measures among victims, bearing in mind the totality of victims of the armed conflict, and seeking equal access and equitable distribution of available resources, favoring those who are eligible for special constitutional protection.

PARAGRAPH

In the cases in which amnesty, remission of punishment, or renunciation of criminal prosecution applies, judicial actions against the beneficiary of such measures for restitution of victims will not proceed. In any case, they shall contribute to the clarification of truth, reparation of victims, and non-recurrence.

Chapter V Extradition

TRANSITIONAL ARTICLE 19

E

xtradition

It will not be permitted to grant extradition or to take measures to ensure extradition concerning facts or acts that are under the purview of this System and in particular the Special Jurisdiction for Peace, caused or occurring during the internal armed conflict or in the context of it until its conclusion, whether or not the offenses are suitable for amnesty. Concession or facilitation of extradition especially will not be permitted for any political offense, crimes of rebellion, or offenses connected to political offenses and crimes of rebellion, whether they were committed in Colombia or abroad.

This guarantee of no extradition applies to all members of the FARC-EP and persons accused of being part of this organization, for any act committed prior to the signing of the Final Accord, and to all persons who are subject to the SIVJRNR.

When there is an allegation concerning a member of the FARC-EP or a person who is accused of being a member of this organization that the crime specified in the extradition request occurred after the signing of the Final Accord, the Revision of

Sentences Section of the Tribunal for Peace will evaluate the alleged act to determine the precise date it was committed and to decide the proper procedure. In the event that the act occurred prior to the signing of the Final Accord or when the request for extradition concerns an act closely linked to the process of laying down arms and took place before this process was concluded, the Revision of Sentences Section will remit the report to be heard before the Chamber of Recognition, permanently excluding the possibility of extradition. However, if the act's execution began after the signing of the Final Accord and is not closely linked to the process of laying down arms, the Revision of Sentences Section will remit the report to the competent judicial authority to be investigated and tried in Colombia, without excluding the possibility of extradition.

348

Solely where acts committed prior to the signing of the Final Accord are concerned, when there is an extradition request regarding family members within the second decree of consanguinity or first degree of affinity of members of the FARC-EP or of a person accused or specified in an extradition request of being a member of the aforesaid organization, the allegation can be submitted to the Revision of Sentences Section of the Court of Peace, which will decide if the request concerns facts or acts related to membership or accusation of membership in the FARC-EP of the family member specified in the extradition request. If on hearing the extradition request the Revision of Sentences Section finds that it specifies acts or accuses the defendant of acts that never before have been an object of extradition requests and do not fulfill the conditions for extradition, it can deny the extradition request and, in this case, decide whether the act falls under the competence of the SIVJNR or whether it should be investigated or judged by Colombian ordinary criminal jurisdiction.

The above provision assumes that the case should be remitted to the Revision of Sentences Section if the accused are former members of the FARC-EP who have signed the Final Peace Accord.

The JEP must resolve the questions posed to it regarding extradition in a period not superior to 120 days, except in justified cases that depend on the collaboration of other institutions.

Chapter VI
Participation in Politics

**TRANSITIONAL
ARTICLE 20**

Participation in Politics

The imposition of any sanction in the JEP shall not disqualify for political participation nor limit the exercise of any political participation right, active or passive.

PARAGRAPH

Regarding those persons who belong to rebel organizations that have signed a peace accord with the Government that calls for their reincorporation, convictions derived from acts within the scope of the Tribunal for Peace imposed by ordinary or disciplinary justice will be suspended until these convictions are processed by the Special Jurisdiction for Peace within its competence.

350

Chapter VII

Norms for Termination of the Armed Conflict and Construction of a Stable and Lasting Peace That Apply to Members of the Public Force

TRANSITIONAL ARTICLE 21

Differentiated treatment for members of the public force

Due to the indivisible nature of the Special Jurisdiction for Peace, treatment of members of the public force who may have carried out punishable acts because of, on occasion of, or in direct or indirect relation with the armed conflict will be symmetrical in some aspects and differentiated in others, but always equitable, balanced, and simultaneous.

Consequently, the norms contained within this chapter will be enforced solely for the public force members regarding punishable acts that were committed because of, on occasion of, or in direct or indirect relation with the armed conflict, without prejudice to how provisions in the previous chapters might apply to these acts, as long as they are not contrary to the nature of provisions in the present chapter.

TRANSITIONAL ARTICLE 22

Legal Evaluation of the Act in the Special Jurisdiction for Peace

On adopting its findings or sentences, the Special Tribunal for Peace will conduct its own legal evaluation of the System concerning the acts that are objects of the System.

This evaluation will be based, with strict adherence to Article 29 of the Political Constitution, on the Colombian Penal Code in force at the moment when the act was committed, International Human Rights Law (IHRL), and International Humanitarian Law (IHL). The JEP will respect international obligations concerning investigation, judgment, and punishment. The principle of favorability [i.e., the law that is most favorable to the accused shall be applied in cases of doubt or conflict between two penal laws] always must apply in this evaluation.

In the assessment of the public force members' conduct, operational rules active at the moment of the act must also be considered, provided that they are not contrary to legal normativity.

352

TRANSITIONAL ARTICLE 23

Competence of the Special Jurisdiction for Peace

The Special Jurisdiction for Peace will have competence over offenses committed because of, on occasion of, or in direct or indirect relation with the armed conflict and without the motivation of obtaining illegal personal enrichment, or in case such motivation exists, without it being the determinant element for the criminal act. To this end, the following criteria will be considered:

- a. That the armed conflict has been the direct or indirect cause of the commission of the punishable act, or
- b. That the existence of the armed conflict has influenced the author, participant, or accessory of the punishable act committed because of, in the context of, or in direct or indirect relation with the conflict, regarding

- The author's ability to commit the act, i.e., that because of the armed conflict the perpetrator has acquired the major skills to commit the act.
- The author's decision to commit the act, i.e., the individual's resolution or disposition to commit it.
- The manner in which the act was committed, i.e., that as a result of the armed conflict the perpetrator of the act had the means to commit the act.
- The selection of the objective that the perpetrator intended to achieve by executing the offense.

TRANSITIONAL ARTICLE 24

Responsibility of Commanders

To determine the responsibility of commanders, the Special Jurisdiction for Peace will enforce, in the case of the members of the public force, the Colombian Penal Code, International Humanitarian Law as special law, and the public force's operational rules in relation with International Humanitarian Law, as long as they are not contrary to legal normativity.

The determination of commanders' responsibility may not be based exclusively on rank, hierarchy, or scope of jurisdiction. The responsibility of public force members for their subordinates' acts must be based on effective control over the act, knowledge that was available previously, during, or after the act was carried out, and the means at their disposal to prevent the punishable act from being committed or continued, as long as and whenever factual conditions allow it, and if it occurred, to proceed with the proper investigations.

Military and police officers will be understood to have effective command and control over their subordinates' acts when the following concurrent conditions are met:

- a. That the punishable act or acts have been committed within the area of responsibility assigned to the unit under their command according to the correspondent rank, and that the punishable act or acts are related to the activities under their responsibility;
- b. That the superior has legal and material capability to issue, modify, and enforce orders;
- c. That the superior has effective capability to develop and execute operations within the area where punishable acts were committed, according to the correspondent command level; and
- d. That the superior has the material and direct capability to take appropriate measures to prevent subordinates' punishable act or acts, as long as and when the superior has current or updatable knowledge of the act's commission.

TRANSITIONAL ARTICLE 25

Sanctions in the Special Jurisdiction for Peace

In the case of members of the public force, the System's own sanctions will have reparative content, as well as restriction of rights and liberties.

The law will regulate how the Special Court's sanctions may be executed, as well as the appropriate mechanisms for monitoring, safeguarding, and controlling fulfillment of these sanctions.

Alternative or ordinary sanctions that apply to members of the public force that involve effective deprivation of liberty will be carried out in any case in establishments determined in the penitentiary and prison regime established for them, in accordance with the principle of differentiated treatment.

Where ordinary sanctions are concerned, sentence reductions, commutations, or other additional benefits related to deprivation of liberty may be obtained as long as and whenever the person commits to contributing to his or her resocialization through work, training, and study during the time of his or her deprivation of liberty, and to promote activities that focus on the non-recurrence of the harm he or she caused once he or she is released.

TRANSITIONAL ARTICLE 26

No restitution or shared liability shall be demanded to Members of the Public Force

In the case of members of the public force who have committed punishable acts because of, in the context of, or in direct or indirect relation with the internal armed conflict, the demand of restitution established in Article 90 of the Political Constitution will be excluded.

In every case, members of the public force who have committed such punishable acts must contribute to the clarification of truth and nonmonetary reparation of victims, and guarantee non-recurrence.

Chapter VIII**Prevalence of the Final Accord for Termination of the Armed Conflict and Construction of a Stable, Lasting Peace****TRANSITIONAL
ARTICLE 27****P**revalence of the Final Accord

If after the approval of the present constitutional amendment, laws or norms are approved that grant differentiated treatment to agents of the State or other persons for acts that are directly or indirectly related to the armed conflict, be they combatants or noncombatants; and if these later laws or norms provide that these agents of the State or other persons are excluded from the competence of the Special Jurisdiction for Peace, or if these laws or norms result in the inapplicability of the Jurisdiction or the conditions specified in the Final Accord of November 2016 concerning such persons, the Special Tribunal for Peace nonetheless will exercise its preferential jurisdiction in matters of its competence in accordance with the present constitutional amendment.

**NEW TRANSITIONAL
ARTICLE XX,
(From Legislative
Act 02 of 2017)**

In development of the right to peace, the contents of the Final Accord for Termination of the Conflict and Construction of a Stable, Lasting Peace, signed on November 24, 2016, which correspond to international humanitarian rules of law or fundamental rights defined by the Political Constitution, and provisions related to the aforementioned provisions, will mandatorily be parameters of interpretation and measures

evaluating the development and validity of rules and laws for implementing and developing the Final Accord, with subjection to dispositions of the constitution.

State institutions and authorities must comply in good faith with what is established by the Final Accord. Consequently, the actions of every State organ or authority, the normative development of the Final Accord, and its interpretation and implementation shall be coherent with and fully responsive to what has been agreed, preserving the contents, commitments, spirit, and principles of the Final Accord.

New Transitional Articles (from Legislative Act 3 of 2017)

TRANSITIONAL ARTICLE 1

Once the FARC-EP has completed the process of laying down arms per the terms of the Final Accord for Termination of the Conflict and Construction of a Stable, Lasting Peace signed on November 24, 2016, the political party or political movement that emerges from the FARC-EP's transition to legal political activity will be recognized as possessing the full rights of legal personality.

To this end, once the process of laying down arms has been finalized, the FARC-EP's delegates in the Commission for Monitoring, Promoting, and Verifying the Implementation of the Final Accord will formally declare and register before the National Electoral Council or whatever organ fulfills National Electoral Council's functions its decision to transform into a political party or movement and its constitution, statutes, code of ethics, ideological platform, and leaders, as well as its commitment to gender equity in accordance with the constitutional criteria of parity, alternation, and universality in its internal functioning and organization. By virtue of this formal act, the political party or movement, with whatever denomination it may adopt for itself, will be registered for all effects and with equal conditions as a political party or movement with legal status.

The political party or movement that is thus recognized must fulfill the conditions for maintaining legal status, and it will be subject to the rules for loss of such status that apply to other political parties and movements in accordance with the Constitution and the law. However, between the date of its inscription in the unified registry of political parties and movements and July 19, 2026, it will be exempt from the requirement to have a certain number of party members, participate in electoral contests, and reach a specified threshold of votes. After July 19, 2026, the rules established for political parties or movements in general will apply.

The recognition of its political personality will entitle the new political party or movement to the same rights as other political parties or movement with legal status. On a transitional basis, its funding will be subject to the following special rules:

1. Between the date of its inscription in the unified registry of political parties and movements before the Electoral National Council or whichever organ replaces it and July 19, 2026, annually receive for its functioning a sum equivalent to the average amount that political parties and movements with legal status receive each year for their functioning. The use of these funds will be in accordance with the rules that apply to all political parties and movements.
2. Between the date of its inscription in the unified registry of political parties and movements before the Electoral National Council or whichever organ takes its place and July 19, 2026, in order to contribute to the financing of the party's center for thought and

political training, as well to the diffusion and publication of its ideological and programmatic platform, receive a sum equivalent to 7 percent of the annual budget appropriation for the operations of political parties and movements.

3. Receive funding predominantly from the State for the campaigns of its candidates for the Presidency of the Republic and the Senate of the Republic in the elections of 2018 and 2022, in accordance with the following rules: (i) in presidential campaigns, its candidates will receive the state financing that the applicable provisions of law stipulate for candidates who fulfill the prerequisites specified by law; (ii) in campaigns for the Senate, they will receive the equivalent of 10 percent of the maximum expenses fixed by the electoral authority, without prejudice to application of norms in force concerning advances foreseen for the other recognized political parties; (iii) advanced state funding shall not be subject to refund, as long as and whenever the assigned resources have been directed to the ends specified by law.
4. Have access to space in mass media under the same conditions as other political parties and movements with legal status, in accordance with the application of current norms.
5. Register candidates and lists for popularly elected offices and corporations under the same conditions required of other political parties and movements.

Without prejudice to the above provisions, candidates who have been members of the FARC-EP must, at the moment when their

candidacies are registered, formally declare their willingness to accept the mechanisms and measures established in the Integrated System of Truth, Justice, Reparation, and Non-Recurrence [SIVJRNR in the Spanish initials], as stipulated in Legislative Act 1 of 2017.

Exceptions will be made for persons who have resolved their legal situation by virtue of Title III, Chapter I of Law 1820 (2017) on a transitional basis and until July 20, 2026, designate a delegate to the National Electoral Council or whatever body takes its place. This delegate will have a voice but not a vote, and will be able to participate in the corporation's deliberations.

The sums that Numbers 1 and 2 refer to will not affect the total that the Fund distributes to other political parties and movements with legal status. The resources indicated in the article will be in addition to those appropriated and budgeted by the Fund.

The political party or movement that emerges from the FARC-EP's transition to legal political life with legal status will be able to submit a list on its own or in coalition for the ordinary district of the Senate of the Republic. Such a list will compete with equality of conditions per ordinary rules.

However, in elections for the 2018–2022 and 2022–2026 terms of the Senate of the Republic, the following rules will apply:

1. An initial operation will identify and assign the number of seats that correspond to the party or movement that emerges from the FARC-EP's transition to legal political life per the formula stipulated in Article 263 of the Political Constitution. Once this list is

TRANSITIONAL ARTICLE 2

applied, if the list registered, on its own or in coalition, by the party or movement that emerges from the FARC-EP's transition to legal political life does not obtain five (5) seats, the National Electoral Council or whatever organ takes its place will assign to it as many seats as it needs to complete a minimum of five members. In any case, these five (5) seats will always be in addition to the number of members of the Senate of the Republic indicated in Article 171 of the Political Constitution.

2. If, based on what is provided in the previous paragraph, the single or coalition list registered by the party or movement that emerges from the FARC-EP's transition to legal political life obtains five (5) or fewer seats, the process of assigning the one hundred (100) seats of the ordinary constituency of the Senate of the Republic will be repeated, in conformity with Article 263 of the Constitution, without considering the participation of the mentioned list.
3. If, once the procedure stipulated in the first number of this article is applied, the single or coalition list submitted by the political party or movement that emerges from the FARC-EP's transition to political life obtains more than five (5) seats, the supernumerary seats will be assigned and subtracted from the hundred (100) seats of the ordinary constituency of the Senate. Afterward the procedure for assigning seats will be repeated for assigning a number of seats equal to one hundred (100) allocated to the party or movement that emerges from the FARC-EP's transition to legal political life, subtracting the number of seats that exceed the initial five seats, in accordance with Article 263 of the

Constitution, without considering the participation of the aforementioned list.

TRANSITIONAL ARTICLE 3

During the 2018–2022 and 2022–2026 terms, the House of Representatives will include up to five (5) representatives in addition to those stipulated in Article 176 of the Political Constitution, elected in accordance with the following special rules:

1. The party or movement that emerges from the FARC-EP's transition to legal political life with legal status will be able to register for the 2018 and 2022 elections in the same way as other political parties with legal status, submitting candidate lists on its own or in coalition for the territorial districts in which the House of Representatives is elected.
2. These lists will compete in equality of conditions in conformity with the ordinary rules for the totality of seats that are elected in such constituencies.
3. Once the assignment of seats in each territorial constituency is finalized, the National Electoral Council or whatever organ takes its place will assign to the party or movement that emerges from the FARC-EP's transition to legal political life the seats that it lacks to reach a minimum of five elected members. To this end, the National Electoral Council or whatever organ takes its place will place, in descending order, from among the lists that the aforementioned political party or movement registered, on its own or in coalition, the five lists that reached the largest number of votes, and it will assign from these lists the number of seats that were not obtained based on the ordinary rules for assigning such seats.

CONSTITUTIONAL AMENDMENT 02
August 25th, 2021

16 Special transitories constituencies for peace are created in the house of representatives - terms 2022-2026 and 2026-2030

ARTICLE 1

The Political Constitution will have the following new transitory articles:

TRANSITORY ARTICLE 1

Creation of Special Transitory Constituencies for Peace. The House of Representatives will have 16 additional Representatives for the constitutional terms 2022-2026 and 2026-2030. There will as many newly elected Representatives as the number of Special Transitory Constituencies for Peace, one for each of said Constituency. The seat will be assigned to the candidate from the list with majority of votes. The lists shall be drawn up according to the principles of gender equity and equality.

TRANSITORY ARTICLE 2

Composition

The aforementioned Special Transitory Constituencies for Peace will be established as follows:

CONSTITUENCY 1

Municipalities of Cauca: Algeria, Balboa, Buenos Aires, Caldono, Caloto, Cajibío, Corinto, El Tambo, Jambaló, Mercaderes, Morales, Miranda, Patía, Piendamó, Santander de Quilichao, Suárez and Toribío. Municipalities of Nariño: Cumbitara, El Rosario, Leiva, Los Andes, Policarpa, and the Municipalities of Florida, and Pradera, Valle del Cauca.

CONSTITUENCY 2

Made up of Arauquita, Fortul, Saravena, and Tame. Arauca Department.

CONSTITUENCY 3

Municipalities in the Department of Antioquia: Amalfi, Anorí, Briceño, Cáceres, Caucasia, El Bagre, Ituango, Nechí, Remedios, Segovia, Tarazá, Valdivia, Zaragoza.

CONSTITUENCY 4

Made up of 8 municipalities in Norte de Santander: Convención, El Carmen, El Tarra, Hacarí, San Calixto, Sardinata, Taorama, and Tibú.

CONSTITUENCY 5

Municipalities in the Department of Caquetá: Florencia, Albanien, Belén de los Andaquíes, Cartagena del Chairá, Curillo, El Doncello, El Paujil, Montañita, Mailand, Morelia, Puerto Rico, San José de Fragua, San Vicente del Caguán, Solano, Solita, and Valparaíso,, and the Municipality of Algeciras in the Department of Huila.

CONSTITUENCY 6

Municipalities in the Department of Chocó: Bojayá, Medio Atrato, Istmina, Medio San Juan, Litoral de San Juan, Novita, Sipí, Acandí, Carmen del Darién, Riosucio, Unguía, Condoto, and two municipalities of Antioquia, Vigía del Fuerte, and Murindó.

CONSTITUENCY 7

Municipalities in the Department of Meta: Mapiripán, Mesetas, La Macarena, Uribe, Puerto Concordia, Puerto Lleras, Puerto Rico, and Vista Hermosa, and 4 Municipalities in the Department of Guaviare, San José del Guaviare, Calamar, El Retorno, and Miraflores.

CONSTITUENCY 8

Municipalities in the Department of Bolívar: Córdoba, El Carmen de Bolívar, El Guamo, María La Baja, San Jacinto, San Juan de Nepomuceno, and Zambrano. Municipalities of Sucre: Colosó, Chalán, Los Palmitos, Morroa, Ovejas, Palmito, San Onofre, and Tolviejo.

CONSTITUENCY 9

Municipalities of Cauca: Guapi, López de Micay, and Timbiquí, Buenaventura, in the Department of Valle del Cauca.

CONSTITUENCY 10

It is made up of 11 municipalities in the Department of Nariño: Barbacoas, El Charco, La Tola, Maguí, Mosquera, Olaya Herrera, Francisco Pizarra, Ricaurte, Roberto Payán, Santa Bárbara, and Tumaco.

CONSTITUENCY 11

Municipalities in the Department of Putumayo: Orito, Puerto Asís, Puerto Caicedo, Puerto Guzmán, Puerto Leguizamó, San Miguel, Valle del Guamuez, and Villagarzón.

CONSTITUENCY 12

Municipalities of Cesar: Agustín Codazzi, Becerril, La Jagua de Ibirico, La Paz Pueblo Bello, and Valledupar. Municipalities of La Guajira, Dibulla, Fonseca, San Juan del Cesar. Magdalena Municipalities: Aracataca, Ciénaga, Fundación, and Santa Marta.

CONSTITUENCY 13

Municipalities in the Department of Bolívar: Arenal, Cantagallo, Morales, San Pablo, Santa Rosa del Sur, and Simití, and the Municipalities of Yondó in the Department of Antioquia.

CONSTITUENCY 14

Municipalities of Córdoba: Puerto Libertador, San José de Uré, Valencia, Tierralta, and Montelíbano.

CONSTITUENCY 15

Municipalities in the department of Tolima: Ataco, Chaparral, Planadas, and Rioblanco.

CONSTITUENCY 16

Municipalities in the department of Antioquia: Carepa, Chigorodó, Dabeiba, Mutatá, Necoclí, San Pedro de Urabá, Apartadó, and Turbo.

PARAGRAPH

For the purpose of the elections of the 16 Special Constituencies for Peace, the municipal town of each of the municipalities will be excluded, and only the voting posts and the electoral census of the surrounding rural area will

be guaranteed. The participation of the inhabitants of rural, remote and dispersed populated centers of these Constituencies shall be guaranteed. For that, the National Civil Registry Office will create new polling places in said zones.

TRANSITORY ARTICLE 3

Candidate Registration.

The Special Transitory Constituencies for Peace will have special rules for the registration and election of candidates. The campaigns will have special state funding and access to regional media. Special support mechanisms will be developed to ensure the transparency of the electoral process and the freedom of the electorate to vote.

Candidates should be registered only by victims' organizations, peasant organizations, or social organizations, including women's organizations, and significant groups of citizens.

When the constituency coincides in whole or in part with ethnic territories, the following authorities may register additional candidates:

- a) Community councils;
- b) Indigenous reservation and inherent right aboriginal Government within their territories, duly recognized, in coordination with the appropriate national organizations;
- c) The legally constituted Kumpaño.

PARAGRAPH 1

The political parties and movements that have representation in the Congress of the Republic or with legal status, including the political party or movement that arises from the transition of the FARC-EP, and gets involved in legal political activity,

shall not register lists or candidates for these constituencies. No significant group of citizens or social organization may register candidate lists for Peace constituencies at the same time with other constituencies.

PARAGRAPH 2

Social organizations are non-profit associations of all kinds that demonstrate their existence in the territory of the constituency, through legal status recognized at least five years before the election, or through proof before the competent electoral authority of their activities in the pertinent territory during the same period.

PARAGRAPH 3

The candidates, in addition to the general requirements, must be practicing citizens and domiciled within the electoral district, or displaced from these territories in the process of return.

PARAGRAPH 4

The registration of candidates by significant groups of citizens will require citizen support of 10% of the electoral roll of the respective Special Transitory Constituency of Peace. In no case more than 20,000 signatures will be required.

TRANSITORY ARTICLE 4

Citizens may exercise their right to vote in the special transitory Constituencies for Peace, without prejudice to their right to participate in the election of candidates to the House of Representatives in ordinary elections.

The National Civil Registry Office will update and monitor the electoral roll, the registration of candidates, The National Electoral Council will do the same concerning the financing of campaigns, in accordance with the provisions of this amendment.

Real and effective participation of ethnic peoples will be guaranteed, through the registration of ballots, the education of voting,

and the installation of polling stations in their territories.

Additional mechanisms of citizen control, observation and oversight will be promoted by specialized organizations and political parties and movements.

PARAGRAPH 1

In no case, the vote of the special transitory Constituencies for Peace will be considered to determine the threshold of access to the distribution of seats in the ordinary election of the House of Representatives.

PARAGRAPH 2

For reasons of public order, the President of the Republic may suspend the election in any of the voting positions within the 16 transitory Constituencies for Peace dealt with in this amendment, prior concept of the early warning system of the Ombudsman's Office, the Office of the Attorney General of the Nation, the National Civil Registry of Office, and the Office of the United Nations High Commissioner in Colombia. Once suspended, it must proceed according with the law in force.

PARAGRAPH 3

The national Government will allocate the necessary resources so that the National Civil Registry Office will be able to accomplish the management of the electoral process in the 16 transitory Constituencies for Peace that this amendment creates.

PARAGRAPH 4

The National Civil Registry Office shall have the necessary regulatory powers required for the management of the electoral process of the 16 transitory districts of Peace created by this amendment.

**TRANSITORY
ARTICLE 5**

Requirements to be a candidate. Candidates to seat in the House of Representatives for these Special Transitory Peace constituencies must comply with the general requirements

369

established in the Constitution and the law for ordinary House Representatives, in addition to the following special requirements:

1. To have been born or lived in the territory of the respective constituency at least three years prior to the date of the election or,
2. If displaced person who is in the process of return to establish residence in the territory of the Constituency, must have been born or inhabited there for at least three consecutive years at any time.

PARAGRAPH 1

For the sole purpose of this amendment, are considered victims those persons who individually - and only up to the third degree of consanguinity and first degree of affinity - or collectively, have suffered damage as a result of infractions of International Humanitarian Law or breaches of international regulations of Human Rights issues, occurred on the occasion of the internal armed conflict.

The condition of individual or collective victim will be accredited according to the certification issued by the Unit for Comprehensive Attention and Reparation to Victims (Spanish short UARIV).

PARAGRAPH 2

Those who have been candidates for public office, elected or not, with the endorsement of political parties or movements with representation in Congress or with legal status, may not stand as candidates. Neither can those who have been so for a political party whose legal status has been lost within five years prior to the date of registration, or those who have been in their directive positions during the last year.

PARAGRAPH 3

Given the special nature of these constituencies, members of illegal armed groups who have signed a peace agreement

with the national government and/or have demobilized individually in the last twenty years, will not be able to stand as candidates to these special constituencies.

PARAGRAPH 4

The national government will regulate the sanctions of those who, having been elected in any of the transitory constituencies of the Peace, do not comply with the requirements and rules established in this amendment. For that purpose, the national government must respect the second paragraph of article 134 of the Political Constitution.

TRANSITORY ARTICLE 6

Elections.

Each one of the Special Transitory Constituencies for Peace will elect a Representative to the House. The lists will have a preferential vote, and will be made up of two candidates who must prove their status as victims of the conflict. The List will have one candidate of each gender.

For the purposes of the election process, the seat will be awarded to the most voted candidate within the list that obtains the highest number of votes within the respective constituency.

The voting of the special transitory Constituencies for Peace will be done on a separate card from those that correspond to the ordinary constituencies for the House of Representatives.

The candidates and the lists of special transitory Constituencies for Peace cannot make alliances, coalitions or agreements with candidates or lists registered by the ordinary constituencies for the House of Representatives. The violation of this prohibition will cause the loss of the seat in case of being elected to the special transitory constituency of Peace.

TRANSITORY ARTICLE 7

Election Date.

The elections of the Representatives to the Chamber of the Special Transitory Constituencies for Peace will be held on the same electoral day established for the Congress of the Republic in years 2022 and 2026.

PARAGRAPH

To guarantee effective electoral participation, the National Civil Registry Office must set up a special period for the registration of candidates for the sole purpose of the 16 Special Transitory Constituencies for Peace.

TRANSITORY ARTICLE 8

Financing.

Campaign financing will be come mainly from governmental resources, through the system of reimbursement for number of votes, and access to advance payments, according to the terms and limits determined by the electoral authority.

The electoral authority will deliver advance payments of 50% of the result of multiplying the value of the vote by the number of citizens that make up the electoral roll of the respective constituency. This sum will be distributed equally among all the registered lists. In no case shall the advance payment exceed the spending limit determined by the electoral authority. The financing will be made within the month following the registration of the list. The monies will be delivered without delay to the organizations promoting the list. In no case to the candidates.

Individuals may contribute to the financing of these campaigns through donations made directly to the National Fund for Electoral Parties and Campaigns, and will be distributed by the electoral authority among all the campaigns of the Special Transitory Constituencies for Peace, in equal parts, until the concurrence of the maximum amount indicated. These donations

may not exceed 10% of the amount established for the House of Representatives, and will be considered as donations and contributions to political parties and movements for tax purposes.

Direct private contributions to campaigns of the Special Transitory Constituencies for Peace shall not be allowed.

TRANSITORY ARTICLE 9

Access to media.

When using communication media that use the electromagnetic spectrum, the campaigns may only use the free spaces granted by the Government. For that, the electoral authority will regulate the allocation of free spaces in the regional social media that use the electromagnetic spectrum, without prejudice to the fact that they can be expanded in the event that spaces are created in new media.

The Ministry of Information Technologies and Communications and the National Television Authority will establish the spaces that may be available. Such distribution will be made in accordance with the electoral law in force.

TRANSITORY ARTICLE 10

Transitory Electoral Courts.

The electoral authority will set up Transitory Electoral Courts of Peace three months before the elections. These courts will watch over the observance of the rules established for the Special Transitory Constituencies for Peace, will verify the electoral census of the respective Constituency, and will attend any claim against them.

ARTICLE 2

The national government will regulate, within a maximum term of thirty days from the entry into force of this amendment,

everything regarding the citizen electoral observation and transparency mechanisms, the special campaign for voter identification and registration, and the education and awareness campaigns around electoral participation.

PARAGRAPH

The electoral authority will regulate about advertising and accountability regarding the financing of the registered lists.

ARTICLE 3

In what is not provided for in this amendment, the other rules that regulate the matter will be applied.

ARTICLE 4

This amendment will be in force as from its promulgation.



POLITICAL CONSTITUTION OF COLOMBIA



