

Joint Communiqué # 69

Havana, Cuba, May 12, 2016

Today, the delegations of the Government of Colombia and the FARC – EP want to announce that we have reached an agreement to provide legal security and stability to the Final Agreement; to ensure its introduction into the Colombian legal system and to provide compliance guarantees for such Final Agreement, both pursuant to Colombian internal law as well as pursuant to international law.

It consists of a series of complementary institutional and democratic mechanisms, which, as a whole, constitute a fast-track and safe route to fulfill the objectives stated in the preceding paragraph.

The wording of the agreement adopted is the following:

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

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

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

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

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

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

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

II. The National Government and the FARC - EP agree that the National Government, before May 18, 2016, will add to paragraph j) of article 1 of the BILL OF LAW FOR LEGISLATIVE ACT NUMBER 04 OF 2015 SENATE, 157 OF 2015 HOUSE OR REPRESENTATIVES, the word “unique” in the following paragraph:

“j) The bills of law for Legislative Acts formalized through the Special Legislative Procedure for Peace will have automatic constitutionality control (....)”

and the wording shall read as follows:

“j) The bills of law for Legislative Acts formalized through the Special Legislative Procedure for Peace will have automatic and unique constitutionality control (....)”

III. The National Government and the FARC – EP agree that the National Government, before May 18, 2016, will withdraw, from the formalization procedures of Legislative Act No. 04/2015 Senate, 157/2015 House of Representatives, the additive proposal “transitory article. Special Jurisdiction for peace”.

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

V. The National Government and the FARC – EP agree that the Final Agreement for the termination of the conflict and the construction of a stable and long-lasting peace, signed as a Special Agreement under the terms of common article

3 of the Geneva Conventions of 1949, will be deposited, immediately after its signature, before the Swiss Federal Council in Bern or before the body that may substitute it in the future as the depositary of the Geneva Conventions.

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