

 PEACE MAIL

November 22-28, 2016

After signing of the new accord, Congress to decide on referendum

On Thursday, November 24th, the GOC and the FARC signed the revised set of peace accords after 40 days of re-negotiations followed the surprise October 2nd plebiscite upset. Congress will be working on the referendum for the new accord in special sessions during the present week. The referendum is the required next step for beginning to implement the contents of the peace accord between the GOC and the FARC.¹ President Santos also announced that Thursday, December 1st, will be “D Day,” catalyzing the formal start of the processes supporting the laying down of FARC arms, reintegration of FARC members, and conversion of the guerrilla group into a political party. On December 6th, the FARC will begin moving all members from their current pre-grouping points to the 27 transitional points and zones; they will have 30 days to complete this process.²

Constitutional Court Magistrate Calle finds Legislative Peace Act constitutional, but retains public referendum requirement

On Monday, November 28th, Constitutional Court Magistrate María Victoria Calle ruled that the Legislative Peace Act is constitutional and that the mechanism does not replace the constitution. The Act (1) reduces required sessions for approving constitutional reforms from eight to four, (2) reduces the ordinary laws required to implement the peace accords with the FARC from four to two, and (3) accords “special powers” to the President. The Court still has to rule over whether or not Article 5 will remain in the Act, which requires popular referendum – lost in the October 2d plebiscite - for its validity.³ Thus, the Legislative Peace Act is not currently valid nor will it be unless it passes through a popular referendum process. GOC Peace Advisor Yesid Reyes has asked for Article 5 to be declared unconstitutional; if the Court does not declare it as such, it is signaling that the GOC will need to hold another popular referendum if it wants the Act to enter into effect.⁴

The wait for ELN release of Odín Sánchez continues

Confronting rumors that ex-congressman Odín Sánchez had died in captivity, the ELN released two Twitter announcements on November 25th asserting that Sánchez remains alive and that the guerrilla group has been unable to hand him over because of the increased Army presence in Chocó. The GOC has preconditioned the start of the public phase of negotiations on the release of this particular hostage, while the ELN have effectively done the same with two commanders currently incarcerated in Medellín that they want on the peace negotiation team. Neither side has moved on the issue to date and tensions continue to threaten the launch of the peace talks between the two sides.⁵