

Negotiations focus on mechanisms for public ‘referendum’ or ‘consultation’

As peace negotiations continue, discussions are focused on a mechanism for public endorsement of the final agreement. The FARC have put aside an insistence on a ‘constituent assembly’ and now call for a ‘popular consultation.’ The GOC, on the other hand, GOC supports a ‘referendum for peace’ option, which is currently being reviewed by the Constitutional Court. The FARC insist that a referendum will not provide sufficient guarantees, as it is only binding on the incumbent president. While a popular consultation would be more permanently binding, however, legal experts note that it calls for a higher level of voter participation, which could provide more room for opposition groups.¹

The FARC state there is “more consensus than disagreement” regarding the final agenda points,² and the GOC affirmed a genuine desire by the FARC to lay down their arms.³ Meanwhile, the parties also announced that indigenous, afro-Colombian and ethnic minority leaders will visit Havana on June 21-22 to share proposals and inputs, indicating that a final agreement should not be expected in the next weeks.⁴ According to the timing of the recently approved Legislative Act for Peace, if a final agreement is signed in July or August, the referendum process should take place between September and October.⁵

Significant legislative progress in the past week

The Legislative Act for Peace was approved by Congress on June 1, following a series of debate and bitter arguments among political parties. The Act provides a mechanism for implementing a final agreement with the FARC by enabling quicker legislative procedures, empowering the President to issue binding decrees, establishing resources for the post-conflict, and elevating the final agreement to a ‘special agreement’ status within international humanitarian law. The Act will now be reviewed by the Constitutional Court, and will only enter into effect following public endorsement of the final peace agreement through the referendum mechanism that is agreed upon by the parties in Havana.⁶

Meanwhile, legislative progress was also made on a framework agreement between the UN and the GOC to enable Colombian military forces to participate in peacekeeping operations, an initiative that was announced by Santos in September before the UN General Assembly.⁷

Report by the OAS on potential for new forms of violence in the post-conflict

Despite significant progress made in peace talks with the FARC, Colombia will face significant challenges following a final agreement, including the threat of new forms of violence and potential re-victimization, according to a report by Organization of American States (OAS) on its Mission to Support the Peace Process (MAPP) in Colombia. The report asserts that extortions by the FARC increased during February to August 2015, and that this is one of the largest sources of distrust of the peace process among local communities, who are pessimistic about the real impact of de-escalation measures given the continuing insecurity that they face.⁸

¹ <http://www.elespectador.com/noticias/paz/camino-consulta-popular-paz-articulo-636483>

² http://caracol.com.co/radio/2016/06/05/nacional/1465146744_591868.html

³ <http://www.semana.com/nacion/articulo/proceso-de-paz-humberto-de-la-calle-confia-en-que-las-farc-entregaran-las-armas/475884>

⁴ <http://www.elespectador.com/noticias/paz/gobierno-y-farc-se-reuniran-lideres-indigenas-y-afrocol-articulo-635666>

⁵ <http://www.elespectador.com/noticias/politica/los-tiempos-legislativos-paz-articulo-635553-0>

⁶ <http://www.elespectador.com/noticias/politica/una-semana-de-discusiones-claves-el-congreso-articulo-636320>

⁷ <http://www.elespectador.com/noticias/politica/una-semana-de-discusiones-claves-el-congreso-articulo-636320>

⁸ <http://www.eltiempo.com/politica/justicia/farc-mantienen-extorsion-en-el-pais/16613256>