

Country/entity	Colombia
Region	Americas
Agreement name	Joint Communiqué #62, Havana
Date	17 Oct 2015
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict

Colombian Conflict (1964 -)

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

Close
Colombian Conflict (1964 -)

Stage	Framework/substantive - partial
Conflict nature	Government
Peace process	Colombia V - Santos
Parties	Colombian National Government; FARC – EP;

Third parties

-

Description

Short agreement outlining two provisions between FARC and the Colombian government; (1) to set in motion some initial and immediate humanitarian measures for the search, location, identification and respectable delivery of the remains of persons deemed as missing within the context and due to the internal armed conflict, which will start before the signature of the Final Agreement; and (2) the creation of a special Unit to search for persons deemed as missing within the context and due to the armed conflict.

Agreement document

[CO_151017_Joint Communiqué #62, Havana.pdf \(opens in new tab\)](#) | [Download PDF](#)

Groups**Children/youth**

No specific mention.

Disabled persons

No specific mention.

Elderly/age

No specific mention.

Migrant workers

No specific mention.

**Racial/ethnic/
national group**

No specific mention.

Religious groups

No specific mention.

Indigenous people

No specific mention.

Other groups

No specific mention.

**Refugees/displaced
persons**

No specific mention.

Social class

No specific mention.

Gender**Women, girls and
gender**

No specific mention.

Men and boys

No specific mention.

LGBTI No specific mention.

Family Page 3, The UBPD will have the following functions:
Guarantee the participation of the relatives of the persons deemed as missing within the context and due to the armed conflict, in the processes for the search, identification, location and respectable delivery of remains.
... Provide the families with an official, detailed report of the information it may have obtained about what happened to the person deemed as missing, upon concluding the execution of the corresponding search plan. Remains that are unidentified or are not claimed by their relatives shall be preserved and will be at the disposal of the competent authorities in order to satisfy the victims' rights.

State definition

Nature of state (general) No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

Independence/secession No specific mention.

Accession/unification No specific mention.

Border delimitation No specific mention.

Cross-border provision No specific mention.

Governance

Political institutions (new or reformed) No specific mention.

Elections No specific mention.

**Electoral
commission** No specific mention.

**Political parties
reform** No specific mention.

Civil society

Page 1-2, Article I.1.,

Within the framework of the trust-building measures, the National Government and the FARC – EP have agreed on initial actions, immediately and with strictly humanitarian purposes, to locate, identify and respectfully deliver the remains of persons deemed as missing within the context and due to the armed conflict.

For that purpose, we have agreed to ask for the support of the International Committee of the Red Cross for the design and implementation of special humanitarian plans for the search, location, identification and respectable delivery of remains to their relatives.

The National Government and the FARC - EP undertake to provide the ICRC with the information they have available and to facilitate the execution of the special humanitarian plans. Based on the information provided by the Government and the FARC-EP, in addition to the information provided by victims' organizations, within the framework of the Dialogue Table, a working plan will be defined for the ICRC and the National Legal Medicine and Forensic Sciences Institute (National Legal Medicine and Forensic Sciences Institute) to design and set in motion the special humanitarian plans. In all cases, information and support will be requested from the Prosecutor General's Office (Fiscalía General).

The Table, in coordination with the National Legal Medicine and Forensic Sciences Institute and the ICRC, may ask for additional support from specialized organizations or institutions to carry out the process involving the search, location, identification and respectable delivery of remains.

As a first measure, the delegations of the National Government and the FARC-EP have agreed that:

The National Government will accelerate, on the one hand, the identification and respectable delivery of victims' remains and of those who have died in the course of Law Enforcement operations and buried as N.N. in cemeteries located in the zones most affected by the conflict, pursuant to the recommendations made by the National Legal Medicine and Forensic Sciences Institute; and on the other hand, the respectable delivery of the identified remains which have not been delivered yet to their relatives.

Whenever necessary, support will be requested from the ICRC for the respectable delivery of the remains to the relatives of the FARC-EP members.

The FARC-EP will provide information for the location and identification of the remains of victims whose location is known to them, and will contribute to the respectable delivery of same.

In all cases, the respectable delivery will be carried out considering the will of the relatives, who will be provided with the required psycho-social support.

Page 2, Article I.2.,

In order to strengthen the institutional capacity and the participation of the victims in the search, location, identification and respectable delivery of the remains of persons deemed as missing, the National Government and the FARC-EP have agreed to ask the Commission for the Search of Missing Persons (Comisión de Búsqueda de Personas Desaparecidas) to develop, within the following four (4) months, a plan with recommendations aimed at enabling the achievement of said purpose, for which purpose it will call upon the participation of victims, specialized and human rights organizations.

Page 2-4, Article II.,

[...]

The UBPD and the processes and procedures to be carried out will be of a humanitarian and extrajudicial nature. For the purposes of the design, set in motion and performance of its functions, participation will be requested from victims' organizations, human rights advocacy organizations, along with the support of specialized institutions in order to incorporate the best international practices and the experience on the matter accumulated by the Commission for the Search of Missing Persons.

**Traditional/
religious leaders** No specific mention.

**Public
administration** No specific mention.

Constitution No specific mention.

Power sharing

**Political power
sharing** No specific mention.

**Territorial power
sharing** No specific mention.

**Economic power
sharing** No specific mention.

**Military power
sharing** No specific mention.

Human rights and equality

**Human rights/RoL
general** No specific mention.

Bill of rights/similar No specific mention.

**Treaty
incorporation** No specific mention.

**Civil and political
rights** No specific mention.

**Socio-economic
rights** No specific mention.

Rights related issues

Citizenship No specific mention.

Democracy No specific mention.

**Detention
procedures** No specific mention.

Media and communication No specific mention.

Mobility/access Page 1, Article I.1.,
Within the framework of the trust-building measures, the National Government and the FARC – EP have agreed on initial actions, immediately and with strictly humanitarian purposes, to locate, identify and respectfully deliver the remains of persons deemed as missing within the context and due to the armed conflict.
For that purpose, we have agreed to ask for the support of the International Committee of the Red Cross for the design and implementation of special humanitarian plans for the search, location, identification and respectable delivery of remains to their relatives. The National Government and the FARC - EP undertake to provide the ICRC with the information they have available and to facilitate the execution of the special humanitarian plans. Based on the information provided by the Government and the FARC–EP, in addition to the information provided by victims' organizations, within the framework of the Dialogue Table, a working plan will be defined for the ICRC and the National Legal Medicine and Forensic Sciences Institute(National Legal Medicine and Forensic Sciences Institute) to design and set in motion the special humanitarian plans. In all cases, information and support will be requested from the Prosecutor General’s Office (Fiscalía General).
[...]

Protection measures No specific mention.

Other No specific mention.

Rights institutions

NHRI No specific mention.

Regional or international human rights institutions No specific mention.

Justice sector reform

Criminal justice and emergency law No specific mention.

State of emergency provisions No specific mention.

Judiciary and courts	Page 3, Article II., The search for remains by the UBPD will not bar the Special Jurisdiction for Peace (Jurisdicción Especial para la Paz) and other competent bodies from conducting the investigations they may deem necessary to elucidate the circumstances and responsibilities of the victimization of the case assumed by the UBPD.
Prisons and detention	No specific mention.
Traditional Laws	No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction	No specific mention.
National economic plan	No specific mention.
Natural resources	No specific mention.
International funds	No specific mention.
Business	No specific mention.
Taxation	No specific mention.
Banks	No specific mention.

Land, property and environment

Land reform/rights	No specific mention.
Pastoralist/nomadism rights	No specific mention.
Cultural heritage	No specific mention.
Environment	No specific mention.
Water or riparian rights or access	No specific mention.

Security sector

Security Guarantees No specific mention.

Ceasefire No specific mention.

Police No specific mention.

Armed forces No specific mention.

DDR No specific mention.

Intelligence services No specific mention.

Parastatal/rebel and opposition group forces No specific mention.

Withdrawal of foreign forces No specific mention.

Corruption No specific mention.

Crime/organised crime No specific mention.

Drugs No specific mention.

Terrorism No specific mention.

Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon No specific mention.

Courts No specific mention.

Mechanism

Page 2, Article II.,

The National Government and the FARC-EP agree that, in order to elucidate what happened to the persons deemed as missing as the result of actions by State Agents, members of the FARC – EP or of any organization that has taken part in the conflict, and in this manner contribute toward the satisfaction of the victims’ right to the truth and reparation, the National Government will set in motion, within the framework of the end of the conflict and after the signature of the Final Agreement, a special, high-level unit with a transitory and exceptional nature, with strong participation of the victims, for the search of all the persons missing within the context and due to the armed conflict (hereinafter referred to as the UBPD). This unit will be of a humanitarian nature and will be part of the Comprehensive System for Truth, Justice, Reparation and Non-Repetition (Sistema Integral de Verdad, Justicia, Reparación y No Repetición - SIVJRNR). It will have the necessary independence and administrative and financial autonomy to endure the continuity of the fulfillment of its functions over time.

[...]

The UBPD will have the following functions:

[...]

Deliver a copy of the report described in the preceding paragraph to the Commission for the Elucidation of the Truth, Coexistence and Non-Repetition.

[...]

The officers of the UBPD will not be obligated to declare in judicial processes and will be exempted from the duty to report in regard to the work performed at the United. If required by the Special Jurisdiction for Peace, by other competent authorities or by the Commission for the Elucidation of the Truth, Coexistence and Non-Repetition, those who have prepared the technical forensic reports shall ratify and explain the issues concerning those reports and the material elements associated to the corpse.

Prisoner release

No specific mention.

Vetting

No specific mention.

Victims

[Summary: The agreement as a whole provides for two measures to locate, identify and deliver remains of persons deemed as missed during the armed conflict. One focuses on trust-building and the other one on the set up of a search unit. For detailed provisions see at civil society, access/mobility, reparation, past provision and judiciary.]

Missing persons

Page 2, Article II.,

The National Government and the FARC-EP agree that, in order to elucidate what happened to the persons deemed as missing as the result of actions by State Agents, members of the FARC – EP or of any organization that has taken part in the conflict, and in this manner contribute toward the satisfaction of the victims’ right to the truth and reparation, the National Government will set in motion, within the framework of the end of the conflict and after the signature of the Final Agreement, a special, high-level unit with a transitory and exceptional nature, with strong participation of the victims, for the search of all the persons missing within the context and due to the armed conflict (hereinafter referred to as the UBPD). This unit will be of a humanitarian nature and will be part of the Comprehensive System for Truth, Justice, Reparation and Non-Repetition (Sistema Integral de Verdad, Justicia, Reparación y No Repetición - SIVJRNR). It will have the necessary independence and administrative and financial autonomy to endure the continuity of the fulfillment of its functions over time.

[...]

The UBPD will have the following functions:

[...]

Deliver a copy of the report described in the preceding paragraph to the Commission for the Elucidation of the Truth, Coexistence and Non-Repetition.

[...]

The officers of the UBPD will not be obligated to declare in judicial processes and will be exempted from the duty to report in regard to the work performed at the United. If required by the Special Jurisdiction for Peace, by other competent authorities or by the Commission for the Elucidation of the Truth, Coexistence and Non-Repetition, those who have prepared the technical forensic reports shall ratify and explain the issues concerning those reports and the material elements associated to the corpse.

Reparations

Transitional justice→Reparations→Material reparations

Page 2-4, Article II.,

The National Government and the FARC-EP agree that, in order to elucidate what happened to the persons deemed as missing as the result of actions by State Agents, members of the FARC – EP or of any organization that has taken part in the conflict, and in this manner contribute toward the satisfaction of the victims’ right to the truth and reparation, the National Government will set in motion, within the framework of the end of the conflict and after the signature of the Final Agreement, a special, high-level unit with a transitory and exceptional nature, with strong participation of the victims, for the search of all the persons missing within the context and due to the armed conflict (hereinafter referred to as the UBPD). This unit will be of a humanitarian nature and will be part of the Comprehensive System for Truth, Justice, Reparation and Non-Repetition (Sistema Integral de Verdad, Justicia, Reparación y No Repetición - SIVJRNR). It will have the necessary independence and administrative and financial autonomy to endure the continuity of the fulfillment of its functions over time.

[...]

In every case, both the technical forensic reports as well as the material elements associated to the corpse that may be found in the site of the exhumations, may be required by the Special Jurisdiction for Peace and other competent bodies. In order to guarantee the effectiveness of the humanitarian work of the UBPD to achieve the maximum possible satisfaction of the victims’ rights to the truth and reparation, and first and foremost to alleviate their suffering, the information received or produced by the UBPD may not be used for the purposes of attributing responsibilities in judicial processes or to have evidentiary value, except for the technical forensic reports and the material elements associated to the corpse

[...]

Reconciliation

No specific mention.

Implementation**UN signatory**

No specific mention.

Other international signatory No specific mention.

Referendum for agreement

No specific mention.

International mission/force/similar

No specific mention.

Enforcement mechanism

No specific mention.
