

Country/entity	Colombia
Region	Americas
Agreement name	Acuerdo entre el Gobierno Nacional y las FARC-EP (Acuerdo Humanitario)
Date	2 Jun 2001
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 III - Arango
Parties	National Govt, FARC-EP

Third parties	-
Description	Agreed exchange of soldiers and policemen for FARC-EP members, facilitated by the ICRC Source: Diálogo, negociación y ruptura con las FARC-EP y con el ELN, Biblioteca de la Paz – 1998-2000, Fundación Cultura Democrática, Ed. Álvaro Villarraga Sarmiento, Bogotá D.C., 2009 (book V) p. 223

Agreement document	CO_010602_Government-FARC humanitarian exchange accord.pdf (opens in new tab) Download PDF
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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 1,
... That Law 418/97, renewed by Law 548/99 provides that the State will encourage the establishment of a just social order which will secure peaceful coexistence, the protection of the rights and freedoms of the individual; and will adopt measures in favour of groups affected by marginalization or discrimination in order to achieve conditions of real equality and to provide all with the same opportunities for appropriate development of the individual, the family and the social group; ...

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 Pages 2-3, INSTRUMENTS,
... The F ARC-EP have delivered to the Government the list of sick soldiers and policemen in their power, and undertake to place them in places which will permit their easy and immediate verification by the International Red Cross Committee; and these places will be determined by the Government and FARC-EP; ...
The Government has performed the appropriate medical examination through a group of doctors recommended by the International Red Cross Committee or an entity named by the Government, for the members of the FARC-EP referred to in this Agreement; ...
With regard to the sick soldiers and policemen in the power of the F ARC-EP, once their state of health has been established the International Red Cross Committee will receive them at the place agreed by the parties, on the same day that the members of the F ARC-EP are released.
The sick members of the F ARC-EP to whom the Government has determined that this Agreement may apply, will be released to the International Red Cross Committee at their place of confinement, once the detention order or sentence has been effectively suspended;
The International Red Cross Committee will deliver them at the place and time agreed by the Parties; ...
The Government and FARC-EP agree that the United Nations Organization and the Office of the People's Defender will be invited to attend on the day of the release of the sick; ...

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 Page 1,

That Law 418/97, renewed by Law 548/99 provides that the State will encourage the establishment of a just social order which will secure peaceful coexistence, the protection of the rights and freedoms of the individual; and will adopt measures in favour of groups affected by marginalization or discrimination in order to achieve conditions of real equality and to provide all with the same opportunities for appropriate development of the individual, the family and the social group;

Bill of rights/similar No specific mention.

Treaty incorporation Page 2, GENERAL,
This Agreement is signed for humanitarian reasons and therefore its scope is restricted to its specific content; and None of the terms of this Agreement reduce the minimum obligations of common Article 3 of the 1949 Geneva Conventions and their supplementary Protocol II, and the terms of this Agreement have no effect on the juridical status of the signatories in the light of the content of common Article 3 of the Geneva Conventions.

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	No specific mention.
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	No specific mention.
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 [Summary]
The agreement provides for an exchange of 15 sick prisoners (FARC members) for 42 sick soldiers and policemen. For details please see entry at 'prisoner release'.

Armed forces	<p>[Summary]</p> <p>The agreement provides for an exchange of 15 sick prisoners (FARC members) for 42 sick soldiers and policemen. For details please see entry at 'prisoner release'.</p>
DDR	<p>Security sector→DDR→Demilitarisation provisions</p> <p>Page 1,</p> <p>... That Article 8 of Law 418/97, renewed by Law 548/99, expressly gives the Government the permanent power, to be exercised by the Government alone, to sign agreements with the representatives of armed organizations which act outside the law which have been recognized to h~ a political character, designed to obtain solutions to armed conflict, the effective application of international humanitarian law, respect for human rights, the cessation or reduction of the intensity of hostilities, the reincorporation of the members of such organizations into civil life and the creation of conditions which favour a just political, social and economic order;</p> <p>...</p> <p>That the Government has decided to proceed with dialogue and negotiation with F ARC-EP and to sign agreements with its representatives in accordance with the progress made at the negotiating tables, in order to create conditions for the reincorporation into civil life of the members of that organization, in order to favour a just political, social and economic order; That FARC-EP have on many occasions stated that the signature of this Agreement would represent a substantial step forward in the peace process; ...</p>
Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	<p>[Summary]</p> <p>The agreement provides for an exchange of 15 sick prisoners (FARC members) for 42 sick soldiers and policemen. For details please see entry at 'prisoner release'.</p>
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	No specific mention.
Prisoner release	<p>[Summary]</p> <p>The agreement provides for an exchange of 15 sick prisoners (FARC members) for 42 sick soldiers and policemen. Furthermore, FARC-EP undertake to release unilaterally at least 100 soldiers and policemen who are in their power and are not sick, within 15 days of delivery of the sick soldiers and policemen. It is assumed that the released FARC members will not take part in future hostilities due to their physical health.</p> <p>The agreement is stated to be signed for humanitarian reasons and has a restricted scope. The exchange of prisoners/hostages will be facilitated by the International Red Cross Committee.</p>
Vetting	No specific mention.
Victims	No specific mention.
Missing persons	No specific mention.
Reparations	No specific mention.
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.

Related cases No specific mention.

Source Source: Diálogo, negociación y ruptura con las FARC-EP y con el ELN, Biblioteca de la Paz – 1998-2000, Fundación Cultura Democrática, Ed. Álvaro Villarraga Sarmiento, Bogotá D.C., 2009 (book V) p. 223
