



ORDENANZA

PROCESO DE TRÁMITE DE INICIATIVAS Y
PROPOSICIONES

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ORDINANCE No. 002 OF 2017

(July 30)

"BY MEANS OF WHICH IT IS CREATED THE DEPARTMENTAL PEACE, HUMAN RIGHTS, ETHNIC RIGHTS, AND INTERNATIONAL HUMANITARIAN LAW (IHL) COUNCIL IN THE DEPARTMENT ARCHIPELAGO OF SAN ANDRES, OLD PROVIDENCE, AND KETHLEENA AND OTHER DISPOSITIONS ARE DICTATED".

THE ASSEMBLY OF THE DEPARTMENT ARCHIPELAGO OF SAN ANDRES, PROVIDENCE AND KETHLEENA, in use of its constitutional and legal faculties, especially the ones given by the articles 2, 13, 93, 95, 118, 214, 222, 282, and 300 of the Political Constitution of Colombia; the Convention 169 of the International Labour Organization (ILO), Law 21 of 1991, Article 13 of Law 434 of 1998, the dispositions of Decree 352 of February 19 of 1998, Lay 782 of 2002, the COMPES document 3172 of 2002, the Article 60, 72, and 74 of Decree 1222 of 1986, Article 1 of Law 915 of 2004, and other concordant rules.

ORDERS

ARTICLE 1: NATURE AND CREATION. Be created the Departmental Peace, Human Rights, Ethnic Rights, and International Humanitarian Law (IHL) Council in the Department Archipelago of San Andres, Old Providence, and Kethleena.

PARAGRAPH. The Departmental Council will serve as an advisory, consultive and concertation body of the local Government; it will have a vast participation of the civilian islander society and the Community of the Ethnic Raizal People and it will not have a central or decentralized entity nature. Its mission will be seek especially the achievement and maintenance of peace, tranquility, tolerance, pacific cohabitation in all the Ethnic Territory and facilitate, in a proceeding manner, the harmonious collaboration of all entities and bodies of the Department, granting priority to alternate negotiations policies of internal armed conflict (if there is any in the Archipelago) or its corollary effects or related actions, in order to reach responsible social relations that ensure integral and prevailing peace, under an affirmative action scope or schema and real leverage of the Ethnic Raizal Territory rights, especially during the pertaining period of time of the Post Conflict in all the country.

ARTICLE 2: COMPOSITION. The Departmental Peace, Human Rights, Ethnic Rights, and International Humanitarian Law (IHL) Council will be composed by:

The Governor of the Department or its delegate, who will preside over.

The Department's Secretariats of Government, Social Development, and Planning.

The Mayors of the Municipalities of the Department Archipelago or its delegates.

Two representatives of the Departmental Assembly (one of them will be part of the political minorities).

For military or police affairs, members of the Public Force can be invited.

The Regional Prosecutor.

The Departmental or Regional Ombudsman.

A representative of the Departmental Social Prosperity (DPS) or who does their times.

A representative of the Raizal Transitory Authority or who does their times.

A representative designated by the Apostolic Vicariate.

A representative chosen by the Baptist Church Association.

A representative chosen by the Confederate Workers syndicate.

A representative chosen by the Community Action Association of the Archipelago.

A representative of the Chamber of Commerce and Unions of the Archipelago.

A representative of Farmer and Artisanal Fishermen Associations or Organizations.

A representative chosen by the Raizals, properly registered in the Department.

A representative of the Afro associations or organizations in the islands.

A representative of Youth organization properly inscribed in the Archipelago.

A representative of the organizations that work for achieving peace, promotion and protection of human rights, Ethnic rights and International Humanitarian Law.

A representative of the universities and higher education institutions.

A representative chosen by the victims and people displaced by violence, currently localized in the Archipelago.

A representative chosen by the victims and people displaced by violence or related actions from the Raizal People in the Archipelago or elsewhere.

A representative of the Administrative Unit for Victims Compensation.

PARAGRAPH 1: The Departmental Peace, Human Rights, Ethnic Rights, and International Humanitarian Law (IHL) Council can begin sessions when the third part of its members have been elected or designated. In the case there is any controversy with the election of any member of the civil society, the Departmental Council can appoint a representative for maximum 6 months. The Departmental Government will rule over the election mechanism of the council members.

PARAGRAPH 2: In order to represent other sections of the civil society, whose participation can be fundamental for the peace process, the Departmental Council can be extended as it seems convenient, previous voting of the members. For specialized issues treatment, the Departmental Council can invite State servants it can consider pertinent, as the members of organizations and sections of the islander civil society; the Ethnic Raizal People and the representatives or spokespeople of the international community.

PARAGRAPH 3: The attendance to the Departmental Council sessions are non-delegable. The participation of the members of the civil society of the islands in this council will not prohibit their participation in other instances where it is worked for peace.

PARAGRAPH 4: ELECTION OF THE MEMBERS OF THE CIVIL SOCIETY IN THE DEPARTMENTAL COUNCIL. To guarantee the legitimacy and representation of the sectors of islander civil society and the Ethnic Raizal People in the Departmental Council, its representatives must be designated by organizations of the sector respectively that meet the following conditions:

- a) Prove their existence through their legal status registration as commanded by current regulations or, by exception, through suppletory proof accepted by the Departmental Secretariat of Government, according to the case.
- b) Have developed their own and representative activities in their sector respectively.
- c) Have Departmental coverage or representation, following the standards of article 4 of Law 434 of 1998, Decree 352 of 1998, and other concordant rules when it is required.

The election will be held in accordance with the procedures established but the organization of the sector respectively, in coordination with the Departmental Secretariat of Government.

PARAGRAPH 5: CALL FOR ELECTION. To preserve the democratic participation and equity of opportunities in the election of the members of The Departmental Peace, Human Rights, Ethnic Rights, and International Humanitarian Law (IHL) Council; the Secretariat of Government will call for election the appointed organizations according to the article 4 of Law 434 of 1998, so their representatives be chosen and communicate such decision within the twenty (20) days after the publishing of the decree.

PARAGRAPH 6: INSTALLATION. The installation of The Departmental Peace, Human Rights, Ethnic Rights, and International Humanitarian Law (IHL) Council in the Archipelago of San Andres, Old Providence and Kethleena will take effect in a public act presided by the Governor of the Department, when the time of the terms appointed in the precedent articles have finished and the third part of the members have been chosen. In case contrary, the Secretariat of Government will be inclined to continue with the organization and election of the members of the Departmental Council in the shortest time possible.

PARAGRAPH 7: REPLACEMENTS. The Departmental Council in its internal regulations and in concordance to the established in the articles 4 and 12 of Law 434 of 1998, the Decree 352 of 1998 and other concordant regulations, will establish the events in which it might be necessary to replace any of its members. For this purpose, the Departmental Peace, Human Rights, Ethnic Rights, and International Humanitarian Law (IHL) Council will request the corresponding sector the designation or election of its representative. In the case it doesn't happen, the Council will determine the means to do so.

ARTICLE 3: FUNCTIONNING. The Departmental Peace, Human Rights, Ethnic Rights, and International Humanitarian Law (IHL) Council will gather each two (2) months, with no prejudice to the possible summoning of the Governor in an extraordinary manner, when the circumstances in the island or public convenience so demand.

ARTICLE 4: FUNCTIONS. The Departmental Council will be consisted of and execute akin functions to the National Peace Council and, particularly, will have the following functions:

1. As an advisor or consultant to the Departmental Government:
 - a. Give advice permanently to the Departmental Government in all matters related to the execution and maintenance of peace, tranquility, tolerance, pacific cohabitation in the Archipelago and facilitate, in a proceeding manner, the harmonious collaboration of entities and bodies of the Department, granting priority to alternate negotiation policies.
 - b. Elaborate proposal for the Departmental Government about the negotiated solutions of the internal armed and political conflict (if there is any in the Archipelago) or its corollary effects or related actions, respect, promotion and protection of human rights; the real implementation of the International Humanitarian Law and Ethnic Rights, affirmative actions, reconciliation among Colombians, the creation of special programs for a dignified relocation of victims, displaced and demobilized people that have reached the Archipelago; the consolidation of the democracy and creation of conditions that guarantee a political, economic, and social order, fear and just for all.
 - c. To promote, let be known, and establish strategies for human rights, Ethnic rights and International Humanitarian Law to be respected. Moreover, to launch

- the creation of a document center for all the community, related to all rights subject in general.
- d. To present suggestions to the different authorities in the matter of territorial organization, ethnic rights, environmental rights and municipal competency in relation to public service in accordance to the policies, plans and strategies for peace, properly conceived and orchestrated. The suggestions are of mandatory evaluation by the authorities.
 - e. To motivate the islander citizenship to present initiatives about peace and ethnic rights, and notify the Nacional and Departmental Governments all proposals formulated by the islander civil society and the Ethnic Raizal People community, and promote the culture and educational training for peace, affirmative actions, tolerance, and pacific cohabitation in all the Department.
2. As a facilitator of harmonious collaboration among the entities and bodies of the State:
 - a. Design and elaborate public policies, strategies, plans, programs, and projects oriented to guarantee integral and lasting peace, tranquility, affirmative actions, tolerance, and pacific cohabitation among the inhabitants of the Archipelago.
 - b. Suggest to different entities and bodies of the central and decentralized administration the modification its plans, programs and projects to ensure the execution of the policies and strategies according to the projects approved by the Departmental Council.
 - c. Promote the creation of municipal peace, human rights, ethnic rights and international humanitarian law councils, coordinate their activities and make all rules about human, ethnic and IHL rights be known.
 - d. Request from competent authorities their intervention or corresponding investigations to make effective the due respect and application of the rules related to human rights, especially Ethnic rights and International Humanitarian Law.
 - e. Elaborate a map about sequels, effects or related actions of armed conflict in the Country that have affected the Archipelago; just as, all transnational felonies, violence, social, racial and ethnic discrimination; detriment of the islands by the presence of criminal bands in the Archipelago or insular region of Colombia in the Western Caribbean.
 - f. Safeguard that human rights are respected in incarceration establishments for minors, adult psychiatric wards, day-nurseries, clinics, EPS, and hospitals; and contribute in pertaining solutions.
 - g. Promote the creation of an Ethnic Raizal People observatory to conduct research, activities, developments and affairs related to that population in the Archipelago, and let all regulations related to Ethnic rights be known.
 3. Present a public report to the Departmental Assembly about their actions, every six months.
 4. Dictate its own regulations.

ARTICLE 5: Departmental Peace, Human Rights, Ethnic Rights, and International Humanitarian Law (IHL) Council. The Council will designate a Departmental Committee out of its own members, as a body to execute all functions delegated by the Governor and those that are assigned or delegated by the Departmental Council, in conformity with its internal regulations. The Committee will be composed by five (5) members of the Council, at

CONTINUATION OF THE ORDINANCE No. 001: "BY MEANS OF WHICH IT IS CREATED THE DEPARTMENTAL PEACE, HUMAN RIGHTS, ETHNIC RIGHTS, AND INTERNATIONAL HUMANITARIAN LAW (IHL) COUNCIL IN THE DEPARTMENT ARCHIPELAGO OF SAN ANDRES, OLD PROVIDENCE, AND KETHLEENA AND OTHER DISPOSITIONS ARE DICTATED".
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least two of them representing the islander civil society. The election of the Committee will be established in the set of rules referred to in the latter article. In the exercise of the Committee's own functions, its members will be subject to the control of the Public Ministry.

ARTICLE 6. DELEGABLE FUNCTIONS. The Governor can delegate the Technical Secretary or the Departmental Committee, the legal functions of his competency in relation to the activities of the Council.

ARTICLE 7: DELEGATION RULES. For delegation of governmental functions in the Technical Secretariat or in the Departmental Committee, will proceed according to the following rules: a) the Governor, by his own initiative or previously requested by the Departmental Council, can delegate the Committee or the Technical Secretariat, the functions of his competency, determining the conditions of the manner, time, place and specificity. b) The delegation will be done following the terms established by the Law 434 and on Decree 352 of 1998.

ARTICLE 8; TECHNICAL SECRETARIAT. The Departmental Secretariat of Government will perform the functions of the Technical Secretariat in the terms established by the regulations the Council determines. The functions of the Technical Secretariat, among others, are to: a) coordinate, direct and accompany the development and implementation of the agreements, dispositions, projects, compromises and suggestions deriving from the Departmental Council. b) develop and implement the inter-institutional coordination. c) All others assigned by the Departmental Council.

ARTICLE 9: CONSULTIVE BODY. The Departmental Council can make up a consultive body composed by representatives of the universities and research centers of the Department, just as natural or legal personas with academic solvency on the topics associated to the functions of the Council, with the purpose of advising, over specific subjects. The Council will define the composition and functions of this consulting body. The institutions or national and international entities that the Council considers convenient can be part of this body.

ARTICLE 10: TERM. The public servants will be members of the Departmental Council as long as they are taking their respective position. The members of the Islander Civil Society and the Ethnic Raizal People will be until being replaced by the organizations or associations they represent.

ARTICLE 11: RESOURCES. Give faculty to the Departmental Government to create the Departmental Special Programs for Peace Fund that will manage the resources that guarantee the development of the functions and programs of the Departmental Council, in conformity with their plans, programs and priorities. These resources will be constituted by: 1) the resources that are assigned from the National Government. 2) The resources that are assigned in the Departmental General Budget. 3) The money donations that will entry the fund directly, previously incorporated to the Departmental General Budget and legally accepted donations in kind. 4) The contributions deriving from international cooperation, previously incorporated to the Departmental Budget. 5) Nationally or internationally contracted credits. 6) Other goods, rights, and adjudicated resources, acquired or to be acquired to any title, according to the Law.

CONTINUATION OF THE ORDINANCE No. 001: "BY MEANS OF WHICH IT IS CREATED THE DEPARTMENTAL PEACE, HUMAN RIGHTS, ETHNIC RIGHTS, AND INTERNATIONAL HUMANITARIAN LAW (IHL) COUNCIL IN THE DEPARTMENT ARCHIPELAGO OF SAN ANDRES, OLD PROVIDENCE, AND KETHLEENA AND OTHER DISPOSITIONS ARE DICTATED".

ARTICLE 12: RECRUITMENT REGIME. To all purposes, the contracts celebrated by the Departmental Council and its administrative organism, with charge to the Special Programs for Peace Fund, will be governed by the private right regulations.

ARTICLE 13: SOCIAL INVESTMENT FOR PEACE. The Governor will determine the communities or sectors of the Archipelago in which priority social investment programs will be held for purposes of Peace Policies, Human Rights, Ethnic Rights, and International Humanitarian Law this ordinance refers to. The same will be taken into account during the elaboration and execution of the Departmental Budget and the Departmental decentralized entities.

ARTICLE 14: DISCLOSURE. The ordinance hereby will be extensively divulged by the Departmental Government and the Departmental Council.

ARTICLE 15: VALIDITY. The ordinance hereby is valid once it is sanctioned and published and it derogates all former dispositions that may be contrary to it.

Approved at the Hall of Sessions of the Honorable Departmental Assembly, during its ordinary session on July thirty (30th), two thousand seventeen (2017).


BRADISON FERNANDEZ BRYAN
President


JENIFER BENT OLMOS
General Secretary

THE DEPARTMENTAL ASSEMBLY OF SAN ANDRES, PROVIDENCE, AND KETHLEENA, THE GENERAL SECRETARY OF THE DEPARTMENTAL ASSEMBLY OF SAN ANDRES, PROVIDENCE AND KETHLEENA CERTIFIES that the ordinance hereby went under the three obligatory debates in different dates and Ordinary Sessions: **FIRST DEBATE IN COMISSION** on July 25, 2017; **SECOND PLENARY DEBATE** on July 29, 2017; **THIRD PLENARY DEBATE**, on July 30, 2017; becoming the Ordinance 002 of July 30, 2017.


JENIFER BENT OLMOS
General Secretary



GOBERNACIÓN

Departamento Archipiélago de San Andrés,
Providencia y Santa Catalina
Reserva de Biosfera Scaflower
Nit: 892.400.038-2

CONTINUATION OF THE **ORDINANCE No. 002** "BY MEANS OF WHICH IT IS CREATED THE DEPARTMENTAL PEACE, HUMAN RIGHTS, ETHNIC RIGHTS, AND INTERNATIONAL HUMANITARIAN LAW (IHL) COUNCIL IN THE DEPARTMENT ARCHIPELAGO OF SAN ANDRES, OLD PROVIDENCE, AND KETHLEENA AND OTHER DISPOSITIONS ARE DICTATED".

DEPARTMENT ARCHIPELAGO OF SAN ANDRES, OLD PROVIDENCE, AND KETHLEENA.

PRIVATE SECRETARY: In San Andres island, on August 8, 2017, I received the ordinance hereby and hand it to the Governor's Office for its sanction.

VANESSA CORREAL CAMARGO
Secretary Private

GOVERNOR'S OFFICE, San Andres Island, August 9, 2017.

BE IT EXECUTED AND COMPLIED

RONALD HOUSNI JALLER
Governor