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*Plenary sitting*

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**B8-0055/2016**

13.1.2016

## **MOTION FOR A RESOLUTION**

to wind up the debate on the statement by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy

pursuant to Rule 123(2) of the Rules of Procedure

on the peace process in Colombia  
(2015/3033(RSP))

**Javier Couso Permuy, Neoklis Sylikiotis, Paloma López Bermejo, Angela Vallina, Marina Albiol, Sofia Sakorafa, Takis Hadjigeorgiou, Fabio De Masi, Rina Ronja Kari, Helmut Scholz, Katerina Konecna, Jiri Mastalka, Marie-Christine Vergiat, Miguel Urban, Tania González, Xabier Benito, Lola Sánchez, Estefanía Torres, Barbara Spinelli, Inês Zuber, Kostas Chrysogonos, Dimitrios Papadimoulis, Stelios Kouloglou**  
on behalf of the GUE/NGL Group

**B8-0055/2016**

**European Parliament resolution on the peace process in Colombia  
(2015/3033(RSP))**

The European Parliament,

- having regard to its previous resolutions on the situation in Colombia,
  - having regard to Joint Communiqué No 60 regarding the Agreement for the creation of a Special Jurisdiction for Peace, signed in Havana on 23 September 2015,
  - having regard to Joint Communiqués Nos 61, 62, 63 and, in particular, No 64 on the Agreement on Victims of the Conflict: ‘Comprehensive System of Truth, Justice, Reparation and Non-repetition’, including the Special Jurisdiction for Peace; and the Commitment on Human Rights, signed in Havana on 15 December 2015, and the joint draft document entitled ‘Point 5: Agreement on Victims of the Conflict’, signed on the same day.
  - having regard to the Brussels Declaration of left-leaning Members of the Euro-Latin American Parliamentary Assembly concerning the peace process in Colombia of June 2016,
  - having regard to paragraph 44 of the Message of the EP Delegation to the Euro-Latin American Parliamentary Assembly (EuroLat) to the II EU-CELAC Summit in Brussels on the termination of the internal conflict between the Government of Colombia and the Revolutionary Armed Forces of Colombia (FARC),
  - having regard to the Brussels Declaration adopted at the end of the II EU-CELAC Summit on 11 June 2015,
  - having regard to the statements by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, Federica Mogherini of 16 December 2015 on the agreement on victims of the conflict in Colombia, of 24 September 2015 on the agreement on transitional justice in Colombia, and of 1 October 2015 appointing Eamon Gilmore as EU Special Envoy for the Peace Process in Colombia,
  - having regard to the Multi-Party Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, signed in Brussels on 26 July 2012,
  - having regard to the 11th Report of the Asturian delegation for the verification of the status of human rights in Colombia in 2015,
  - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas the negotiating platform between the Government of Colombia and the FARC was established in Havana (Cuba) on 19 November 2012 following the signing of the General Agreement of 26 August 2012 for the Termination of the Conflict and the

Construction of a Stable and Lasting Peace, thus fulfilling the wish of the people of Colombia to live in peace, and acknowledging that the construction of peace concerns the entire population, that it is the duty of the state to promote human rights throughout its territory, and that economic and social development with equity ensures peace;

- B. whereas during the various stages of negotiation in Havana, the government and the FARC have secured the following draft agreements ‘Towards a new Colombian countryside: comprehensive rural reform’, ‘Political participation: democratic openness to build peace’, ‘Solving the problem of illicit drugs’, ‘Special Jurisdiction for Peace’ and ‘Agreement on Victims of the Conflict’.
- C. whereas the latter partial agreement’s paragraph on victims is of the utmost importance, and provides for the establishment of a Special Jurisdiction for Peace and a court to bring all those responsible for the conflict, including military and paramilitary personnel, guerrillas and civilians, to justice, and is probably the biggest step forward made in three years of negotiation;
- D. whereas the main outstanding issues at this stage concern the conditions for declaring a bilateral ceasefire and the mechanism with which the people will ratify the agreements between the government and the FARC;
- E. whereas talks resumed in Havana on 13 January and, according to the Colombian Government’s head negotiator, the ceasefire and cessation of hostilities must be bilateral, indefinite and verifiable, and could be secured this month;
- F. whereas on 23 September 2015 the Colombian Government and the FARC announced the conclusion of an agreement on the creation of a Special Jurisdiction for Peace to uphold victims’ rights and contribute to the creation of a stable and lasting peace, to which end the parties agreed on the implementation of a Comprehensive System for Truth, Justice, Reparation and Non-Repetition, including the creation of a Commission for the Clarification of the Truth, Coexistence and Non-Repetition, as well as guarantees concerning the non-repetition of the causes of the conflict and the victimisation it has caused;
- G. whereas once the aforementioned agreements on Justice for Peace and Victims of the Conflict had been reached, the negotiators took a major and apparently irreversible step towards peace in that the two parties set a fixed period of six months from the signing of the agreement on the establishment of a Special Jurisdiction for Peace in which to achieve peace, the putative end-date being 23 March 2016;
- H. whereas reparations for victims and the guarantee of non-repetition are fundamental elements in securing a fair and lasting peace;
- I. whereas the creation of the Special Jurisdiction for Peace meets the need for a special justice system under international law that punishes those guilty of grave human rights violations and serious infringements of international humanitarian law during the conflict and compensates victims while at the same time facilitating the laying down of arms;
- J. whereas this Special Jurisdiction:

- recognises that perpetrators of crimes committed during the conflict need to be convicted, by introducing mechanisms for both restorative justice and retributive justice;
  - envisages a differentiated system of restriction of liberty and imprisonment whereby punishments are determined by whether the truth and responsibility for serious crimes is admitted early or late, or not admitted at all, so that sentences where guilt is established will vary, respectively, from between five to eight years, to up to 20 years, and whereby acknowledgement of degrees of truth and responsibility will also determine the various places where sentences involving restriction of liberty or imprisonment are carried out and the conditions applying thereto;
  - provides that, when hostilities cease, the Colombian State will grant as wide an amnesty as possible for political and politically related crimes, in accordance with international humanitarian law, while those who have committed crimes against humanity, genocide, or serious war crimes will not benefit from this amnesty and nor will those guilty of other serious crimes such as hostage-taking, torture, forced displacement, enforced disappearance, extra-judicial killings, child abduction and sexual violence;
- K. whereas in 2014 and part of 2015 there was an increase in enforced disappearances in Colombia; whereas there are no consolidated data on missing persons in Colombia, who, according to the National Registry of Missing Persons, number 21 000, according to the Single Registry of Victims, number 44 841 and, according to the Public Prosecutor's Office, number 69 000; whereas little progress has been made in investigating cases of forced disappearance, given that over 80% of investigations of complaints remain at a preliminary stage with no significant progress having been made;
- L. whereas paramilitarism continues to be the current formula for exerting economic, political and social domination over the Colombian people; whereas these armed paramilitary groups have been and are being used by Colombia's political and economic elites and foreign multinationals that have managed to impose for-profit projects concerning the extractive industries (large-scale mining), intensive livestock farming and monoculture by expropriation and compulsory purchases of land, leading to large-scale population displacements, such as in the Pacific coast region;
- M. whereas Colombia is the country with the second highest number of civilian landmine victims, behind Afghanistan, and whereas a rapid and efficient demining of the country will be critical once peace has been established so as to ensure there are no more victims and to remove the symptoms of the conflict;
- N. whereas since 2013 a Multi-Party Trade Agreement between the EU and Colombia has been in force, which has drawn criticism and opposition from social movements and trade unions in both Latin America and the European Union;
- O. whereas Colombia, with a population of over 47 million people, including 102 indigenous peoples who speak 64 official languages on their lands, 4.4 million Afro-Colombians and some 5 000 Roma people, is, according to UNDP, one of the most unequal countries in the world; and whereas inequalities tend to be exacerbated by the impact of free trade and investment projects in mining and energy;
- P. whereas economic growth in the country, far from benefiting the majority of the

population, increases social conflict, as shown by its rates of poverty exceeding 30.7%; whereas historical exclusion and inequality, together with state violence, count as some of the direct causes of armed conflict;

- Q. whereas social conflict is on the rise in the country on account of the Government's decisions to award licences for major investment projects with no transparency or any public information on the social or environmental impacts of these, and without consulting in advance local populations and communities as provided for in ILO Convention No 169;
  - R. whereas multinationals are acting as the agents of the violent plundering of the country, using legal mechanisms in collusion with the institutions that are legalising the forced sale of lands, arbitrary detentions and unwarranted prosecutions;
  - S. whereas the return of lands seized by violent means is proceeding only slowly on account of a lack of political will at the local level, where those responsible for the land grabs still exercise political and armed control;
  - T. whereas trade unionists in the country continue to be persecuted in various ways, with an 'anti-trade unionist' culture in the counter-insurgency that has established the prejudice that trade-unionised workers are an internal threat to the stability of the country; and given the fact that Colombia leads the world in the number of murdered trade unionists – since 1986, according to the Colombian labour movement (CUT), the number of victims amounts to some 4 000 – and a large number of peasant leaders; and the fact that the many social uprisings of recent years have all been crushed, in some cases violently by the forces of public order;
  - U. whereas each year Colombia continues to see a high rate of forced displacements, involving more than 6 million people, making this the country with the second most serious humanitarian crisis in the world, second only to Syria according to UNHCR;
  - V. whereas, according to the Single Registry of Victims, between 1985 and 2012 some 2 520 000 minors were displaced, and in the last 20 years some 13 000 minors were recruited by illegal armed groups;
1. Reiterates its full support for the peace process between the Colombian Government and the FARC guerrillas; and considers that this represents an important step in the search for a definitive agreement that will end the armed internal conflict in the Republic of Colombia;
  2. Supports a political outcome to the conflict that ensures justice and reparation for its victims, including a solution to the problem of land access, the structural basis for the conflict, with a view to achieving a solid, lasting peace with social justice and guarantees of non-repetition;
  3. Wishes to see the negotiations conclude soon, once agreements have been reached on reparations for victims and justice;
  4. Calls for an agreement to be reached as soon as possible on a bilateral ceasefire between the Government and the FARC in order to create an atmosphere favourable to reaching

the definitive agreement, in line with various proposals of the Colombian social movement;

5. Calls on both the government and the FARC to renounce the use of violence and weapons in political activities and to advocate their ideas and aspirations through democratic rules and the rule of law;
6. Recognises the great political effort and perseverance demonstrated by both the Government of Colombia and the FARC and the important role of victims' organisations and social movements that have succeeded in reconciling conflicting views and in gradually creating an area of commitment that has allowed progress in the negotiations;
7. Calls for the process under way to be extended to include the National Liberation Army (ELN) or, if appropriate, for parallel negotiations;
8. Reiterates its conviction that this peace process should involve the entire Colombian population, and that Colombian social movements also need to be involved and not just the two negotiating parties;
9. Recognises, moreover, the important role played by Cuba and Norway as guarantor countries, and by Chile and Venezuela as countries accompanying the peace process;
10. Considers that, while an agreement between the Government and the FARC is an absolute precondition to achieve peace in the country, the conflict goes far deeper than simply a confrontation between a rebel group and a government, and that in order to effectively achieve peace in the country many additional measures will be required to reduce inequality and foster a culture of post-conflict peace;
11. Is concerned at the continuation of paramilitary violence, in collusion with the economic elites of the country and foreign multinationals, including European companies; stresses the need to dismantle paramilitary groups in Colombia as an essential precondition for achieving peace;
12. Reminds the Colombian State of its responsibility to protect its people and in particular the activists of social and political movements, trade unionists and the defenders of human rights from the threats they receive as a result of their activities;
13. Urges all of Colombia's forces, organisations and social movements to cooperate in restoring reconciled coexistence;
14. Welcomes the decision to grant a broad amnesty or pardon for political or politically related crimes connected to the conflict, and calls on the Government of Colombia to pass a law that defines clearly the scope of common crimes and which also brings clarity on other common crimes such as drug trafficking and their possible link to political crimes;
15. Notes with satisfaction that, by excluding crimes against humanity, genocide and serious war crimes from any amnesty or pardon, the agreement is aligned with international criminal and humanitarian law and international instruments and standards in the field of human rights;

16. Considers it essential that the punishments meted out to those guilty of crimes play their part in victim reparations and political reconciliation, and supports therefore the idea of setting up restorative justice mechanisms for those guilty of serious crimes capable of recognising the truth and responsibilities, with a view to contributing to victim reparation and re-establishing links with the community;
17. Reiterates its rejection of the Multiparty Trade Agreement between Colombia and Peru and the EU as this has not afforded any benefit to the population but rather has led to an increase in dispossession and the impoverishment of the Colombian working classes and to the persecution of trade unionists and peasant leaders; considers that this agreement must be effectively made conditional on the respect for human rights and the rule of law in its very first article, which is currently not the case;
18. Considers that any financial aid that the EU provides for the peace process must be subject to two conditions: the effective signing of a full peace agreement and the creation of mechanisms allowing the international monitoring of its effective implementation;
19. Instructs its President to forward this resolution to the Council, the Commission, the rotating Presidency of the EU, the High Representative of the Union for Foreign Affairs and Security Policy, the Euro-Latin American Parliamentary Assembly, UNASUR and CELAC and the Government and the Congress of Colombia.