transitional justice snapshots

Ethnic Populations in the Special Jurisdiction for Peace

The contributions of ethnic populations to peacebuilding and social and economic development in Colombia was acknowledged in point 6.2, known as the Ethnic Chapter of the 2016 Peace Agreement signed between the Colombian government and the FARC-EP. This acknowledgment signalled the historic conditions of exclusion, slavery, physical and cultural extermination, and land dispossession that ethic populations have suffered. Understanding the affectations to these populations in the armed conflict requires a contextualisation of their traditional organisational systems, worldviews, contexts, necessities and aspirations, and redressing the harms they have suffered requires a transversal and differential approach to implementation of the agreement, and to peacebuilding in general.

Adopting that differential focus, the Peace Agreement introduced several principles to guide implementation of the Ethnic Chapter and the interpretation of its provisions. In particular, the implementation of the entire Peace Agreement must be guided by the fundamental right of Free, Prior, and Informed Consent, a universal right of indigenous and tribal populations as stipulated in the International Labour Organisation's Convention 169.

The Ethnic Approach in the Justice Component of the Comprehensive System

Regarding the Comprehensive System for Truth, Justice, Reparation and Non-Repetition (Comprehensive System), the Ethnic Chapter of the Peace Agreement includes three provisions: Firstly, to respect the jurisdiction of traditional ethnic authorities in their territories ("jurisdictional integration"); secondly, to guarantee the fundamental right of ethnic populations to participate in the design and operation of judicial and extra-judicial mechanisms; and thirdly, to coordinate those mechanisms with the Indigenous Special Jurisdiction.









transitional justice snapshots

To ensure application of these provisions, the JEP created an Ethnic Commission composed, among others, of magistrates of the JEP with ethic heritage — whose main objective is to implement the ethnic focus within the JEP. Likewise, the Ethnic Commission is responsible for promoting research about the current state of different forms of indigenous justice, providing guidance to the Chambers of the JEP dealing with cases related with ethnic populations, and contributing to the criteria on restorative justice with an ethnic approach, to be considered in the development of the JEP's alternative sanctions, among other duties.

Achievements in Implementation of the Ethnic Approach

The Ethnic Commission has made progress in the implementation of jurisdictional integration, through an instrument called the Protocol for coordination, interjurisdictional articulation, and intercultural dialogue between the Special Indigenous Jurisdiction and the Special Jurisdiction for Peace, which was designed and built with the participation of indigenous communities. This Protocol establishes dispositions related to the implementation of the justice component of the Comprehensive System, in harmony with indigenous justice systems, effectively setting up an interjurisdictional dialogue.

innovation pill

The use of jurisdictional integration as an interpretative principle is one of the ways the JEP is innovating. It recognises the different ways in which the armed conflict has caused damage and affected certain populations, and respects ancestral forms of indigenous justice practices, integrating them into the transitional justice system. Through this integration, and through ongoing interjurisdictional dialogue, the Chamber for Recognition of the JEP can build intercultural consensus, and take into consideration indigenous restorative measures in the search for truth, life in harmony, and individual, collective and territorial healing.











transitional justice snapshots

Additionally, there has been progress to guarantee the participation of ethnic populations who are victims in the framework of the territorial macro-cases of Nariño (Case 002), Urabá (Case 004), and Cauca (Case 005). The Ethnic Commission has published multimedia pieces that include a series of radio advertisements in eight indigenous languages (Emberá Chamí, Kamentsá, Nasa Yuwe, Wayuunaiki, Iku, Namtrik, Siapedee, and Awapit), to invite these populations to write and present reports related to those cases.

Recently, for <u>Case 004</u>, the JEP accredited <u>20,000 afro-Colombian victims</u>, grouped in four Community Councils: Curvaradó, Los Manatíes, Puerto Girón, and La Larga and Tumaradó. This accreditation will allow them to take part actively in all stages of the legal process: to present evidence, appeal rulings, and present observations on the testimonies of those brought before the JEP.

Rodeemos el Diálogo salutes the important progress the JEP has made in understanding the transversal nature of the ethnic approach, and recognises the importance of the historical role that ethnic populations have played in peacebuilding, through the use of dialogue, concertation, and life in harmony.







