Political Constitution of Colombia 1991

PUBLICATION DATE: Saturday the 6th of July, 1991
This translation includes:

- TITLE V - ORGANIZATION OF THE STATE
- TITLE VI - LEGISLATIVE BRANCH
- TITLE VII - EXECUTIVE BRANCH
- TITLE XII - ECONOMIC AND PUBLIC FINANCE REGIME

TITLE V - ORGANIZATION OF THE STATECHAPTER 1 - STRUCTURE OF THE STATE
ARTICLE 113. The branches of the government are the legislative, executive, and judicial.

In addition to the organs that constitute these three branches, there are other autonomous and independent organs for the execution of the other functions of the State. The different State organs have separate functions but cooperate harmoniously for the realization of the State's goals.

TITLE VI - LEGISLATIVE BRANCHCHAPTER 3 - LAWS
ARTICLE 150. It is incumbent upon the Congress to enact laws. Through laws, Congress exercises the following functions:

- To interpret, amend, and repeal laws.
- To issue codes in all areas of legislation and to amend provisions thereof.
- To approve the national development plan and public investments that must be undertaken or continued, including allocation of the resources and appropriations authorized for their execution and the measures necessary to promote their implementation.
- To determine the general division of the territory in accordance with the provisions of this Constitution; to set the bases and conditions for creating, eliminating, modifying, or merging the territorial entities; and to establish their competencies.
- To confer special powers on the departmental assemblies.
- To relocate the current seat of the high national authorities under extraordinary circumstances and for serious reasons involving public interest.
- To determine the structure of the national administration, and to create, eliminate or merge ministries, administrative departments, superintendencies, public establishments, and other national entities, as well as specifying their objectives and organizational structure; to regulate the creation and operation of the Regional Autonomous Corporations within an autonomy regime. Likewise, to create or authorize the incorporation of wholly or mixed government-owned companies.
- To issue the rules to which the Government shall be subject in exercising the inspection and oversight functions assigned to it by the Constitution.
- To grant authorizations to the Government to enter into contracts, negotiate loans, and dispose of national assets. The Government shall periodically report to the Congress on the exercise of these authorizations.
- To vest the President of the Republic with specific extraordinary powers for up to six months to issue rules with the force of law when the need or public interest so requires. Such powers must be expressly requested by the Government and approved by an absolute majority of the members of both Houses.
  Congress may, at any time and on its own initiative, amend decree laws enacted by the Government pursuant to its extraordinary powers.
  These powers may not be conferred to issue codes, statutory or organic laws, nor those provided for in item 20 of

this article, or to decree taxes.

- To establish national revenues and determine the administration expenditures.
- To establish tax contributions and, exceptionally, payroll taxes in the cases and under the conditions established by the law.
- To determine the legal currency, its convertibility, and the scope of its liberatory power and to regulate the system of weights and measures.
- To approve or reject contracts or agreements that, for reasons of evident national necessity, the President of the Republic may have entered into with individuals, companies, or public entities, without prior authorization.
- To grant honors to citizens who have served the country.
- To approve or reject treaties that the Government enters into with other States or international law organizations. By means of these treaties, and on the basis of equity, reciprocity, and national interest, the State may partially transfer specified powers to international organizations whose purpose is to promote or consolidate economic integration with other states.
- To grant, by a majority vote of two-thirds of the members of each House and for serious motives related with public interest, amnesties, or general pardons for political offenses. If those favored are exempted from individual civil liability, the State shall be obliged to pay any compensation that may be due.

  In no case may the category of political offenses or related offenses may be applied to the crime of kidnapping or crimes related to the production, traffic, or transportation of drugs, nor to conducts that seek to promote, facilitate, support, finance, or hide any act that threatens the constitutional and legal regime. Therefore, amnesty and pardon cannot be applied to any of these offenses.

  Paragraph added by article 1 of the Legislative Act 2 de 2019. The provisions of the second subsection, item 17 of article 150 of the Political Constitution shall, in no case, affect the terms of previous peace agreements nor their respective provisions. Such provisions shall apply to conducts committed after the legislative act comes into force.

- To issue regulations concerning the appropriation or adjudication and reclamation of vacant lots.
- To issue general rules, and to indicate the objectives and criteria to which the Government shall be subjected for the following purposes:
  a) To organize public credit.
  b) To regulate foreign trade and to establish the international exchange system in agreement with the functions that the Constitution assigns to the Board of Directors of the Central Bank.
  c) To modify, for purposes of commercial policy, tariffs, duties, and other provisions concerning the customs system.
  d) To regulate financial, stock market, insurance, and any other activities related to the management, use, and investment of funds received from the public.
  e) To establish the salary and benefit system for public employees or servants, members of Congress, and Public Forces.
  f) To regulate the regimen of minimum social benefits for official workers.
  Functions relating to social benefits are not to be delegated to public territorial corporations and may not be claimed by them.
- To create the administrative and technical services of the Houses.
- To enact laws related with the intervention in the economy as provided for in Article 334, which must specify their purposes and scopes, and the limits to economic freedom.
- To enact laws concerning the Central Bank and the functions to be performed by its Board of Directors.
- To enact laws that govern the exercise of public functions and the provision of public services.
- To regulate the system of industrial property, patents, trademarks, and other forms of intellectual property.
- To unify provisions concerning traffic police throughout the territory of the Republic.
  Congress is responsible for issuing the general statute for contracting with the public administration, and

especially, with the national government.

TITLE VII - EXECUTIVE BRANCHCHAPTER 1 - PRESIDENT OF THE REPUBLIC
ARTICLE 189. As the Head of State, Head of Government, and Supreme Administrative Authority, the President of the Republic shall:

- Freely appoint and dismiss Cabinet Ministers and Directors of the Administrative Departments.
- Direct international relations; appoint diplomatic and consular agents; receive the corresponding foreign officials; and to enter into treaties or agreements with other States and international law bodies, which shall be submitted for approval by the Congress.
- Direct the Public Forces and use them as the Supreme Commander of the Republic's Armed Forces.
- Preserve the public order throughout the territory and restore it where it has been disturbed.
- Direct military operations when deemed necessary.
- Provide for the external national security; defend the independence and honor of the Nation and the inviolability of its territory; declare war with approval from the Senate or declare without such authorization to repel foreign aggressions; and agree upon and ratify peace treaties. The President shall give immediate report of all these matters to the Congress.
- Authorize, during Senate recess and with prior concept of the Council of State, the transit of foreign troops throughout the national territory.
- Install and adjourn sessions of the Congress in each legislative term.
- Sign laws.
- Enact laws, obey them, and ensure their strict compliance.
- Exercise regulatory powers by issuing decrees, resolutions, and orders as needed for the full enforcement of laws.
- Submit a report to Congress at the beginning of each legislative term on the administrative measures, the implementation of plans and programs for economic and social development, and projects that the Government intends to carry out during the new legislative term.
- Appoint officials, directors, or managers of national public institutions and individuals who are to perform public duties and whose appointment is not by means of contest or does not correspond to other officials or corporations, according to the Constitution or law.
  In any case, the Government is empowered to freely appoint and remove its agents.
- Create, merge, or abolish positions required by the central administration in accordance with the law, to determine their special functions, as well as their benefits and emoluments. The Government may not create, at the expense of the Treasury, obligations that exceed the total amount allocated for the respective service in the initial appropriations law.
- Eliminate or merge national administrative entities or agencies in accordance with the law.
- Modify the structure of Ministries, Administrative Departments, and other national administrative entities or agencies, subject to the general principles and rules defined by law.
- Assign work, according to its nature, among Ministries, Administrative Departments, and Public Institutions.
- Grant permission to national public employees who request it, to accept, on a temporary basis, positions or benefits from foreign governments.
- Confer ranks on members of the Public Forces and submit for Senate approval the ranks that fall under Article 173.
- Oversee the strict collection and administration of public revenues and funds, and to decree their investment in accordance with the law.
- Conduct the inspection and oversight of education in accordance with the law.
- Conduct the inspection and oversight of the provision of public services.
- Enter into contracts falling under the President's jurisdiction, subject to the Constitution and the law.
- Exert, in accordance with the law, inspection, oversight, and control over individuals undertaking financial, stock market, insurance and any other activities related to the management, use, or investment of funds collected from the public, as well as over cooperative entities and commercial companies.

- Organize the public credit; recognize the national debt and arrange for servicing it; amend customs duties, tariffs and other provisions concerning the customs; regulate foreign trade; and regulate the financial, stock market, insurance and any other activities related to the management, use, and investment of the savings of third parties in accordance with the law.
- Exercise inspection and oversight over public service institutions so that their revenues are preserved and properly used, and so that everything that is essential is complied with in accordance with the will of the founders.
- Grant temporary patents to inventors or those who have improved processes according to the law.
- Issue Naturalization Certificates in accordance with the Law.

TITLE XII - ECONOMIC AND PUBLIC FINANCE REGIMECHAPTER 6 - CENTRAL BANK
ARTICLE 371. Banco de la República (the Central Bank) shall exercise the duties of a central bank. It shall be organized as a legal public entity with administrative, patrimonial, and technical autonomy, subject to its own legal regime.

Banco de la República (the Central Bank) shall have the following functions: to regulate the currency, international exchanges, and credit; to issue legal tender; to manage international reserves; to be the lender of last resort and banker of credit institutions; and to serve as the Government's fiscal agent. All these functions shall be carried out in coordination with the general economic policy.

The Central Bank shall report to Congress on the execution of the policies for which it is responsible and on other matters as may be requested from it.

ARTICLE 372. The Board of Directors of Banco de la República (the Central Bank) shall be the monetary, exchange, and credit authority, in accordance with the functions assigned to it by Law. It shall be responsible for managing and executing the Central Bank's functions and it shall be made up of seven members, including the Minister of Finance, who shall chair it. The Governor shall be elected by the Board of Directors and shall act as one of its members. The other five full-time members shall be appointed by the President of the Republic for renewable terms of four years, replacing two of the members every four years. The members of the Board of Directors shall exclusively represent the interest of the Nation.

Congress shall enact the law to which the Central Bank is subject to in order to exercise its functions, and the standards to which the Government must subject itself for issuing the Central Bank's bylaws. These shall determine, among other things, the Central Bank's organization, its legal regime, the functioning of its Board of Directors and Administrative Council, the Governor's period, the rules for the constitution of its reserves, including rules concerning currency and monetary stability, and the destination of the surplus of its profits.

The President of the Republic shall exercise inspection, oversight, and control of the Central Bank as provided by Law.

ARTICLE 373. The State, through Banco de la República, shall oversee the maintenance of the purchasing power of the currency.

The Central Bank may not establish lines of credit nor provide guarantees for the benefit of private parties, except in the case of intermediation of foreign credit for placement through credit institutions or granting temporary liquidity support facilities to credit institutions. The financing operations for the benefit of the State require unanimous approval by the Board of Directors unless they are open market operations. In no case may the legislator order lines of credit for the benefit of the State or private individuals.

Fuente: https://www.banrep.gov.co/en/regulation/political-constitution-colombia-1991