

THE CHAPTER VIII

THE NATIONAL GOVERNMENT AND THE PRESIDENT OF THE REPUBLIC



Kabier and Nick

I. THE DIALOGUE CONSTITUTIONAL: WE HAVE PRESIDENTIAL GOVERNMENT'S SYSTEM

VICTORIA: How good that, today July 20, 2006 are seeing the military parade and of police of Colombia, carried out by the streets and avenues of Bogotá. The public force and the men that conform it go uniform and spectacularly. The military forces and of police they defend the sovereignty, the independence and the Colombian territory. These forces are represented in the army in our national soil, the armada in our seas and the air force in our airs; likewise for the different weapons and divisions of police's civil force. Every told this is said that this is the majestic parade of the Colombian Public Force. Looks, mom looks, in that stage the Supreme head of the Public Force is, our President of the Republic, the Ministers and its Directors of such more important Administrative Departments as the of *Department Administrative of Security* (D.A.S.) and the director of *Department National of Planning* (D.N.P.). All the military ones and policemen greet to the President as first authority of the State.

ARMANDO: I like the music with military rhythm, the suits of policemen and soldiers, sub officials and official and mainly, the function that completes the public forces: to protect the sovereignty, to serve to the nation and to guarantee the rights and fundamental freedoms of the Colombians. When it should complete the military service I will think first of the human rights of all the inhabitants from Colombia, because the International Treaties make emphasis in the respect to the human rights (H.R) when one lives in peace, or much more, when one survives in state of war, because here it apply the humanitarian international right (H.I.R). The National Government represented by the President of the Republic, is

under obligation to supervise and to protect the Colombians when they have subscribed public Treaties and more when these refer to the physical and psychic integrity of the individuals, to the health, the education, the culture, the economy and the peace. For that reason, today when observing this military parade I perceive the personal security, that of my family and that of the Colombian people, because we know that the public force will always defend and it will protect all of any internal or external aggression against the human rights.

LUCIO: Indeed it is very beautiful the military parade. However, dear siblings exist other States in the world that in the topic of the military forces so much personal as logistically they are state-of-the-art technology that ours, like they are most of European, North American countries and even in America of the South, but in what they don't overcome to our public forces it is in the personal delivery and professional to the defense of the sovereignty and the human rights of the people. I hope the National Government never declares the external state of war to another country of the world, because although we have difficulties of order public social, economic, political and ecological that has obliged the Government to declare the state of emergency economic, social and ecological in several opportunities, as well as to declare the state of internal disturbance in other so many ones, we trust in that the President of the Republic as Chief of State and Head of Government, maintain the impulse and development to the work, the education, the health, the housing, the social security and all this directed unequivocally to get the path toward the peace, which every day is nearer and eliminate this way definitively of its thought and actions the declaration of war

MARÍA PAZ: Victoria, certainly there the President and the Vice-president of the Republic are as well as the high officials of the national executive branch. The public force surrenders them homage to all and especially to the President of the Republic as Chief of State and visible head of the Executive Branch. Please children and *Lucio* take a passage back, because now the parade is motorized and with big vehicles of war. With everything and that, just as *Lucio* says, we don't have the enough armament and technology of war like the United States, England, France, Italy or Spain, and in and of itself, we never hope to enter in warlike conflict with them neither with any other country of the world it is this way the smallest State. I dream in a culture of international peace where the human beings cohabit in peace and being devoted to the work, to the education, the recreation and maintaining high levels of health between people and everything as if it was a terrestrial paradise.

LIBORIO: The President of the Republic, the Ministers of the Cabinet and the Directors of the Administrative Departments constitute the National Government that when they don't preside over these military parades they are working for the execution of the laws it has more than enough human rights and fundamental freedoms; the integral protection of people in health, education, housing, culture and recreation; and for the development and domestic social, economic and political development. I even estimate that when they are in these protocol moments they are thinking of their government plan, the public works to perform, the public services to improve, the reformations to the domestic administrative structure to continue and to qualify it; in short, for the functions and attributions of the executive branch in state of peace of the nation. The

president of the Republic has multiple administrative functions, also legislative functions for exception, since it can issuing decrees with law force, such as legislative decrees and Decree-laws, and he stiller has judiciary functions in special events. Maybe all told, is said that the Colombian Government is strongly presidential within the Social State of Right in which we live.

II. THE CONSTITUTIONAL LESSON: THE PRESIDENT IS THE CHIEF OF STATE, GOVERNMENT'S HEAD AND THE SUPREME ADMINISTRATIVE AUTHORITY

THE PRESIDENT OF THE REPUBLIC

The President of the Republic symbolizes the National Unit in our State. This means that the President of the Republic is the visible head of the executive Branch of the public power whose to be able to public extends to the throughout Colombian nation and that at the same time, is the responsible one, guarantor and executioner of the laws on diverse matters and especially the relatives to rights and fundamental freedoms. The president of the Republic jointly with the Ministers and with the Directors of Administrative Departments the National Government constitutes and they are responsible for protecting the life, it honor, beliefs, goods and other rights and freedoms of the peoples resident or pedestrians in Colombia.

The President of Colombia to fulfill the state functions provided in the Constitution, the laws and other juridical norms, Either in state of peace or in state of war the nation, should make it in the triple quality that is attributed as Chief of State, Head of Government and Supreme Administrative Authority.

I. The President as Chief of State, the President of the Republic it directs the international relations of our country; subscribes Treaties Publics on affairs cultural, economic, scientific, social and specially concerning matters to the human rights. Also, it represents to the Colombian State in the international community of nations.

II. The President as head of Government, the President of the Republic completes and makes fulfillment the Constitution and the throughout ordinance juridical effective, so much in state of peace as in state of war of the nation; likewise, it fulfills the protection functions and defense of the human rights of people in level social, political, cultural, economic, educational, of health, housing and recreation.

III. the President as Supreme Administrative Authority, the President of the Republic represents the national executive; it appointing the Ministers of the Cabinet, to the Directors of Administrative Department and all the high officials of the State. Also, it organizes the national administrative structure and it provides from rules to the regional administration and local for their development and progress; and finally, it directs and it foments the public function of the State and it supervise and it controls the system contracts of state.

III. THE CONSTITUCIONAL GLOSSARY

ASSIGNMENT: It is the public function performed by a servant of the State instead of other or of the holder for a certain time period. To this person is denominated person in charge and is entitled the same privileges and that the holder while their assignment lasts.

CITIZEN: It is person over 18 years of age that possesses their Document of National Identity (DNI) or citizenship identification card. A citizen in good standing can elect and to be elected.

DIPLOMATIC OR CONSULAR AGENTS: They are Servants or functionary of the State that their public services as Ambassadors or Consuls lend in States different to which they represent. In those places the agents constitute the representation of authority in affairs civil, military and political and therefore they are owed recognition and respect in turn on behalf of the State where they lend their services and the national of the agents' same nationality, they recognize them abroad as their first authority. For example, the resident Colombians in Spain recognize the Ambassador from Colombia in Spain as their first Authority in that country.

ELECTORAL ROUND: It is the phase or period in which is elect a public servant by means of the popular vote. In the case of the President of the Republic will be elected for a period of four years by one-half plus one of the ballots which, by secret and direct vote. It is to double electoral round. If no candidate should secure the said majority, a runoff election will be held three weeks later when only those two candidates who received the most votes in the first round of balloting will participate. The candidate with the larger number of votes will be declared President.

FACULTY OF REGULATION: It is the ability or attribution that has the legal representative of the executive entities or administrative to develop the laws or decrees-laws, through decrees regulation or administrative juridical norms. The President of the Republic is holder of that faculty of regulation of the law and for exception and in direct form of the Constitution.

GOVERNMENT NATIONAL: it is an administration form or management political of a State and attributable to the executive branch of the public power. In Colombia, the National Government is structured in the following way: The President of the Republic, the Ministers of the Cabinet and the Directors of the Administrative Departments and superintendents. For example, the national Government in educational material will be the President of the Republic and the respective education Minister.

MINISTER DELEGATED: it is the tied public servant to the National Government that carries out the functions of Minister of the Cabinet of the elect President and who as long as this is absent, it occupied the position as delegate of their functions and with the range and privileges of President of republic. The

delegation in Colombia should be made by an administrative act or delegation decree and for ministerial order of precedence. For example, the minister order is first the Minister of Interior and justice, after External Relations and so forth.

LEGISLATIVE DECREES OR DECREE-LAWS: They are juridical norms of national level performed by the National Government and on their behalf the President of the Republic, as exceptional legislative ability that corresponds to the Congress of the Republic of ordinary. These Decrees dictated in State of Exception the nation have same value and juridical force that the laws of the Congress.

PERMANENT AND TEMPORARY VACANCIES: They are definitive impediments or for a time period, within which a public servant cannot fulfill his constitutional or legal functions in definitive form or temporary. The impediments originate in natural, juridical or survivors causes. For example, the death is an absolute vacancy. The illness is a temporary vacancy.

PUBLIC FUNCTIONS: It is the group of activities, services or attributions that develop the servants of the State, foreseen in the Ordinance juridical effective and in the manual of functions.

STATES OF EXCEPTION: They are exceptional modalities in those that are a country or State, for circumstances equally of exception as those of political type, of public order, of internal disturbance, of foreign war or of economic, social or ecological character. In Colombia, we have three States of Exception: of foreign war, of internal disturbance and of economic, social and ecological emergency.

SWEAR: It is the sacramental formula in which the name of God is invoked, in order to swear the execution of the public functions on the part of all servant of the State in the moment of its possession. By virtue of the oath, the public servant is responsible ethical, moral and legally.

TREATIES PUBLICS: Agreements between two or more States of the world, for which put under an obligation mutually to the provided in those. These Treaties for their validity in Colombia require of an administrative or governmental phase and of a legislative phase before the Congress of the Republic. The Public or International Treaties apply in Colombia, starting from the incorporation in the internal Ordinance juridical, by means of an approbatory law of Treaties Publics.

IV. THE CONSTITUTIONAL PRECISION: THE EXECUTIVE BRANCH OF THE PUBLIC POWER: THE PRESIDENT OF REPUBLIC, THE VICEPRESIDENT AND THE NATIONAL GOVERNMENT

**TITLE VII
THE EXECUTIVE BRANCH OF THE PUBLIC POWER**

The title VII, it contains thirty nine articles (188 at 227) and eight (8) Chapters, which refer to the following topics:

CHAPTER I: CONCERNING THE PRESIDENT OF THE REPUBLIC (Articles 188 at 199 of the Constitution): The President as symbol of the National Unit, qualities and constitutional aspects of the President and the privilege Presidential.

CHAPTER II: CONCERNING THE GOVERNMENT (Articles 200 at 201 of the Constitution): The relations with the Congress and with the judicial branch.

CHAPTER III: CONCERNING THE VICE-PRESIDENT (Articles 202 at 205 of the Constitution): The Election, régime and constitutional aspects.

CHAPTER IV: CONCERNING THE MINISTER AND DIRECTORS OF THE ADMINISTRATIVE DEPARTMENTS (Articles 206 at 208): The denomination, the order of the precedence, the requirements, the qualities and the responsibilities of the Government with the Congress. The Govern National will be: The President of Republic, The Ministers of the Cabinet and The Directors of Administrative Department.

CHAPTER V: CONCERNING THE ADMINISTRATIVE FUNCTION (Articles 209 at 211 of the Constitution): The conceptualization, the juridical régime, the responsibility and the delegation of functions of the President or Republic in the other functionaries of the executive branch national, regional and local.

CHAPTER VI: CONCERNING THE STATES OF EXCEPTION (Articles 212 at 215 of the Constitution): the State of foreign war; the state of internal disturbance and the emergency state, economic, social and ecological; the extraordinary legislative faculty in these states and the constitutional and legal formalities of the legislative Decrees in those dictations for the National Government.

CHAPTER VII: CONCERNING THE PUBLIC FORCE (Articles 216 at 223 of the Constitution): the Integration, the obligatory Military Service and their composition: The Army, the Navy and the Air force; the Police as civil armed body; the rights, warranties and responsibilities of the members of public force; and, the monopoly of the National Government in the introduction and production of weapons, ammunition of war and explosive.

CHAPTER VIII: CONCERNING THE INTERNATIONAL RELATIONS (Articles 224 at 227 of the Constitution): The administrative formation Process and legislative of the Public Treaties; the Advisory Commission of external relations; the internationalization of the relations of the State: political, economic, social and ecological; state promotion of the economic, social Integration and politics with the nations of the world, especially with Latin America and the Caribbean.

THE PRESIDENT OF THE REPUBLIC
(The Chapter I, articles 188 at 199 of the Constitution)

THE ATRIBUTIES OF THE PRESIDENT
(Articles 188 at 189 of the Constitution)

I. The President of the Republic as CHIEF OF STATE:

1. Manage the international relations. Appoint the diplomatic and consular agents; receive the respective agents and to take place with other States and entities of right international treaties or agreements that will undergo the approval of the Congress.
2. Provide to the external security of the Republic, defending the independence and the honor of the Nation and the inviolability of the territory; to declare the war with permission of the Senate, or to make it without such an authorization to repel a foreign aggression; and to suit and to ratify the treaties of peace, of all that which will give immediate bill to the Congress.
3. Direct the operations of war when deems it appropriate.
4. Confer ranks to the members of the public force and to subject for approval of the Senate those that correspond of agreement with the article 173.
5. Issue naturalization Cards, according to the law.
6. Authorize, during a recess of the Senate and with the prior opinion of the Council of State, the transit of foreign troops across the territory of the Republic.

II. The President of the Republic as HEAD OF GOVERNMENT:

1. Preserve public order throughout the territory and restore it where it has been disturbed.
2. Convene and adjourn the sessions of the Congress in each legislature.
3. Promulgate the laws, to obey them and to supervise their strict fulfillment.
4. Exercise the power to regulate through the issuing of decrees, resolutions and necessary orders for the fulfillment of the laws.
5. Issue decrees-legislatives in exception state, as for example, the State Internal disturbance.
6. Organize public credit; determine the national debt and arrange for its servicing; amend the customs duties, tariffs, and other provisions concerning customs; regulate foreign trade; and to intervene in financial, stock exchange, insurance, and any other activities connected with the management, use, and investment of resources originating from the saving of third parties, in accordance with the law.
7. Distribute work according to its nature among Ministries, administrative departments, and public establishments.

III. The President of the Republic as SUPREME ADMINISTRATIVE AUTHORITY:

1. Appoint and dismiss freely Cabinet ministers, directors of administrative departments and national public servants.
2. Create, merge, or dissolve, according to the law, positions required by the central administration, define their special functions, and determine their benefits and emoluments. The government may not create, at Treasury expense, obligations which would exceed the total amount allocated for the respective service in the initial appropriations.
3. Inspect and supervise education and the provision of public services in accordance with the law.
4. Effect, in accordance with the law, the inspection, supervision and control of individuals who undertake financial, stock market, insurance, and any other activities connected with the management, use, or investment of resources collected from the public and similarly, to supervise such investment by cooperative entities and commercial enterprises.
5. Inspect and supervise institutions of public utility so that their revenues may be protected and be properly applied and so that they function fundamentally in accordance with the wishes of the founders.
6. Supervise the strict collection and administration of public revenues and credits and decree their investment in accordance with the laws.
7. Make contracts falling under his jurisdiction in accordance with the Constitution and the law.

THE CONSTITUCIONAL ASPECTS OF THE PRESIDENT OF THE REPUBLIC (Articles 190 at 199 of the Constitution)

I. THE ELECTION THROUGH THE VOTE TO DOUBLE ELECTORAL ROUND

The President of the Republic will be elected for a period of four years by one-half plus one of the ballots which, by secret and direct vote, the citizens will cast on the date and following the procedures determined by the law. If no candidate should secure the said majority, a runoff election will be held three weeks later when only those two candidates who received the most votes in the first round of balloting will participate. The candidate with the larger number of votes will be declared President.

In the event of death or permanent physical incapacity of either of the two candidates receiving the majority of votes, their party or political movement may inscribe a new candidate for the runoff election. If the party or movement fails to do so or if the vacancy stems from another reason, that candidate will be replaced by the third place winner in the first round and so on in successive and descending order.

Should the vacancy occur less than two weeks before the second round of balloting, the latter will be postponed by fifteen (15) days.

II. THE PERIOD AND CONSTITUTIONAL POSSESSION

The period constitutional period of the President is of four (4) years, counted starting from its possession.

The President of the Republic will take possession of its destination before the Congress, and will lend oath in these terms: "*I Swear to God and promise to the people to faithfully execute the Constitution and the laws of Colombia.*"

If for any reason the President should be unable to assume office before the Congress, he will do so before the Supreme Court of Justice or, failing that, before two witnesses.

III. THE PERMANENT AND TEMPORARY VACANCIES

1. The temporary vacancies

They are temporary vacancy in the office occurs following permission for leave of absence or sickness, in accordance with the previous article, or suspension in the President's exercise of responsibility as decreed by the Senate, upon public admission of the accusation in the case provided in the subsection No. 1, of the article 175. The accused is suspended of his employment in fact.

2. The permanent or absolute vacancies

They are permanent vacancy in the office of the President of the Republic their death, their accepted resignation, the removal from office decreed as a judgment, the permanent physical incapacity and the abandonment of the duties, these last two being declared by the Senate.

The acting chief executive will have the same privileges and the same powers as the President whom he/she replaces.

IV. THE REQUIREMENTS TO BE PRESIDENT OF THE REPUBLIC

1. **POSITIVE:** In order to be President of the Republic, an individual must be Colombian by birth, a citizen in good standing, and over 30 years of age.

2. **NEGATIVE:** Nobody may be elected to occupy the Presidency of the Republic for more than two periods.

Won't be able to be elected President of the Republic or Vice-president who was incurred in some of the causal ones of inability consecrated in the subsections No. 1, 4 and 7 of the article 179, neither the citizen that one year before the election has exercised anyone of the following positions:

Minister, Director of Administrative Department, Magistrate of the Supreme Court of Justice, of the Constitutional Court, of the Council of State, of the Superior Council of the Judicature, or of the Electoral National Council, General Procurator of the Nation, The Ombudsman, General Comptroller of the Republic, The General Prosecutor of the Nation, The National Registrar of the Civil state, The heads of the Military Forces, General Director of the Police, Governor of Department or Mayors.

The President of the Republic or whoever replaces him is responsible for his acts of commission or omission that violate the Constitution or the laws.

V. THE CONSTITUTIONAL PRIVILEGE OF THE PRESIDENT OF THE REPUBLIC

The President of the Republic, during the period for which he/she is elected or whoever is entrusted with the presidency, may not be prosecuted or tried for crimes except following all indictment by the Chamber of Representatives and when the Senate has declared that there is place to cause formation.

THE NATIONAL GOVERNMENT: THE FUNCTIONS (The Chapter II, articles 200 and 201 of the Constitution)

I. THE FUNCTIONS OF THE GOVERNMENT IN CONJUNCTION WITH THE CONGRESS

It is responsibility of The Government, in conjunction with the Congress:

1. Converge to the formation of the laws, presenting projects of laws through the Ministers, exercising the right of objecting to them and completing the duty of sanctioning them with arrangement to the Constitution.
2. Convoke the Congress to special sessions.
3. Present the national plan of development and of public investments, according to that prepared in the article 150 of the Constitution.
4. Send to the Camber of Representatives the budget bill of revenues and expenditures.
5. Make reports to the Chambers as requested on unclassified matters.
6. Effectively support the chambers when the latter request it, placing at their disposal the public force if necessary.

II. THE FUNCTIONS OF THE GOVERNMENT IN CONJUNCTION WITH THE JUDICIAL BRANCH:

It is responsibility of The Government, in conjunction with the Judicial Branch:

1. Lend to the judicial officials, with arrangement to the laws, the necessary assistance to make effective their providences.
2. Grant pardons, reprieves, or amnesties for political crimes, in accordance with the law, and to inform to the Congress on the exercise of this ability. In any case these exonerations involve the responsibility that has the grantees ones regarding the individuals.

THE VICEPRESIDENT OF THE REPUBLIC
(The Chapter III, articles 202 at 205 of the Constitution)

1. **THE ELECTION.** The Vice-president of the Republic will be elected by popular vote the same day and in the same formula with the President of the Republic.
2. **THE REQUERIMENTS TO BE ELECTED VICEPRESIDENT.** In order to be elected Vice President, the latter must possess the same qualifications required for President of the Republic.
3. **THE PERIOD.** They are similar to those that are required to be President. The Vice-president will have the same period of the President and it will replace it in his temporary or permanent presidential vacancy, even in case these are presented before his possession.
4. **THE PERMANENT AND TEMPORARY VACANCIES OF THE PRESIDENT OF THE REPUBLIC.** In case of a temporary vacancy in the position of the President of the Republic, it will be enough with which the Vice-president takes possession of the position in the first opportunity, so that it can exercise it how many times was necessary. In the event of permanent vacancy in the position of the President of the Republic, the Vice-president will assume the position until the end of the period.
5. **THE MISSIONS OF THE VICEPRESIDENT.** The President of the Republic may entrust to the Vice-president with missions or special responsibilities and to designate him in any position of the executive branch.

The Vice-president may not assume the functions of Minister Delegate.

6. **THE PERMANENT VACANCIES OF THE VICEPRESIDENT.** They are permanent vacancy in the position of the Vice-president: their death, their accepted resignation and the permanent physical disability recognized by the Congress.

In the event of permanent vacancy in the position of the Vice-president, the Congress will meet at its own behest, or for convocation of the President of the Republic, in order to elect who will fill the office for the rest of term.

THE MINISTERS OF THE CABINET AND THE DIRECTORS OF DEPARTMENTS ADMINISTRATIVES

(The Chapter IV, articles 206 at 208 of the Constitution)

I. ASPECTS GENERAL

1. THE REQUERIMENTS TO BE MINISTRY OR DIRECTOR. In order to be minister or director of an administrative department, the same qualities are required as for a representative in the Chamber, that is to say, to be citizen in exercise and over twenty-five (25) years of age.

2. THE MINISTERS AND DIRECTORS AS HEADS OF PUBLIC ADMINISTRATION. The ministers and directors of administrative departments are the heads of public administration in their respective offices. Under the direction of the President of the Republic, it is their responsibility to formulate policies pertaining to their office, direct the administrative operations, and execute the law.

3. THE MINISTERS AND DIRECTORS IN CONJUNCTION WITH THE CONGRESS. The ministers, in conjunction with the Congress, are spokesmen of the government, present government bills to the chambers, respond to the requests that the chambers make to them, and take part in debates directly or through deputy ministers.

The ministers and directors of administrative departments will present to the Congress, within the first 15 days of each legislative term, a report on the state of affairs assigned to their Ministry or administrative department and on the reforms that they consider appropriate.

4. THE CONGRESS IN CONJUNCTION WITH THE MINISTERS AND DIRECTORS. The chambers may request the attendance of the ministers, the permanent committees, the deputy ministers, directors of administrative departments, the manager of the Bank of the Republic, the presidents, directors, or managers of the decentralized entities at the national level, and that of other officials of the executive branch of government.

II. THE ASPECT SPECIALS

A. The Order of precedence of the Ministers: 1. Minister of Government and of justice; 2. Minister of Exterior relations; 3. Minister of National defense; 4. Minister of agriculture and envelopment rural; 5. Minister of social protection; 6. Minister of mines and energy; 7. Minister of exterior commerce, industry and tourism; 8. Minister of National education; 9. Minister of environment, housing and territorial development; 10. Minister of mass media; 11. Minister of via of transport, and 12. Minister of Culture

B. The Departments Administrative: 1. The presidency of the republic; 2. National security or DANS; 3. National of statistic or DANAS; 4. National of Planning or DANP; 5. Public Function or DAPF and 6. National of the economy solidary or DASE

C. The superintendents: 1. Notaries and registration; 2. Industry and trade; 3. Surveillance and private security; 4. Domiciliary public services ; 5. General of ports and transports; 6. bank; 7. Value; 8. Societies; 9. National of health and 10. Of economy solidary

THE PUBLIC FUNCTIONS
(The Chapter V, articles 209 at 211 of the Constitution)

1. **The public or administrative function.** The administrative function is to the service of the general interests and it is developed in basis of the principles of equality, morality, efficiency, economy, speed, impartiality and publicity through of the decentralization, the delegation and the non concentration of functions.

The administrative authorities should coordinate their performances for the appropriate fulfillment of the purposes of the State. The public administration, in all its orders, will have an internal control that will be exercised in the terms stipulated by the law.

2. **The entities decentralized by services.** The entities of the national order decentralized by services can only be created by law or through the latter's authorization, based on the principles that guide administrative activity.

The individuals may perform administrative functions under the conditions stipulated by the law.

The law will establish the juridical régime of the decentralized entities and the responsibility of its chairmen, directors or managers.

They are entities decentralized by services: Industrial and Commercial Enterprises of the State, Social enterprises, Societies of Mixed Economy and Public Establishments.

3. **The delegate functions.** The law will stipulate the functions which the President of the Republic may delegate to the ministers, directors of administrative departments legal representatives of decentralized entities, superintendents, governors, mayors, and agencies of the state which the same law determines. Similarly, it will determine the conditions under which the administrative authorities may delegate responsibility to their subsidiaries or other authorities.

The delegation exempts the delegator from responsibility, which falls exclusively on the one to whom the authority is delegated and whose actions or decisions may always be amended or revoked by the delegator who would then reassume the consequent responsibility.

The law will establish what recourse is available against the actions of those holding delegated authority.

THE GOVERNMENT AND THE STATES OF EXCEPTION

(The Chapter VI, articles 212 at 215 of the Constitution)

I. THE STATE OF FOREIGN WAR

1. What it is the state of foreign war? The President of the Republic, with the signature of all the ministers of the Cabinet, may declare a state of foreign war. Upon such a declaration, the government will have the powers strictly necessary to repel the aggression, defend the country's sovereignty, meet the requirements of the war, and bring about the restoration of normal conditions.

The declaration of a state of foreign war may make only when the Senate has approved the declaration of war, except when in the judgment of the President, it was necessary to repel the aggression.

2. The Attributes legislatives of the Congress of the Republic within state of foreign war. While the state of war continues, the Congress continues to enjoy all its constitutional and legal powers and the government will report to it, giving reasons periodically for the decrees that it has issued and the evolution of events.

3. Decrees-laws issued for the Government National within state of external war. The legislative decrees issued by the government suspend laws incompatible with the state of war, remain in force during the time which the decrees themselves stipulate, and are no longer in effect as soon as normal conditions are declared to have been restored. At any time, the Congress may amend or repeal the decrees through a favorable vote of two-thirds of the members of each chamber.

II. THE STATE OF INTERNAL DISTURBANCE

1. What it is the state of internal disturbance? In the event of serious disturbance of the peace that attempts in an imminent way against the institutional stability, the security of the State, or the civic coexistence, and that cannot be plotted through the use of the ordinary attributions of Police's authorities, the President of the Republic, with the signature of all the minister, may declare the State of internal disturbance, in the throughout Republic or part of her, for term not bigger than ninety days, extendible until for two same periods, the second of which it requires previous and favorable concept of the Senate of the Republic.

2. Decrees-laws issued for the Government National within state of internal disturbance. Upon such a declaration, the Government will have the strictly necessary abilities to deal with the causes of the disruption and control the spread of its effects.

The legislative decrees that the Government dictates may suspend the incompatible laws with the State of disturbance and they will apply as soon as it is declared reestablished the public order. The Government may continue his validity until for ninety days more.

3. Control of the Constitutionality of the Constitutional Court. The government will send to the Constitutional Court on the day following their promulgation the legislative decrees issued under the powers mentioned (within state of foreign war and state of internal disturbance) so that the Court may decide definitively on their constitutionality. Should the government not comply with the duty to transmit the decrees the Constitutional Court will automatically and immediately take cognizance of them.

III. THE STATE OF ECONOMIC, SOCIAL AND ECOLOGICAL EMERGENCY

1. What it is the state of economic, social and ecological emergency? When events different from those provided within state of external war and the state of internal disturbance, occur that disrupt or threaten to disrupt in serious or imminent manner the economic, social, or ecological order of the country or which constitute a grave public calamity, the President, with the signature of all the ministers, may declare a state of emergency for periods of until 30 days in each case, which, in all, may not exceed 90 days in a calendar year.

2. Decrees-laws issued for the Government National within state of economic, social and ecological emergency. Through such a declaration, which must be justified, the President may, with the signature of all the ministers, issue decrees having the force of law, directed exclusively to checking the crisis and halting the extension of its effects.

These decrees may refer to matters that have a direct and specific connection to the state of emergency and may, in a provisional manner, establish new taxes or amend existing ones. In these last cases, the measures will cease to be effective at the end of the subsequent fiscal year, except when the Congress, during the subsequent year, gives them a permanent character.

3. The responsibility of the National Government within state of economic, social and ecological emergency. The President of the Republic and the ministers are responsible when they declare a state of emergency without there being present any of the circumstances provided in the first clause and are also responsible for any abuse committed in the exercise of the powers which the Constitution assigns to the government during an emergency.

4. Control of the Constitutionality of the Constitutional Court. The government will send to the Constitutional Court on the day following their promulgation the legislative decrees issued under the powers mentioned in this numeral one, so that the Court may determine their constitutionality. Should the government fail to fulfill its obligation to transmit them the Constitutional Court will automatically and immediately take cognizance of same.

**THE PUBLIC FORCE: THE MILITARY FORCES
AND THE NATIONAL POLICE**
(The Chapter VII, article 212 at 223 of the Constitution)

THE ORGANIZATION OF THE PUBLIC FORCES

1. Who do integrate of the Public forces in Colombia? The public force will be integrated in form exclusively by the Military Forces and the National Police. All the Colombians are obliged to take the weapons when the public conveniences demand it to defend the national independence and the public institutions.

2. Who do integrate of the Public militaries in Colombia? The Nation will have for its defense some permanent Military Forces constituted by the Army, the Navy and the Air force.

The Military Forces will have as primordial purpose the defense of the sovereignty, the independence, the integrity of the national territory and of the constitutional order.

3. What are the National Police? The National Police is a permanent armed body of civil nature, in charge of the Nation whose primordial end is the maintenance of the necessary conditions for the exercise of the rights and public freedoms, and to assure that the inhabitants from Colombia cohabit in peace.

4. Limitations and rights of the Public Force. The Public Force is not deliberative. It may not assemble except by order of the legitimate authority, neither to direct petitions, except on matters that are related with the service and the morality of the respective corps and with arrangement to the law.

The members of the public force may not exercise their right to vote while they are on active service nor take part in activities or debates of parties or political movements. The members of the Public Force cannot be deprived of their ranks, honors and pensions, but in the cases and in the manner that determines the Law.

5. Military Penal Justice. Regarding the crimes committed by the members of the public force while in active service, and in connection with their service, they will appear before the Martial Courts or Military Tribunals, with arrangement to the prescriptions of the Military Penal Code. Such Courts or Tribunals will be integrated by members of the Public Force in active service or in retirement.

6. The education within public forces. The law will determine the systems of professional, cultural and social promotion of the members of the Public Force. During their training, the members will be taught the fundamentals of democracy and human rights.

7. Use exclusive of weapons war munitions and explosives. The Government can only introduce and to manufacture weapons, war munitions and explosives. No one may own them nor bear arms without permission from the competent authority. Notwithstanding, a permit will not avail to allow a person to bear arms at political rallies, elections or public sessions or assemblies, whether that person is attending or directing such a meeting.

THE INTERNATIONAL RELATIONS OF COLOMBIA
(The Chapter VIII, articles 224 at 227 of the Constitution)

THE PUBLIC TREATIES

1. **The validity of the public treaties.** The treaties, for their validity, they will be approved by the Congress. However, the President of the Republic may give temporary effect to provisional treaties of an economic or commercial nature negotiated through international organizations. In such a case, as soon as a treaty enters into force provisionally, it must be sent to the Congress for approval. If the Congress does not approve the treaty, its application will be suspended.
2. **The objectives of the international relations.** The State will promote the internationalization of the political, economic, social and ecological relations on the basis of equity, reciprocity and national convenience.
3. **The promotion of the international integration.** The State will promote the economic, social integration and politics with the other nations and especially, with the countries of Latin America and of the Caribbean through the celebration of treaties that it has more than enough bases of equity, equality and reciprocity, believe organisms supranational, inclusive to conform a Latin American community of nations. The law may establish direct elections for the Andean Parliament's constitution and of the Latin American Parliament.

V. THE CONSTITUTIONAL READING: THE PUBLIC TREATIES CONCERNING TO HUMAN RIGHTS

THE PUBLIC TREATIES OF COLOMBIA

The Republic of Colombia through the times has incorporate to its internal ordinance juridical (The Constitution, Laws, Decrees-laws and administrative acts), by means of approbatory laws of treaties publics, many agreements or treaties International to concerning to affairs cultural, political, economic, scientific, educational, health and work, and in specific, also referred to the topic of Human rights and within these, the concerning ones to the rights and freedoms the person's fundamental; the rights social, economic, cultural, collective and rights the environment.

Next we relate the most important International Treaties ratified by Colombia that today makes part of our Ordinance juridical.

THE PUBLIC TREATIES MAIN CONCERNING TO HUMAN RIGHTS

1. The Universal declaration of the Rights of the Human rights, adopted by means of resolution by the organization of the United Nations (U.N.) in December of 1948. This declaration contains 30 articles referred to the rights of the individuals, civil, political, economic and cultural. This universal declaration is inspired far, unfounded to doubts, in the Declaration of the individuals and the citizen rights of the French people of 1789, that it proclaimed the equality, fraternity and solidarity.
2. The international Pact of Civil rights and political of December 16, 1966, or also call "*Pact of New York.*" incorporated to the Colombian right, by means of Law 74 of December 26, 1968
3. The International Pact of Economic, Social and Cultural Rights, adopted by the General Assembly of the United Nations in the Resolution 2200 A (XI) of December 16, 1966. In Colombia incorporated to the internal Ordinance juridical by means of the Law 74 of December 26, 1968.
4. The American Convention on Human rights or Pact of *San José* from subscribed *Costa Rica* November of 1969, 22 in the Inter American specialized conference of Human rights. In the Colombian right incorporated by means of the Law 16 of 1972
5. The Declaration of the rights of the children of November of 1989, 20 by means of the Resolution 1386 of the General Assembly of the United Nations. In Colombia it was ratified by means of the Law 12 of 1991. The mentioned law this related in the Chapter III of this book, concerning to the rights, duties and guarantees of the individuals.
6. The Additional protocol to the Agreements of relative Geneva of 1949, to the protection the victims of the international armed conflicts (Protocol I). In the Colombian right incorporated by means of the Law 10 of 1992.
7. The instrument of amendment to the constitution of the organization international of the work, adopted in the international conference of the work in 72^o meeting, Geneva, 1986. In the Colombian right incorporated by means of the Law 13 of 1992.
8. The Agreement between the Republic of Colombia and the Republic of the Peru for the protection, conservation and recovery of archaeological goods, historical and cultural, made in Bogotá May 24, 1989. In the Colombian right incorporated by means of the Law 16 of 1992.
9. The Organization of the *Andrés Bello* Agreement of educational, scientific, technological and cultural integration of Madrid, 1990. In the Colombian right incorporated by means of the Law 20 of 1992

VI. THE ACTIVITIES OF STUDENT

I. Supplement the following propositions:

1. The President of the Republic represents _____

2. The President has three big qualities: _____

3. The govern National it is _____

4. Diplomatic or consular agents are _____

5. Legislative Decrees or Decree-laws are _____

6. The Public function is _____

7. The Treaty Public is _____

8. The Public Force is composed by _____

II. Mark with an X, the correct answer, to the following propositions:**1. The President of the Republic is the visible head of the:**

- a) The Legislative Branch
- b) The Judicial Branch
- c) The Executive or administrative Branch
- d) The organisms of control
- e) The Electoral Organs

2. The National Government this integrated one for:

- a) The Ministers of the Cabinet
- b) The Ministers of the Cabinet and the Directors of the Administrative Departments
- c) The President of the Republic, the Ministers of the Cabinet and the Administrative Directors of Department
- d) The Ministers of the Cabinet, Governors and the Mayors
- e) The President of the Republic, Governors and Mayors

3. The President of the Republic as Chief of State is:

- a) The representative of the State before the International Community of States
- b) The representative of the Public administration
- c) The representative of the legislative branch
- d) The representative of the judicial branch
- e) The National Government's representative

4. The President as Supreme Administrative Authority is who:

- a) it directs the international relations
- b) it names their Ministers of the Cabinet and Directors of Administrative Departments
- c) subscribes the varied Treaties Publics
- d) it directs the diplomatic and consular career
- e) it convoke to sessions ordinary and extraordinary of the Congress

5. The legislative Decrees or Decree-laws are dictated for:

- a) The President of the Republic
- b) The President of the Republic and the Ministers of the Cabinet
- c) The President of the Republic and the signature of all the Ministers of the Cabinet
- d) The President of the Republic and the Directors of Administrative Department
- e) The President of the Republic and the Vice-president

6. They are Diplomatic or Consular Agents:

- a) The Ministers of the Cabinet
- b) The Directors of the Administrative Departments
- c) The Superintendents
- d) The Ambassadors and the Consuls
- e) The Governors and the Mayors

7. They are States of Exception in the Colombian constitutional régime:

- a) The urgency of state recruiting and of public services
- b) The sport, the recreation and the culture
- c) The State Economic and social Public order
- d) The State Exterior war, the State internal disturbance and the state economic, social and ecological emergency
- e) The war and peace

8. The Public Force is composed of:

- a) The Army and the Police
- b) The Army and the Air force
- c) The Army, the Navy and the Air force
- d) The Army, the Navy, the Air force and the Police
- e) The Army, the Navy, and the Police

- 9. The Public Treaties related to rights for their validity in Colombia require:**
- a) The approval of the Constitutional Court
 - b) The incorporation to the internal Ordinance juridical by means of a law of the Congress
 - c) The incorporation to the internal Ordinance juridical by means of an decree of the President
 - d) The approval of the Supreme Court of Justice
 - e) The approval by means of resolution of the Congress of the Republic
- 10. The Vice-president is elected by popular vote in:**
- a) The same day and in the same formula presidential with the President of the Republic
 - b) The day different to the election of the President of the Republic
 - c) The same day of the election of Governors
 - d) The same day of the election of Senators and Representatives to the Chamber
 - e) The same day of the election of Mayors

VII. THE ACTIVITIES OF THE STUDENT AND THE PROFESSOR

- I. In study symposium examine and express their opinions on the following themes:**
1. What do advantages and disadvantages observe in the triple condition of the President of the Republic of Colombia, as Chief of State, Head of Government and Supreme Administrative Authority?
 2. Is it or not Convenient that stays in our country the Vice-president's figure? Why do you reason?
 3. The current politics of State guided to get the peace economic, social and politics make foregone that in a future not very distant the Military Service stops to be obligatory. We ask: What do positive reasons or negatives observe in this possible forecast in Colombia?
 4. The National Government forms at the same time the public administration central in Colombia. We ask: Under the present circumstances and the organization of the Colombian State the number and functions of the ministries, the administrative departments and the superintendence of the State are sufficient and necessary? Why do you reason?
 5. At the moment many public treaties exist in different matters and mainly in Human rights. Do you consider that Colombia should subscribe more Treaties with world organizations as the U.N. and with other States to get the total peace? YES or Not. Why you reason?