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I. INTRODUCTION

2023 was a very active year for constitutional amendments in Colombia. The first section of the report describes the fundamental content of the three constitutional amendments that were approved during the year 2023: the novel recognition of the rights of the peasantry, the unprecedented extension of congressional sessions, and the longed-for creation of agrarian jurisdiction. It also provides a contextual overview of the reasons that justified each of these amendments. Lastly, it summarizes the deliberation that took place around the approval of the three amendments (section 3).

The second section included several very important amendment initiatives that were unsuccessful. All the topics of these amendments respond to the most important advances in the constitutionalism of the global south: the right to food, legalization of cannabis and animal rights. There were also attempts at constitutional amendments that were intended as a legislative response to a Constitutional Court decision on sexual and reproductive rights¹. The report also includes an analysis of a court decision that prevented constitutional avoidance. And some notes for understanding the outlook for constitutional amendments in 2024.

II. PROPOSED, FAILED, AND SUCCESSFUL CONSTITUTIONAL REFORMS

A. SUCCESSFUL CONSTITUTIONAL REFORMS

The Constitution of 1991 has been formally amended sixty times. Congress adopted three of these constitutional modifications in 2023. Two out of these three changes sought to address an underlying cause of the armed conflict Colombia experienced for decades – the property of land in rural areas and the protection of peasants' fundamental rights. The third amendment introduced some adjustments to the recess period of Congress. We turn now to elaborate upon each of these amendments.

1. CONSTITUTIONAL AMENDMENT 1/2023

The Constitution of 1991 was the first Constitution, in Colombian history, to be enacted with the participation of representatives of the

peasantry. Therefore, several of its provisions reflect the legitimate interests of the country's peasants. One of such provisions is Article 64 which initially established that the State was charged with the duty to promote progressive access to land ownership of agricultural workers and delineated a series of rights in favor of peasants.

The Constitutional Amendment 1/2023 added some important aspects to Article 64. To begin with, it declares that the peasantry, as a social group, is a rights bearer and deserves special protection from the State. From the perspective of the right to equality, this means that the State has the constitutional obligation to design and implement affirmative actions to protect the peasant community.

Secondly, and in addition to the rights to education, housing and health included in the original version of Article 64, the amendment adds a new host of rights in favor of the peasants. More specifically, novel rights like the right to a healthy environment, access and exchange of seeds, enhanced participation, improvement of rural infrastructure, digital connectivity, and technical and technological assistance to increase their products' value.

Third, the amendment prohibits any form of discrimination against peasants, particularly if such discrimination is grounded in their economic, social, cultural, and political situation. Finally, the amendment directs Congress to enact the required statutes to implement the amendment (especially from a budgetary vantagepoint) and creates a 'peasant budget tracker' to monitor the expenditures and investments made in the framework of this amendment.

2. CONSTITUTIONAL AMENDMENT 2/2023

This constitutional amendment reformed Article 138 of the Political Constitution, which regulates the moments in which the Congress of the Republic exercises its functions. The reform changed three aspects. On the one hand, the second period of ordinary sessions of Congress now begins on February 16, rather than March 16. Secondly, it was added that from February 16th to March 15th, draft statutory laws or constitutional reforms cannot be processed. Third, it also was added that the electoral sessions begin on March 16th and end on June 20th.

According to the explanatory statement, the aim of the amendment is to provide quality time for discussion and approval of different initiatives, which involve national and government interest. In addition, with the extension of time it is intended to carry out other legislative

¹ Jorge Ernesto Roa Roa. *Control de constitucionalidad deliberativo*. Externado de Colombia University, Bogotá, 2018, pp. 417-423.

tasks that are the responsibility of each chamber, such as political control debates, public hearings, among others².

3. CONSTITUTIONAL AMENDMENT 3/2023

The Constitutional Amendment 3/2023 reformed Article 116 of the Constitution which determines the jurisdictions of the state and introduced a new chapter (number 3A) with one article (238 A) within the title VIII of the Constitution dedicated to the Judicial Branch.

This amendment's goal is to institute an agrarian and rural jurisdiction with judges and tribunals specialized in adjudicating legal conflicts pertaining to these matters. The agrarian jurisdiction was conceived with Law 1448 of 2011 or Victim's law, that incorporated an agrarian jurisdiction to define the problems of land dispossession during armed conflict.

Therefore, it dovetails with the first amendment described above. While the first constitutional modification enshrines a set of substantive rights for peasants, this third amendment inserts a brand-new judicial structure where peasants and ethnic groups (i.e. Afro-Colombian, Palanqueras, Raizales, indigenous and Romani communities, as well as victims of the armed conflict) can file claims for their rights to be duly enforced.

Along with the explicit creation of the agrarian and rural jurisdiction, the amendment determines that Congress, through a statute, will determine the specific requirements and criteria to ensure the smooth operation of this new specialized jurisdiction (statute which, as of writing, has not been enacted). In any case, it also stipulates that the Superior Council of the Judiciary (endowed with the power to manage the administrative issues of the judicial branch) will gradually implement the creation of agrarian and rural courts. In December of 2023, the Council had organized the first-level agrarian and rural courts in multiple municipalities across the country³.

B. PROPOSED AND ARCHIVED CONSTITUTIONAL REFORMS

In 2023 (the 2022-2023 and 2023-2024 legislatures), the Senate shelved twenty draft legislative acts where six bills were in process for a second debate in the House of Representatives and fourteen shelved. There were thirty Constitutional reform projects at the House of Representatives, one of them was withdrawn, three are pending of its first proceeding before the Legislative Committee of the Chamber, and twenty-six have been shelved without having a first debate.

We can classify them into two topics: (i) fundamental, social, and animal rights and (ii) institutional reforms, democracy, and political representation.

1. PROPOSED AND ARCHIVED

² Congress of the Republic of Colombia, Presentation report for second debate of the draft Legislative Act number 2 of 2022 Senate 260/2022, accumulated with the draft legislative act number 3 and number 11/2022 Senate, Gazette 408 of May 2nd, 2023, available at: http://leyes.senado.gov.co/proyectos/images/documentos/Textos%20Radicados/Ponencias/2023/gaceta_408.pdf

³ See Decision PCSJA23-12132, December 29, 2023. Available at: https://actosadministrativos.ramajudicial.gov.co/GetFile.ashx?url=%7e%2fApp_Data%2fUpload%2fPCSJA23-12132.pdf

CONSTITUTIONAL REFORMS AT THE SENATE (FUNDAMENTAL RIGHTS)

In terms of Fundamental Rights' recognition, several projects were presented related to the (i) legalization of cannabis, (ii) the proposal of understanding the right of life from conception, (iii) the consecration of the fundamental right to food, (iv) and the inclusion of animals as sentient beings.

First, a bill to legalize the use, commercialization, and distribution of cannabis includes several key elements, such as an exception to absolute prohibition and allowing the purchase, sale, distribution, and marketing of cannabis and its derivatives for adult use⁴. This project proposed to allocate taxes generated by the cannabis market to the regions most affected by the war on drugs, as well as to invest cannabis taxes in health and education. The draft of the Legislative Act sought to amend Article 49 of the Constitution which enshrines the right to health, to make drug use a public health and human rights issue. For this purpose, it urged the government to develop a policy of prevention and risk reduction for consumers within twelve months by encouraging prevention policies in the education sector as well as prophylactic use for people with problems related to substance use. It was also sought that any treatment with psychoactive substances had the consent of an adult.

Secondly, Constitutional Reforms proposed to modify Articles 5, 11, and 18 of the Constitution sought to consecrate the inalienable rights of the person and the inviolability of the right to life from the beginning of conception, declaring that human life is inviolable in all its stages, even to amend the freedom of conscience. It is proposed also to clarify that the promotion to the right to life is from conception and that there is no abortion or voluntary interruption of pregnancy. The intention of these projects was not to modify any constitutional norm but to prohibit the right to abortion recognized step-by-step by the Constitutional Court after the dynamic interpretation of the right to life and other fundamental rights enshrined in the Constitution.

Third, the initiative to amend Article 65 which establishes the special protection of the State to the production of food crops, intended to introduce the explicit guarantees to the right to food of individuals and to the people's safeguard against hunger and malnutrition.

Finally, the projects to modify Articles 79 and 80 of the Constitution establish the right to enjoy a healthy environment and the principles to handle and use of natural resources. The initiatives sought to recognize animals as sentient beings that enjoy special protection from the State. The latter include the guarantee of a life free of unnecessary and unjustified mistreatment and in conditions of well-being and provisions of informal procedures to claim before the judges the immediate protection of any situation that endangers life, health, or physical and emotional well-being of animals.

2. PROPOSED AND ARCHIVED CONSTITUTIONAL REFORMS AT SENATE (INSTITUTIONAL PERSPECTIVE)

From the institutional point of view, we found several topics of amendment proposed. First, it was proposed to add an impediment to access to the position of congressman. This bill sought to avoid the

⁴ Senate: 17/23, House: 1/23, Accumulated 35/23 House. Amending Article 49 of the Political Constitution of Colombia, regularizing cannabis for adult use and enacting other provisions.

concentration of public power in a few hands. Specifically, it barred from office individuals seeking to run for congress who, at the time of registering their candidacy or at the time of the election, were related by marriage, permanent union, or kinship to the degree of affinity with public servants already elected as municipal majors or departmental governors⁵.

Secondly, it was proposed to extend the popularly elected positions to five years, this applied to the President of the Republic, the Attorney General of the nation, the Registrar General of the nation, senators, representatives, mayors, governors, deputies of the departmental assemblies and councilors⁶.

Third, the proposed amendments of the scope of Article 216 establish the public force made up of the military and police forces and Article 218 refer to the organization of the Police corps. The aim of the projects was, on the one hand, to ensure the competence of the police in preserving public order in territorial entities of the State. On the other hand, to habilitate the capital district and cities with more than two million inhabitants to create and under their own budget a local police force, being under the command and direction of the respective mayor to deal with any situations that might arise against coexistence as well as crimes and contraventions.

Finally, the initiatives that sought to reform some ingredients of the constitutional systems of distribution of national resources proposed to reverse the generalized centralization and to give greater autonomy to territorial entities. The current income of the General Royalty System is to be used to finance investment projects that contribute to the social, economic and environmental development of the territorial entities. The General system of Share (participations) established that its resources should be allocated both to early childhood between zero and three years of age, with special emphasis on education services⁷.

3. PROPOSED AND ARCHIVED CONSTITUTIONAL REFORMS AT CHAMBER OF REPRESENTANTS

The projects of Constitutional Reforms proposed in 2023 at the Chamber of Representatives referred less to fundamental rights and much more to the constitutional design of the State and institutions.

Concerning individual freedoms, as it was the case at the Senate, the proposal to recognize recreational cannabis use was part of the right of free development of personality. The initiative to grant legal security was part of both the economic freedom guarantees and the limits of the function of the State as general manager of the economy. On political rights, the amendment proposed to bring the Constitution in accordance with the provisions of Article 23 of the ACHR.

On social rights, the proposals reinforce the right to education with the mandate to develop projects ensuring pre-school education, as well as equal access to education for all students under 18 years of age, especially those with special needs in nutrition, on health and transportation. Close to the project of the Senate, the amendment introduced the

explicit recognition of the subjective right to adequate food that goes beyond the existing mandate for the State to guarantee food security.

The initiatives of Constitutional Reforms of institutional design were varied. About the democratic system, some of them were presented to increase in the Legislative power, the political representation of nationals living abroad, as well as the territorial entities and Afro-Colombian communities with some seats in the Senate. Despite the projects recalling the deficit of representation at the Congress of broad sectors of the population, they did not address the existing structural problems of electoral competition (i.e. candidates of political parties, electoral enterprises, and campaign financing). Another initiative addressed to reform the National Election Commission directed the electoral organization to ensure its independence from the politicians and to exercise its competences of supervising the functioning of the electoral system.

Regarding the public force, the proposed amendments presented in the House of Representatives were aimed at increasing the guarantees and rights provided for its members. Professionalization (and gradual elimination of compulsory military service) created the participation of this chamber in the promotion system, specific salary benefits and the most remarkable, the right to vote. All of them exhibit the material weight of the Police and the Army on the Colombian state and on the political agenda.

On the fiscal control, there were also projects to modify the high authority of the Office of the Comptroller General of the Republic and to abolish the department Comptroller offices.

Finally, the large number of initiatives having in common the aim to create one special regime in favor of a certain territorial entity or territory (the municipalities of Valledupar, Puerto Colombia, Manizales, the Department of Amazonas and the ancestral territory and Afro-Caribbean community of San Basilio de Palenque) must be underlined. Although the initiatives would serve to reinforce the autonomy of each entity, increasing the difficulty of coordination, cooperation was needed between the unity of the state and the diversity of its populations and territories.

III. THE SCOPE OF REFORMS AND CONSTITUTIONAL CONTROL

It is fair to say that the three reforms passed during 2023 are amendments and, therefore, do not amount to dismemberments. To substantiate this assertion, this section will examine each of them separately.

A. AN ELABORATIVE AMENDMENT: CONSTITUTIONAL AMENDMENT 1 OF 2023

As mentioned above, the 1991 Constitution was the first constitutional text in Colombian history to be sensitive to the interests of the peasantry⁸. Article 64 of the Constitution enshrined this commitment to promote the rights of rural workers of the country. The constitutional modification introduced in 2023 can be rightly categorized as an elaborative amendment as it advanced this commitment in important ways. In other terms, this amendment is consistent with the general

⁵ Senate: 16/23. Modifies article 179 of the Political Constitution of Colombia adding an inability to serve as a senator of the Republic is created.

⁶ Senate: 15/23. Modifies articles 135, 190, 249, 266, 299, 303, 312, 313, 314, 372, extending the period of popularly elected positions to five years.

⁷ Senate: 12/23. Amending articles 356 and 357 of the Political Constitution of Colombia.

⁸ As a matter of fact, one of the members of the National Constituent Assembly that promulgated the 1991 Constitution, Marco Chalitas, tried to represent and defend the interests of Colombian peasants. Although he ran as a member of the M-19 party, he had undeniable peasantry-oriented roots. On the constitutional discussions within the assembly about agrarian and peasantry-related issues, see Diana Güiza, et al., *La Constitución del Campesinado*. Dejusticia, Bogotá, 2020.

framework of the Constitution as long as it attempts to supplement, specify, and make explicit several of the rights of the peasants which, although derivable from the Constitution through interpretation, were not expressly contained in the original constitutional text.

Likewise, this amendment is coherent with the extant constitutional project because it makes clear something that the Constitutional Court had already held in its case law building upon the principle of equality established in Article 13 of the Constitution⁹—the peasant community is a group that has the right to receive special protection by the state in the form of affirmative actions. The new rule echoes and details what the very same Constitution, as well as the debates that gave rise to the current provision on equality already set forth (albeit implicitly): the peasantry has been a historically marginalized group that deserves a particular attention and protection by the government, so that its members' rights can be fully materialized.

To summarize, the amendment is not a dismemberment (but an amendment), given that it does not do violence to the constitutional edifice of 1991, nor does it amount to a fundamental transformation of the Constitution's identity, rights or structure. On the contrary, the reform essentially introduces a normative reinforcement of the constitutional character of the rights of the peasantry, of their common and specific contents vis-à-vis the other right's holders, which in turn constitutes a strengthening of the obligations of the State to make them effective.

B. A NECESSARY REFORM: CONSTITUTIONAL AMENDMENT 2 OF 2023

The reason that supported the constitutional amendment is that in the last decade in Latin America different social changes have been seen, such as social democratization, the internet, new technologies, the acquisition of food products, transportation, and equity. In consequence, it was necessary that Congress had more time to debate the legal reforms that society requires¹⁰.

Another argument for the reform is the exercise of political control. The Congress needs to extend its work weeks, because many times government initiatives obstruct parliamentary initiatives and decrease the frequency in which the Congress can exercise political control¹¹.

The constitutional amendment has not been studied by the Constitutional Court, however, regarding the constitutional replacement doctrine, there is not an impact on any axial element of the Constitution, specifically, the principle of separation of powers. This is because the reform strengthens the power of the Congress, increasing the time of ordinary sessions, preventing that between February 16th and March 15th draft statutory laws or constitutional reforms are processed to allow that the Congress exercises its functions on other ordinary tasks, such as bills and electoral matters, and setting a period for electoral matters. There is no impact on the principle of deliberation since the Congress has more time to deliberate projects. Finally, any of the powers of Congress are eliminated¹².

9 Constitutional Court of Colombia. Decision C-077 of 2017.

10 Congress of the Republic of Colombia, Presentation report for second debate of the draft Legislative Act number 2/2022 Senate - number 260/2022, accumulated with the draft legislative act number 3 and number 11/2022 Senate, Gazette 408 of May 2nd, 2023, available at: http://leyes.senado.gov.co/proyectos/images/documentos/Textos%20Radicados/Ponencias/2023/gaceta_408.pdf

11 Idem.

12 Regarding the scope of the principle of separation of powers and the constitutional replacement doctrine, see Constitutional Court of Colombia. Decisions C-332

C. A CORRECTIVE AMENDMENT AND THE NEED TO PREVENT POTENTIAL DISMEMBERMENTS: CONSTITUTIONAL AMENDMENT 3 OF 2023

Colombia is a country characterized by an extremely unequal distribution of land ownership.¹³ In fact, this has been one of the factors that fueled the armed conflict in Colombia to the point that the former FARC-EP guerrilla agreed to demobilize only after agreeing with the government to promote an agrarian reform to redistribute property¹⁴. Time and again, at least since 1936, there have been attempts to achieve this objective to redistribute land, attempts that have failed. Concentration of land property in a few hands persists in Colombia.

In this context, this amendment seeks to correct a flaw in the design of the 1991 Constitution. While the Constitution clearly intends to democratize the access to property (see, for example, Articles 58 and 64) by means of, among others, the judiciary, some political actors have contended that the original constitutional structure of the judicial branch is not suitable to attain that end. Therefore, this amendment, by introducing an agrarian and rural jurisdiction, strives to confront such a (presumably) faulty structure of the judicial branch. The rationale behind the amendment is that a specialized jurisdiction on agrarian and rural matters will arguably solve the troubles in the road towards a successful land reform, troubles that the judicial branch, with its original structure, has been unable to overcome.

That said, it is worth noting that there might be two potential sources for constitutional dismemberments that could take place at a sub-constitutional level. According to the amendment, (i) a statute will determine the structure and operation of this jurisdiction; and (ii) the Superior Council of the Judiciary will enact the administrative rules required for the implementation of the new jurisdiction. As for the statute, it needs to be carefully drafted so as to prevent a deep transformation of the judiciary's constitutional structure. Just to mention a possible scenario, the judicial decisions handed down by this new agrarian and rural jurisdiction cannot be exempted from constitutional complaints (*acción de tutela*) and from eventual review by the Constitutional Court. Otherwise, central principles of the power structure, identity, and rights governed by the 1991 Constitution could be destroyed thus breaking the legal coherence with the current constitutional framework.¹⁵ Furthermore, the implementation of the new jurisdiction by the Superior Council through administrative rules could be problematic and under some circumstances could lead to a dismemberment. For example, it is not clear how this Council will exercise its administrative powers without a statute providing some guidelines to establish courts and tribunals across the country. Instituting courts

of 2017, C-141 of 2010 and C-757 of 2008.

13 See, OXFAM report on inequality. OXFAM, Radiografía de la Desigualdad, 2018. Available at: https://www-cdn.oxfam.org/s3fs-public/file_attachments/radiografia_de_la_desigualdad.pdf

14 See, Centro Nacional de Memoria Histórica, ¿De quién es la tierra en Colombia? 2018. Available at: <https://www.centrodememoriahistorica.gov.co/micrositios/balances-jep/tierras.html>

15 The Constitutional Court concluded that the rules to review *tutelas* filed against rulings issued by the Special Jurisdiction for Peace drastically limited the Court's review powers and created an aura of intangibility that made the Special Jurisdiction for Peace's decisions virtually non-reviewable. For the Court, this was a substitution of the Constitution as it destroyed essential constitutional principles that made the 1991 Constitution what it is. See Constitutional Court of Colombia. Decision C-674 of 2017.

and tribunals without these legislative guideposts could destroy principles that imbue the Constitution with a particular identity like separation of powers and legality.

D. A SPECIAL CASE: THE JUDICIAL REVIEW BEFORE CONSTITUTIONAL AVOIDANCE IN THE REGULATION OF PEACE SEATS IN CONGRESS

One of the most interesting cases of judicial review occurred in Decision C-302 of 2023. That judgment did not control a constitutional amendment. On the contrary, that judgment reviewed a decree (1207 of 2021) that had been issued by the president by authorization of a constitutional amendment (amendment 2 of 2021). This presidential norm regulated the form of popular election of the senators and representatives to the chamber that would be elected to occupy the peace seats. The latter were one of the points of the peace agreement and were created through the constitutional amendment of 2021.

Precisely, the constitutional amendment authorized the President to regulate the form of popular election of these seats. Therefore, the President issued Decree 1207 of 2021. However, the Constitutional Court decided that this decree referred to matters that the Constitution protects especially through the reservation of statutory law. For the Court, this decree referred to the exercise of the fundamental right to be elected and also to the operation of the electoral system. These two matters can only be regulated by special statutory laws.

The Court did not question the competence of the president to issue the decree. On the contrary, the Court decided that the president could issue the decree but had to adjust the approval process (to the maximum extent possible) to that of a statutory law. For the Court, one of the essential elements of the approval of a statutory law is that it must be subject to prior, automatic, comprehensive, and final judicial review.

Since the President did not send the decree to the Court for prior and automatic review, this implied a procedural flaw that could not be remedied. For this reason, the Court declared the decree invalid. The Court affirmed that “it is always an obligation of the Government to automatically and previously send to it the norms of statutory content that it issues based on the exceptional authorizations included in the constitutional amendments”¹⁶. The court also concluded that “in a constitutional State of law and in a deliberative democracy, the judicial scrutiny of the norms does not depend on their denomination but on their content”¹⁷.

With this ruling, the Court intervened to prevent a case of constitutional avoidance. It prevented a regulatory norm (a decree) from regulating statutory matters without respecting the system of judicial review that the Constitution mandates for this type of norm. Not even an order of a constitutional amendment can empower the president to evade judicial control of normative acts that have a statutory level and that must be approved, normally, by Congress with a special level of consensus and parliamentary majorities.

IV. LOOKING AHEAD

President Petro's government faces great frustration. His agenda of legal reforms was very broad and transformative. One of the essential

elements of this government's policy was healthcare reform. Added to that is a labor reform that has slowly begun its passage through Congress. However, most of the legislative initiatives of President Petro's government have not been approved by Congress. The strength of the government's caucus is decreasing and the time for the end of his term is rapidly approaching.

For this reason, the president has proposed the convening of a National Constituent Assembly (NCA). His thesis is that Congress has not respected the people's decision that the country should be governed by a leftist party with economic and social policies close to social democracy and the welfare state.

The objective of convening an NCA is to allow the people directly to decide whether to ratify the victory of a leftist party or whether they want a constitutional reform process with a different political composition. For President Petro, this NCA should implement - through constitutional amendments - those reforms that Congress has refused to approve and that are necessary to develop his government program and to guarantee some of the central promises of the 1991 Constitution: health, dignity at work, equality, and a welfare state.

The President's proposal does not really merit a NCA, since it can be done by other mechanisms. Therefore, there is a consensus that to convene a NCA is unnecessary, but also inopportune due to the risks it represents. The President's strategy is to choose an issue and indicate that an NCA is necessary to reform that specific aspect of the design of the State. However, an NCA has no express internal limits to its reform power. Thus, an NCA could autonomously decide on a complete revision of the Constitution.

Most importantly, this proposal is not viable. None of the political parties or movements have the necessary majorities to successfully convene an NCA. So, the debate on the necessary approval of some reforms must continue at the level of laws or partial constitutional amendments. The outcome of this deliberation will surely be the subject of our report in 2024.

V. FURTHER READING

Jorge Ernesto Roa-Roa, “A ciudadanía dentro da sala de máquinas do constitucionalismo transformador latino-americano” (2023), *Revista Direitos Fundamentais & Democracia*, vol. 28, núm. 2, pp. 91-115.

Jorge Ernesto Roa-Roa, “El diseño de la justicia constitucional y el carácter subsidiario del Sistema Interamericano de Protección de los Derechos Humanos”. En: CRISPÍN SÁNCHEZ, ARTURO (coord.). *Mecanismos procesales en el Sistema Interamericano de Derechos Humanos. Peticiones y trámite en sede supranacional* (2023) *Gaceta Jurídica*, Lima, pp. 9-53.

Jorge Ernesto Roa-Roa, “El diseño institucional de la acción pública de constitucionalidad en Colombia”. En: SIERRA PORTO, HUMBERTO; ROBLEDOS SILVA, PAULA y GONZÁLEZ, DIEGO (eds). *Garantías judiciales de la Constitución. Temas de Derecho Procesal Constitucional Colombiano. Tomo II. Acción Pública de Inconstitucionalidad, Procedimiento y Sentencia* (2023), Universidad Externado de Colombia.

¹⁶ Constitutional Court of Colombia. Decision C-302 of 2023.

¹⁷ Idem.

Richard Albert, Juliano Zaiden Benvindo, Milton Jiménez-Ramírez and C. Villalonga, Constitutional Dismemberment in Latin America. In *Revista Derecho del Estado*, Universidad Externado de Colombia, N.º 52, May-August 2022, 97-133. doi: <https://doi.org/10.18601/01229893.n52.04>

Rodrigo Uprimny. A favor del cambio y en contra de la constituyente. In *El Espectador*, March 23 2024. See on: <https://www.elspectador.com/opinion/columnistas/rodrigo-uprimny/a-favor-del-cambio-y-en-contra-de-la-constituyente/>

Vicente Benitez-Rojas, Beyond Invalidation: Unorthodox Forms of Judicial Review of Constitutional Amendments and Constitution-Amending Case Law in Colombia, 9 *Revista de Investigações Constitucionais* 269 (2022).

Brazil

In 2023, Brazil faced political turbulence and democratic tests. President Lula's term began amid unrest, leading to significant judicial and legislative actions against threats to democracy. Despite challenges from Bolsonaro's legacy, progress was made in key reforms, signaling a move towards reinforcing democratic norms in a fragmented political landscape.

Burundi

A people-centred justice system is deemed to have emerged from the recent reform of the organization and jurisdiction of courts. Then, many are eager to welcome a justice system impelled by the new revamped court organization in which the single judge bench system becomes a major innovation.

Cabo Verde

The most important development in Cabo Verde in 2023 was the recognition of an informal change to the basic text by the Constitutional Court of Cabo Verde concerning a new norm according to which the Standing Committee of Parliament can operate whenever the Plenum is not gathered.

Canada

In 2023, a recent trend has continued in constitutional reforms in Canada: unilateral constitutional amendments. Indeed, this new pattern in the Canadian federal system, which began a few years ago in Quebec, has continued with a unilateral amendment in Saskatchewan and a similar initiative in the federal Parliament.

Chile

A second constitution-making attempt involving experts and representatives resulted in the rejection of the proposed constitution via referendum. Following two rejections, a 'constitutional silence' period began. Additionally, Chile reinstated compulsory voting and lowered supermajority quorums for certain laws. Also, amendments were made solely focusing on internal security concerns.

China

The most important accomplishment of China's constitutional reform of 2023 is the completion of the institutionalization process of the NPCSC's recording and reviewing (beian shencha) power. A brand-new era of formally institutionalized constitutional review in China began in 2023.

Colombia

This report describes the fundamental content of three constitutional amendments: the novel recognition of the rights of the peasantry, the unprecedented extension of congressional sessions, and the longed-for creation of agrarian jurisdiction. It also provides a contextual overview of the reasons that justified each of these amendments and the deliberation that took place around the approval of the three amendments.

Congo-Brazzaville

The report details significant constitutional reforms in the Republic of the Congo during 2023, focusing on labor rights, public governance, and environmental sustainability. It highlights key legislative enactments, Constitutional Court decisions, and the ratification of ILO conventions while also discussing potential controversies and future reform efforts.

Croatia

The Croatian Constitutional Court adopted several decisions on the country's election system, highlighting the role of constitutional adjudication in framing the space for constitutional reform.

Cuba

The most significant developments in terms of constitutional reform in Cuba during 2023 included the adoption of several laws and decree-laws complementary to the Constitution approved in 2019. The content of the Constitution itself was not modified by the National Assembly of People's Power, the Cuban legislative body.

Czech Republic

In the Czech Republic, there were several bills discussed throughout the 2023. Only one of them (amendment to the rules for redrawing of electoral districts) has been approved later in March 2024 and will amend the Constitution.

Ecuador

In 2023, the Constitutional Court endorsed four amendments regarding political party organization and legislative candidacy requisites. The National Assembly passed a reform related to the Armed Forces' involvement in internal security. President Noboa submitted an amendment package on extradition, special constitutional judiciaries, international arbitration, and labor contracts, slated for an April 2024 referendum.