

## Colombian Constitutional Court, Award 176 of 2005

**Republic of Colombia**  
**Constitutional Court**  
**Third Review Chamber**

Award n°176 of 2005

-Orders issued by the Court-

### “The Third Review Chamber of the Constitutional Court (...)”

DECIDES:

**First.-** To **ORDER** (...) the Minister of Public Finance, the Director of the Presidential Agency for Social Action and International Cooperation (*Acción Social*), and the Director of the National Planning Department, to submit to this Court and to the *Procurador General de la Nación*, the Public Ombudsman and the *Contralor General de la República*, no later than December 1<sup>st</sup>, 2005, a timetable in which they point out the rhythm and the mechanisms at which the resources calculated by the National Planning Department as necessary for the implementation of the public policy for assisting the displaced population, aimed at overcoming the unconstitutional state of affairs declared in decision T-025 of 2004, shall be destined. Such timetable shall include, at least, the following elements:

1. The total amount of money that will be assigned for the purpose of executing the policy for assisting the displaced population, broken up in accordance with the following criteria:

(a) by fiscal years;

- (b) establishing the proportion of funds that will come from the international community, territorial entities, the Nation or other sources;
- (c) individualizing the persons or bodies responsible for the procurement of the resources and for their execution
- (d) indicating the resources that shall be included in the budget of each entity that is responsible at the national level for the execution of the policy to assist the displaced population.
- (e) in accordance with the component of the policy for assisting the displaced population to which the funds shall be destined, expressly indicating the entities that are responsible for their execution.
- (f) distinguishing between the resources destined to the general programs for the vulnerable population, and those aimed at the displaced population.

2. The moment, as well as the rhythm at which advances will be made until the achievement of the objectives established in the estimation made by the National Planning Department, must be reasonable, but sustained and progressive, in the terms of the present Award.

**Second.-** To **WARN** (...) the Director of the National Planning Department, that the estimate to be calculated by that entity must be updated, in such a way as to periodically include the displaced persons who have been included in the registration system each fiscal year. The new calculations must be communicated in a timely manner to the Minister of Public Finance, the Director of the Presidential Agency for Social Action and International Cooperation—*Acción Social*. They shall also be communicated to the displaced population and to the general public through the means that the National Planning Department deems appropriate. They must also be communicated to this Court and to the *Procurador General de la Nación*, the Public Ombudsman, and the *Contralor General de la República*.

**Third.-** To **WARN** the public entities or bodies responsible for the policy to assist the displaced population that they must provide, in a timely manner, all the information requested by the Minister of Public Finance, the Director of the Presidential Agency for Social Action and International Cooperation—*Acción Social*, or the Director or the National Planning Department, for purposes of compliance with the first order issued herewith.

**Fourth.-** To **ORDER** (...) the Ministry of Public Finance to submit to this Court, on the date in which the General Budget of the Nation for each fiscal year is approved, and until the moment at which the level of resources estimated by the National Planning Department as necessary to implement the policy to assist the displaced population has been attained, a report pointing out the amount of funds included in the Expenditure Budget which is going to be destined to assisting the displaced population, broken down into sections, executing accounts and their corresponding descriptive concepts. The report shall indicate how those appropriations are consistent with the time table described in the first order of this Award. A copy of the report will also be sent to the *Procuraduría General de la Nación*, the Public Ombudsman and the *Contraloría General de la República*.

**Fifth.-** To **ORDER** the Minister of Public Finance and the Director of the Presidential Agency for Social Action and International Cooperation—*Acción Social* (or whomever may replace them) to submit to this Court, no later than one month after the finalization of each fiscal year (including the 2005 fiscal year), and until the moment at which the level of resources estimated by the National Planning Department as necessary to implement the policy to assist the displaced population has been attained, a report in which they indicate, for the corresponding fiscal year:

1. The amount of resources that each entity or body at the national level has executed for assisting of the displaced population;
2. Whether the corresponding entity or body has effectively given priority to the execution of the resources related to assisting the displaced population;
3. The precise manner in which the resources appropriated in each section of the General Budget of the Nation comply with the time table described in section 5.4.4.1. of this Award.

A copy of this report must also be sent to the *Procuraduría General de la Nación*, the Public Ombudsman and the *Contraloría General de la República*.

**Sixth.-** To **REQUEST** (...) [the] *Contralor General de la República* to carry out, within the sphere of his jurisdiction, a follow-up of the orders issued in decision T-025 of 2004 and in the present Award, related to the budgetary effort required to implement the policies for assisting the displaced population in order to solve the unconstitutional state of affairs.

**Seventh.-** To **WARN** the territorial entities that they must take into account the constitutional priority granted to public expenditure for the benefit of the displaced population within the overall social public expenditure, as well as article 58 of Law 921 of 2004, at the moment of responding to the requirements of the Ministry of Public Finance, the National Planning Department or the Presidential Agency for Social Action and International Cooperation—*Acción Social*, for purposes of complying with decision T-025 of 2004 and the present Award.

**Eight.-** To **COMMUNICATE** the contents of the present Award to the President of the Republic for purposes of information, in order for him to adopt the decisions he considers pertinent.

(...)"