

Guaymuras Dialogue

Tegucigalpa / San Jose Agreement on national reconciliation and the strengthening of democracy in Honduras

PREAMBLE

We, Honduran citizens, men and women, convinced of the need to strengthen the rule of law, under the protection of our Constitution and the laws of our Republic, of the need to strengthen our democracy and ensure a climate of peace and tranquillity for our people, have gone through an intense and honest process of political dialogue to seek a peaceful solution to the crisis which has afflicted our country in recent months.

As a result of this dialogue, dominated by the sanity, tolerance and patriotic spirit of all its participants, we have drafted a Political Agreement that will allow us to re-establish citizen coexistence and ensure an appropriate climate for democratic governability in our country. This Agreement, we are sure, will mark the path towards peace, reconciliation and democracy, all of which are urgently needed in Honduran society.

The result of this Agreement demonstrates, once again, that Honduran men and women are capable of having successful dialogue, and through it achieve the difficult goals that the country and society demand of us.

In virtue of all the above, we have agreed on the following:

1. ON THE GOVERNMENT OF NATIONAL UNITY AND RECONCILIATION

To achieve reconciliation and strengthen democracy, we will form a Government of National Unity and Reconciliation composed of representatives of the various political parties and social organizations, recognized for their ability, honour, suitability and willingness to dialogue, and who will occupy the different Secretary and Undersecretary positions as well as other State dependencies, in accordance with Article 246 et seq. of the Constitution of the Republic of Honduras.

In view of the fact that prior to June 28, the Executive Power had not forwarded the General Budget Project of Income and Expenses to the National Congress for consideration, in accordance with the provisions of Article 205, paragraph 32, of the Constitution of the Republics of Honduras, this Government of National Unity and Reconciliation will respect and function on the basis of the General Budget recently approved by the National Congress for the fiscal year 2009.

2. ON ABSTAINING FROM CALLING A NATIONAL CONSTITUENT ASSEMBLY OR FROM REFORMING THE CONSTITUTION

To achieve reconciliation and strengthen democracy, we reiterate our respect of the Constitution and the laws of our country, abstaining from calling a National Constituent Assembly, directly or indirectly, and also abstaining from promoting or supporting any query looking to reform the Constitution, to allow for a presidential re-election, to modify our Government, or contravene any of the permanent articles of our Fundamental Charter.

In particular, we will not make public statements or exercise any kind of influence inconsistent with articles 5, 239, 373 and 374 of the Constitution of the Republic of Honduras, and we will strongly reject any manifestation contrary to the spirit of said articles and the Special Law that Regulates the Referendum and the Plebiscite.

3. ON THE GENERAL ELECTIONS AND THE HANDOVER OF POWER

To achieve reconciliation and strengthen democracy, we reiterate that, in accordance with articles 44 and 51 of the Constitution of the Republic of Honduras, the vote is universal, obligatory, equal, direct, free and secret, and it is the duty of the Supreme Electoral Tribunal, with full autonomy and independence, to supervise and execute everything related to the electoral process.

Likewise, we call on the Honduran people to participate in the next general elections and avoid all kinds of demonstrations that oppose the elections or their results, or promote insurrection, unlawful conduct, civil disobedience or other acts that could produce violent confrontations or transgressions of the law.

In order to demonstrate the transparency and legitimacy of the electoral process, we urge the Supreme Electoral Tribunal to authorize and accredit the presence of any international influences from now until the declaration of the result of the general elections, as well as during the handover of power that will take place on 27 January 2010, in line with Article 237 of the Constitution of the Republic of Honduras.

4. ON THE ARMED FORCES AND THE NATIONAL POLICE

In order to achieve reconciliation and strengthen democracy, we reaffirm our willingness to comply with all aspects of article 272 of the Constitution of the Republic of Honduras, pursuant to which the Armed Forces are available to the Supreme Electoral Tribunal from one month before the general elections, in order to guarantee the right to vote safely, as well as provide custody, transportation and surveillance of electoral materials and other security aspects. We reaffirm the professional, apolitical, obedient and non-deliberative nature of the Honduran Armed Forces. Likewise, we agree that the National Police must strictly adhere to what is prescribed by its special legislation.

5. ON THE EXECUTIVE POWER

In order to achieve reconciliation and strengthen democracy, in the spirit of the San Jose Agreement, both negotiating committees have decided, respectfully, that the National Congress, as an institutional expression of popular sovereignty, in use of its faculties and in accordance with the law, must deal with issues appropriately with the view to "bringing back ownership of the Executive Power to its state prior to June 28 until the conclusion of the current governmental period, on 27 January 2010."

The decision adopted by the National Congress should lay the foundations for achieving social peace, political tranquillity, and democratic governance that the society and country needs.

6. ON THE TRUTH AND VERIFICATION COMMITTEES

To achieve reconciliation and strengthen democracy, we endorse the creation of a Verification Committee, for all of the commitments made in this Agreement, and those derived from it, coordinated by the Organization of American States (OAS). Said Committee will be composed of two members of the international community and two members of the national community (one chosen by each party).

The Verification Committee will be in charge of certifying the strict compliance to all points of this Agreement, and will receive the full cooperation of Honduran public institutions.

Failure to comply with any of the commitments contained in this Agreement, as verified and declared by the Verification Committee, will result in measures that the Committee will decide upon for the offender or offenders.

In order to clarify the events that occurred before and after 28 June 2009, a Truth Committee will also be created to identify the acts that led to the current situation, and to provide the people of Honduras with the facts to help prevent these events from happening again in future.

This Dialogue Committee recommends that the next Government, within the framework of a national consensus, establish this Truth Committee during the first semester of 2010.

7. ON THE NORMALIZATION OF THE RELATIONSHIP BETWEEN THE REPUBLIC OF HONDURAS AND THE INTERNATIONAL COMMUNITY

By committing ourselves to faithfully complying with the commitments made in this Agreement, we respectfully request the immediate revocation of those measures or sanctions adopted at a bilateral or multilateral level, which in some way affect the reinsertion and full participation of the Republic of Honduras in the international community.

We call on the international community to reactivate all current cooperative efforts with the Republic of Honduras. In particular, we ask for the international cooperation that is necessary and timely for the Verification Committee and the Truth Committee to ensure the faithful fulfilment and the commitments in this Agreement.

8. FINAL PROVISIONS

Any differences in interpretation or application of this Agreement will be submitted to the Verification Committee, which shall determine, in accordance with the provisions of the Constitution of the Republic of Honduras and the legislation in force, and through an authentic interpretation of this Agreement, the corresponding solution.

Bearing in mind that this Agreement is the product of understanding and fraternity between Hondurans, we strongly request the international community to respect the sovereignty of the

Republic of Honduras, and fully observe the principle enshrined in the Charter of the United Nations regarding interference in the internal affairs of other States.

9. COMPLIANCE SCHEDULE

Given the immediate entry into force of this Agreement as of its signing, and in order to clarify the necessary compliance times of the commitments made to achieve national reconciliation, we agree on the following compliance schedule:

30 October 2009

1. Signing and entry into force of the Agreement.
2. Formal delivery of the Agreement to the Congress for the purposes of Point 5, "On the Executive Power".

2 November 2009

1. Verification Committee is instated.

As of the signing of this Agreement and no later than 5 November 2009

1. Formation and installation of the Government and National Unity and Reconciliation.

27 January 2010

1. Celebration of the handover of power.

First half of 2010

1. Truth Committee is instated.

10. FINAL DECLARATION

In the name of reconciliation and the patriotic spirit that has summoned us together, we commit ourselves to complying in good faith with this Agreement, and what is derived from it.

The world is witness to this demonstration of unity and peace, to which our conscience and patriotic devotion are committed. Together, we will know how to demonstrate our value and commitment to strengthen the rule of law and build a tolerant, pluralistic and democratic society.

We sign this Agreement in the city of Tegucigalpa, Honduras, 20 October 2009

11. ACKNOWLEDGMENTS

We take this opportunity to thank the International Community, especially the Organization of American States and its Secretary General, Jose Miguel Insulza; the Missions of Chancellors of the Hemisphere; the President of Costa Rica, Oscar Arias Sanchez; the Government of the United States, its President Barack Obama, and its Secretary of State, Hillary Clinton.

12. ON THE ENTRY INTO FORCE OF THE TEGUCIGALPA / SAN JOSE AGREEMENT

For internal purposes, the Agreement is fully effective as of its signature. For ceremonial and, a public signing will be held on November 2nd.

Tegucigalpa, Municipality of the Central District, 30 October 2009