

Annex

[Original: Spanish]

Agreement No. 9

Process of participation of society in peacebuilding (First Cuba Agreement)

The Government of the Republic of Colombia and the Ejército de Liberación Nacional – ELN (National Liberation Army) sign the present agreement on the process of participation of society in peacebuilding, as set out in items 1, 2 and 3 of the agenda for peace talks and as part of the democratic validation of this process.

The participation of society in this peace process shall be governed by the Mexico Agreement signed between the Government of Colombia and ELN on 10 March 2023, and the present agreements signed in Havana, Cuba.

1. Goal of the participation of society

To build an agenda of transformations for peace, driven by a social and political alliance that leads to a broad national agreement to resolve the political, social, economic and armed conflict. In accordance with the Mexico Agreement, “[a]s the core of a shared vision of what peace should be, we, the parties to this process, see the need for a broad national agreement to be reached by an alliance of political, economic and social forces, movements and organizations, the media and different groups and voices of the people. This alliance should drive the changes needed in Colombian society”.

2. Nature of the participation

The parties to this agreement have established the participation of society as the first item on our agenda, as we believe it is fundamental in order to achieve transformations and lay the foundations for a peace agreement. Therefore, participation must be active, proactive, inclusive, deliberative, binding and effective, because we understand that the parties should seek to resolve the armed conflict through dialogue in order to transform its causes and remove violence from politics.

The voices of urban and rural communities, peoples and territories must be at the heart of participation. Comprehensive peace is a collective construction in which, by definition, the participation of society is necessary and indispensable.

The definitive resolution of the political, social and armed conflict through dialogue and negotiation should be based on the ability to implement the transformations Colombia requires.

Participation is and must be democratic in essence. This peacebuilding process shall be aimed at strengthening and developing democracy in all its forms while actively involving society as a whole in the decisions that affect it.

The active and binding participation of society shall include other differentiated approaches and perspectives to ensure that the voices and proposals of children, adolescents, young people, older persons, peasants and persons with disabilities are heard.

3. Differentiated approaches

3.1. Gender-sensitive approach

The preamble and section 1 of the Mexico Agreement on participation expressly state that resolving the armed conflict and eradicating violence requires eliciting the

commitment and the active and effective participation of historically excluded groups, such as women and the LGBTIQ+ community, who have suffered more severely from the impact of the armed conflict and structural violence.

3.2. Ethnic approach

It is imperative to reaffirm that ensuring the right to peace requires recognizing ethnic and cultural diversity, that is, protecting ethnic peoples and their territories and life systems, and including the voices and proposals of indigenous, black, Afro-Colombian, Raizal, Palenquero and Romani peoples.

4. Stages of participation

The participation process covers the first three sections of the Mexico Agreement. It shall run until May 2025, when the results of sections 1, 2 and 3 of the Mexico Agreement will be determined and the corresponding agreements shall be signed.

The guarantor countries and permanent accompanying institutions of this peace process shall be present during these stages, supporting and monitoring compliance with the present agreement.

4.1. Design phase

In developing the general process of item 1 of the agenda, the parties agreed to carry out a first phase to design how society will participate in the process. This process shall be facilitated by a body with a specific mandate, created and coordinated by the peace talks panel.

The first phase shall mark the beginning of the process of participation of society, specifying the criteria and scope to guarantee its central role in developing the issues agreed upon, and defining the methodology and scenarios for participation through a national, deliberative and proactive exercise.

4.2. Diagnosis and dialogue on democracy for peace

The goal of this phase shall be to “promote a dialogue among the various social actors convened, and to identify and examine the main causes of the political, social, environmental and armed conflict, in order to formulate comprehensive solutions” (section 2, Mexico Agreement).

This process shall also consider State diagnoses and reports, social studies, the agreements signed between social movements and the State, and academic research on the issues included in the objectives.

4.3. Phase three: Building an agenda on democracy and transformations

In accordance with section 3 of the Mexico Agreement, the goal of this phase shall be to “reach an agreement on policies and a comprehensive plan to bring about transformations by carrying out specific projects at the national and territorial levels, with the participation of society, making viable a peaceful, democratic, sovereign Colombia in which equity and social justice reign and the use of weapons to prevent or spur such transformations is rendered unnecessary”.

4.4. Systematize results

At the end of each phase and at the end of the participation process, the peace talks panel shall validate the process of systematization of the reports. The results shall be included in the implementation plan for the peace agreements with ELN (section 6 of the Mexico Agreement).

5. Characteristics of the design phase

5.1. General objective

Based on society's contributions, the body created under the present agreement shall design a participation model, make recommendations, prepare the national participation plan and deliver it to the peace talks panel.

5.2. Specific objectives

- Present a conceptual, operational and logistical plan to promote and facilitate the involvement of society in the design of the participation process.
- Promote and develop spaces for dialogue with a differential approach, in which the various components of society can present their proposals to design the participation method.
- Systematize the proposals of the social groups convened.
- Contribute to the creation of the national agreement.

5.3. Duration of the design phase

This phase shall last for four to six months starting from the date of the present agreement and with the official public establishment of the body mentioned below. This phase shall conclude with a national meeting to present the results to society.

6. National Committee on Participation

The present agreement establishes the National Committee on Participation as a special and temporary body attached to the peace talks panel.

As stated in the agreements formalizing the process, the peace talks panel is irreplaceable in its crucial role as a negotiator and decision maker based on the principle of bilateralism. The panel shall be part of the National Committee on Participation, leading and ensuring compliance with the mandate established in the Mexico Agreement.

6.1. Composition

The National Committee on Participation shall be broad and inclusive of Colombian society. It shall consist of 80 members of the 30 social movements, ethnic peoples, organizations, trade associations and institutions listed in annex 1 to the present agreement.

The movements, ethnic peoples, social organizations, trade associations and institutions shall observe the criteria outlined by the peace talks panel in annex 2, which forms an integral part of the present agreement.

6.2. Mandate, headquarters and funding

The peace talks panel shall: (i) under the present agreement, deliver a clearly defined mandate to the National Committee on Participation; (ii) create the regulations for the operation of the National Committee on Participation; and (iii) consolidate the results of the participation design phase, which should lead to the national participation plan.

The headquarters of the National Committee on Participation shall be arranged with the Special Representative of the United Nations Secretary-General and the Episcopal Conference of Colombia. Similarly, the funding for the participation design

phase shall be arranged with the international community supporting the peace process.

7. Structure of the National Committee on Participation

The peace talks panel shall be the coordinating body of the National Committee on Participation. The panel shall also be tasked with forming the teams required for its operation. The National Committee on Participation shall include four members of the Government's peace delegation and four members of the ELN delegation.

A technical secretariat comprised of two members appointed by each party shall be formed. The parties shall request the Special Representative of the United Nations Secretary-General and the Episcopal Conference of Colombia to provide their assistance for the creation of the technical and logistical teams.

8. Operation of the National Committee on Participation

The peace talks panel and the Committee shall interact with the various groups, ethnic peoples and social organizations to gather their ideas for the design of participation in relation to the following:

- Their experiences of participation and the construction of effective and meaningful participation.
- The following thematic areas, addressed from a democratic perspective: the political system, the economic model and the environmental situation, as provided in the Mexico Agreement.
- The methodologies to implement the phases of the participation process.
- Their proposals to create a broad national agreement and a social and political alliance as a result of this participation process.

With these objectives in mind, eight territorial meetings shall be held. At the same time, the national sectors shall be convened to discuss and propose the design of the participation.

The Committee shall also support and participate in the meetings of national sectors and trade associations as part of the design phase. Furthermore, the Committee shall contribute to summarizing the results of the exercise.

Under the guidance of the peace talks panel, the creation of bodies that promote and foster the participation of society in this process shall be encouraged.

The Committee shall establish a rapporteurs and systematization team, which shall operate under its leadership and shall carry out this work in the regional and national meetings.

Where possible, the design phase sessions shall be face-to-face. Otherwise, they may be carried out through digital means.

9. Education and communication on the participation process

The peace talks panel shall be the official spokesperson of the Committee. The panel members on the Committee shall guide the communication and educational work to encourage society to participate in the design phase.

The panel shall liaise with the media to foster an environment conducive to the peace process and participation.

10. Security guarantees in participation

The parties to the present agreement are committed to the safety and free access of all persons, communities and groups in the participation process.

The State shall ensure special protection for the members of ELN appointed to the Committee during the design phase.

The ceasefire and participation agreements shall be carried out in a coordinated manner by the parties.

Havana, Republic of Cuba, 9 June 2023.

Delegation of the Government of the Republic of Colombia

(Signed) José Otty **Patiño Hormaza**
Head of delegation

(Signed) Iván Danilo **Rueda Rodríguez**
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(Signed) Álvaro **Matallana Eslava**

(Signed) José Félix **Lafaurie Rivera**

(Signed) Orlando **Romero Reyes**

(Signed) Rosmery **Quintero Castro**

(Signed) Horacio **Guerrero García**

(Signed) Adelaida **Jiménez Cortés**

(Signed) Carlos Alfonso **Rosero**

(Signed) Olga Lilia **Silva López**

(Signed) María José **Pizarro Rodríguez**

As observer of the armed forces

(Signed) Maj. Gen. Hugo Alejandro **López Barreto**

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(Signed) Tomás **García Laviana**

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As witnesses and depositaries:

Guarantor countries

(Signed) Glivânia Maria **de Oliveira**
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Permanent accompanying partners

(Signed) Carlos G. **Ruiz Massieu**
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