

Final Agreement

National Government – Popular Liberation Army

In the city of Bogota on 15 February 1991, as a result of the direct peace negotiations initiated on 24 May 1990 between the negotiating commission of the Popular Liberation Army and the Council for Reconciliation, Normalisation and Restoration on behalf of the national government, understanding that the National Constitutional Assembly is a unique historic context for resolving the armed conflict and achieving peace among Colombians, in order to show the country the political importance of this process and emphasise its benefits to our democracy, as well as highlight the reasons motivating this guerrilla organisation to choose dialogue as a means to participate in the process for reform and democratic modernisation underway in the country, and to conclude the various agreements previously signed between the bilateral negotiating committee of EPL and the Council for Reconciliation, Normalisation and Restoration regarding the issues debated, the parties agree:

I.

REPRESENTATION ON THE NATIONAL CONSTITUTIONAL ASSEMBLY

Given the advanced state of the process for the demobilisation of the Popular Liberation Army (*Ejército Popular de Liberación*, EPL), which, under the preliminary agreement signed on 10 January between the guerrilla organisation and the Council for Peace, 1 March has been set for the definitive surrender of arms, and, under Decree 1926, 24 August 1990, the national government will allow EPL two representatives to form part of the National Constitutional Assembly from its establishment. These representatives will become

permanent members of the assembly with full rights from the day following the full and definitive surrender of arms.

II.

PROMOTING THE PEACE PROCESS

1. Publicity

- a. The government will fund the publication of a one-page notice in four national and three regional newspapers. EPL will be responsible for the content and date of publication.

The government will also fund a second one-page notice in two national newspapers to allow the organisation to present its proposals for the National Constitutional Assembly to the country. EPL will be responsible for the content and date of publication.

- b. The government undertakes to promote the negotiation process and progress in reinsertion via a special television programme to be transmitted in the normal slot of the producer Audiovisuales. The council will contract the technical services and professional staff required to make the programme, whose script will be written by the contracted team and EPL.
- c. To ensure as many viewers as possible for this special programme, the council will place three small consecutive adverts in a national newspaper with its title, dates and broadcast time.
- d. The government will arrange a meeting between the EPL negotiating commission and members of the country's accredited diplomatic corps.
- e. The government will arrange with international organisations a two-month tour of Europe and Latin America by two members of EPL.
- f. The government will support the publication of 3,000 copies of a history book on EPL's role in the peace process, whose text will be the responsibility of EPL.
- g. The government will provide a one-off payment of COP 15 million to support the programmes to be undertaken by the Progresar foundation.

2. Houses of Democracy

To contribute to raising awareness of the peace process and during the demobilisation of the EPL armed forces, the government will fund the opening of Houses of Democracy in various cities throughout the country. It will provide COP 12 million, to be transferred to the Progresar foundation, legally domiciled in Bogota. The council undertakes to make arrangements with the relevant mayors to ensure they authorise the opening of these sites, which will also aim to promote the expansion of democracy in Colombia.

3. Regional operational committees for promoting the process

- a. To ensure that both the dissemination of the peace process with EPL and projects for the civil and productive reinsertion of its forces have the necessary support from the public and civil and business organisations, and that tasks to be carried out for these purposes have the support of the sectional governments, the council will promote the creation of operational committees through the sectional governments where the various EPL camps are located and in the departments of Atlántico, Caldas, Guajira, Sucre, Santander, Putumayo and the Mayor's Office of Bogotá. The committees will comprise one official from the respective sectional government, the mayor or representative, a local official from the National Restoration Plan and a member of EPL. They will be responsible for the initiative for public communication and participation in the peace process.
- b. The council will approach the governors and mayors to ensure the political guarantees required for the future of the EPL political project are provided after the surrender of arms, facilitating the organisation of fora, roundtables and meetings, etc. through the resources it has available.

III.

PROMOTION OF THE POLITICAL PROJECT

To support the communication to the general public of the political project derived from the peace process advanced by EPL and its definitive benefit for the development and strengthening of democracy in Colombia, the national government undertakes to fund:

- a. The publication of a full-page advert on a Sunday or public holiday in two national and five regional newspapers. EPL will be responsible for deciding the text.
- b. The broadcast of messages regarding the progress of the reinsertion process and the future political project of EPL (one per camp and two per week) in the slot of the Colombian television programme *Amarillo, Azul, Rojo*. This will be funded by the national government and broadcasts will be produced by the technical team of the producer Audiovisuales and professional staff hired by the council for this purpose.
- c. The production and broadcasting of two additional programmes by the producer Audiovisuales, to be transmitted in the institutional slot at the normal time on the date to be agreed by the parties.

IV.

MONITORS

I. National monitor

A national monitoring body will be established to verify compliance with the commitments in the memorandum of commitment signed by the parties on 10 January 1991, comprising one representative from the Episcopal Conference, a member of the international monitoring body and a national politician to be agreed by the parties. The monitoring body will visit the camps where EPL forces are present on 18 and 26 of February and will cease to function on the date arms are surrendered.

2. International monitoring body

To ensure an international commission oversees, supervises and certifies compliance with the agreements and commitments made by the parties in this final demobilisation agreement, EPL and the national government agree to invite the Spanish Socialist Workers' Party (*Partido Socialista Obrero Español*, PSOE) and Socialist International to appoint two commissions to oversee compliance with the agreed terms for as long as necessary for their mission. This will entail verification of full and final disarmament by EPL forces, assessment of EPL civil reinsertion tasks, political guarantees made to EPL, agreements regarding human

rights and the implementation of the development plans to which the national government commits as part of this agreement.

To ensure the presence of non-governmental institutions or international democratic figures in the ceremony for the surrender of arms, it is agreed that the national government and EPL will send invitations to the United Nations, Amnesty International and the church, in addition to certain international figures.

V.

LEGAL CONSTITUTION OF THE POLITICAL PARTY

To facilitate the emergence of the political project arising from EPL, the council commits to make arrangements with the corresponding authorities for the registration and legal constitution of its party upon submission of the necessary documentation by the interested parties. This will only take place after the surrender of arms.

VI.

LEGAL GUARANTEES

As a result of the negotiated peace process, the resulting surrender of arms and the decision by EPL forces to reintegrate into civil life and fully participate in national democracy, the government will authorise the termination of punishments and criminal proceedings as set out in Decree 213, 22 January 1991, for all members of EPL, provided these are political offences or appurtenances, and in line with the stipulations and requirements set out in the decree. For this purpose, before 20th of this month, EPL must provide the full list of all the military forces in its organisation, as fully identified as possible. For people deprived of liberty, it must provide the place of imprisonment and the authority responsible for the case.

To support the management and processing of requests to obtain the benefits of Decree 213, 22 January 1991, by the competent authorities, during the surrender of arms, the

government will hire two lawyers for six months to represent EPL members and will provide the required air travel for their mission, support which will also be provided to an additional representative.

VII.

REINSERTION PLAN

1. Purpose of reinsertion

The insertion of EPL in the country's political, economic and social life constitutes an act of reconciliation to show the democratic benefits of moving toward a fairer and more equal society. The government and EPL agree that this process must stimulate a strong belief among the public that political tolerance is the best means to achieve the expansion and preservation of democracy.

The success of economic, social and political reintegration depends both on a joint effort by the government, society as a whole and the guerrilla organisation being demobilised, in addition to the commitment of each veteran to their reinsertion in civil life and participation in the tasks this involves until achieving their final objective.

EPL is required to submit the survey of the aptitude and suitability of all members of its organisation before the 20th of this month to allow the preparation of projects for educational and productive reinsertion on this basis.

2. Coverage

The reinsertion plan will apply to veterans covered by Decree 213, 22 January 1991, who are in camps or deprived of liberty. EPL undertakes to submit the list of beneficiaries that, as agreed by the parties, will form the basis for calculating the reinsertion programmes and costs.

3. Criteria

- a. In the design and implementation of the reinsertion plan, the parties will take maximum advantage of the potential of the EPL political organisation.

- b. Maximum inter-institutional cooperation will be provided at the various levels of government, civil society and the community in general.
- c. The parties will make a special effort to attract the solidarity of private businesses and the international community to help ensure the success of the reinsertion process.

The reinsertion process is envisaged to have three phases: transition, reinsertion and monitoring and evaluation.

4. Transition phase

While there are still camps, the government and EPL will begin the transition phase. This will involve the participation of different government bodies, non-governmental organisations, private businesses and the organisation itself in the demobilisation process. This phase is planned to last for up to six months following the end of the camps and will conclude with the start of the reinsertion phase. The education and training programmes may be carried over into the reinsertion phase.

The activities of the transition phase will be as follows:

- a. Informal education: the informal education programme consists of teaching veterans levels of primary and secondary literacy, based on their current level of education, to allow them to pursue other areas of knowledge, both theoretical and practical. The government will publish the necessary textbooks for teaching literacy and fund complementary audio-visual resources and the teachers involved. Resources will also be provided for a special primary and secondary validation programme agreed with the Ministry of Education.
- b. Technical-professional training and business consultancy as preparation for the reinsertion phase. This will consist of obtaining the technical skills for exercising professions or developing productive projects, preferably self-managed or as part of the solidarity economy. A number of government institutions (e.g. the National Service of Learning [*Servicio nacional de aprendizaje*, SENA] and the Colombian Institute of Agriculture and Livestock Farming [*Instituto Colombiano Agropecuario*, ICA]), regional universities, the National Pedagogic University (*Universidad Pedagógica Nacional*, UPN), study and research centres, NGOs and foundations will be involved in the design and

- implementation of these programmes, in line with the specific needs of the demobilised people.
- c. Public participation and communication. This programme will include the following activities:
- Public participation and administration: training people to be involved in the public activity of the municipality and department;
 - Cultural and recreation activities: scheduling activities to create spaces for leisure and reflection on the regional culture, perceptions and personal or group experiences.
- d. Following the surrender of arms or once the camps have been wound up, the government will authorise a monthly subsistence payment of COP 150 million to support veterans for six months. This sum will be paid to the Progresar foundation established by EPL within the first 10 days of each month. The foundation will manage the funds and pay the beneficiaries of reinsertion in line with the purposes of the allocation of this sum. The six-month period may be extended if the productive programmes or education projects could not begin at the end of the envisaged period due to causes that cannot be attributed to the organisation being demobilised or its members.
- e. The government will offer a health service equivalent to an integrated health insurance policy, which will be contracted from a specialised public or private organisation, in addition to psychosocial care.

At the camps where EPL forces are located, the government undertakes to register births with the civil registrar, arrange ID cards for those without documentation and streamline the procedure for obtaining military ID and legal certificates, provided the interested parties meet the legal requirements.

5. Reinsertion phase

During this phase, veterans will be reinserted into civil society by adopting one of the options set out below. Note that for each beneficiary, it will only be possible to choose one of the options (a, b or c).

- a. Starting a productive project, preferably self-managed or as part of the associative economy. In addition to the previous training and technical assistance required for the

success of the project, the government will provide a one-off loan of COP 2 million for each veteran at an annual interest rate of 12% and with a grace period of two years. The loan will be paid back within four years from being provided and with an annual arrears rate of 24%. If it is necessary to acquire land for agro-industrial or rural projects, the current land reform programme will be used. Sources of soft loans will be explored for supplementary credit insofar as possible.

- b. Starting or continuing higher education (technical, technological, university or postgraduate) for veterans with the necessary academic requirements and who opt for this form of reinsertion. A credit fund managed by ICETEX will be established to pay fees and maintenance up to a value of COP 2 million. Funding will be provided on the same terms as projects in item a), notwithstanding any additional loans that ICETEX may provide veterans for their studies. For these, arrangements will be made to link them to the university, without prejudice to the autonomy of the university.
- c. Work placement in the public or private sector, for which the government will make the required arrangements.

6. Monitoring and evaluation phase

- a. To design and apply the reinsertion plan, the government will create a reinsertion and normalisation office with suitable funds for this purpose. The office will have special branches in Medellín, Montería, Cartagena, Apartadó, Cúcuta and Pereira. The government will include members of EPL in the reinsertion teams to guarantee the continuity of bilateral work in designing and executing programmes.
- b. The National Normalisation Council will be expanded to include a delegate nominated by EPL, and likewise for the regional normalisation councils for Santander, Antioquia, Risaralda and Tolima. A regional normalisation council will be created for Córdoba, Bolívar, Putumayo and Guajira.
- c. The executive director of the fund for the application of reinsertion and restoration programmes and the fund's EPL representative will submit a monthly progress report on the commitments to the National Normalisation Council. This report will be submitted to the monitoring and verification organisations defined by the parties.

d. To support and develop the reinsertion plan, EPL will channel efforts through the Progresar foundation, which will be able to attract national and international resources for this purpose.

VIII.

SECURITY PLAN

1.

The security service and teams provided by the government as part of this agreement will be provided on a temporary basis in line with the specific requirements and priorities for the protection of EPL veterans and leaders, based on a specific and periodic joint assessment of risks. In principle, the security plan agreement will run for six months from the date of the surrender of arms, after which the plan will be reviewed as a whole by the parties. Notwithstanding, at least once a month, there will be a joint periodic review to make adjustments based on experience, in line with the organisation discussed below.

2.

Equipment provided for security will remain government property and will be returned to the council or security services, as applicable, following a suitable period of time when risks are deemed to have been reduced for one or all security levels.

3.

Three security levels will be established for the leaders with the greatest exposure to risks:

- LEVEL ONE (highest priority): Protection of four highest risk national leaders, who will have four teams, each comprising two vehicles, with a driver and bodyguard in the main vehicle, and a driver and bodyguard in the accompanying vehicle. Each team will be equipped with radiotelephone systems, bullet-proof vests and arms. The responsibility of security at this level will be delegated to the Administrative Department of Security (*Departamento Administrativo de Seguridad*, DAS) to which the council will allocate the required material resources.

- LEVEL TWO: Protection of nine high-risk national leaders and veterans, who will be protected by a security team comprising a vehicle, with driver and bodyguard, and the corresponding equipment.
- LEVEL THREE: Protection of around 28 veteran regional leaders, who, on account of the nature of the conflict prior to this agreement, are exposed to foreseeable risks. A total of 15 cars, each with a driver and bodyguard, will be allocated for the security of this group. The teams will be distributed throughout the coffee axis, Medellín, Valle, Apartadó, Córdoba, Barranquilla, Cartagena, Guajira, Los Santanderes and Bogotá, in line with requirements. For this level, the security equipment will be shared by various leaders, for which EPL undertakes to agree suitable scheduling and coordination.

To clarify, a total of 32 cars will be provided as part of the security plan, including the 12 that were already provided to the national representatives of EPL, which shall be redistributed as deemed fit by the organisation based on this agreement.

4.

To complement the work of bodyguards, EPL may designate security staff from its own ranks at different levels. Insofar as possible, the security institutions will provide staff with special training, in addition to ID and help with the procedures to obtain the licence to bear arms.

5.

EPL will nominate a person responsible for national security who will form part of the Security Plan Commission linked to the National Normalisation Council. The security of members of the organisation is a mixed responsibility.

6.

To facilitate the movement of protected leaders, the Special Fund for Peace (Law 35, 1982), will pay the travel expenses of Criminal and Interpol Investigation Division (*Dirección de Investigación Criminal e INTERPOL*, DIJIN) bodyguards assigned for their protection subject to submission of the corresponding receipts.

7.

The government undertakes to provide 40 bullet-proof vests for the use of EPL members to be protected under the agreed plan.

8.

The surveillance of sites will be managed in coordination with the national police.

IX.

HUMAN RIGHTS AND FACTORS OF VIOLENCE

One of the fundamental objectives of this agreement is to suppress the factors that cause violence that have arisen in areas where EPL is present. Community participation will be sought in the design of solutions and their implementation to effectively consolidate peace conditions.

1.

To achieve this objective, the parties agree to create a Commission to Overcome Violence, comprising five figures of recognised suitability and moral standing appointed by consensus to ensure the effective and high-level treatment of the issue. The commission will be established on 26 February this year and will function for a period of six months.

2.

The Commission to Overcome Violence will have the following functions:

- a. Undertake diagnostics and make recommendations regarding violence and the violation of human rights in each of the regions, as defined by the Bilateral Commission on Human Rights and Factors of Violence, paying particular attention to phenomena such as paramilitary activity and drug trafficking.
- b. Contribute to organising regional fora to overcome violence, the objective of which will be to allow the participation of the community and its organisations in the analysis of

violence and the development of strategies to eradicate this phenomenon and consolidate an atmosphere of democratic coexistence in the various regions.

- c. Submit a report to the Colombian government summarising the results of its work, setting out general policy recommendations and specific cases to be addressed.

3.

The national government undertakes to support and fund the commission's work, which may also receive support and cooperation from international bodies and NGOs. The national government undertakes to consider and address the recommendations made by the commission.

4.

The national government will promote the participation and support of the attorney general and departmental and municipal governments in both the commission's work and the promotion and defence of human rights in regions. It will also facilitate the participation of the community and its various organisations in the activities set out by the commission.

5.

The Foundation to Support Families of Victims of Violence will support those affected by acts of political violence through programmes defined and implemented by the foundation and the Bilateral Commission of Human Rights and Factors of Violence.

6.

The government reaffirms its willingness to apply international humanitarian law and establish mechanisms for observing and complying with the rights and guarantees deriving therefrom.

X.

REGIONAL PLANS

1. Characteristics

- a. The government and EPL agree to draw up regional plans in areas of influence where EPL had an armed presence. A single payment of COP 2 billion will be made available for these plans from the national budget.
- b. The plans will benefit communities and promote the socio-economic development of regions in general.
- c. Attempts will be made to channel the resources of government bodies that undertake programmes in the regions and ensure the link with departmental and municipal authorities.
- d. The participation of private companies will be promoted in funding the identified projects. There will also be links with community organisations, and NGOs and the academic sector will be invited to participate.

2. Method

- a. The bilateral commission will determine the municipalities to be covered by the regional plans and will define the budget priorities.
- b. In each municipality, a participation exercise will allow the community to decide the projects and works to be carried out. For this purpose, extraordinary sessions of the restoration councils will take place in the municipalities that form part of the National Restoration Plan (*Plan Nacional de Rehabilitación*, PNR), which, by definition constitute a space to promote community participation. In partnership with a government representative, EPL will participate in these councils and explain the scopes of the proposal.
- c. In municipalities not covered by the PNR, municipal peace councils will be created as a mechanism for community participation and decision-making. They will be chaired by the municipal mayor and their structure and procedure will be similar to the restoration councils. In partnership with a government representative, EPL will also participate in these councils and explain the scopes of the proposals.

XI.

PROCEDURE FOR THE SURRENDER OF ARMS

To ensure the surrender of arms on 1 March as established in this agreement, EPL must submit a full list of war materials and items for the exclusive use of the armed forces that are in its power by 20 February. The list of arms will detail their type, brand, calibre and serial number. The list of explosives will detail their type and quantity.

It is agreed that items for the exclusive use of the armed forces will be unused and explosives will be detonated in the respective camps. At each camp, arms will be surrendered to the international monitoring commission, which will be responsible for their custody until their destruction.

The final act of surrender will take place on 1 March at the sites to be agreed between the parties.

The list of arms, explosives, items for the exclusive use of the armed forces and other war materials in the possession of EPL will be surrendered to a representative of the international monitoring commission, who will be responsible for their transfer to the peace council.

On 1 March, the government will issue safe-conducts to members of EPL for offences covered by Decree 213, 22 January 1991, based on the list submitted by the organisation.

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