

FINAL POLITICAL AGREEMENT BETWEEN THE NATIONAL GOVERNMENT AND THE CURRENT OF SOCIALIST RENEWAL

INTRODUCTION

The national government and the Current of Socialist Renewal (Corriente de Renovación Socialista, CRS) sign this final political agreement to contribute to peace and the development of democracy in Colombia. The national government ratifies its conviction expressed on 7 August 1990 that it is both possible and necessary to reach a political solution to the armed guerrilla conflict within the constitution and the law. CRS today surrenders its arms as proof of its unequivocal desire for peace and its decision to become a legal political movement.

CHAPTER 1

REGIONAL DEVELOPMENT IN AREAS OF CONFLICT

To promote the development of the communities affected by the armed conflict, the national government and CRS have agreed a social investment programme to contribute to improving living conditions in specific areas of the country. The programme will be based on community participation as a space for reaching consensuses and decision-making as a mechanism for participative democracy.

The regional development programme will be complemented by housing and land.

Principles

The social investment programme will be based on the following principles for its development and application:

1. Community participation is the cornerstone for the application of general social investment policies and reaching consensuses, making decisions, implementation and public oversight for specific projects.
2. The community has a responsibility for managing peace by promoting peaceful solutions to conflicts and rejecting and delegitimising violence.
3. Improving living conditions is linked to the search for peaceful coexistence.

Development

The regional development programme involves a series of special investments made in specific parts of the municipalities in the annexed list, which have been agreed by the national government and CRS and correspond to the zones affected by the conflict that is ended with the signing of this agreement.

Using the institutional and legal mechanisms established for this purpose, the government will provide a one-off COP 2 billion payment, with COP 1 billion disbursed in the 1994 financial year and the remaining COP 1 billion disbursed in 1995.

The following methodology will be used to define the works to be carried out with these resources:

- a. Within three months from signing this agreement, a sub-commission of the reinsertion consultation committee will define the specific places (rural or urban zones) in which investment will be made. These will be limited to the municipalities in the annexed list.

The sub-commission of the national normalisation council will be of a special nature and will comprise two representatives of the national government and two representatives of CRS. It will be entitled to receive advice from the various government and non-governmental institutions, and specialists for carrying out its work.

- b. Once the places where investment will be made have been defined, the national government will convene extraordinary sessions of the restoration councils in the municipalities of the list that form part of the National Restoration Plan (*Plan Nacional de Rehabilitación*, PNR) to allow the community to define the work(s) to be carried out.

In municipalities that are not covered by the PNR, special community assemblies will be convened to provide community participation and decision-making mechanisms, chaired by the municipal mayor and with a structure and procedures similar to the restoration councils. The convening and holding of these community meetings must occur within four months from signing this agreement.

- a. Both the national government and CRS will participate in the meetings derived from the previous item, explaining the scope of this agreement, particularly regarding the regional development programme.
- b. The projects defined as part of the regional development programme in zones of conflict may be co-funded using national, regional and local resources, subject to agreement, involving both the community and the corresponding authorities will participate.
- c. The special community sessions will also aim to promote peace and the national government will use them to continue communicating its social policies on housing and agrarian reform.

Housing

The national government will provide COP 50 million for the Arco Iris corporation housing fund for the promotion, design and management of projects for the construction and improvement of housing in order to support the award of subsidies for the implementation of these projects with the corresponding national institutions.

Projects will be identified by communities in the aforementioned participation spaces.

The government undertakes to support the submission of these projects and the corresponding institutes will process them and award funds in line with their available budgets and following standard procedures.

Land

To improve the living conditions of rural communities in the municipality of Ovejas, the government undertakes to carry out a programme to provide land, approved by the

restoration council, in line with the schedule and funds for investment in acquisitions set out by the Colombian Institute for Agrarian Reform (*Instituto Colombiano de la Reforma Agraria*, INCORA) for the department of Sucre.

CHAPTER 2

PUBLIC PARTICIPATION

The national government and CRS acknowledge the importance of continuing the process of building participative democracy and continued progress in developing the constitutional principles to expand the spaces for public participation in our country.

As such, the government undertakes to:

1. Make progress in the implementation of the final item of article 103 of the constitution regarding the state contribution to the organisation, promotion and training of NGOs. The national government will convene public audiences in the regions of Santafé de Bogotá, Medellín, Barranquilla, Cali, Sincelejo, Bucaramanga, Apartadó, Pereira and Cartagena to hear public initiatives in this area, at which it will also promote community participation. CRS will also participate in these audiences.
Having complied with this participative process, the government will issue the corresponding decree, exercising the extraordinary powers set out in the statutory bill for participation mechanisms, provided these are deemed admissible by the constitutional court. Otherwise it will submit a bill to congress.
2. Convene public audiences at locations where this has not been done by congress and the ombudsperson to contribute to the public participation bill currently being processed in the Congress of the Republic.
3. Continue government bills that are being processed in congress for the formation of planning councils, the participation of users in the management and control of public service companies, the formation of the commission detailed in article 56 of the constitution and promoting a consensus for salary and employment policies.

4. Strengthen the work of the Luis Carlos Galán Institute for the development of democracy to implement the public training process for participation mechanisms and their communication. The participation of CRS members in the institute's activities.
5. Launch the Ministry of the Interior public participation fund created by the statutory bill for public participation mechanisms and promote the participation of NGOs in its operation will be promoted.
6. Publish a brochure on the content of the articles of the constitution and the participation mechanisms set out in the statutory law. This publication will be presented as a result of the agreement between the national government and CRS.

Forum in Urabá

The national government will collaborate with CRS to prepare and hold a forum in the city of Apartadó on 29 April.

The preparatory meeting will take place in Santafé de Bogotá on 12 April.

The objectives of the forum are to explain the peace process in which CRS has participated and present the organisation's proposal for the Urabá zone regarding its decision to form part of the country's institutional life for political ends and its objective of exchanging ideas to overcome the conflict in Urabá.

CHAPTER 3

HUMAN RIGHTS

The Presidential Council for Human Rights will hold a forum to analyse the situation of human rights in Colombia and study the recommendations proposed by CRS at the talks. The following parties may also be invited to this forum: the Attorney General, the public prosecutor, the ombudsperson, the senate and house of representatives, human rights NGOs, universities and the Catholic Church.

A representative from the Inter-American Commission on Human Rights and the representatives of the international monitoring committee for this agreement may participate as observers and present proposals to the forum.

The forum will take place as soon as possible and its results will be evaluated by the national government and published in a book that establishes their origin in this peace agreement.

The government will provide the resources required for holding the forum.

CHAPTER 4

REINSERTION PROGRAMME

1. The term Reinsertion Programme covers the totality of the various benefits agreed with CRS representatives to facilitate in a real and specific way the process to reintroduce its members into economic and social life.
2. The Reinsertion Programme is fundamentally designed for CRS members on the reinsertion lists approved by the Ministry of the Interior and detainees entitled to legal benefits.

1. Health

The government guarantees coverage of the health requirements of CRS members set out in item 2, including their family nucleus, as defined by the social security institute for category 25 affiliates via an agreement with this institute.

Affiliation will last for two years from the date on which the first card is issued to the affiliate.

Medical assistance will also be provided to CRS members with physical disabilities via an agreement with the San Juan de Dios hospital, guaranteeing transfer to Bogotá and accommodation in the city for the duration of medical treatment, with the stay defined by the corresponding medical authority.

For families who have been victims of violence by CRS members, the government will extend the programmes in this area once the legal requirements have been satisfied.

2. Education

An education and psychosocial support programme will be agreed through a partnership with the National Pedagogic University, which will be responsible for its implementation. The programme will cover literacy, the validation of elementary education, secondary education and vocational secondary education for a total of 18 months. The programme will be a one-off and will be available to the people over 18 described in item 2 and their basic family nucleus.

The corresponding *bachiller* qualification, recognised by the Ministry of Education, and certifications from the National Teaching Institute of the National Pedagogic University will be awarded upon completion of the levels described above. Programme venues will be chosen taking into account the number and concentration of reinserted members in the different cities throughout the country. The opening of a centre for the implementation of the programme will require at least 20 people covered by reinsertion in a given geographic area.

The government will provide a preparation course via the National Pedagogic University for CRS members who can show they have passed the *bachiller* and will go on to university.

CRS members may be eligible for the National Pedagogic University degree and Colombian Studies programmes, provided they meet the requirements.

It is also agreed to establish a fund to support higher education studies through a partnership with ICETEX. The resources provided for this fund will be for the provision of student loans for CRS members subject to reinsertion in line with the second item of this agreement.

3. Psychosocial

The government commits to designing and implementing a programme, to be executed through specialised bodies in this area, to help those reinserted adapt to their new roles in civil life.

4. Training and technical support

The government undertakes to ensure the implementation of the following programmes:

1. *Training*: in-person programmes for human relations, constitutional development, organisational processes, specific occupational skills and techniques, business management for the solidarity economy, public administration and regional development, and business consultancy delivered through partnerships with government or private bodies. These courses will take place in the first month of the Reinsertion Programme.
2. *Technical support*: providing advice for specific projects for a period of six months, extendable to one year, in which specialised technical staff will provide on-site support for the project.

Where feasible, technical assistance will be provided via agreements with the departments and municipalities where reinserted members are located.

5. Housing

The government undertakes to:

1. Provide training to help reinserted members form companies to carry out housing programmes.
2. Provide training to support the drawing up of community housing plans.
3. Support the execution of housing plans with the corresponding state institutions through joint management with the organisations for reinserted members formed for the implementation of these plans. For this purpose, the government will award social housing subsidies to reinserted members, as defined in item 2 of this agreement and will support the processing of applications for subsidies by the community members involved in the specific housing programmes.

The government will also support efforts by those being reinserted to obtain loans to fund the construction of housing.

6. Cultural

The government undertakes to fund the execution of the cultural peace agents programme in partnership with COLCULTURA and in line with the terms defined by this institution. The programme will be implemented in coordination with the government officials responsible for reinsertion and the organisation of reinserted members. For its implementation, one reinserted member of CRS per region or department will be appointed using the resources assigned to the programme.

7. Production projects

The government undertakes to:

1. Provide a COP 4 million loan to each reinserted CRS member with a grace period of two years and four additional years for repayment. These loans will cover the start-up costs of productive projects for reinserted members and will have an annual interest rate of 18%.

Payments may be individual or collective.

2. For productive projects, CRS will be entitled to receive support from NGOs or international organisations. The control and supervision of these reinsertion projects will be carried out in line with Decree 2707, 1993.
3. Agree with CRS mechanisms to allow the incorporation of international, government or private resources for the reinsertion of CRS members. These resources will be subject to the same control and supervision system described in item 2 above.
4. Provide the necessary technical assistance in the process to define and select the productive projects to be implemented, either providing the human and technical resources of the Reinsertion Programme or through NGOs specialising in this area.
5. Transfer COP 600 million to the Arco Iris corporation when the corresponding legal requirements are satisfied. These funds will be used to provide financial support and consultancy for the productive projects of reinserted CRS members, subject to the presentation, debate and approval of the corresponding work plans.

8. Land programme

Following the definition and approval of the corresponding agricultural and livestock productive projects, the government will agree to include CRS members as beneficiaries of Decree 1934, 1992, which establishes the programme to provide land for members of demobilised groups, for which it will process the application for the necessary resources with the treasury and make arrangements for inclusion in INCORA.

9. Promotion of the process

In line with the list of members submitted by CRS and approved by the Ministry of the Interior, reinserted members will act as promoters of this peace process. The government will provide each member with a supporting monthly payment of COP 170,000 for one year from the date of the surrender of arms.

The government will make a one-off payment of COP 100,000 to each reinserted member to guarantee their transfer from the camp to where they will be located after the surrender of arms.

10.

For implementation of this agreement, the government will incorporate CRS representatives into the institutional structure set out in Decree 2707, 1993.

CHAPTER 5

LEGAL BENEFITS

CRS members will be covered by the legal measures set out in the articles of Law 104, 1993, under the criteria and procedures set out therein, for which the government undertakes to:

Process and decide on the award of amnesty to CRS members that have been convicted of any of the crimes mentioned in articles 48–60 of the aforementioned law.

The government will regulate the procedure for amnesty to ensure it is expedited and the decision is taken within 30 days from completion of all the required documentation.

Support the processing of requests for writs of prohibition, preclusion of investigation and cessation of procedure before the corresponding judicial authorities and in line with the procedure set out in Title III of Part I of the aforementioned Law 104. For non-political crimes, the decision of the judicial authority will be based on the criterion of appurtenance.

To facilitate these procedures, the government will hire at its cost two lawyers proposed by CRS for one year from 1 January 1994, extendable if necessary.

CRS members who have not been convicted or accused of crimes covered by article 48 of Law 104, 1993, when the agreements are signed, may be covered by the legal benefits of this chapter under the same terms and with the same procedure if criminal investigations of events that took place before the signing of the agreement are initiated or continued.

3.

Process or order, in line with the current legal provisions, the suspension of capture orders and arrest warrants for CRS members who appear on the corresponding lists and are present in the demilitarised zone of Flor del Monte on the day of the surrender of arms. This suspension will last until the request has been resolved by the corresponding legal authority.

Persons covered by this item who have capture orders or arrest warrants in place on the day the agreement is signed must submit requests within 45 days from the provision of the certificates by the Ministry of the Interior. If the request is not submitted within this period, the suspension will be revoked.

4.

A joint CRS – national government commission will be established to monitor the procedures for obtaining legal benefits.

5.

In cases where, in line with the assessment of circumstances, the national government deems there is evidence that the information supplied by the spokespeople for CRS is misrepresented, it will inform these circumstances to the monitoring commission set out in

this chapter, and CRS representatives on the commission will provide any additional information. The Ministry of the Interior will draw up partial certificates within 15 working days from this agreement.

6.

For the purposes of the certification set out in article 56 of Law 104, 1993, this requirement will be satisfied by the certificates issued by the Ministry of the Interior.

CHAPTER 6

POLITICAL FAVOURABILITY

To facilitate the reincorporation of CRS into the democratic system, the national government will make a one-off appointment of two representatives to the House of Representatives for the period 1994–98 under the powers awarded by Law 104, 1993.

The representatives will be: Fernando Hernández Valencia (ID no. 10.214.360) of Manizales and Adolfo Antonio Bula Ramírez (ID no. 6.875.103) of Montería. In the event of a permanent or temporary absence under the cases set out in the constitution, these will be replaced in line with the regulations of congress by José Jesús Aristizábal (ID no. 8.271.575) of Medellín and Alejandro Enrique Suárez Mesa (ID no. 3.385.386) of Corozal.

CHAPTER 7

SECURITY PROGRAMMES

1. To guarantee the normal operation of the activities of CRS, the national government will provide a service for the security and protection of its leaders, which will be the responsibility of the corresponding specialist state institutions.
2. The security service will have three levels:
 - Level 1: to cover three CRS leaders, each of which will have one vehicle and four bodyguards, including the driver.

- Level 2: to cover six CRS leaders, each of which will have one vehicle and two bodyguards, including driver.
- Level 3: to cover 12 CRS leaders with a total of six vehicles, each with two bodyguards, including driver.

Each protection unit will also have bullet-proof vests and the respective arms.

The security programme will have a coordination mechanism comprising one member of the peace council, representatives of each of the security bodies responsible for security and protection and one member of CRS. The latter will be the organisation's head of security.

3. Each security unit will be entitled to include CRS members, who must receive training and register with the special schemes established by the government for this purpose. A maximum of 30 people will be entitled to this provision.
4. Locations where CRS establishes branches will have a surveillance service provided by the national police.
5. The coordinating mechanism of the security programme will periodically assess the risk in each region where CRS members are located. The national government, with the support of the reinsertion offices in each region, will undertake the necessary coordination to ensure the regional authorities to take into account these considerations and adopt the relevant measures.
6. Six months after signing this agreement, the monitoring commission established herein will assess the security programme to determine its continued suitability.
7. The national government will study and support, via the Surveillance and Security Supervisor, the possibility of creating a community surveillance cooperative in the zone of Moravia and El Bosque in the city of Medellín, based on members of the demobilised CRS militias in Flor del Monte. This cooperative will be established with the resources assigned to the individual loan programme for reinserted members established in the corresponding chapter of this agreement.

Following the surrender of arms, CRS members located in the districts of Moravia and El Bosque in the city of Medellín will meet with community representatives and civil and military authorities in the city to establish a plan for the immediate security of the zone.

8. The national government will pay particular attention to the demilitarised zone around Flor del Monte to guarantee the normal continuity of the activities of the community after demobilisation and surrender of arms by CRS.

In Flor del Monte, the military authorities, the church and the community will periodically evaluate the security situation in this zone.

CHAPTER 8

SURRENDER OF ARMS

The ceremony for the surrender of arms will take place on 9 April 1994 in Flor del Monte in the municipality of Ovejas in the department of Sucre. Arms will be rendered unusable and then destroyed in line with the following procedure:

1. Eight days before the surrender of arms, CRS will present the tutor and witness to the process with the list of arms, explosives, articles for the exclusive use of the armed forces and other communications and logistics material in its power. The tutor–witness will be responsible for passing the list to the peace council. The list of arms will contain details of types, brands, calibres and serial numbers and the list of explosives will contain details of their type and quantity.
2. On 8 April, CRS will surrender its arms before international members of the monitoring commission. The commission will check the material that is received against the list submitted by CRS to the Presidential Council for Peace via the witness–tutor for the process. Once the material has been received, the commission will allow the removal of the arms required to protect the camp on the night prior to the proceedings for the surrender of arms. These arms must be the same used on the day of the surrender for the symbolic proceedings agreed for this date. The remainder of the arms will be

received by the commission and immediately disarmed by experts provided by CRS for this purpose.

3. On 8 April, explosives will be detonated and destroyed, for which the government will provide the support of the relevant experts. CRS will be responsible for taking all the necessary safety measures to comply with these requirements. The government will provide any support requested for this purpose.
4. After the ceremony for the surrender of arms on 9 April, international members of the monitoring committee will receive the arms removed from the general inventory and will assume responsibility for this material until part of it is melted down and the remaining part dumped in the sea. The metal from melting down part of the arms will then be given to the Presidential Council for Peace by the international members of the monitoring commission.
5. The national government will order the manufacture of three bells from the metal that is melted down. These will be installed in the churches of the towns of Flor del Monte, La Peña and Ovejas in the department of Sucre.
6. The international representatives of the monitoring committee will submit a report to the Presidential Council for Peace on all the material received and destroyed within two weeks from completion of the surrender of arms.

CHAPTER 9

VERIFICATION COMMISSION

To guarantee full compliance with this final political agreement, a monitoring commission will be established, comprising the national government, CRS and international organisations, as set out in the initial political agreement signed on 18 December 1993.

The commission will place a special emphasis on issues such as the application of legal benefits, loans, support and subsidies, and the implementation of the security mechanisms established in this agreement.

The international component will be represented by a representative of the Kingdom of the Netherlands and a representative of Socialist International.

The monitoring commission will meet every four months from the date on which this agreement is signed for a period of two years, which may be extended.

CRS will form part of the consultation committee for the Reinsertion Programme established in article 27, Decree 2707, 1993.

Por el Gobierno Nacional

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Flor del Monte, abril 9 de 1994