

FINAL AGREEMENT BETWEEN THE NATIONAL GOVERNMENT AND THE INDEPENDENT
REVOLUTIONARY MOVEMENT - ARMED COMMANDOS

29 July 1998

In Medellín, on 29 July 1998, as an expression of their decision to contribute to the peaceful coexistence of the people of Medellín, Antioquia and Colombia, in the presence of the Catholic Church and the Peace Facilitation Commission for Antioquia, as monitors and guarantors, the negotiating commissions of the national government, the departmental government of Antioquia, the government of the municipality of Medellín, and the Independent Revolutionary Movement - Armed Commandos (*Movimiento Independiente Revolucionario Comandos Armados*, MIR–COAR), sign this final agreement.

Its content implements the preliminary agreement on protocol signed in Bogota on 21 January 1997 as a result of the talks between the negotiating commissions created for this purpose by Decree 1247, 9 May 1997, which is reproduced below.

*PRELIMINARY AGREEMENT BETWEEN THE NATIONAL GOVERNMENT AND THE
INDEPENDENT REVOLUTIONARY MOVEMENT – ARMED COMMANDOS*

21 January 1997

The national government, under the constitutional mandate for peace, as a mandatory duty and right, in order to find a permanent solution to the armed conflict and provide the basis and conditions for the growth of long-lasting peace through negotiations, the expansion of democratic channels, respect for human rights and international humanitarian law, and the participation and reconciliation of all Colombians, has decided in mutual agreement with the insurgent armed group the Independent Revolutionary Movement – Armed Commandos (Movimiento Independiente Revolucionario Comandos Armados, MIR–COAR) to initiate a dialogue process to find ways to permit the affirmation of genuine participative democracy, the social development of the communities under the influence of MIR–COAR, the peaceful

coexistence of Colombians, and the reincorporation of the organisation's members into civil, social and political life.

To achieve this, MIR–COAR undertakes to overcome all obstacles that may arise in order to carry out this process and guarantee the military demobilisation of its members, respect the rules, standards and provisions of international humanitarian law for the duration of the process to reach a permanent agreement, suspend offensive military activities throughout the process, and submit, in the course of the process, details of the urban and rural zones in which it operates and which are known to be under its influence.

The national government undertakes to:

- 1. Provide the guarantees required by the spokespeople and representative members designated by MIR–COAR while the political–social negotiation process takes place.*
- 2. Guarantee under the terms set out in Law 104, 1993, reformed by Law 241, 1995, the suspension of the execution of capture orders for the representatives–members and spokespeople appointed by the organisation and recognised by the national government.*
- 3. Guarantee legal assistance to members of the organisation from the signing of this document throughout the talks. Under all circumstances, the government reserves the right to suspend them if this is warranted by the development of the process.*
- 4. Guarantee secure transport of spokespeople and representatives–members, as required, to carry out talks.*
- 5. Provide sufficient operative measures to make progress in this contact process.*

The parties mutually agree the following commitments:

- 1. Carry out meetings with the greatest possible discretion and privacy, without issuing communications to the press, in order to respect the security of the members of the commissions.*
- 2. Work together to establish a professional team that will jointly evaluate with communities the socioeconomic situation of the areas submitted as zones of influence of the insurgent group to provide the basis for making decisions regarding social*

investment in these areas, this being understood as the social restoration of neighbourhoods.

Signed on 21 January 1997.

The issues agreed and contained herein are the result of the consensus achieved at the talks based on the application of the government peace policy and the decision by MIR–COAR to continue with their political activities while fully respecting and accepting the constitutional and legal frameworks that govern Colombians from the surrender of arms and their full reincorporation into civil life.

The government, at its national, regional and local levels, and MIR–COAR understand this agreement as a real and effective contribution to: deactivating a contributory factor to violence; improving the climate for coexistence among citizens; making a significant contribution to the construction of peace; and issuing a call to those who persist in the use of arms as an instrument of political expression to choose dialogue and talks as the only real ways to overcome the armed conflict affecting the country.

They declare that they will make every necessary effort to guarantee adequate compliance and trust that discrepancies that arise in its implementation will be resolved using the mechanisms for consensus set out therein.

The items are discussed in the order of the agenda defined by mutual agreement:

1. Public spokespeople
2. Monitoring of the process
3. Legal favourability
4. Human rights and public security
5. Political favourability

6. Socioeconomic benefits
7. Social investment
8. Security system
9. Surrender of arms
10. Monitoring of the process.

CHAPTER 1

PUBLIC SPOKESPEOPLE

The negotiating commissions for the government and MIR–COAR agree that for the duration of the talks, Santiago Quijano Moreno and Carlos Mario Arenas López will act as public spokespeople, in line with article 4 (Recognition) of Decree 1247, 9 May 1997.

From the signing of this agreement, for the purposes of its implementation and the representation of those reincorporated into civil life, Luis Fernando Quijano Moreno and Álvaro de Jesús Ramírez Rivera are accepted as political spokespeople. Luis Fernando Quijano Moreno will also act as representative of the Corporation for Peace and Social Development (*Corporación para la Paz y el Desarrollo Social*, CORPADES) and Ramírez Rivera will act as representative of Nuevos Tiempos.

CHAPTER 2

MONITORING OF THE PROCESS

The government and MIR–COAR negotiating commissions both accept the figures and institutions of recognised ethical and moral standing who will have a permanent presence at the talks as monitors of the negotiation process in order to guarantee adequate compliance with the procedures to allow the parties involved in the negotiation process to reach agreements.

We accept that the monitor(s) will be proposed and accepted by the parties.

We also accept that the people acting as monitors must meet the following requirements:

1. be recognised among society for their ethical and moral qualities;
2. have an objective view of the issues to be discussed;
3. be impartial;
4. have time and be willing to be present at the negotiation process;
5. have the authority to draw the parties' attention to any non-compliance;
6. have the capacity to facilitate and promote the negotiations without intervening as a mediator;
7. must not be civil servants.

Similarly, we agree that the monitor(s) will perform the following functions:

1. be present throughout the process, especially at talks;
2. have sufficient knowledge of the party's proposals;
3. witness the development of the negotiation;
4. ensure the process is carried out correctly, especially regarding compliance with the procedures agreed for the negotiations.

Finally, we reiterate our acceptance of and gratitude to the Colombian Episcopal Conference as monitor, headed by Father Jorge Martínez. We also agree to initiate the procedures to allow the temporary or permanent presence of Manuel Conde Orellana, also as monitor. If he is appointed on a temporary basis, the parties will agree on the times at which he is to be present.

CHAPTER 3

LEGAL FAVOURABILITY

The members of the reinserted political organisation (MIR–COAR) will be awarded the benefits of amnesty, cessation of procedure, preclusion of investigation, resolution of dismissal and, in general, the provisions of article 62, Title III of Part 1 of Law 418, 1997, as applicable and in line with the criteria and procedures set out therein. For this purpose, the national government makes the following commitments:

1. Reiterate the political character of the insurgent urban organisation MIR–COAR.
2. Establish and guarantee the operation of a monitoring and support commission to process these benefits, comprising representatives of the Office of the High Commissioner for Peace, the Presidential Reinsertion Programme, the Ministry of the Interior, the Ministry of Justice and Law, the Public Prosecution Service, the Peace Council of Antioquia, the secretariat of the municipal government, MIR–COAR and Corporación Jurídica Libertad. The duration of the commission will be subject to completion of the processing of legal benefits.
3. Process before the country's Attorney General the establishment of a special commission of prosecutors to centrally judge and decide on the different requests arising from this agreement for criminal cases within its jurisdiction, in addition to the lodging of proceedings, investigation and preclusion for the confessed crime of rebellion for all those who are demobilised and have not received notice of a conviction or preliminary or are subject to criminal investigation against them. A similar commission will be created before the respective legal authorities for criminal cases in the procedural stage.
4. Issue, within ten working days from the signing of the agreement and via the Ministry of the Interior, certificates with the list of demobilised members of MIR–COAR in line with the list of names provided by the insurgent organisation, with a copy sent to the Ministry of Justice and Law, in line with article 54 of the aforementioned law, provided the list of names and documentation are submitted by MIR–COAR in line with article 8 of this chapter.
5. Require the judicial authorities to report the existence of criminal cases, preliminary investigations or convictions against demobilised members in line with article 55 B through the Ministry of Justice and Law within three working days from receiving the certificates.
6. Process and decide on the award of pardon and amnesty for members of the reinserted political organisation in line with the requirements and procedures set out in Law 418, 1997.

7. The national government will guarantee funding for 12 months for legal services to secure these benefits. The funding may be extended for periods of six months as required.
8. The MIR–COAR political organisation undertakes to submit the list of the names of people that form part of the organisation and a photocopy of their ID document at the ceremony for signing this agreement.
9. The MIR–COAR organisation undertakes to lodge all requests for legal benefits with the Ministry of Justice and Law.

CHAPTER 4

HUMAN RIGHTS AND PUBLIC SECURITY

Given the concerns of the communities in the areas where MIR–COAR has had a military and political presence, the national government, the departmental government of Antioquia, the mayor’s office of Medellín and MIR–COAR agree the following activities for the normalisation of civil life, peace, human rights and public security.

As parties to the talks, the departmental government of Antioquia and the mayor’s office of Medellín undertake to include one member of MIR–COAR in the respective ordinance projects and agreements presented to the departmental assembly of Antioquia and the council of Medellín regarding the creation of the respective peace councils.

If the departmental assembly for Antioquia or the council of Medellín do not comply with the previous point, the respective technical secretariats, which will be performed by the Peace Council of Antioquia and the Adviser for Peace and Coexistence in Medellín, will propose the inclusion of a MIR–COAR representative in the departmental and municipal peace councils that have already been formed.

The technical secretariat of the National Peace Council will make its own arrangements for the inclusion of MIR–COAR in the National Peace Council.

To implement the tasks of the departmental and municipal peace councils, the respective departmental and municipal governments will ensure the creation of two commissions on human rights and the study to overcome urban violence to draw up recommendations and policies on the assigned issues.

The national government will guarantee resources for holding a regional forum/meeting for those who have been displaced by violence in order to raise public awareness about the issue.

As a result of this agreement, which will be made permanently explicit, together with MIR–COAR and within one year from signing this agreement, the national government will hold national forums on impunity and urban violence in the city of Medellín, to which national and international experts will be invited.

The organisation of the forums, the definition of the specific issues to be covered, the experts, the list of special national and international guests, and the production of reports, recommendations and final conclusions, which will be published, will be carried out by a working group comprising representatives of MIR–COAR and the national government. The resources required to guarantee these events and forums will be provided by the national government via the Office of the High Commissioner for Peace.

CHAPTER 5

POLITICAL FAVOURABILITY

This chapter on political favourability contains the aspects of the agreement regarding the transformation of the armed organisation into a political movement, the mechanisms through which the activities of the new political organisation will be carried out, the representation on publicly elected institutions and aspects to promote the process.

1. Constitution as a political movement. The national government undertakes to make arrangements with the electoral authorities for the establishment of the new political movement arising from the military organisation, to be called the Regional Integration

Movement (*Movimiento Regional de Integración*, MIR), as a result of this agreement and based on the provisions of Law 418, 1997.

2. To guarantee the existence of the new political movement, during its first phase the national government undertakes to provide COP 1.3 billion of financial support for the institutional development of the corporations created as a result of this agreement. This funding will be used for programmes such as the political training school, the publishing fund and the history of MIR–COAR. Disbursement will be subject to the submission of the corresponding specific projects to the Presidential Programme for Reinsertion by CORPADES and Nuevos Tiempos. COP 500 million will be allocated against the 1998 budget and the remaining COP 800 million will be allocated against the 1999 budget. A total of COP 950 million will be for CORPADES, with the remaining COP 350 million for Nuevos Tiempos. In terms of budgetary years, CORPADES will receive COP 365 million in 1998 and COP 585 million in 1999, while Nuevos Tiempos will receive COP 135 million in 1998 and COP 215 million in 1999.
3. The national government undertakes to fund a forum/seminar on the experiences of reinsertion, with the participation of representatives of the groups that have previously signed the peace agreements with the government. This event will be organised by a commission comprising one representative of the Presidential Programme for Reinsertion, one representative of CORPADES and one representative of Nuevos Tiempos.
4. In terms of the participation in one of the publicly elected public corporations, specifically the council of Medellín, the national government will make the respective consultations with the mayor of the municipality of Medellín and the council of Medellín via the Minister of the Interior and in line with the corresponding regulations.
5. Regarding promotion of the process, to promote, encourage and consolidate the public activities of the organisation established after signing this agreement, the national government, via the Office of the High Commissioner for Peace, undertakes to fund the following:

- a. Publication of a one-page notice in two national newspapers (*El Tiempo* and *El Espectador*), with the political organisation responsible for the content, subject to the guarantee that it will not contain elements that incite violence or apologise for criminal activity or the use of violence.
- b. Likewise for two regional newspapers with national circulation (*El Colombiano* and *El Mundo*).
- c. Provide funding of up to COP 11.6 million for a documentary that covers the most important events of the negotiation process between the government and MIR–COAR. The programme will be broadcast on the slot of the programme *Bitácora: la conquista de la paz* assigned to the Presidential Reinsertion Programme. The organisation will present the corresponding project for this documentary.

CHAPTER 6

SOCIOECONOMIC BENEFITS FOR REINCORPORATION INTO CIVIL LIFE

To ensure an adequate process for the reincorporation into civil life of the demobilised members of MIR–COAR on the official lists recognised by the Ministry of the Interior, the national government commits to the following programmes to ensure the provision of socioeconomic benefits:

1. A monthly payment of COP 300,000 for 12 months between August 1998 and July 1999 inclusive. To be entitled to this support, the so-called “builders of the peace” must be either:
 - involved in a technical training programme in any form;
 - involved in the validation of primary and secondary education as part of the education programme for peaceful coexistence;
 - involved in any of the social and/or community programmes carried out by the government of Antioquia, the mayor’s office of Medellín or the Presidential Council for Antioquia;
 - involved in activities carried out by CORPADES or Nuevos Tiempos.

Under all circumstances, involvement in the activities described must be certified by the authorities of the organisation or the person designated by the government of Antioquia, the mayor's office of Medellín or the Presidential Council for Antioquia. The provision of this support to demobilised members who, for valid reasons, have not launched their productive projects may only be extended beyond one year under exceptional circumstances and in specific cases.

2. The government undertakes to guarantee health care for members of MIR–COAR on the official lists recognised by the Ministry of the Interior, in addition to their family nucleus, under the terms of category 25 for affiliates of the Social Security Institute via an agreement with this institution. This arrangement will last for one year from the date on which membership of the institution is formalised by submission of the corresponding documentation by the leadership of MIR–COAR and may be extended.
3. For the launch of a productive project (preferably collective), each member of MIR–COAR on the official lists recognised by the Ministry of the Interior, will be entitled to a loan of COP 8 million from the national government. The loan will have a grace period of two years, counted from the signing of the contract, with a further two years for repayment and an annual interest rate of 18%. To process the corresponding payment, the beneficiary must submit a productive project under the parameters set out by the Presidential Programme for Reinsertion.
4. The Presidential Programme for Reinsertion will provide the necessary technical assistance to facilitate the design and implementation of the respective productive project, either directly or through jointly agreed specialist public or private local, departmental or national institutions. A sum of COP 100 million will be provided by the Presidential Council for Antioquia for this purpose. Of this sum, COP 40 million will come from the 1998 budget and the remaining COP 60 million will come from the 1999 budget.
5. The national government will fund the processing of identity documents (specifically national and military IDs) for MIR–COAR members on the official list recognised by the Ministry of the Interior who do not possess these documents when this agreement is signed.

6. To support the training and education processes for demobilised members of MIR–COAR, the national government makes the following commitments:
 - a) In coordination with the Secretary of Education of the municipality of Medellín, launch an education programme for peaceful coexistence with places for 200 students. Any places remaining after being offered to demobilised members of MIR–COAR will be filled by residents of the communities in the areas of influence of MIR–COAR. The venue and educational institution for delivery of the programme will be agreed in coordination with the Presidential Programme for Reinsertion, the Secretary of Education of Medellín and the corresponding members of MIR–COAR, based on the coverage and availability of the Secretary of Education in the area.
 - b) Support higher education for MIR–COAR members who meet the academic requirements of universities by means of a student loan provided via ICETEX, provided under the same terms as existing agreements. The national government will provide COP 50 million for this purpose.
 - c) The national government will expand the agreed benefits for MIR–COAR members through agreements with other public universities, such as the Higher School of Public Administration (*Escuela Superior de Administración Pública*, ESAP).
 - d) The national and departmental governments will establish agreements with higher education establishments in Antioquia and Medellín to provide places and scholarships for demobilised members of MIR–COAR, fully respecting the autonomy of the admissions systems of these institutions.
 - e) To allow the technical training of demobilised members of MIR–COAR, the national and departmental governments will ensure the establishment and implementation of cooperation agreements to secure places and scholarships at the Jaime Isaza Cadavid Polytechnical Institute, the Antioquia Institute of Technology and the Medellín Metropolitan Institute of Technology.
7. The national government makes the following commitments to ensure a solution to the lack of housing for demobilised members of MIR–COAR:

- a. Provide technical and financial support for the organisational processes that lead to the creation of a housing organisation.
 - b. Provide technical and financial support for drawing up and designing a housing plan to benefit demobilised MIR–COAR members who do not have their own house, as well as the community as a whole, and support efforts to raise funds for the housing project that is drawn up, both from state institutions, through which the provision of subsidies will be guaranteed, and private funding bodies. The government will provide COP 80 million for these activities.
8. A spokesperson from the demobilised organisation will be included in the National Committee for Consultation and Consensus.

CHAPTER 7

SOCIAL INVESTMENT

Insofar as this chapter is fundamentally related to investment decisions and the implementation of community and public participation mechanisms in and for the city of Medellín, its content is the result of the work of a commission created at the negotiations and comprising representatives of the municipal government and MIR–COAR.

1. Regarding the proposal by MIR–COAR for the construction of a “park for the absent,” the municipal government, via the department for property development and in partnership with MIR–COAR, will draw up a proposal for the design of a green space in memory of “the absent” in the Parque de San Antonio in the centre of Medellín. The technical municipal planning arrangements must be in place for this to proceed. The features to be installed in this park will be agreed by both parties.
2. The content of social investment projects will be related to:
 - a. Democratic participation for the planning of development in the context of education for peace and coexistence with the following components:
 - social control and public oversight
 - democratic planning

- a mobile experimental art school
 - research for the urban conflict.
- b. Commission on youth problems and development.

A commission will be established as a fundamental contribution to the consolidation of a policy for young people in the city of Medellín and in the context of making recommendations to the municipal young people's council in Medellín for its consolidation, the implementation of education programmes and campaigns, and the promotion of the organisation and youth participation in the design and implementation of public policies for young people. The commission will have one representative from each of the following:

- the Deputy Minister for Young People;
- the Presidential Council for Antioquia;
- the Department of Young People of the Departmental Government of Antioquia;
- the Department of Social Well-being of the Mayor's Office of Medellín, Young People's Office;
- the Council of Medellín;
- the Municipal Council for Young People in Medellín;
- CORPADES;
- MIR.

The Young People's Office of the Department of Social Well-being of the Mayor's Office of Medellín will act as technical secretary of the committee.

The municipality of Medellín undertakes to support the presentation and management of the urban conflict observatory research project arising from the CORPADES research programme, which will be evaluated (to determine its approval) in the context of the Inter-American Development Bank loan provided to overcome urban violence in Medellín in order to provide funding from the budget allocated for its first component (violence observatory).

The thematic costs of this chapter will total COP 205 million, to be distributed over three years, in line with the projects presented to the government secretary. The funds will be disbursed using the fiduciary mechanism. Of the total value, COP 118 million will be for CORPADES and the remaining COP 25 million will be for Nuevos Tiempos.

The projects, together with the corresponding costs and timelines will be presented through CORPADES and Nuevos Tiempos in the month following the signing of the final agreement and the surrender of arms by MIR–COAR.

CHAPTER 8

SECURITY ARRANGEMENTS

To guarantee the protection of the leaders of the organisation that is surrendering arms and demobilising, the government undertakes to establish a security system in coordination with the corresponding state bodies, specifically with the Department of Security (*Departamento Administrativo de Seguridad, DAS*). The system will have the following properties:

1. **Level 1:** comprising two security teams, each of which will have one vehicle equipped to provide security services, two bodyguards from the demobilised organisation who will be associated with DAS (subject to satisfying the respective requirements), and a driver, also associated with DAS and originating from the demobilised organisation.
2. **Level 2:** comprising three security teams, each of which will have a vehicle equipped for providing security services, one bodyguard from the demobilised organisation who will be associated with DAS (subject to satisfying the respective requirements), and a driver, also associated with DAS and originating from the demobilised organisation.
3. The demobilised organisation will appoint a person to be responsible for the coordination of matters related to security, who, jointly with the corresponding figure from the Presidential Programme for Reinsertion and representatives of the

security institutions involved in the system, will comprise the Security Operations Committee, which will meet periodically to assess the provision of the service and propose the appropriate measures to the relevant authorities.

4. The security system will operate based on the regulations available for its control.
5. The security system will last for one year, counted from the date on which this agreement is signed, after which it will be evaluated in order to make the appropriate decisions regarding its continuity.

CHAPTER 9

SURRENDER OF ARMS

The surrender of arms will take place on 29 July at a public ceremony at the Palacio de Exposiciones in the city of Medellín. Arms will be surrendered to the corresponding authorities, who will be responsible for their custody while a decision is made regarding their final destination.

CHAPTER 10

MONITORING THE PROCESS

To guarantee compliance with the agreements made in this document, it is agreed to establish a monitoring commission comprising one representative of the Office of the High Commissioner for Peace, one representative of the Presidential Programme for Reinsertion, one representative of the Ministry of the Interior, one representative of the departmental government of Antioquia, one representative of the municipality of Medellín, one representative of the Local Ombudsperson of Medellín, two representatives of the churches, one representative of the Peace Commission of Antioquia, two representatives of MIR–COAR and two representatives of the community resident in the areas of influence of MIR–COAR, in line with the provisions of Decree 1247, 9 May 1997.

The monitoring commission will meet for the first time 60 days after the signing of this agreement to appoint a coordinator for its activities and establish its regulations.

In agreement with the above, signed in the city of Medellín on 29 July 1998.

- ERNESTO SAMPER PIZANO, President of the Republic
- ALFONSO LÓPEZ CABALLERO, Minister of the Interior
- GILBERTO ECHEVERRI MEJÍA, Minister of National Defence
- DANIEL GARCÍA-PEÑA, Office of the High Commissioner for Peace
- TOMÁS E. CONCHA SANZ, National Coordinator of the Reinsertion Programme
- PATRICIA PINEDA DE CASTRO, Manager of the Peace Fund
- IVÁN FELIPE PALACIO, Government Secretary of the Municipality of Medellín
- JUAN GOMEZ MARTÍNEZ, Mayor of Medellín
- ALBERTO BUIIES, Governor of Antioquia
- LUIS F. QUIJANO MORENO, MIR–COAR negotiator
- ÁLVARO RAMÍREZ RIVERA, MIR–COAR negotiator
- SANTIAGO QUIJANO MORENO, MIR–COAR spokesperson
- CARLOS M. ARENAS LÓPEZ, MIR–COAR spokesperson
- PADRE JORGE MARTÍNEZ, MIR–COAR spokesperson
- MANUEL CONDE ORELLANA, International Monitor