

Annex to the letter dated 27 April 2023 from the Secretary-General addressed to the President of the Security Council

[Original: Spanish]

Agreement No. 6

Mexico Agreement

New Agenda for peace talks between the Government of the Republic of Colombia and the Ejército de Liberación Nacional (National Liberation Army)

We, the Government of the Republic of Colombia and the Ejército de Liberación Nacional – ELN (National Liberation Army), with a view to resolving the armed conflict that has been under way for six decades, eradicating violence as a means of addressing political, economic and social conflicts, reaching an agreement on democratic transformations and advancing towards national reconciliation, hereby agree to the new agenda for peace talks:

Preamble: for a shared vision of peace for Colombia

The peace talks panel and this new agenda are a continuation of the process launched in 2012, which is now unfolding in the midst of a deeper structural crisis marked by the incidence of drug trafficking mafia networks, political corruption and an ongoing economic model in need of change, exacerbated by other factors related to the global crisis that imperil life on the planet.

Political, social, economic, environmental and cultural transformations will be required to resolve the historical internal conflict that is the focus of our peace talks. Achieving this goal requires the development of a national covenant strong enough to elicit the commitment of all sectors of our society.

Most people no longer believe in those who, whether by their action or inaction, have exacerbated the crisis. Our era is defined by the disenchantment of millions of young people with and subsequent mobilization against the traditional political class; the strength of women who have courageously confronted institutional mistreatment, inequity and exclusion; the voices of urban and rural communities clamouring for reforms that have not been made or that have been deferred over time; as well as the dissatisfaction of the black and indigenous communities, the main victims of forced displacement and other forms of violence. There is also a large segment of the country which, while not participating in these mobilizations, is yearning for change and is waiting for the opportunity to make its voice heard.

The build-up of crises and dissatisfaction led to a period of intense social and political mobilization, when various groups, armed with hope, worked together until they forged a mandate for change, embraced by the Government and ELN. From this perspective, as 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, which should drive the changes needed in Colombian society.

Multiple social and economic actors are willing to contribute to peacebuilding. We are also being accompanied by an international community that is increasingly aware of and committed to the sustained efforts being made in Colombia to resolve the conflict.

We will incorporate into our work perspectives informed by gender, women's rights, the LGBTIQ+ community, ethnic peoples and the protection of Mother Earth, taking into consideration the initiatives and experiences of society, as well as the recommendations and instruments of national and international entities aimed at increasing women's participation in peacebuilding and peacekeeping.

The political solution to the conflict is based on the commitments of all public authorities, institutions and officials to develop a peace policy for the State that will not be altered by any subsequent Government, and that captures the principles of the international responsibility of the State, respect for what has been agreed before the international community, honouring of commitments and compliance with signed agreements. We are also committed to protecting the role of the guarantor countries to ensure that they do not incur any injury, damage or aggression for participating in this process.

Consequently, we call upon all sectors of our society, without exception, to participate democratically in the process for reaching an agreement on the transformations required by the regions and the country as a whole, and to embark on a transitional process that will lead us to full democracy: national sovereignty, comprehensive peace, eradication of all forms of corruption, protection of our Mother Earth, elimination of the current system of exploitation and depredation, and creation of the conditions for social and economic equity, which are the lodestar of those of us working to achieve these national goals.

Agenda

1. Participation of society in peacebuilding

The goal under this item is to design the process for the participation of society, based on the identification of social subjects and political actors to participate in a deliberative and proactive exercise, with a view to identifying the main problems affecting the nation, as well as the methodologies and scenarios to be used in the process. The various movements, communities, social and political sectors and unions shall participate. The process shall encompass the local, regional and national levels, and shall be focused on topics related to democracy and transformations for peace.

The participation of society in peacebuilding shall be reflected in the following actions:

- 1.1 Development of a path to building a political and social alliance for the conclusion of a broad national agreement.
- 1.2 Identification of the causes of the fundamental problems facing the country and proposal of initiatives and processes leading to transformations for peace.
- 1.3 Conduct of a democratic and action-oriented exercise involving the mobilization of society around planning, decision-making and effective implementation of agreements in the regions and nationwide.
- 1.4 Conduct of a dynamic and action-oriented, inclusive, pluralistic and binding exercise for the articulation of a shared vision of peace conducive to national and regional transformations.
- 1.5 Establishment of a method for strengthening the active and effective participation of women and historically excluded, discriminated and underprivileged groups – children, adolescents, young people, older persons, ethnic peoples, peasants, workers, persons deprived of liberty, the diaspora, the LGBTIQ+ community and persons with disabilities – in building democracy for peace.

2. Democracy for peace

The goal under this item is to promote 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.

This agenda item calls for the following actions:

- 2.1 Reviewing and promoting the participation of members of society in the making of decisions about issues affecting them, which can translate into effective public policy instruments in urban and rural territories.
- 2.2 Examining, through a democratic lens, the economic model, political system and doctrines that hinder unity and national reconciliation.
- 2.3 Assessing how political, social and environmental conflicts are handled from a peacebuilding perspective.
- 2.4 Reviewing the regulatory framework and guarantees concerning public demonstrations, and the handling of the legal situation of persons accused or convicted in connection with demonstrations and social protest.
- 2.5 Encouraging the participation of society in building people power.

3. Transformations for peace

The goal under this item is 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, which makes it possible to have a peaceful, democratic and sovereign Colombia where equity and social justice reign and the use of weapons to prevent or spur such transformations is rendered unnecessary.

Transformations for peace shall include:

- 3.1 Proposals formulated by society and based on the outcomes of item 2 of this agenda (Democracy for peace).
- 3.2 Public policies for addressing poverty, social exclusion, corruption and environmental degradation, in the pursuit of equity.
- 3.3 Comprehensive alternative development plans in urban and rural territories, including life plans and plans for the development of ethnic communities, which constitute economic, productive and sustainable options for the benefit of communities.
- 3.4 Environmental and territorial policies, plans and programmes that resolve the historical agrarian conflict, for the sustainable and productive recovery of urban and rural territories and the restoration and protection of Mother Earth.
- 3.5 Social contracts that consolidate agreements and education and communication to foster a culture of peace.
- 3.6 A comprehensive transformation plan to be articulated and aligned with national development plans.

4. Victims

The goal under this item is to recognize all victims, their suffering and their rights based on:

- 4.1 The assumption of responsibilities dictated by the truth as established by all.
- 4.2 The memory of the lives and struggles of all those affected by the conflict.
- 4.3 Justice
- 4.4 Full collective and/or individual redress.
- 4.5 Guarantees of non-repetition and remembrance.
- 4.6 Assumption that the environment is a victim.

Taken as a whole, the aforementioned elements make it possible for responsibilities to be acknowledged and assumed, in the light of international law, in order to bring about reconciliation in society, taking into account the particular relevance of recommendations arising therefrom.

5. End of the armed conflict

The goal under this item is to resolve the armed conflict and eradicate violence from political life.

With a view to concluding agreements, the following points will be addressed:

- 5.1 Resolution of the legal situation of ELN and its members, including those who have been prosecuted and convicted.
- 5.2 Establishment of the conditions and guarantees for security and political activity by ELN.
- 5.3 Eradication of all forms of paramilitary activity, in order to prevent conflict from recurring.
- 5.4 Development of humanitarian dynamics and activities.
- 5.5 Establishment of a bilateral ceasefire and cessation of hostilities with a view to creating conditions for resolving the armed conflict.
- 5.6 Conclusion of an agreement on the weapons of ELN, in the light of the new circumstances created by this process, in line with the strategy to put an end to violence and neutralize weapons build-up and warmongering.
- 5.7 Institutional and procedural adjustments required by both parties for the implementation of this item on resolving the armed conflict.

6. General plan for the implementation of the agreements between the Government and the Ejército de Liberación Nacional – ELN

The objective of the general implementation plan is to implement the agreements concluded and contained in this agenda, in order to effect the changes that will facilitate the transition from armed conflict to peace, taking into account the following:

- 6.1 This general implementation plan shall be composed of the specific plans for each agenda item and shall have a programme and schedule for its implementation.

- 6.2 The general plan for the implementation of the agreements shall include monitoring, follow-up, verification and adjustment mechanisms in which society, the international community, the National Government and ELN shall participate.
- 6.3 The plan shall encompass the legal, political, social, economic, humanitarian, environmental and diplomatic dimensions.
- 6.4 The plan and the agreements it contains shall be subject to democratic approval, with society participating in the peace process from the beginning to the end.
- 6.5 Partial agreements shall be implemented in the short, medium or long term, as appropriate.

Design of the process

1. The delegations and the panel

The peace talks panel shall be composed mainly of the two signatory parties: the State of Colombia, represented by the National Government, and the Ejército de Liberación Nacional – ELN. Each party shall be responsible for appointing its delegates, advisors, consultants and technical observers.

The following countries, organizations and institutions shall also be on the panel and have been invited by agreement between the parties to participate as guarantors: Brazil, Chile, Cuba, Norway, Mexico and Venezuela; and as permanent accompanying partners: the Episcopal Conference of Colombia and the Special Representative of the United Nations Secretary-General in Colombia. Being accompanied in this manner creates an environment conducive to the convening and holding of the talks.

2. The guarantors

The guarantor countries shall be part of the panel upon invitation and acceptance of the parties. Their functions shall be as follows:

- 2.1 Acting as depositaries of and witnesses to the agreements and monitoring their implementation, based on the principles of independence, objectivity, equidistance, impartiality and confidentiality.
- 2.2 Defending the perspective of the right to peace and non-interference, and supporting the parties in complying with the agreements and their commitments.
- 2.3 Providing their good offices in situations of crisis or controversy, helping to clarify differences and demanding, as far as possible, responsibility, consistency and compliance with what has been agreed, hence promoting the defence of the agreements and of the advances made.

3. Accompanying institutions and organizations

Given the good offices and importance of being accompanied, both the Special Representative of the United Nations Secretary-General in Colombia and the Episcopal Conference of Colombia, as well as the guarantors, shall serve as depositaries of and witnesses to the agreements and shall support specific actions agreed upon by the parties, while maintaining due confidentiality.

4. Group of accompanying countries

Regarding the talks between the Government of Colombia and ELN, Germany, Spain, Sweden and Switzerland shall participate as the group of accompanying,

support and cooperation countries (GPAAC). Their functions shall be listed in the annex.

5. Functioning and methodology of the panel and development of the new agenda

5.1 The panel

- 5.1.1 The parties shall be governed by bilateralism, consultation and joint implementation of agreements in making their decisions on the panel and in conducting their activities, in a rigorous and expeditious manner.
- 5.1.2 Bilateralism shall include talks on the panel and fulfilment of the agreements and implementation plans, insofar as both parties undertake to fulfil them. Bilateralism and co-responsibility do not mean symmetry; burdens cannot be distributed equally between the two parties.
- 5.1.3 The parties, their delegates and the guarantor and permanent accompanying countries shall maintain confidentiality in respect of the issues that they have agreed to keep confidential, for security of and trust in the process.
- 5.1.4 Each party shall have the autonomy to appoint its delegates, counsellors, advisors and technical observers, who shall be accredited to the other party without there being any ground for objection whatsoever.
- 5.1.5 The recognition of the nature and political legitimacy of the panel and its parties must be reflected in each of the actions and in the actual content of the agreements. The delegations shall seek to resolve their differences through dialogue for the building of what has been agreed upon.
- 5.1.6 The conclusions reached by the panel shall be expressed in agreements, protocols, declarations and minutes.
- 5.1.7 The parties shall use all internal consultation mechanisms to resolve any crisis that occurs during the meetings of the peace talks panel. If the crisis is not resolved and the dialogue is at risk of breaking down, the parties shall request the assistance of the guarantors and accompanying organizations.
- 5.1.8 During the talks, the State of Colombia shall suspend all criminal prosecution measures against ELN delegates, and in the event that the talks break down, until the full return of the ELN delegation.

5.2 Development of the new agenda

- 5.2.1 The agreements shall transcend the explicit will of the present Government and become State mandates.
- 5.2.2 The new agenda is a whole and a road map for the conduct of the talks and the negotiation of the agreements, which shall always reflect territorial dynamics and the reality of the country. The talks shall be conducted in the order of the signed agenda, unless changes are mutually agreed upon.
- 5.2.3 Partial agreements shall be implemented immediately and must be formulated in line with a general agreement. Agreements concluded to address urgent realities in the territories must be meant to have a lasting, deeply rooted and continuous impact. In other words, they must not be sporadic or simply for show. Regionalization, sectorization and territorialization shall always be taken into consideration in the formulation, contents and methods of implementation of the agreements. Continuous and definite advances are necessary for the panel to maintain trust and credibility in Colombian society.

- 5.2.4 The heart of the process is the participation of society in the definition and execution of the transformations necessary for peace. Consequently, the first three items of this agenda are closely linked. The main protagonist and beneficiary of these agreements should be the population as a whole, including people affected by structural violence, and not just the direct victims of the armed conflict.
- 5.2.5 Neither the Government of Colombia nor ELN shall use the mechanisms of armed force to put pressure on the panel or to influence its participants. None of the parties shall use the resources, mediums or forums of the peace process for strengthening its military.
- 5.2.6 As a matter of priority, communication for peace must be established in order to report on the course of the process in a rigorous, timely and balanced manner using the agreed instruments, and to keep confidential all matters that have been designated as confidential. Participatory communication shall also be used to call upon society to participate in and support the agenda and the agreements concluded.
- 5.2.7 Education for peace shall be based on the participation of members of society and their interaction with the panel in transforming the armed conflict, creating a climate conducive to peace and building a culture of peace.

Mexico City, Inter-American Conference on Social Security, 10 March 2023.

Signed by,

**Delegation of the Government of the
Republic of Colombia**

José Otty Patiño Hormaza
Head of delegation

Iván Danilo Rueda Rodríguez
High Commissioner for Peace

Iván Cepeda Castro

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**Delegation of the Ejército de
Liberación Nacional – ELN**

Pablo Beltrán
Head of delegation

Aureliano Carbonell

Bernardo Tellez

Silvana Guerrero

Manuel Gustavo Martínez

María Consuelo Tapias

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Isabel Torres

As witnesses and depositaries:

Guarantor countries

Glivânia Maria de Oliveira
Federative Republic of Brazil

Javier Caamaño Cairo
Republic of Cuba

Jon Otto Brødholt
Kingdom of Norway

Raúl Vergara Meneses
Republic of Chile

Roberto de León Huerta
United Mexican States

Carlos Martínez Mendoza
Bolivarian Republic of Venezuela

Permanent accompanying partners

Carlos G. Ruiz Massieu
Special Representative of the United Nations
Secretary-General

Msgr. Héctor Fabio Henao Gaviria
Delegate for Church-State Relations
Episcopal Conference of Colombia
