

SAN JOSÉ AGREEMENT

For national reconciliation and the strengthening of democracy in Honduras

We, Honduran brothers, disciples of the peace, freedom and democracy of our land, aware of the historical responsibilities our circumstances have invested in us, profoundly convinced of the power of our union and the force of our consensual will, under the protection of our constitution, the laws of our republic and the full force of the rule of law, reaffirm before the people of Honduras, before and through our mediator Dr Óscar Arias Sánchez and before the international community as a whole, our unbreakable commitment to the reconciliation of our people, which must be one and indivisible.

Recent events in Honduras call on our maturity and humility, and in this spirit we have gathered to sign this agreement.

1. GOVERNMENT OF UNITY AND NATIONAL RECONCILIATION

To achieve reconciliation and strengthen democracy, we shall form a Government of Unity and National Reconciliation comprising representatives of the various political parties, known for their capacity, honour, suitability and willingness to engage in dialogue, who will occupy the different Secretaries and Under-Secretaries of State, in line with **Article 246** and **onward** of the Constitution of the Republic of Honduras.

In light of the fact that, prior to 28 June, the Executive Power had not submitted the General Budget of Income and Spending Bill for consideration by the National Congress, in line with the provisions of **Article 205, Item 32**, of the Constitution of the Republic of Honduras, this Government of Unity and National Reconciliation will respect and operate on the basis of the budget recently approved by the National Congress for the 2009 financial year.

2. AMNESTY FOR POLITICAL CRIMES

To achieve reconciliation and strengthen democracy, we request that the National Congress declares a general amnesty, solely for political crimes committed as part of this conflict, before and after 28 June 2009 up to the signing of this agreement, in line with the terms of **Article 205, Item 16**, of the Constitution of the Republic of Honduras and special legislation in this area. The amnesty must also clearly guarantee the security and freedom of those it covers.

Similarly, we undertake not to initiate or continue legal action for acts prior to 1 July 2009 deriving from this conflict for six months. Failure to comply with any of the commitments in

this agreement, as verified and declared by the Verification Commission referenced in Point 7, will void the effects of this moratorium for the transgressor(s).

3. RENUNCIATION TO SUMMON A NATIONAL CONSTITUTIONAL ASSEMBLY OR REFORM UNREFORMABLE ASPECTS OF THE CONSTITUTION

To achieve reconciliation and strengthen democracy, we reiterate our respect for the constitution and laws of our country, abstaining from direct or indirect calls to form a National Constitutional Assembly and renouncing the promotion of or support for any public consultation on reforming the constitution to allow presidential re-election, modify the form of government or contravene any of the unreformable articles of our Founding Document.

Specifically, we shall refrain from making public declarations or exercising any influence that is not consistent with **Articles 5, 239, 373 and 374** of the Constitution of the Republic of Honduras and we vigorously reject any manifestation against the spirit of these articles and the Special Law Regulating the Referendum and Plebiscite.

4. BRINGING FORWARD GENERAL ELECTIONS AND THE HANDOVER OF GOVERNMENT

To achieve reconciliation and strengthen democracy, we urge the Supreme Electoral Court to consider bringing the national elections planned for 29 November 2009 forward to 28 October 2009, bringing of the election campaign planned for 1 September 2009 forward to 1 August 2009. We reiterate that, in line with **Articles 44 and 51** of the Constitution of the Republic of Honduras, voting is universal, mandatory, equal, direct, free and secret and the Supreme Electoral Court has full autonomy and independence to supervise and execute all acts related to elections and related procedures.

Furthermore, we call on the people of Honduras to participate peacefully in the forthcoming general elections and avoid any demonstrations that oppose them or their results, or promote insurrection, unlawful behaviour, civil disobedience and other acts that may result in violent confrontations or transgressions of law.

To show the transparency and legitimacy of the electoral process, we urge the Supreme Electoral Court to authorise and accredit the presence of international missions from now until declaration of the results of the general elections, in addition to during the handover of powers that will take place on 27 January 2010 in line with **Article 237** of the Constitution of the Republic of Honduras.

5. THE ARMED FORCES

To achieve reconciliation and strengthen democracy, we ratify our willingness to fully respect **Article 272** of the Constitution of the Republic of Honduras, which places the Armed Forces at the disposal of the Supreme Electoral Court one month prior to a general election to guarantee the free exercise of suffrage, the custody, transport and surveillance of electoral materials, and other aspects related to the security of the process. We reaffirm the professional, non-political, obedient and non-deliberative nature of the Honduran Armed Forces. We recognise the professionalism of the National Police Force, whose rotation must be strictly subject to the provisions of its special legislation.

6. THE RESTORATION OF STATE POWERS TO THEIR SITUATION PRIOR TO 28 JUNE

To achieve reconciliation and strengthen democracy, we request that the National Congress restore, as necessary, the Executive Power, Legislative Power, Judicial Power and the Supreme Electoral Court to their state prior to 28 June to restore the status and legitimate formation of the powers as of 28 June 2009, having been formed in line with **Articles 202, 205 (Items 9 and 11), and 236** of the Constitution of the Republic of Honduras. This implies the return of José Manuel Zelaya Rosales to the Presidency of the Republic until completion of the current period of government on 27 January 2010.

7. THE VERIFICATION COMMISSION AND THE TRUTH COMMISSION

To achieve reconciliation and strengthen democracy, we shall create a Verification Commission for the commitments undertaken in this agreement and those deriving therefrom. The commission will be presided over by the Organisation of American States (OAS) and the persons, both national and international, this deems fit. The Verification Commission will be responsible for verifying strict compliance with all points of this agreement and will receive full cooperation of Honduran public institutions in doing so.

To clarify the events that took place before and after 28 June 2009, a Truth Commission will be created to identify the acts that led to the current situation and propose elements to prevent their future repetition to the people of Honduras. The Truth Commission's work will be fundamental to restoring the trust of the people of Honduras in its constitution and government. To ensure this task is carried out with impartiality, we appoint the Inter-American Institute of Human Rights to preside over the Truth Commission.

8. NORMALISATION OF THE RELATIONS OF THE REPUBLIC OF HONDURAS WITH THE INTERNATIONAL COMMUNITY

As part of our commitment to faithfully meeting the commitments undertaken in this agreement, we respectfully request the immediate withdrawal of bilateral or multilateral measures and sanctions that in any way affect the reinsertion and full participation of the Republic of Honduras in the international community and its access to all forms of cooperation.

We issue a call to the international community to reactivate current cooperation projects with the Republic of Honduras as soon as possible and continue the negotiation of future projects. Specifically, we urge that, upon request by the competent authorities, the international cooperation that is required and appropriate to allow the Verification Commission and the Truth Commission to ensure the faithful compliance and monitoring of the commitments undertaken in this agreement is provided.

9. THE TAKING FORCE OF THE SAN JOSÉ AGREEMENT

All the commitments undertaken will formally take full effect from the moment the agreement is signed.

10. FINAL PROVISIONS

Any differences in the interpretation or application of this agreement will be submitted to the Verification Commission, which will determine the corresponding solution, in line with the provisions of the Constitution of the Republic of Honduras and current legislation through an authentic interpretation of this agreement.

Given that this agreement is the product of the understanding and fraternity between the people of Honduras, we vehemently request that the international community respects the sovereignty of the Republic of Honduras enshrined in the United Nations Charter in terms of non-intervention in the internal affairs of other States.

11. SCHEDULE FOR COMPLYING WITH AGREEMENTS

Given the immediate taking force of this agreement from the date it is signed, to clarify the time scales for compliance and monitoring of the commitments made in order to achieve national reconciliation, we agree the following schedule for fulfilment:

22 July 2009

1. Signing and taking force of the San José Agreement

24 July 2009

1. Return of José Manuel Zelaya Rosales as President of the Republic of Honduras
2. Formation of the Verification Commission

27 July 2009

1. Formation of the Government of Unity and National Reconciliation
2. Formation of the Truth Commission

27 January 2010

1. Transfer of government

12. FINAL DECLARATION

In the name of the reconciliation that has brought us to the dialogue table, we undertake to execute this agreement and any deriving therefrom in good faith. We understand that humanity expects Honduras to show unity and peace, obligations of our conscience and history. Together we shall demonstrate our bravery and crown our democracy to show future generations what we have been able to do for our land.

Signed in the city of San José, Republic of Costa Rica, 22 July 2009.

In representation of the sectors:

As witnesses of honour to the signing of the Political Agreement of San José:

Óscar Arias Sánchez – President of the Republic of Costa Rica

Bruno Stagno Urgarte – Chancellor of the Republic of Costa Rica