

### **Joint Communiqué # 93**

Havana, Cuba, August 24, 2016

The delegations of the National Government and the FARC – EP hereby announce that we have reached a Final Agreement, comprehensive and definitive, in regard to all the items of the Agenda of the General Agreement for the End of the Conflict and the Construction of a Stable and Long-lasting Peace (*Agenda del Acuerdo General para la Terminación del Conflicto y la Construcción de una Paz Estable y Duradera*) en Colombia.

#### **PREAMBLE**

*Recalling* that the dialogues in Havana between male and female delegates of the National Government, presided by President Juan Manuel Santos, and male and female delegates of the Revolutionary Armed Forces of Colombia – People’s Army (*Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo*), with the mutual decision to bring an end to the national armed conflict, originated as a result of the Exploratory Meeting (*Encuentro Exploratorio*) held in the capital of the Republic of Cuba between February 23 and August 26, 2012;

*Bearing in mind* that, as a result of the aforementioned exploratory dialogues, a *General Agreement for the End of the Conflict and the Construction of a Stable and Long-lasting Peace (Agenda del Acuerdo General para la Terminación del Conflicto y la Construcción de una Paz Estable y Duradera)* was produced, signed on the latter date mentioned before national witnesses and before delegates of the Republic of Cuba and the Kingdom of Norway, who also served as witnesses, and who, since then, acquiesce in the process as guarantor countries;

*Pointing out* that the Bolivarian Republic of Venezuela and the Republic of Chile have been ready at all times to provide their good offices as accompanying countries;

*Recalling* that, in development of the agenda approved in the aforementioned Agreement, the Dialogue Table began on October 18, 2012, in the city of Oslo, capital of the Kingdom of Norway, to be continued afterwards in the capital of Cuba without interruption until today, when the Final Agreement for the End of the Conflict and the Construction of a Stable and Long-lasting Peace (*Acuerdo Final para la Terminación del Conflicto y la Construcción de una Paz Estable y Duradera*) is signed;

*Underscoring* that the Final Agreement that is signed today corresponds to the free statement of the will of the National Government and the FARC – EP, having acted in good faith and with the full intent to comply with what has been agreed;

*Bearing in mind* that Article 22 of the Political Constitution of the Republic of Colombia imposes peace as a mandatory right and duty; that Article 95 states that the quality of being Colombian extols all the members of the national community and therefore it is everybody’s duty to enhance and dignify it; that the exercise of the rights and liberties recognized by the Constitution implies responsibilities, among them, to pursue the achievement and the maintenance of peace;

*Underscoring* that peace has been universally qualified as a human right, and as a necessary requirement for the exercise of all the other rights and duties of the people and the citizenship;

*Pointing out* that the Final Agreement gathers each and every one of the agreements reached on the Agenda of the General Agreement signed at Havana in August, 2012; and that in order to reach it the National Government and the FARC – EP always, and at all times, adhered to the spirit and respect for the National Constitution, the principles of International Law, International Human Rights Law, International Humanitarian Law (Conventions and Protocols), the mandate of the Rome Statute (International Criminal Law), the judgments rendered by the Inter-American Court of Human Rights relative to conflicts and their termination, and other rulings of universally recognized competencies and authority pronouncements relative to the signed topics;

*Recalling* that Article 94 states that “the enunciation of the rights and guarantees contained in the Constitution and in the international conventions in force shall not be understood as a denial of others that, being inherent to the human person, are not expressly stated in them”, that the treaties on human rights, approved by Congress and which may not be suspended even during states of exception, prevail in the internal order;

*Placing into consideration* that the sum of the agreements that constitute the Final Agreement contribute toward the satisfaction of fundamental rights such as the political, social, economic and cultural rights, and the rights of the victims of the conflict to the truth, justice and reparation, the rights of children and adolescents, the fundamental right to individual or collective legal security and physical safety, and the fundamental right of each individual in particular and of society in general, without any distinctions, to the non-repetition of the tragedy of the internal armed conflict which is intended to be overcome with this Agreement;

*Underscoring* that the Final Agreement pays special attention to the fundamental rights of women, of vulnerable social groups such as the indigenous peoples, girls, boys and adolescents, the Afro-descendant communities and other ethnically differentiated groups; to the fundamental rights of the peasants, the essential rights of the individuals in conditions of disability and of the individuals displaced on account of the conflict; to the fundamental rights of the elderly and the LGBTI population;

*Considering* that, according to the National Government, the transformations entailed by the implementation of this Agreement should contribute to revert the effects of the conflict and to change the conditions that have facilitated the persistence of violence in the territory; and that according to the FARC – EP those transformations should contribute to solve the historic causes of the conflict, as the unresolved matter of land property and particularly its concentration, the exclusion of the peasantry and the backwardness of the rural communities, which especially affect women and children.

*Appreciating and exalting* that the central axis of peace is to drive the presence and the effective action of the State throughout the entire national territory, in particular in multiple regions subdued today by neglect, by the lack of an effective public function, and by the effects of the internal armed conflict itself; that an essential goal of the national reconciliation is the construction of a new paradigm of territorial development and wellbeing for the benefit of ample sectors of the population thus far victims of exclusion and despair;

*Recognizing* the rights of society to comprehensive human security with the participation of the civilian authorities;

*Exalting* and consecrating prospective justice inasmuch as it recognizes essential fundamental rights for the new and future generations, such as the right to a preserved land, the right to the preservation of the human species, the right to know their origins and their identity, the right to be exempted from liability for the actions committed by preceding generations, the right to the preservation of the freedom of choice, and other rights, without prejudice to the rights of the victims to the truth, justice and reparation;

*Recalling* that this past June 23 of the current year, the Delegations of the National Government and the FARC – EP signed the agreements in the Cuban capital on the Bilateral and Final Ceasefire and End of the Hostilities and the Laying Down of Arms and Security Guarantees (*Cese al Fuego y de Hostilidades Bilateral y Definitivo y Dejación de las Armas y Garantías de Seguridad*), in the presence of the President of the Council of State and the Council of Ministers of the Republic of Cuba, the Secretary General of the United Nations, the President of the General Assembly of the United Nations, the President of the UN Security Council, the Minister of Foreign Affairs of the Kingdom of Norway, the Heads of State of the accompanying countries, the Heads of Government of countries of the region, the Special Envoy of the United States of America, and the Special Representative of the European Union;

*Accepting* that the rules of international common law will continue to govern the matters related to fundamental rights not mentioned in the Final Agreement, including the imperative mandate that orders that “in the cases not provided by the law in force, the human person falls under the safeguard of the principles of humanity and of the demands of the public conscience”;

*Recognizing* the constitutional mandate that states that the President of the Republic is responsible, as Head of State, Head of Government and Supreme Administrative Authority, for agreeing on and ratifying peace agreements;

The Government of the Republic of Colombia and the Revolutionary Armed Forces of Colombia – People’s Army (*Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo*), have agreed:

To sign this Final Agreement for the End of the Conflict and the Construction of a Stable and Long-lasting Peace (*Acuerdo Final para la Terminación del Conflicto y la Construcción de una Paz Estable y Duradera*), whose execution will bring a definitive end to an armed conflict of more than fifty years, and which is stated here below.

This Final Agreement for the end of the conflict and the construction of a stable and long-lasting peace is signed by the National Government and the Revolutionary Armed Forces of Colombia – People’s Army (*Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo*) FARC – EP, as a Special Agreement in the terms of Article 3, common to the 1949 Geneva Conventions.

The National Government and the Revolutionary Armed Forces of Colombia – People’s Army (*Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo*) FARC – EP, sign seven originals including their annexes, one for each one of the parties, one for each one of the guarantor countries, and one for each one of the accompanying countries. The seventh original specimen will be deposited immediately after its signature before the Swiss Federal Council in Bern or before the body that replaces it in the future as the depositary of the Geneva Conventions.

## INTRODUCTION

Following a confrontation lasting for more than half a century, the National Government and the FARC – EP have agreed to bring a final end to the internal armed conflict.

The termination of the armed confrontation will mean, in the first place, the end to the enormous suffering caused by the conflict. There are millions of Colombians who are victims of forced displacement, hundreds of thousands of deceased individuals, tens of thousands of missing individuals of all sorts, not forgetting the ample number of populations that have been affected in one way or another all over the territory, including women, children and adolescents, peasant, indigenous, Afro-Colombian, black, *palenquera*, *raizal* and rom communities, political parties, social and labor union movements, economic trade unions, among others. We do not want one more victim in Colombia.

In second place, the end of the conflict will entail the opening of a new chapter of our history. The purpose is to start a transition phase that will contribute toward a greater integration of our territories, a greater social inclusion -in particular of those who have lived apart from development and have suffered the conflict- and to strengthen our democracy for it to be deployed throughout the national territory, and to ensure that social conflicts are handled through institutional paths, with full guarantees for those who participate in politics.

The purpose is to build a stable and long-lasting peace, with the participation of all the Colombian people. With that purpose, to bring an end once and for all to the historic cycles of violence and lay down the foundations for peace, we agreed on the items of the Agenda of the General Agreement of August, 2012, which are developed by this Agreement.

The Agreements consists of a series of agreements, which nevertheless constitute an indissoluble whole, because they are permeated by the same rights approach, in order for the measures herein agreed to contribute toward the materialization of the constitutional rights of the Colombian people; by the same differential and gender approach, to ensure that the implementation is carried out taking gender, ethnic and cultural diversity into account, and to ensure that measures are adopted for the most humble and the most vulnerable populations and collectivities, in particular children, women, individuals in conditions of disability, and the victims; and in particular, by the same territorial approach.

The territorial approach of the Agreement entails the recognition and consideration of the needs, characteristics and economic, cultural and social distinctive features of the territories and the communities, guaranteeing their socio-environmental sustainability; and it seeks to implement the different measures in a comprehensive and coordinated manner, with the active participation of the citizens. The implementation will be carried out from the regions and territories and with the participation of the territorial authorities and the different sectors of society.

Citizen participation is the foundation for all the agreements that comprise the Final Agreement. Participation of society, in general, in the construction of peace, and participation, in particular, in the planning, execution and follow-up of the plans and programs in the territories, which is, additionally, a guarantee for transparency.

Furthermore, participation and dialogue between the different sectors of society contribute toward the construction of trust and the promotion of a culture of tolerance, respect and coexistence in general, which is an objective of all the agreements. Decades of conflict have opened gaps of distrust within society, in particular in the territories most affected by the conflict. In order to break these barriers, spaces need to be opened for more varied citizen participation, as well as spaces that promote the recognition of the victims, the recognition and establishment of responsibilities, and, in general, the recognition by all of society of what happened and of the need to seize the opportunity for peace.

In view of the foregoing, the Government of Colombia and the FARC – EP, with the aim of further consolidating the foundations where peace and national reconciliation will be built, once the plebiscite has taken place, will summon all the parties, political and social movements, and all the driving forces of the country to arrange a major NATIONAL POLITICAL AGREEMENT aimed at defining the necessary institutional reforms and adjustments to address the challenges demanded by peace, setting in motion a new framework of political and social coexistence.

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The Final Agreement contains the following items, with their corresponding agreements, which intend to contribute toward the transformations needed to lay the foundations for a stable and long-lasting peace.

Item 1 contains the agreement on “Comprehensive Rural Reform” (*“Reforma Rural Integral”*), which will contribute toward the structural transformation of the countryside, closing the gaps between the countryside and the city and creating conditions of wellbeing and good living for the rural population. The “Comprehensive Rural Reform” should integrate the regions, contribute toward eradicating poverty, promote equality and ensure the full enjoyment of citizen rights.

Item 2 contains the agreement on “Political participation: Democratic Opening to build peace” (*“Participación política: Apertura democrática para construir la paz”*). The construction and the consolidation of peace, in the framework of the end of the conflict, require a democratic expansion that will allow the emergence of new forces in the political scenario to enrich debate and deliberation of the major national problems and, in that way, to strengthen pluralism and therefore the political representation of the different visions and interests of society, with the appropriate guarantees for political participation and inclusion.

In particular, the implementation of the Final Agreement will contribute to the expansion and deepening of democracy inasmuch as it will imply the laying down of arms and the proscription of violence as a method of political action for all the Colombian people, in order to make the transition to a scenario where democracy prevails, with full guarantees for those who participate in politics, and in that manner it will open new spaces for participation.

Item 3 contains the agreement on the “Bilateral and Final Ceasefire and End of the Hostilities and the Laying Down of Arms” (*“Cese al Fuego y de Hostilidades Bilateral y Definitivo y la Dejación de las Armas”*), whose goal is the final end of the offensive actions between the Public Law Enforcement Authorities and the FARC – EP, and, in general, of the hostilities and of any action provided in the rules that govern the Ceasefire, including affecting the population, and in that manner to create the conditions for the beginning of the implementation of the Final Agreement and the laying down of

arms, and to prepare the institutional framework and the country for the reincorporation of the FARC- EP into civilian life.

It also contains the agreement on “Reincorporation of the FARC – EP into civilian life -in economic, social and political matters- in accordance with its interests” (“*Reincorporación de las FARC-EP a la vida civil –en lo económico, lo social y lo político- de acuerdo con sus intereses*”). Laying the foundations for the construction of a stable and long-lasting peace requires the effective reincorporation of the FARC – EP into the social, economic and political life of the country. Reincorporation ratifies the commitment of the FARC – EP to close the chapter of the internal conflict, to turn into a valid actor within democracy, and to decisively contribute toward the consolidation of peaceful coexistence, non-repetition, and to transform the conditions that have facilitated the persistence of violence in the territory.

Item 3 also includes the agreement on “Security guarantees and the fight against criminal organizations responsible for homicides and massacres or that attack human rights advocates, social movements or political movements, including the criminal organizations that have been labeled as successors of paramilitarism and its support networks, and the prosecution of criminal conducts that threaten the implementation of the agreements and the construction of peace” (“*Garantías de seguridad y lucha contra las organizaciones criminales responsables de homicidios y masacres o que atentan contra defensores y defensoras de derechos humanos, movimientos sociales o movimientos políticos, incluyendo las organizaciones criminales que hayan sido denominadas como sucesoras del paramilitarismo y sus redes de apoyo, y la persecución de las conductas criminales que amenacen la implementación de los acuerdos y la construcción de la paz*”). In order to fulfill this purpose, the agreement includes measures such as the National Political Pact (*Pacto Político Nacional*); the National Commission of Security Guarantees (*Comisión Nacional de Garantías de Seguridad*); the Special Investigation Unit (*Unidad Especial de Investigación*); the Elite Corps in the National Police (*Cuerpo Élite en la Policía Nacional*); the Comprehensive Security System for the Exercise of Politics (*Sistema Integral de Seguridad para el Ejercicio de la Política*); the Comprehensive Security and Protection Program for the Communities and Organizations in the Territories (*Programa Integral de Seguridad y Protección para las Comunidades y Organizaciones en los Territorios*); and the Measures for the Prevention of and the Fight against Corruption (*Medidas de Prevención y Lucha contra la Corrupción*).

Item 4 contains the agreement on the “Solution to the Problem of Illicit Drugs” (“*Solución al Problema de las Drogas Ilícitas*”). In order to build peace, a final solution needs to be found for the problem of illicit drugs, including the crops for illicit use and the production and commercialization of illicit drugs. For that purpose, a new vision is promoted, aimed at providing a different and differentiated treatment to the drug use phenomenon, to the problem of the crops for illicit use, and to the organized crime associated to drug trafficking, ensuring a general human rights and public health approach, differentiated and gender-based.

Item 5 contains the agreement on “Victims” (“*Víctimas*”). Since the Exploratory Meeting (*Encuentro Exploratorio*) of 2012, we agreed that the redress of the victims should be at the core of any agreement. The agreement creates the Comprehensive System of Truth, Justice, Reparation and Non-Repetition (*Sistema Integral de Verdad, Justicia, Reparación y No Repetición*), which contributes to the fight against impunity by combining judicial mechanisms that enable the investigation and penalization of severe human rights violations and severe infringements of International Humanitarian Law, with complementary extra-judicial mechanisms that will

contribute toward the elucidation of the truth about what happened, the search for the missing loved ones, and the reparation for the damaged caused to individuals, collectivities and entire territories.

The Comprehensive System consists of the Commission for the Elucidation of Truth, Coexistence and Non-Repetition (*Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición*); the Special Unit for the Search of Individuals deemed as missing in the context and by reason of the armed conflict (*Unidad Especial para la Búsqueda de Personas dadas por desaparecidas en el contexto y en razón del conflicto armado*); the Special Jurisdiction for Peace (*Jurisdicción Especial para la Paz*); the Comprehensive Reparation Measures for the construction of peace (*Medidas de reparación integral para la construcción de la paz*); and the Non-Repetition Guarantees (*Garantías de No Repetición*).

Item 6 contains the agreement on “Implementation and Verification Mechanisms” (*“Mecanismos de Implementación y Verificación”*) where an “Implementation, follow-up and verification Commission of the Final Peace Agreement and for the resolution of differences” (*“Comisión de implementación, seguimiento y verificación del Acuerdo Final de Paz y de resolución de diferencias”*) is created, whose members will be representatives of the National Government and the FARC – EP, aimed at, among other things, following up the components of the Agreement and verifying their compliance, serving as an instance for the resolution of differences, and driving and following up the legislative implementation.

Additionally, it creates an accompanying mechanism for the international community to contribute in different ways to guarantee the implementation of the Final Agreement, and, regarding verification matters, a model is set in motion with an international component comprised by the countries that have played the roles of guarantor and accompanying countries during the process, and two international spokespersons, all of it supported on the technical capacity of the Project of the Kroc Institute for International Peace Studies of the University of Notre Dame in the United States.

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The delegations of the National Government and the FARC – EP reiterate our profound gratitude to all the victims, the social and Human Rights organizations, the communities -including the ethnic groups-, the organizations of women, the peasants, the youth, the academy, the businesspeople, the Church and the faith communities, and, in general, to the citizens that actively participated and who contributed to the Final Agreement through their proposals. With your participation we will be able to build a stable and long-lasting peace.