

Joint Communiqué # 76

The delegations of the National Government and the FARC – EP wish to announce that we have reached agreements on the following items:

1. Agreement on the “Bilateral and Final Ceasefire and the End of the Hostilities and the Laying Down of Arms”
2. Agreement on “Security guarantees and the fight against criminal organizations responsible for homicides and massacres or those who target human rights advocates, social movements or political movements, including the criminal organizations labeled as successors of paramilitarism and their support networks, and the prosecution of criminal conducts that threaten the implementation of the agreements and the construction of peace”.
3. Agreement on “Ratification”

I. Agreement on the “Bilateral and Final Ceasefire and the End of the Hostilities and the Laying Down of Arms”

1. Commitments

The National Government and the FARC – EP state their commitment to contribute toward the emergence of a new culture that proscribes the use of arms in the exercise of politics, and to jointly work in order to reach a national consensus where all political, economic and social sectors assume the commitment to exercise politics in such a way that the values of democracy, the free contention of ideas and civilized debate shall prevail; where there is no room for intolerance and persecution for political reasons. Such commitment is part of the guarantees of non-repetition of the facts that contributed toward the armed confrontation between the Colombian people for political reasons.

Finally, the National Government and the FARC – EP commit to comply with the agreement stated herein in regard to the Bilateral and Final Ceasefire and the End of the Hostilities and the Laying Down of Arms, for which purpose they will prepare a road map containing the mutual commitments aimed at ensuring that, latest 180 days after the signature of the Final Agreement, the process of the laying down of arms has concluded.

2. Purpose

The purpose of this Agreement on the Bilateral and Final Ceasefire and the End of the Hostilities and the Laying Down of Arms is to bring a final end to the offensive actions between the Public Law Enforcement Authorities and the FARC – EP, and, in general, to the hostilities and any actions provided for in the Rules that govern the Bilateral and Final Ceasefire and the End of the Hostilities (CFHBD, for its acronym in Spanish), 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.

3. Monitoring and Verification

We agreed to create a Monitoring and Verification Mechanism which will be a tripartite mechanism, comprised by representatives of the National Government (Public Law Enforcement Authorities), of the FARC – EP, and an International Component consisting of a political mission with unarmed UN observers, mainly comprised by observers from member countries of the Community of Latin American and Caribbean States (CELAC, for its acronym in Spanish).

The International Component presides over all instances of the Monitoring and Verification Mechanism and is in charge of settling controversies, providing recommendations and preparing reports.

In regard to the Laying Down of Arms, the International Component will verify it, pursuant to the terms and with the proper guarantees set forth in the protocols of the Agreement.

4. Adaptation of the deployments on the field

As of day D+1, the Public Law Enforcement Authorities will reorganize the deployment of the troops to facilitate the movement of the structures of the FARC – EP to such Zones, and for the fulfillment of the Agreement on the Ceasefire and the Laying Down of Arms.

In turn, as of day D+5, the different missions, commissions and Tactical Combat Units (UTC, for its acronym in Spanish) of the fronts of the FARC – EP will move toward such previously agreed Zones, following the travel routes determined by mutual agreement between the National Government and the FARC – EP.

5. Transitory Rural Settlement Normalization Zones (*Zonas Veredales Transitorias de Normalización*) (hereinafter “Zones”).

The National Government and the FARC – EP have agreed to establish 23 Transitory Rural Settlement Normalization Zones and 8 Camps.

The purpose of the Transitory Rural Settlement Normalization Zones is to ensure the Bilateral and Final Ceasefire and the End of the Hostilities and the Laying Down of Arms, and to start the preparation process for the Reincorporation into civilian life of the structures of the FARC – EP on economic, political and social matters, in accordance with their interests.

These Zones are territorial, temporary and transitory. Each Zone will have Local Monitoring Teams. They will have access facilities via roads or rivers; their limits

correspond to those of the rural settlement where they are located; these may be extended or reduced by mutual agreement, depending on the size of the rural settlement; they will have a reasonable area so as enable monitoring and verification and the fulfillment of the purposes of the Zones, setting geographical accidents or land characteristics as reference.

The FARC – EP combatants who leave the camps shall do so unarmed and wearing civilian clothing.

The National Government and the FARC – EP commit themselves to ensure that the implementation of this Agreement is carried out without any limitations on the normal operation of unarmed civilian authorities, on the performance of the economic, political and social activities of the regions, on the life of the communities, on the exercise of their rights; and likewise, on those of the communal, social and political organizations present in the territories.

The civilian (unarmed) authorities present in the Zones will remain there and will continue to perform their functions therein, without prejudice to the provisions agreed on the Bilateral and Final Ceasefire and the End of the Hostilities. The Zones may not be used for demonstrations of a political nature.

The members of the FARC – EP who, by virtue of the amnesty law, have enjoyed the benefit of being released from prison, and wish to do so, will integrate themselves to said zones in order to continue the process of reincorporation into civilian life. For this purpose, sojourn sites will be arranged in the Zones, outside of the camps.

During the duration of the Agreement on the Bilateral and Final Ceasefire and the End of the Hostilities (CFHBD, for its acronym in Spanish) and Laying Down of Arms (DA, for its acronym in Spanish), the FARC – EP will designate a group of 60 of its members (men and women) who may travel throughout the national territory in performance of tasks related to the Peace Agreement.

Likewise, for each Zone, the FARC – EP will designate a group of 10 of its members who may travel on a municipal and departmental (state) level in performance of tasks related to the Peace Agreement. For these movements, the members of the FARC – EP will be provided with security measures agreed with the National Government.

No civilian population may stay in or enter the camps at any moment whatsoever.

During the duration of the zones, bearing or possession of arms by the civilian population will be suspended within such Zones.

In case an event or circumstance takes place within a Zone, which requires the presence of the National Police or any other armed law enforcement authority of the State, the same will be done by informing the Monitoring and Verification

Mechanism, in order for it to arrange access in accordance with the protocols agreed by the National Government and the FARC – EP.

The location of the camps within the Zones will be arranged in such a manner so as to ensure that the Monitoring and Verification Mechanism may perform its duties.

In the development of the preparation process for the reincorporation into civilian life of its combatants, the FARC – EP, in coordination with the National Government, may conduct all kinds of training / education for the members of the FARC – EP on productive labors, on leveling basic primary, secondary or technical education, according to their own interests, as well as in arranging sessions for the issuance of national identification documents and other preparatory activities for the reincorporation, and additional activities necessary for facilitating the transition of the FARC – EP into legality.

6. Safety Zone

A Safety Zone is established around each Zone where there will be no units of the Public Law Enforcement Authorities, or FARC – EP troops, except for the monitoring and verification teams accompanied by police security whenever the circumstances may warrant it. The width of the Safety Zone will be of 1 kilometer around each Zone.

7. Security

The National Government and the FARC – EP will jointly define security protocols which, in a comprehensive manner, will enable the minimization of potential threats that may affect or infringe upon the people and the goods involved in the Bilateral and Final Ceasefire and the End of the Hostilities and the Laying Down of Arms.

The safety conditions implemented will guarantee the protection of the members of the monitoring and verification team, of the members of the FARC – EP, of the delegates of the National Government, of the Public Law Enforcement Authorities, and of all other participants in the process. Likewise, they will provide for the coordination of the movements and the deployments on the field.

The National Government, through the Public Law Enforcement Authorities, will continue to guarantee the conditions of coexistence and security for the civilian population during this process.

8. Laying Down of Arms (DA, for its acronym in Spanish).

It consists of a technical, traceable and verifiable procedure by means of which the UN receives all of the arms and weapons of the FARC – EP to allocate

them to the construction of 3 monuments, agreed between the National Government and the FARC – EP.

The Laying Down of Arms by the FARC – EP will take place in two time periods, called Arms Control and Laying Down of Arms, which incorporate the following technical procedures: registration, identification, monitoring and verification of possession, collection, storage, extraction and final disposal.

9. Procedure

The signature of the Final Agreement will start the process of the Laying Down of Arms by the FARC – EP, which will include the transportation of the arms to the zones, the destruction of unstable weaponry, and the collection and storage of the individual weapons in containers, in a sequential manner and in three phases, as follows: Phase 1: D+90, 30%; Phase 2: D+120, 30%; and Phase 3: D+150, the remaining 40%, according to the road map (event timeline) agreed by the National Government and the FARC – EP, which guides the process of the End of the Conflict after the signature of the Final Agreement.

The FARC – EP will contribute through different means, including the provision of information, toward the cleanup and decontamination of the territories affected by anti-personnel mines (APMs), improvised explosive devices (IEDs), and unexploded ordnance (UXO) or explosive remnants of war (ERWs) in general, taking into consideration the agreements set forth in items 4 and 5 and whatever is agreed on the item on Reincorporation into civilian life in regard to the participation of the FARC – EP in the actions against mines.

In order to ensure the effective control of the arms in each Zone, a single storage point will be identified, within one of the camps, where the containers will be located under the permanent monitoring and verification of the International Component of the Monitoring and Verification Mechanism, pursuant to the protocols agreed between the National Government and the FARC – EP.

Once the arms have been received on day D+150, and latest on day D+180, the extraction process of the arms by the United Nations will end, in accordance with the procedures agreed for this matter, and it will certify the fulfillment of this process and will communicate it to the National Government and the public opinion.

On day D+180, the operation of these Zones and the Bilateral and Final Ceasefire and the End of the Hostilities will end.

The Monitoring and Verification Mechanism will certify and communicate each one of the phases of the procedure for the laying down of arms described above.

Finally, based on the agreement we have announced today and within the framework of Resolution 2261, the National Government and the FARC – EP hereby ask the Secretary General of the United Nations to set in motion all the necessary arrangements for the deployment of the Special Political Mission, so as to move forward in the implementation of this agreement.

II. Agreement on “Security guarantees and the fight against criminal organizations responsible for homicides and massacres or those who target human rights advocates, social movements or political movements, including the criminal organizations labeled as successors of paramilitarism and their support networks, and the prosecution of criminal conducts that threaten the implementation of the agreements and the construction of peace”

This agreement is aimed at providing protection and security to all the inhabitants of the national territory; protection measures for the collectivities, the social and human rights movements and organizations in the territories; guarantees for the exercise of politics for the political movements and parties, especially those in the opposition, for the political movement that emerges from the transition of the FARC – EP into legal political activity, and for the members of the FARC – EP in the process of reincorporation into civilian life.

Additionally, it contemplates the implementation of the necessary measures to effectively and comprehensively intensify the actions against the criminal organizations and conducts subject matter of this agreement that threaten the construction of peace. The agreement also includes measures for the elucidation of the paramilitarism phenomenon as a complement to the matters already agreed in item 5.

The agreement on security guarantees is based on the following principles:

1. Respect, guarantee, protection and promotion of human rights.
2. To ensure the legitimate monopoly of force and the use of arms on the part of the State throughout the entire territory.
3. Strengthening of the justice administration.
4. To ensure the monopoly of the tax revenues by the Public Finances.
5. Territorial and differential approach.
6. Gender-based approach.
7. Institutional coordination and co-responsibility.
8. Citizen participation.

9. Accountability.

10. Guarantees of Non-Repetition.

In order to fulfill these purposes, the National Government and the FARC – EP commit themselves to:

- The National Government will guarantee the implementation of the necessary measures to effectively intensify the actions against criminal organizations and conducts subject matter of this agreement that threaten the construction of peace. Furthermore, it will ensure the protection of the communities in the territories, breaking up any kind of connection between politics and the use of arms, and enforcing the principles that govern every democratic society.
- The FARC – EP, in turn, assume the commitment to contribute in an effective manner toward the construction and consolidation of peace on all matters within their capacities, to promote the contents of the agreements and to respect the fundamental rights.

The security and protection measures defined by the agreement have been built on five fundamental pillars, with a dimensional approach:

1. A National Political Pact, and from the regions, with the political parties and movements, trade unions, organized society and, in general, the live forces of the nation in order to ensure that arms will never again be used in politics or violent organizations such as paramilitarism are promoted. This pact will seek national reconciliation and peaceful coexistence.
2. A National Security Guarantees Commission which will be presided by the President of the Republic, whose purpose will be to design and follow up public and criminal policies related to the dismantling of any organization or conduct referred to in this agreement. The commission will also harmonize those policies to ensure their execution.
3. A Special Investigation Unit within the National Attorney General's Office (*Fiscalía General de la Nación*) for the dismantling of the criminal organizations and their support networks which have been labeled as successors of paramilitarism, pursuant to the provisions set forth in numeral 74 of the agreement on the Special Jurisdiction for Peace. This Unit will have a special judiciary police unit with experts on different matters.
4. In development of the agreements made in item 2 on "Political Participation", the creation of the Comprehensive Security System for the Exercise of Politics, which will develop a model for citizen rights' guarantees and for the protection of political movements and parties, including the political movement or party that emerges from the transition of the FARC – EP into civilian life, social and human rights organizations, and the communities in the

territories. The System includes the creation, within the National Protection Unit, of a mixed protection body for the members of the FARC – EP in the process of reincorporation into civilian life.

5. A Comprehensive Security and Protection Program for the communities and organizations in the territories, whose purpose will be the definition and adoption of comprehensive protection measures for the organizations, groups and communities in the territories.

The agreement also includes the following complementary measures:

- The design and implementation of a policy on submission to justice for the organizations subject matter of this agreement.
- The activation of an elite body of the National Police as an instrument to dismantle the criminal organizations subject matter of the agreement.
- An instrument for the prevention and monitoring of criminal organizations: it is an anticipation and prevention system for quick reaction, aimed at guaranteeing a better identification of the threats in the territories and an action with greater impact by the Public Law Enforcement Authorities in order to contain those threats.
- Prevention and combat measures against corruption: aimed at strengthening institutional transparency.

III. AGREEMENT ON “RATIFICATION”

The Government of Colombia and the FARC – EP, in order to settle the differences that have emerged up to date regarding the aforementioned topic, today, in development of the agenda of the General Agreement for Ending the Conflict, have agreed to embrace -as a convergence formula- the decision to be rendered by the Constitutional Court regarding the scope of Statutory Law No. 156 of 2015, House of Representatives, Law No. 94 of 2015, Senate, in the spirit announced up to date, and to that extent we accept the popular participation mechanism that the Court may determine, and in the terms set forth by that high tribunal.