#### Peace Agreement Access Tool PA-X https://pax.peaceagreements.org/

**Country/entity** Colombia

**Region** Americas

**Agreement name** Acuerdo de la Puerta del Cielo

**Date** 15 Jul 1998

Agreement status Multiparty signed/agreed

**Interim** Yes

arrangement

**Agreement/conflict** Intrastate/intrastate conflict

level

Colombian Conflict (1964 - )

The Colombian conflict is really a set of conflicts and the peace agreements reflect both different processes relating to different conflict groups and dyads, and processes taking place at different times in a complex peace process history. The Colombian civil war has its roots in the late 1940s and the violent infighting between liberal and the conservative factions. Emerging from the liberal tradition with a thorough grounding in nationalist communist ideology, the Revolutionary Armed Forces of Colombia—People's Army (FARC) began its armed insurrection against the Colombian government in 1964. Other left-wing guerrillas emerged as well, most notably the socialist/populist M-19, which would later be integrated into the formal political system in the peace process of 1990s; the National Liberation Army (ELN), which has strong roots in liberation theology, and the Maoist Ejército Popular de Liberación (EPL) (also part of the 1990 process, less successfully). Several stages of peace processes were undertaken by the various sides, which were further complicated by the emergence of right-wing paramilitary 'selfdefence' forces. The peace agreement between the Colombian government under President Uribe and the main alliance of the paramilitary groups, the United Self-Defence Forces of Colombia (AUC), concluded in 2005 and is still heavily disputed as several remnants are still active, but now subsumed under the heading 'Bacrim' (Bandas criminales). In addition, FARC and ELN maintain a military presence, but both demonstrate a strong interest in completing successful peace negotiations with the government, with the most recent agreements being between FARC and the Government.

Close

Colombian Conflict (1964 -

**Stage** Pre-negotiation/process

**Conflict nature** Government

Peace process Colombia II - Samper

#### **Parties**

Presented in the preamble as an agremement of: civil society that is represented here, the National Liberation Army (Ejército de Liberación Nacional, ELN) and the National Peace Committee,

This agreement is signed by the following people on 15 July in Würzburg, Germany.

Aída Abello, Gustavo Alvarez Gardeazábal, Hernando Angarita Figueredo, Pablo Beltrán, Ana Teresa Bernal, Jaime Bernal Cuéllar, Nélson Berrio, Jaime Alberto Cabal, Jaime Caicedo, César Carrillo, Monsignor Luis Augusto Castro, José Fernando Castro, Luis Eduardo Garzón, Carlos Gaviria, Ana

Mercedes Gómez, Mario Gómez, Camilo González Posso, Milton Hernández, Hernando Hernández, Gabriel Izquierdo, Father Jorge Martínez, Eugnio Marulanda, Alfredo Molano, Víctor Moncayo, Samuel Moreno, Antonio Picón, Sabas Pretelt de la Vega, Javier Darío Restrepo, José Noé Rios, Maria Isabel Rueda, Carlos Alberto Ruiz, Fransisco Santos, Juan Manuel Santos, Eduardo Umaña Luna, León Valencia, Alejo Vargas, Juán Vásquez, Luis Carlos Villegas, Jorge Visbal

#### Third parties

Presented in preamble as an agreement 'facilitated' by: Episcopalian Conference of Germany and Colombia'

# **Description**

This agreement establishes an inclusive process for national dialogue and calls on the parties to respect humanitarian law and protect human rights. It also calls for human rights investigation of past crimes. They agree to start the peace process with the ELN. The document is about the participation of civil society and the potential inclusion of the FARC in the peace process; it is reaffirming the rights and duties towards civilians and prisoners of war within the context of the war, it addresses the need to talk about access to natural resources; it calls for, defines and sets principles and rules of a national convention and its objectives with the ultimate goal of peace and social justice, greater democracy and consolidated sovereignty. Source: En ausencia de un proceso de paz: Acuerdos Parciales y Mandato Ciudadano por la Paz, Biblioteca de la Paz – 1994-1998, Fundación Cultura Democrática, Ed. Álvaro Villarraga Sarmiento, Bogotá D.C., 2009 (book IV) p. 275

Agreement document

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Agreement document (original

CO\_980715\_Acuerdo De La Puerta Del Cielo.pdf (opens in new tab)

language)

# **Groups**

**Children/youth** Groups→Children/youth→Substantive

Page 4, Article 17,

Reaffirm the commitment of civil society and ELN to respect and ensure full respect for

the rights of children. The organisation will not employ children under 16 in its

permanent military force, with this age raised to 18 in the future.

**Disabled persons** No specific mention.

**Elderly/age** No specific mention.

**Migrant workers** No specific mention.

Racial/ethnic/ national group No specific mention.

**Religious groups** No specific mention.

**Indigenous people** Groups→Indigenous people→Rhetorical

Page 4, Article 16,

Promote respect for the autonomy, beliefs, culture and the right to neutrality of indigenous communities and other ethnic groups and their lands among all armed

actors and involved parties.

**Other groups** No specific mention.

**Refugees/displaced** Groups→Refugees/displaced persons→Rhetorical

**persons** Page 2, Article 13,

Regarding the serious problem of forcibly displaced persons, we will promote and support their organisation and voice for the defence of their legitimate interests and needs, especially their safe return, the ownership of land, where applicable, and their full

development, together with their regions.

**Social class** No specific mention.

#### Gender

Women, girls and

Page 2, Article 10,

gender

ELN undertakes to stop detaining people or depriving them of liberty for financial gain insofar as the sufficient availability of resources for ELN is resolved by other means, provided that, until conclusion of the peace process with the organisation, it does not result in its strategical weakening. Furthermore, from today, it will cease to detain minors

and elderly people over 65, and under no circumstances will pregnant women be

deprived of liberty.

Men and boys

No specific mention.

**LGBTI** 

No specific mention.

**Family** 

No specific mention.

#### **State definition**

**Nature of state** 

No specific mention.

(general)

**State configuration** No specific mention.

**Self determination** No specific mention.

Referendum

No specific mention.

State symbols

No specific mention.

Independence/ secession

No specific mention.

Accession/

No specific mention.

unification

**Border delimitation** No specific mention.

**Cross-border** 

No specific mention.

provision

# Governance

**Political** No specific mention.

institutions (new or

reformed)

**Elections** No specific mention.

**Electoral** No specific mention.

commission

**Political parties** No specific mention.

reform

### **Civil society**

## Page 2, Article 2,

Recognise and sponsor the permanent involvement of civil society to bring about the conclusion of the peace process.

### Page 2, Article 3,

Promote more research and proposals in areas of the peace process that seek structural or partial changes in the life of the country.

#### Page 2, Article 4,

Arrange meetings with various sectors to secure the achievements of the peace process.

#### Page 2, Article 5,

Promote the projection of the spirit of this document with respect to the government and continue with activities to promote peace, with the support of the international community.

#### Page 3, Article 7,

Place ourselves in the service of the large national movement inspired by the mandate for peace that has arisen throughout the country to bring an end to war, promoting its expansion and consolidation at events such as the Permanent Assembly of Civil Society for Peace.

#### Page 3, Article 8,

Ensure civil society facilitates and finds spaces with the government to demand compliance with the political guarantees and public freedoms of the constitution throughout the country.

# Page 3, Article 14,

To exclude assets protected by international humanitarian law, such as those in the following list, from armed attacks, they will be identified and demarcated with the leadership of civil society and the coordination of the Office of the Inspector General and the Ombudsperson:

- agueducts and dams
- schools
- human and animal health centres
- hospitals
- centres and resources for supplying the civilian population
- ambulances, fire services and rescue vehicles
- vehicles, ships and planes for civilian use not being used for military purposes
- human and animal hygiene and social interest campaigns
- education, sports, cultural, leisure and religious centres
- power transmission infrastructure for the civilian population
- installations with dangerous forces such as dammed water or nuclear material.

### Page 3, Article 15,

ELN reaffirms its unilateral acceptance of the recommendations made by Amnesty International for the insurgent movement in its 1994 report on Colombia. As such, it confirms compliance with the following recommendations:

A. Humane treatment of prisoners, people who are injured or those who intend to surrender. Regardless of whether they are civilians or members of the armed forces, they must not be killed.

B. Planned and arbitrary murders of non-combatants will be prohibited under all circumstances. Page 6 of 19

C. Prisoners will not be used as hostages. People who are detained will be identified and

Traditional/

Page 6, Article 21,

religious leaders

The signatories to this agreement are committed to its development, support, evaluation and monitoring, as well as linking this work to other sectors that represent Colombian society. We express our gratitude to the Episcopal conferences of Germany and Colombia for the hospitality and cordiality of their support to help us achieve this mission.

for the hospitality and cordiality of their support to help us achieve this mission.

**Public** 

No specific mention.

administration

**Constitution** No specific mention.

# **Power sharing**

**Political power** 

No specific mention.

sharing

**Territorial power** 

No specific mention.

sharing

**Economic power** 

No specific mention.

sharing

Military power

sharing

No specific mention.

### **Human rights and equality**

## Human rights/RoL

Page 4, Article 17,

general

Reaffirm the commitment of civil society and ELN to respect and ensure full respect for the rights of children. The organisation will not employ children under 16 in its permanent military force, with this age raised to 18 in the future.

Pages 4-6, Regarding the national convention,

•••

The national convention itself will decide on the decision-making procedure and other aspects of its operation. Its agenda will include issues such as defining the terms for the required transformations of social, economic and political structures through concerted action that takes into account the full force of human rights, social and economic justice, political democratisation, sovereignty, integration and internationalisation, and the role of public force in a peaceful country.

Bill of rights/similar No specific mention.

# Treaty incorporation

## Page 2, Article 11,

Demand real progress in fighting impunity for crimes against humanity, including forced disappearances, massacres, genocide and torture that fully meet the spirit of international regulations in this area.

# Page 3, Article 14,

To exclude assets protected by international humanitarian law, such as those in the following list, from armed attacks, they will be identified and demarcated with the leadership of civil society and the coordination of the Office of the Inspector General and the Ombudsperson:

- agueducts and dams
- schools
- · human and animal health centres
- hospitals
- centres and resources for supplying the civilian population
- ambulances, fire services and rescue vehicles
- vehicles, ships and planes for civilian use not being used for military purposes
- human and animal hygiene and social interest campaigns
- education, sports, cultural, leisure and religious centres
- power transmission infrastructure for the civilian population
- installations with dangerous forces such as dammed water or nuclear material.

#### Pages 3-4

15. ELN reaffirms its unilateral acceptance of the recommendations made by Amnesty International for the insurgent movement in its 1994 report on Colombia. As such, it confirms compliance with the following recommendations:

A. Humane treatment of prisoners, people who are injured or those who intend to surrender. Regardless of whether they are civilians or members of the armed forces, they must not be killed.

- B. Planned and arbitrary murders of non-combatants will be prohibited under all circumstances.
- C. Prisoners will not be used as hostages. People who are detained will be identified and their healthy and safe release will be guaranteed.
- D. Mines will not be used to kill or deliberately maim civilians.
- E. Allegations of abuses committed by guerrillas will be investigated to determine their responsibility.
- F. Guerrillas suspected of having committed or ordered abuses will be removed from any post of authority and any service that gives them the opportunity to commit such abuses again.

### Page 4

Promote the ratification by congress of the Ottawa Convention on the prohibition of the use of anti-personnel mines. A commitment will also be made not to deploy anti-personnel mines in sites where there is a risk to the civilian population, especially children. We also demand compliance with the prohibition of bombing assets and areas used by the civilian population.

# Civil and political rights

Human rights and equality→Civil and political rights→Life

A. Humane treatment of prisoners, people who are injured or those who intend to surrender. Regardless of whether they are civilians or members of the armed forces, they must not be killed.

B. Planned and arbitrary murders of non-combatants will be prohibited under all circumstances.

Human rights and equality→Civil and political rights→Torture

E. Allegations of abuses committed by guerrillas will be investigated to determine their responsibility.

F. Guerrillas suspected of having committed or ordered abuses will be removed from any post of authority and any service that gives them the opportunity to commit such abuses again.

Human rights and equality→Civil and political rights→Equality

Page 5, Regarding the national convention,

In light of the positive results from this meeting, we also agree to convene a national convention for peace and social justice, the expansion of democracy and the consolidation of national sovereignty under the following terms:

Human rights and equality→Civil and political rights→Liberty and security of person C. Prisoners will not be used as hostages. People who are detained will be identified and their healthy and safe release will be guaranteed.

Human rights and equality→Civil and political rights→Humane treatment in detention Page 3, Article 15,

ELN reaffirms its unilateral acceptance of the recommendations made by Amnesty International for the insurgent movement in its 1994 report on Colombia. As such, it confirms compliance with the following recommendations:

A. Humane treatment of prisoners, people who are injured or those who intend to surrender. Regardless of whether they are civilians or members of the armed forces, they must not be killed.

# Page 4, Article 19,

The meeting emphasised that prisoners and detainees of the insurgency must receive humane treatment, with respect for their dignity and their status as political prisoners.

The non-penalisation of social protest will be supported.

Human rights and equality→Civil and political rights→Other

D. Mines will not be used to kill or deliberately maim civilians.

### Page 4

Promote the ratification by congress of the Ottawa Convention on the prohibition of the use of anti-personnel mines. A commitment will also be made not to deploy anti-personnel mines in sites where there is a risk to the civilian population, especially children. We also demand compliance with the prohibition of bombing assets and areas used by the civilian population.

# Socio-economic rights

No specific mention.

# Rights related issues

#### Citizenship

No specific mention.

#### **Democracy**

Pages 4-6, Regarding the national convention,

In light of the positive results from this meeting, we also agree to convene a national convention for peace and social justice, the expansion of democracy and the consolidation of national sovereignty under the following terms:

The term national convention refers to a process with various spaces for dialogue that allows the participating representatives of the state, society and the guerrilla organisation to make proposals.

The convention will seek to define the terms of a political agreement for social reforms and transformations with a view to the democratisation of the state and society. It will be implemented via the required administrative or legislative mechanisms, including the organisation of a National Constitutional Assembly.

The national convention must facilitate participation by representatives of the state and be backed by the national government, for which the National Peace Council, in its capacity as an advisory institution to the government, will serve as facilitator. FARC and the guerrilla coordinator will be invited to participate in the national convention and contribute their proposals.

Regarding participants, it is important to ensure these are as representative as possible, based on the current group of participants at the meeting in Mainz, who will constitute a preparatory commission for the national convention and establish an operating committee for this purpose.

The process of this national convention must promote regional and sectoral spaces for drawing up the convention. The preparatory commission must organise the national convention before 12 October 1998.

The national convention itself will decide on the decision-making procedure and other aspects of its operation. Its agenda will include issues such as defining the terms for the required transformations of social, economic and political structures through concerted action that takes into account the full force of human rights, social and economic justice, political democratisation, sovereignty, integration and internationalisation, and the role of public force in a peaceful country.

The national convention will take place in Colombian territory in an area in which there will be a bilateral ceasefire, with the necessary guarantees provided to all participants. To coincide with the national convention, major milestones in the peace process will be encouraged, such as the ceasefire and cessation of offensive operations by all parties in the national territory.

Detention procedures

No specific mention.

Media and communication

No specific mention.

**Mobility/access** 

No specific mention.

Protection measures

No specific mention.

Other

No specific mention.

# **Rights institutions**

**NHRI** No specific mention.

**Regional or** international No specific mention.

human rights institutions

### **Justice sector reform**

**Criminal justice and** No specific mention.

emergency law

**State of emergency** No specific mention.

provisions

**Judiciary and** Page 2, Article 12,

courts Based on the concepts of the United Nations, ensure regional justice is not extended

> beyond the current legal mandate. Similarly, the urgency of recovering the effectiveness, speed, impartiality and procedural guarantees of the justice system is emphasised.

**Prisons and** 

detention

No specific mention.

**Traditional Laws** No specific mention.

#### **Socio-economic reconstruction**

# **Development or** socio-economic reconstruction

Socio-economic reconstruction→Development or socio-economic reconstruction→Socioeconomic development

Pages 4-6, Regarding the national convention,

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# National economic No specific mention. plan

#### Natural resources

Page 4, Article 20,

The signatories to this agreement will promote a broad forum in the context of the national convention to discuss the issue of sovereignty over natural resources, including oil, in order to propose changes to policies and regulations in this area that would benefit the country to congress and the government. This forum will take place in an area whose clearance will be requested by the government for this purpose. While this event is taking place, ELN will cease from sabotaging oil pipelines, for which the organisation admits having been solely responsible.

International funds No specific mention.

**Business** No specific mention.

**Taxation** No specific mention.

**Banks** No specific mention.

# Land, property and environment

Land reform/rights No specific mention.

**Pastoralist/** No specific mention.

nomadism rights

**Cultural heritage** Land, property and environment→Cultural heritage→Promotion

Page 4, Article 16,

Promote respect for the autonomy, beliefs, culture and the right to neutrality of indigenous communities and other ethnic groups and their lands among all armed

actors and involved parties.

**Environment** No specific mention.

**Water or riparian** No specific mention.

rights or access

#### **Security sector**

# **Security Guarantees**

No specific mention.

#### Ceasefire

Security sector→Ceasefire→Ceasefire provision Pages 4-6, Regarding the national convention,

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The national convention will take place in Colombian territory in an area in which there will be a bilateral ceasefire, with the necessary guarantees provided to all participants. To coincide with the national convention, major milestones in the peace process will be encouraged, such as the ceasefire and cessation of offensive operations by all parties in the national territory.

**Police** No specific mention.

**Armed forces** No specific mention.

**DDR** No specific mention.

Intelligence No spec

No specific mention.

# Parastatal/rebel and opposition group forces

## Page 2, Article 6,

Facilitate meetings between the government and the commands of ELN and the Popular Liberation Army (Ejército Popular de Liberación, EPL). Promote a meeting of the signatories to this agreement with the commands of the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC), the Simón Bolívar Guerrilla Coordinating Board (Coordinadora Guerrillera Simón Bolívar, CGSB) and other parties involved in the war. Acknowledge the meeting of the incoming president Andrés Pastrana Arango and the FARC command as valuable to the future of peace.

#### Page 2, Article 10,

ELN undertakes to stop detaining people or depriving them of liberty for financial gain insofar as the sufficient availability of resources for ELN is resolved by other means, provided that, until conclusion of the peace process with the organisation, it does not result in its strategical weakening. Furthermore, from today, it will cease to detain minors and elderly people over 65, and under no circumstances will pregnant women be deprived of liberty.

#### Page 3, Article 15,

ELN reaffirms its unilateral acceptance of the recommendations made by Amnesty International for the insurgent movement in its 1994 report on Colombia. As such, it confirms compliance with the following recommendations:

A. Humane treatment of prisoners, people who are injured or those who intend to surrender. Regardless of whether they are civilians or members of the armed forces, they must not be killed.

- B. Planned and arbitrary murders of non-combatants will be prohibited under all circumstances.
- C. Prisoners will not be used as hostages. People who are detained will be identified and their healthy and safe release will be guaranteed.
- D. Mines will not be used to kill or deliberately maim civilians.
- E. Allegations of abuses committed by guerrillas will be investigated to determine their responsibility.
- F. Guerrillas suspected of having committed or ordered abuses will be removed from any post of authority and any service that gives them the opportunity to commit such abuses again.

#### Page 4, Article 17,

Reaffirm the commitment of civil society and ELN to respect and ensure full respect for the rights of children. The organisation will not employ children under 16 in its permanent military force, with this age raised to 18 in the future.

### Page 4, Article 20,

The signatories to this agreement will promote a broad forum in the context of the national convention to discuss the issue of sovereignty over natural resources, including oil, in order to propose changes to policies and regulations in this area that would benefit the country to congress and the government. This forum will take place in an area whose clearance will be requested by the government for this purpose. While this event is taking place, ELN will cease from sabotaging oil pipelines, for which the organisation admits having been solely responsible.

## Pages 4-6, Regarding the national convention,

In light of the positive results from this meeting, we also agree to convene a national convention for peace and somiglified the expansion of democracy and the consolidation of national sovereignty under the following terms:

The term national convention refers to a process with various spaces for dialogue the

Withdrawal of foreign forces

No specific mention.

Corruption

No specific mention.

Crime/organised

crime

No specific mention.

**Drugs** No specific mention.

**Terrorism** No specific mention.

#### **Transitional justice**

**Transitional justice** Page 3-4:

**general** 15. ELN reaffirms its unilateral acceptance of the recommendations made by Amnesty

International for the insurgent movement in its 1994 report on Colombia. As such, it

confirms compliance with the following recommendations:

E. Allegations of abuses committed by guerrillas will be investigated to determine their

responsibility.

**Amnesty/pardon** No specific mention.

**Courts** No specific mention.

**Mechanism** No specific mention.

**Prisoner release** Page 3, 15. . . . C. Prisoners will not be used as hostages. People who are detained will be

identified and their healthy and safe release will be guaranteed.

**Vetting** Page 3-4:

15. ELN reaffirms its unilateral acceptance of the recommendations made by Amnesty

International for the insurgent movement in its 1994 report on Colombia. As such, it

confirms compliance with the following recommendations:

E. Allegations of abuses committed by guerrillas will be investigated to determine their

responsibility.

F. Guerrillas suspected of having committed or ordered abuses will be removed from any

post of authority and any service that gives them the opportunity to commit such abuses

again.

**Victims** No specific mention.

**Missing persons** No specific mention.

**Reparations** No specific mention.

**Reconciliation** No specific mention.

Implementation

**UN signatory** No specific mention.

Other international No specific mention.

signatory

**Referendum for** 

No specific mention.

agreement

International mission/force/ similar

No specific mention.

**Enforcement** 

Page 6, Article 21,

mechanism

The signatories to this agreement are committed to its development, support, evaluation and monitoring, as well as linking this work to other sectors that represent Colombian society. We express our gratitude to the Episcopal conferences of Germany and Colombia for the hospitality and cordiality of their support to help us achieve this mission.

**Related cases** 

No specific mention.

Source

Source: En ausencia de un proceso de paz: Acuerdos Parciales y Mandato Ciudadano por la Paz, Biblioteca de la Paz – 1994-1998, Fundación Cultura Democrática, Ed. Álvaro Villarraga Sarmiento, Bogotá D.C., 2009 (book IV) p. 275