

Country/entity	Honduras
Region	Americas
Agreement name	Acuerdo de San José para la reconciliación nacional y el fortalecimiento de la democracia en Honduras
Date	22 Jul 2009
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict Honduras coup d'état (2009)
	<p>In 2009, the president of Honduras, Jose Manuel Zelaya, planned a referendum on the subject of creating a constituent assembly to decide on constitutional reforms. His plan found broad support among the civil society, trade unions and peasants, hoping for a more participatory democracy. But on 28 June 2009, the Honduran Supreme Court ordered to send the president to exile and sent the Honduran Army, capturing Zelaya the same day. Instead of facing a trial, he was flown to Costa Rica, while the Honduran Congress voted to remove him from office.</p> <p>On the international level, this coup d'état was criticized, also by the United Nations, the European Union and the Organization of American States, who later voted to suspend Honduras from the organization. The Honduras Truth and Reconciliation Commission stated in 2011 that the removal of president Zelaya had been unconstitutional, also was the interim government which followed the coup.</p> <p>Close Honduras coup d'état (2009)</p>
Stage	Framework/substantive - partial
Conflict nature	Government
Peace process	Honduran constitutional crisis process
Parties	Not signed, parties not listed
Third parties	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 Ugarte – Chancellor of the Republic of Costa Rica;
Description	An agreement on unity and reconciliation government, demand for general amnesty, elections, the professional and apolitical character of the armed forces and the national police, return to the constitutional powers pre-conflict, arrangements for a verification and truth commission, normalisation of relations with the international community. It includes a timetable of the events.

Agreement document	HN_090722_Acuerdo de San Jose_tr.pdf (opens in new tab) Download PDF
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Agreement document (original language)	HN_090722_Acuerdo de San Jose.pdf (opens in new tab)
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Groups

Children/youth	No specific mention.
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Disabled persons	No specific mention.
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Elderly/age	No specific mention.
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Migrant workers	No specific mention.
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Racial/ethnic/ national group	No specific mention.
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Religious groups	No specific mention.
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Indigenous people	No specific mention.
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Other groups	No specific mention.
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Refugees/displaced persons	No specific mention.
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Social class	No specific mention.
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Gender

Women, girls and gender	No specific mention.
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Men and boys	No specific mention.
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LGBTI	No specific mention.
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Family	No specific mention.
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State definition

Nature of state (general) Page 4, 10. FINAL PROVISIONS
... 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.

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/ unification No specific mention.

Border delimitation No specific mention.

Cross-border provision No specific mention.

Political

institutions (new or reformed)

Governance→Political institutions (new or reformed)→General references

Page 3, 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.

Page 4-5, 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:

... 24 July 2009

1. Return of José Manuel Zelaya Rosales as President of the Republic of Honduras

... 27 July 2009

1. Formation of the Government of Unity and National Reconciliation

... 27 January 2010

1. Transfer of government

Elections

Page 2, 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.

page 2-3, 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.

Electoral commission	<p>Page 2, 4. BRINGING FORWARD GENERAL ELECTIONS AND THE HANDOVER OF GOVERNMENT</p> <p>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.</p> <p>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.</p> <p>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.</p>
Political parties reform	No specific mention.
Civil society	No specific mention.
Traditional/religious leaders	No specific mention.
Public administration	No specific mention.
Constitution	<p>Governance→Constitution→Constitution affirmation/renewal</p> <p>Page 2, 3. RENUNCIATION TO SUMMON A NATIONAL CONSTITUTIONAL ASSEMBLY OR REFORM UNREFORMABLE ASPECTS OF THE CONSTITUTION</p> <p>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.</p> <p>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.</p>

Power sharing

Political power sharing

Power sharing→Political power sharing→General State level

Page 1, 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.

Territorial power sharing

No specific mention.

Economic power sharing

No specific mention.

Military power sharing

No specific mention.

Human rights and equality

Human rights/RoL general

Page 1, UNTITLED PREAMBLE

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.

Bill of rights/similar No specific mention.

Treaty incorporation

Page 4, 10. FINAL PROVISIONS

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Civil and political rights

No specific mention.

Socio-economic rights

No specific mention.

Rights related issues

Citizenship

No specific mention.

Democracy

Page 1, UNTITLED PREAMBLE

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Page 1, 1. GOVERNMENT OF UNITY AND NATIONAL RECONCILIATION

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Page 2, 3. RENUNCIATION TO SUMMON A NATIONAL CONSTITUTIONAL ASSEMBLY OR REFORM UNREFORMABLE ASPECTS OF THE CONSTITUTION

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Page 2, 4. BRINGING FORWARD GENERAL ELECTIONS AND THE HANDOVER OF GOVERNMENT

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Page 2-3, 5. THE ARMED FORCES

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Page 3, 6. THE RESTORATION OF STATE POWERS TO THEIR SITUATION PRIOR TO 28 JUNE

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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.
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Regional or international human rights institutions	<p>Rights institutions→Regional or international human rights institutions→Monitoring calls Page 3, 7. THE VERIFICATION COMMISSION AND THE TRUTH COMMISSION</p> <p>... 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.</p>
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Justice sector reform

Criminal justice and emergency law	No specific mention.
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State of emergency provisions	No specific mention.
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Judiciary and courts

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Prisons and detention

No specific mention.

Traditional Laws

No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction

No specific mention.

National economic plan

No specific mention.

Natural resources

No specific mention.

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/
nomadism rights** No specific mention.

Cultural heritage No specific mention.

Environment No specific mention.

**Water or riparian
rights or access** No specific mention.

Security sector

**Security
Guarantees** No specific mention.

Ceasefire No specific mention.

Police page 2-3, 5. THE ARMED FORCES
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Armed forces	<p>page 2-3, 5. THE ARMED FORCES</p> <p>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.</p>
DDR	No specific mention.
Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	No specific mention.
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 general No specific mention.

Amnesty/pardon Transitional justice→Amnesty/pardon→Amnesty/pardon proper
Page 1, 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).

Courts No specific mention.

Mechanism Page 3, 7. THE VERIFICATION COMMISSION AND THE TRUTH COMMISSION
... 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.

Page 3-4, 8. NORMALISATION OF THE RELATIONS OF THE REPUBLIC OF HONDURAS WITH THE INTERNATIONAL COMMUNITY

... 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.

Page 4-5, 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:

... 27 July 2009

2. Formation of the Truth Commission

Prisoner release No specific mention.

Vetting No specific mention.

Victims	No specific mention.
Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	<p>Page 1, UNTITLED PREAMBLE</p> <p>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.</p> <p>Page 1, 1. GOVERNMENT OF UNITY AND NATIONAL RECONCILIATION</p> <p>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.</p>
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Implementation	
UN signatory	No specific mention.
Other international signatory	No specific mention.
Referendum for agreement	No specific mention.
International mission/force/similar	<p>Page 2, 4. BRINGING FORWARD GENERAL ELECTIONS AND THE HANDOVER OF GOVERNMENT</p> <p>... 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.</p>

Enforcement mechanism

Page 3, 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.

Page 3-4, 8. NORMALISATION OF THE RELATIONS OF THE REPUBLIC OF HONDURAS WITH THE INTERNATIONAL COMMUNITY

... 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.

Page 4, 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.

Page 4-5, 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:

... 24 July 2009

2. Formation of the Verification Commission

Related cases

No specific mention.

Source

UN Peacemaker, https://peacemaker.un.org/sites/peacemaker.un.org/files/HN_090722_Acuerdo%20de%20San%20Jose.pdf
