

PUERTO DEL CIELO AGREEMENT

Würzburg (Germany), 15 July 1998

The civil society that is represented here, the National Liberation Army (*Ejército de Liberación Nacional*, ELN) and the National Peace Committee, facilitated by the Episcopal conferences of Germany and Colombia, have reached the following agreement.

AGREEMENT

1. Initiate the peace process with ELN.

Regarding the participation of civil society:

2. Recognise and sponsor the permanent involvement of civil society to bring about the conclusion of the peace process.
3. Promote more research and proposals in areas of the peace process that seek structural or partial changes in the life of the country.
4. Arrange meetings with various sectors to secure the achievements of the peace process.
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.
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.

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.
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.

Regarding the humanitarian aspects of the war:

9. Condemn the hostile actions and civilian massacres funded by various sectors that are on the rise as a result of the neglect of certain state agents.
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.
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.
12. 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.
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.

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:

- aqueducts 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.

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.
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.
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.
18. 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.
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.

Regarding natural resources:

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.

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.

21. 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.

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, Néelson 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, Eugenio 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, Juan Vásquez, Luis Carlos Villegas, Jorge Visbal.