

Agreement No. 5: Institutionalisation of the Peace Dialogue Roundtable

AGREEMENT ON THE INSTITUTIONALISATION OF THE PEACE DIALOGUE ROUNDTABLE BETWEEN THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA AND EJÉRCITO DE LIBERACIÓN NACIONAL — ELN

Preamble

In August 2012, an initial approach was made, followed by a confidential stage of dialogue between the Government of Colombia and the Ejército de Liberación Nacional — ELN. After nearly four years of work, on 30 March 2016, in the city of Caracas, the Agreement on Peace Dialogues for Colombia between the National Government and the Ejército de Liberación Nacional, ELN, was signed by the Parties before six guarantor countries: the Federative Republic of Brazil, the Republic of Chile, the Republic of Cuba, the Republic of Ecuador, the Kingdom of Norway, and the Bolivarian Republic of Venezuela.

Since then, the dialogue process between the Government and the ELN has established its own mechanisms, such as the Roundtable, and has defined and developed specific roles and spaces for the socialisation of what has been agreed and jointly conceived, in order to secure broad support both within Colombia and in the international community.

In October 2022, the Government of President Gustavo Petro and the ELN agreed to resume the conversations that had been interrupted in August 2018. The new Peace Dialogue Roundtable was formally convened on 21 November 2022. In order to give greater firmness, accuracy, and clarity to its structure, composition, and functioning, the present Agreement was signed in its first cycle.

The current Government of Colombia reaffirms that peace policy is a matter of State, both by constitutional and legal mandate and by moral obligation; consequently, it cannot be subject to elimination or suspension by a subsequent government. The agreements signed at the Peace Dialogue Roundtable bind the public authorities, all institutions, and State officials.

Likewise, it recognises that the principle of the State's international responsibility entails respecting what has been agreed before the international community and other States participating in this endeavour. In this regard, the role of the guarantor countries in this process must be safeguarded, and their participation must not be subject to any impairment, harm, or aggression.

The Parties, in accordance with the principle of *pacta sunt servanda*, the general rule that agreements must be compliant, acknowledge that, as the subject matter concerns human rights, the right to peace, and humanitarian law, the commitments made and the agreements reached must, without question, be the object of full compliance. These are, indeed, values and duties belonging to the most advanced body of international law and, at the same time, to one of the oldest traditions: the struggle for human and peoples' dignity, an accumulation which today calls for the proscription of crimes against peace.

The essential objective of this process is to reach agreements that ensure the end of the armed conflict by fostering the transformations necessary to build a true and lasting peace. Neither Party shall use the resources, means, or spaces of the process for military strengthening.

1. On the Delegations and the Roundtable

- 1.1. The Peace Dialogue Roundtable is composed of the two signatory Parties: the Colombian State, represented by the National Government, and the Ejército de Liberación Nacional, ELN. Each Party shall appoint its delegates, counsellors, advisers, and technical observers under its own responsibility.
- 1.2. Likewise, the Roundtable shall include those countries, organisations, and institutions that have been invited, by agreement between the Parties, to participate as Guarantors or Accompanying entities.
- 1.3. For the conduct of the dialogues, the Parties agree to the following nine principles regarding the configuration and interrelation of their Delegations:
 - 1.3.1. In its decision-making and in the execution of its activities, the Peace Dialogue Roundtable shall be governed by bilateralism, consensus, and the joint implementation of agreements.
 - 1.3.2. Each of the Parties and their delegates shall maintain confidentiality regarding matters that they agree to keep reserved, in the interest of the security and trust of the process.
 - 1.3.3. Each Party shall be autonomous in designating its delegates, counsellors, advisers, and technical observers, who shall be accredited before the other Party without any grounds for objection.
 - 1.3.4. The Delegations shall seek the negotiated resolution of differences for the construction of agreements, while preserving each Party's autonomy and upholding the principles of good faith, the public interest, mutual respect among members, legitimate commitment, and free will expressed without coercion of any kind.
 - 1.3.5. At all times, in all places, and under all circumstances, members of both Parties shall attend the Roundtable unarmed, in a spirit of constructive dialogue, and accept that perfidy or the unlawful exploitation of such a situation of defencelessness constitutes an international crime and therefore shall not be admissible under any circumstances.
 - 1.3.6. The Parties acknowledge that the heart of this process is the participation of society in defining and carrying out the transformations necessary for peace. Consequently, all mechanisms, decisions, and implementations shall aim at this objective. For such purposes, communications shall be truthful, clear, and timely, and shall incorporate adequate peace pedagogy, fundamentally based on facts that generate trust within society as a whole and the international community.
 - 1.3.7. Within the dynamics and context of the dialogues, each Party undertakes to suspend espionage activities and to preserve the physical and legal security of all components of the Roundtable.
- 1.4. Regarding the functioning of the Peace Dialogue Roundtable, the following, among other matters, shall be established:
 - 1.4.1. A maximum of twenty (20) representatives per Party.

- 1.4.2. Each Delegation, in addition to its representatives, may have up to ten (10) persons in the host country, including advisers, technical staff, and communications team members.
- 1.4.3. The Roundtable may have additional advisers and teams whenever it deems appropriate; their presence shall be agreed upon jointly with the host country.
- 1.4.4. The dialogues shall proceed in accordance with the signed agenda, unless changes are made by mutual agreement.
- 1.4.5. At the beginning of each cycle, the duration of the next shall be established by common agreement of the Parties and the next host country.
- 1.4.6. At the end of each cycle, the Parties shall agree upon the minimum goals for the following one.
- 1.4.7. The Parties shall prioritise joint work, as well as internal consultations, for the proper development of the agenda.
- 1.4.8. The Parties shall form the working commissions required.
- 1.4.9. The conclusions produced by the Roundtable shall be expressed in agreements, protocols, declarations, and records, drafted by the Technical Secretariat, composed of two rapporteurs from each Delegation.
- 1.4.10. Each guarantor country, organisation, and permanent accompanying institution may have up to two representatives during the cycle, with autonomy to rotate them during or between cycles.
- 1.4.11. The accompanying countries shall have one representative, who shall attend the Roundtable at the close of each cycle or when convened.

2. Guarantees for a Lasting Commitment

In order to harmonise the contribution of Guarantors and Accompanying entities, the Parties understand that their functions and roles are differentiated yet complementary, and require coordination for the advancement of the dialogues and the implementation of what has been agreed.

Finally, the Parties express their intention to strengthen this institutionalisation of the Roundtable, safeguarding each and every one of the agreements and commitments undertaken. In this regard, the Colombian Government reiterates that it assumes all that has been agreed as State peace policy. Likewise, the ELN commits itself to persevere in its pursuit of peace and to contribute to overcoming the obstacles that may hinder its achievement.

This instrument shall be delivered to the Security Council of the United Nations, through the Special Representative of the Secretary-General in Colombia. The same shall apply to the other substantive documents agreed by the Roundtable.

Caracas, Waraira Repano, Monday, 12 December 2022