Choosing to engage: armed groups and peace processes

Non-state armed groups are central figures in many of the world’s internal armed conflicts. Their objectives and use of violence spark deep controversy about appropriate responses to their actions, particularly in the context of the global war on terror. Yet in the last two decades armed groups have participated in peace processes on every continent, resulting in a wealth of experiences of dialogue and peace negotiation involving state actors, civil society groups, foreign governments, and multilateral organizations.

This Accord issue draws on these experiences to explore the case for engagement with armed groups and lessons learned from peacemaking practice. Highlighting both the opportunities and challenges of this approach, it suggests that the diversity of engagement options and potential interveners makes a strong argument for greater commitment to engagement by all stakeholders. The publication combines the voices of armed groups, governments, and intermediaries for a rich and varied set of perspectives on five key issues: the challenge of understanding armed groups; armed groups’ choices about peacemaking; political and humanitarian engagement options; the role of governmental and non-governmental actors; and the impact of asymmetries in a state-based international system.

With case studies from twelve countries complementing analytical overviews of these issues, Choosing to engage: armed groups and peace processes highlights important lessons and good practice for future peacemaking efforts involving armed groups.

Conciliation Resources and the Accord programme

Conciliation Resources (CR) is an international non-governmental organization, which supports people working to prevent violence, promote justice, and transform armed conflict. CR’s Accord programme aims to inform and strengthen peace processes, providing a unique resource on conflict and peacemaking. Working collaboratively with locally based organizations, we document peace processes, increase understanding, and promote learning from past and comparable peacemaking experiences.

“Accord is an incredible source of valuable insight and information, indispensable for any peace or conflict worker.”
Johan Galtung, Professor of Peace Studies and Director of TRANSCEND.

“Accord offers very interesting and informative reporting. It will greatly contribute to our own knowledge and wisdom as we work in this complex field of peacebuilding and conflict resolution in Africa.”
Joseph W. Butiku, Executive Director, The Mwalimu Nyerere Foundation, Tanzania

Choosing to engage: armed groups and peace processes

ISSN 1365-0742
£17.00

Conciliation Resources

Choosing to engage: armed groups and peace processes

Accord

an international review of peace initiatives

Conciliation Resources

Choosing to engage: armed groups and peace processes

Accord

an international review of peace initiatives

Conciliation Resources

Choosing to engage: armed groups and peace processes
Choosing to engage

Armed groups and peace processes

Issue Editor: Robert Ricigliano

Conciliation Resources
London 2005
## Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>4</td>
</tr>
<tr>
<td>Robert Ricigliano</td>
<td>10</td>
</tr>
<tr>
<td>The case for engagement</td>
<td>10</td>
</tr>
<tr>
<td>An interview with President Carter</td>
<td>10</td>
</tr>
<tr>
<td>Understanding armed groups</td>
<td>14</td>
</tr>
<tr>
<td>Sue Williams and Robert Ricigliano</td>
<td>14</td>
</tr>
<tr>
<td>Assessing groups and opportunities: a former government minister's perspective</td>
<td>18</td>
</tr>
<tr>
<td>An interview with Mo Mowlam</td>
<td>18</td>
</tr>
<tr>
<td>Attempting to understand: an intermediary's perspective</td>
<td>22</td>
</tr>
<tr>
<td>An interview with Terry Waite</td>
<td>22</td>
</tr>
<tr>
<td>Chechen resistance: myth and reality</td>
<td>26</td>
</tr>
<tr>
<td>Ilyas Akhmadov</td>
<td>26</td>
</tr>
<tr>
<td>Armed groups' choices</td>
<td>30</td>
</tr>
<tr>
<td>From armed struggle to political negotiations: Why? When? How?</td>
<td>30</td>
</tr>
<tr>
<td>Clem McCartney</td>
<td>30</td>
</tr>
<tr>
<td>The Salvadoran insurgency: why choose peace?</td>
<td>36</td>
</tr>
<tr>
<td>Joaquin Villalobos</td>
<td>36</td>
</tr>
<tr>
<td>Choosing to engage: strategic considerations for the Karen National Union</td>
<td>40</td>
</tr>
<tr>
<td>Saw David Taw</td>
<td>40</td>
</tr>
<tr>
<td>Humanitarian and political engagement</td>
<td>44</td>
</tr>
<tr>
<td>Vive la différence? Humanitarian and political approaches to engaging armed groups</td>
<td>44</td>
</tr>
<tr>
<td>David Petrasek</td>
<td>44</td>
</tr>
<tr>
<td>The struggle against landmines: an opening for peace talks in Colombia</td>
<td>48</td>
</tr>
<tr>
<td>Elisabeth Reusse-Decrey</td>
<td>48</td>
</tr>
<tr>
<td>Operation Lifeline Sudan: war, peace and relief in southern Sudan</td>
<td>52</td>
</tr>
<tr>
<td>Lam Akol</td>
<td>52</td>
</tr>
<tr>
<td>Track one – track two interaction</td>
<td>56</td>
</tr>
<tr>
<td>The relationship between track one and track two diplomacy</td>
<td>56</td>
</tr>
<tr>
<td>Julian Thomas Hottinger</td>
<td>56</td>
</tr>
<tr>
<td>Ceasefire negotiations in eastern Democratic Republic of Congo</td>
<td>60</td>
</tr>
<tr>
<td>Steven A. Smith</td>
<td>60</td>
</tr>
<tr>
<td>Building links and sustaining momentum: reflections on track two roles at the Lomé peace talks</td>
<td>64</td>
</tr>
<tr>
<td>Rashid Sandi and Frances Fortune</td>
<td>64</td>
</tr>
<tr>
<td>The impact of asymmetries</td>
<td>68</td>
</tr>
<tr>
<td>Engaging armed groups: the challenge of asymmetries</td>
<td>68</td>
</tr>
<tr>
<td>Liz Philipson</td>
<td>68</td>
</tr>
<tr>
<td>Facilitating dialogue with armed insurgents in the Philippines</td>
<td>72</td>
</tr>
<tr>
<td>Rene V. Surmiento</td>
<td>72</td>
</tr>
<tr>
<td>In search of respect at the table: Hamas ceasefires 2001-03</td>
<td>76</td>
</tr>
<tr>
<td>Alastair Cooke</td>
<td>76</td>
</tr>
<tr>
<td>Asymmetries in the peace process: the Liberation Tigers of Tamil Eelam</td>
<td>80</td>
</tr>
<tr>
<td>Visuvanathan Rudrakumaran</td>
<td>80</td>
</tr>
<tr>
<td>Engaging armed groups in peace processes: lessons for effective third-party practice</td>
<td>84</td>
</tr>
<tr>
<td>Nicholas (Fink) Haysom</td>
<td>84</td>
</tr>
<tr>
<td>Key texts and agreements</td>
<td>90</td>
</tr>
<tr>
<td>Further reading</td>
<td>96</td>
</tr>
<tr>
<td>Glossary</td>
<td>98</td>
</tr>
<tr>
<td>Acronyms</td>
<td>100</td>
</tr>
<tr>
<td>About Conciliation Resources</td>
<td>101</td>
</tr>
<tr>
<td>Accord series</td>
<td>102</td>
</tr>
<tr>
<td>Order form</td>
<td>104</td>
</tr>
</tbody>
</table>
Introduction

going in peace processes

Robert Ricigliano

For people living in the Darfur region of western Sudan, the jungles of Colombia, the eastern parts of the Democratic Republic of Congo, and for millions of others around the world, the presence of non-state armed groups and the conflicts that often surround them are all too familiar. Over the last two decades, whether in the context of a peace process or a humanitarian initiative, armed groups have come to be seen as key actors in efforts to ease suffering and rebuild conflict-torn societies. In a September 2004 report, the United States Air Force Institute for National Security Studies concluded that, “armed groups are no longer minor players in a world once dominated by states.”

However this increased awareness of the importance of armed groups has caused problems. In particular, since 11 September 2001, armed groups have been looked at in a different light – as potential terrorist organizations and possible new cells in an ever more menacing international terrorist network. Thus, engaging, or more accurately, not engaging with them has taken on a whole new meaning. The result has been a pronounced incoherence in policies of governmental and non-governmental actors toward whether and how to engage with armed groups. Pablo Policzer, of the Armed Groups Project and the University of Calgary, puts the challenge succinctly: “Armed groups are widely recognized to be of paramount political importance, but there is far less consensus over how to deal with them than there was even a decade ago.”

Meanwhile, the suffering of local populations continues unabated and gives urgency to sorting through this policy incoherence and increasing the successful engagement of armed groups in the cause of peace.

Of course, for internal or external third parties to a violent conflict, the behaviour of armed groups raises some very serious and sensitive questions, from concerns over criminal or terrorist activity to the
imperative to condemn the killing of civilians and other human rights abuses. However, these concerns do not contradict, and nor should they forestall, efforts to develop a new, more nuanced understanding of armed groups and the opportunities and risks connected with their engagement in political dialogue.

The purpose of this Accord issue is to remedy the deficit in our understanding of what we have learned about the engagement of armed groups in peace processes, and the challenges to be addressed. At a minimum, we hope to focus attention on the topic and establish a norm of creating an inclusive conversation. In an effort to consider the broad and sometimes starkly contrasting views on this question, the volume contains voices of armed groups, state actors, academics and interveners (both governmental and non-governmental).

It is worth stressing the importance of including the perspectives of armed groups in this process. While this may be uncomfortable for some, and many will find pieces in this volume to be provocative at the least, it is important to understand, though not necessarily agree with, their perspectives. All too often armed groups’ voices are left out of the conversation on improving peacebuilding practice. One strong theme that has emerged over the course of this project is that the views of armed groups are necessary parts of the process of creating a more effective peacebuilding system.

More importantly, by identifying some important issues related to armed groups’ engagement in peace processes, we hope that this volume sets the stage for future dialogue and policy discussions. The publication is structured around five main thematic sections. Each of these begins with an analytical overview of the issues arising, followed by two to three case studies illustrating how these issues have played out in particular contexts. We hope that each reader – whether state actor, armed group or third party – will find insights or details in the articles that act as a catalyst for new ideas about opportunities for engagement. To start that process, what follows are some themes that cut across the various sections of this volume.

Introduction: engaging armed groups in peace processes
Definitions matter

Policzer argued in his 2005 essay ‘Neither terrorists nor freedom fighters’ that how you define what constitutes an armed group influences your decision on whether to engage. Terrorist groups, criminal organizations, informal militias and paramilitaries strain traditional definitions of armed groups as having effective leadership, control of territory, or a defined political agenda. For the purpose of this volume, our focus – similarly to Policzer’s – will be on armed groups with the following characteristics: (1) they challenge the state’s monopoly on coercive force; (2) they operate outside effective state control; and/or (3) they are capable of preventing, blocking or endangering humanitarian action or peace initiatives.

This relatively broad focus channels our attention primarily towards armed groups who struggle in relation to a particular state party. However, while international terrorist networks like Al Qaeda or criminal organizations are therefore beyond the immediate focus of our inquiry, it is possible that insights from this volume might be relevant to these groups.

Engagement is also a broad term that can have many different meanings, explored below. At this point, it is sufficient to adopt an inclusive definition of engagement, meaning generally to ‘interact with’ or ‘participate in’. As with other Accord publications, the term ‘peace process’ refers to myriad vehicles that are generally intended to advance the creation of a peacefully functioning society out of a situation of violent conflict. Most commonly, this includes negotiations and other forms of dialogue at various social and political levels.

Why engage?

It is frequently argued that to engage with armed groups is to legitimize violence, or give credibility to unreasonable or non-negotiable demands. Moreover, we live in a time when engaging with armed groups, especially those that are branded as terrorists, is becoming less and less the norm. But, as President Carter and others note, the terrorist label is overused.

In the name of security policy and the ‘war on terror’, the preferred course of action for dealing with many armed groups is to proscribe and shun them in the hopes that they will somehow wither away or be eradicated by military force. Several critical arguments are made throughout this volume that push for the opposite policy – one that takes as a given the critical importance of engaging with armed groups and making some form of engagement the norm rather than a concession. Mo Mowlam argues that, “you don’t fight terrorism with weapons and bullets. You fight it by talking to them.”

There are several lines of argument that emerge from the volume on why engagement, per se, is important:

The need to protect the local population

While engagement with armed groups by states can involve complex issues of international law, state sovereignty and national interest, the issue is fundamentally about improving the lives of the local populations who are the victims of conflict. As Steven Smith notes in his case study about ceasefire talks in the eastern Democratic Republic of Congo, notwithstanding the political tug of war between Congolese and international political actors over the peace process, the one certainty was that the local population would bear the brunt of continued fighting. Across the case studies, whether in Chechnya, Sri Lanka, Burma, Sudan, Colombia or elsewhere, the one constant is the peril faced by the local population and the humanitarian imperative to protect them. While this imperative does not provide a blanket justification for engagement in all cases, it does establish a default presumption that at least minimal levels of engagement are often warranted.

Local communities’ attitudes to engagement – including their capacities to act as third-parties in their own conflicts – are a good barometer against which to test proposed interventions.

Armed groups hold the key to ending violence

President Carter raises the simple yet powerful question of whom you would engage with to stop a conflict or human rights abuse if not the people involved in the conflict or perpetrating the human rights violation. It is sometimes argued that armed groups should demonstrate adherence to international humanitarian law as a precondition for any kind of dialogue. However, reality on the ground may make this an unrealistic demand. Clem McCartney points out that some groups might see violence as a tactic while others may see it as a valid statement and possibly the only statement they can make. Indeed the responsibility to protect can provide a compelling argument to explore every option for ending the violence. Further, several case studies document the negative consequences of engaging with certain armed groups but not others. Lam Akol attributes shortcomings in one of the phases of Operation Lifeline Sudan (OLS) to the failure to include all the affected armed groups in the negotiation process. Ilyas Akhmadov describes the negative impact of the international community working with the Russian-backed Chechen administrator over leaders of the Chechen resistance. Lastly, Alastair Crooke describes the negative consequences for the Middle East peace process of the international community’s reluctance to deal with Islamist as opposed to secular Palestinian groups.
Engagement increases the chance of a settlement process

Internal armed conflicts frequently end through dialogue and political negotiations. Even conflicts such as the Angolan civil war, which ended with the effective defeat of the armed group, had benefited from past peace negotiations on which the parties were able to build as they formalized the end of hostilities. However, much opponents or external actors may prefer military force to pacific engagement, there will always be a need to come to the table at some point.

As a metaphor for the constant choice before armed groups, McCartney uses the image of a scale that weighs the factors that favour militancy on one side, and those that favour conflict transformation on the other side. The Karen case study presented by Saw David Taw is a vivid illustration of the dynamic interplay of the forces that favour political dialogue versus those that favour continued armed struggle. As McCartney points out, engagement can alter the decision-making scales. For example, Joaquín Villalobos points out that in El Salvador the international community’s engagement with the Farabundo Martí National Liberation Front (FMLN) “facilitated the hegemony of moderate groups and leaders.” This in turn made the FMLN more willing and able to participate in political negotiations. Sandi and Fortune explain how civil society groups helped bring the Revolutionary United Front to the negotiating table in Sierra Leone. Akol describes how the engagement of the Sudanese People’s Liberation Movement in the OLS process was a “turning point” for the movement in terms of its involvement in political dialogue.

Lack of engagement can strengthen hardliners

Just as engagement can have a positive influence on the choice of an armed group to opt for political dialogue, isolation or sanctions can in some circumstances make an armed group less inclined or able to participate in a peace process. Liz Philipson argues that the listing of the Communist Party of Nepal (the Maoists) as a terrorist organization by the US has had little practical impact other than to strengthen those among the Maoists and the Nepalese army who favour fighting over negotiation. Visuvanathan Rudrakumaran provides a forceful account of the negative impacts of proscription from the perspective of the Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka. Lastly, Akhmadov, speaking from a Chechen perspective, presents his analysis of the positive impacts of engagement versus the negative impacts of non-engagement. He explains that engagement in the sphere of interstate relations stimulated the Chechens to observe international standards, while the feeling that the international community was ignoring the moderate Chechen political leadership swelled the ranks of those who saw terrorism as the only way to advance their objectives.

Think creatively about engagement options

For state actors, armed groups or third parties, the decision about whether to engage in the context of a peace process is not a fixed or static choice. While there are several important considerations that weigh in favour of engagement as a general concept, the decision to engage is different in each situation and for each party.

How you combine several variables – type of group, purpose of engagement, substance of engagement, type of interlocutor – changes the calculus of the decision of whether to engage or not. It also raises lots of options for combining these different variables in ways that might be more appropriate for specific situations. For any actor, the decision to engage is never as simple as ‘should I engage or not?’. The question is more accurately framed as who should engage, with what group and about what issues. While it may not be appropriate for a given intervener to engage in every situation, the diversity of engagement options raises the potential that there may always be some combination of intervener, armed group and engagement type that is appropriate.

Identifying who should engage

For external actors, the choice to engage is critically influenced by who would do the engaging. Julian Hottinger outlines some important distinctions between track one (governmental) and track two (non-governmental) actors and the distinct advantages and disadvantages each has when engaging with armed groups. Further, Hottinger points out that there is really a plethora of potential interveners across what is, in fact, a multi-track system – from business leaders to educators to religious figures.

Identifying engagement options

There are two important dimensions along which engagement can be defined: the purpose of the engagement and the issues to be addressed while engaging. Engagement can have rather modest purposes such as simply establishing communication or gathering basic information. Hottinger argues for the importance of engagement that simply keeps the lines of communication open and lets an armed group know that when “they do want to sit down and talk there are organizations…that are willing to help.” A step beyond simple communication is to seek a fuller understanding of an armed group as described by Williams and Ricigliano or what President Carter terms “pre-mediation”
work to see whether a group is committed to participating in political dialogue. A more ambitious purpose is to engage in order to persuade or influence the behaviour of a group, such as Smith’s work to persuade leaders in eastern DRC of the value of a ceasefire. Lastly, the purpose of engagement could be to negotiate with a group, as was the case with Mowlam’s experience in Northern Ireland. As you work toward more significant outcomes, the criteria for engaging become more exacting. For example, the threshold for whether to engage for the purposes of understanding a group might be quite low, but the threshold for negotiations might entail a credible commitment on the armed group’s part to reach a peaceful settlement, the group’s adherence to respecting humanitarian principles, etc. Ideally, the process of engagement will generate greater interest in these options on all sides, in turn making the case for dialogue and negotiations more compelling.

The subject matter of the engagement also affects third parties’ choices about whether to engage. David Petrasek makes the distinction between humanitarian and political engagement. Engagement on humanitarian issues can positively affect political negotiations, and it is often easier for state actors and armed groups to engage around these questions even when they would not engage in political negotiations. Elizabeth Reusse-

Decrey’s description of Geneva Call’s work in Colombia is a good example of when a state actor (the Colombian government) expressed some willingness to engage with an armed group on a humanitarian issue when they were not willing to engage on political issues. Further, engagement that addresses purely process issues, like defining process ground rules or providing training as detailed in Fink Haysom’s article, is qualitatively different from engagement on substantive political issues like a ceasefire, confidence-building measures or a formal peace accord.

Contact with armed groups as the norm

As noted above, there are clearly cases where non-engagement or disengagement makes sense. However, the case for engagement generally, and the myriad of engagement choices in any specific context, make the argument that at least minimal engagement with armed groups, or basic contact with them, should be the default norm rather than the exception. Contact, as opposed to negotiations or other more involved forms of engagement, is essential if for no other reason than to determine if these other forms of engagement are warranted. Rather than erecting more barriers to even basic contact with armed groups, we should be making it easier so that making contact does not entail the cost of granting the armed group some privilege that it would otherwise not be entitled to.

While information about armed groups can be gathered without direct contact, or through proxies, there is some critical information that requires direct and tactful engagement. McCartney stresses the importance of understanding how armed groups view violence – whether as a tactic or a statement unto itself. Williams and Ricigliano argue that critical to understanding a group is to know how the group accounts for the fact that it is armed. Understanding how leaders of an armed group see such sensitive questions cannot be learned from a book or by watching the BBC. It takes engagement. Moreover, an armed group’s words and actions have to be understood in light of their cultural context, as demonstrated by Mowlam’s experience of meeting inmates at the Maze prison in Northern Ireland.

Terry Waite makes a strong statement about the importance of personal contact and sensitivity:

what really counts is your ability on the ground to have a degree of sensitivity to people in situations, to be able to get yourself onto the wavelengths of the people with whom you’re working or discussing…what is it you’re saying, and why is it you’re doing what you’re doing?
Both Waite and Mowlam confirm that all information has its slant, and the best you can do is to recognize that, keep an open mind and talk to as many of the involved actors as possible.

Lastly, face-to-face contact with an armed group can change the narrative of the conflict. Williams and Ricigliano point out that an intervener can influence the way the group sees itself, can affect internal dynamics, and can change how the group relates to the conflict. Of course, this kind of contact can have positive or negative consequences, but without it a potential lever to affect the course of a conflict is lost.

Creating an environment conducive to engagement

The success of a peace process is the responsibility of the parties involved – state actors, armed groups and the local population. Nevertheless, the international community, consciously or not, affects the environment in which a peace process takes place. As many authors have pointed out, the international community can strengthen the constituencies for war or strengthen the forces in favour of political dialogue. Rudrakumaran argues that the international system needs to play a decisive role in creating a commitment by state actors and armed groups to reach a negotiated settlement.

While one might challenge this expectation, it raises questions about the international community’s obligations vis-à-vis a particular peace process. As an ideal, there may be an argument that international actors should “do no harm,” as understood in the humanitarian field in the sense of not making the engagement of armed groups and state actors in peace processes more difficult. Certainly this norm would run squarely against the reality of often conflicting state interests in the success of a particular peace process. However, the collective arguments of Philipson, Crooke, Rudrakumaran and Akhmadov document the ways in which international proscription and other asymmetries built into the state system make it more difficult for armed groups to engage in peace processes (and for interveners to engage with armed groups). Mitigating the negative effects of anti-terrorist legislation specifically and the systemic bias in favour of states more generally is an urgent question for future governmental and non-governmental work on peace processes.

International instruments such as sanctions and proscription are rather blunt tools and it is time to consider more subtle, nuanced approaches. Rene Sarmiento’s description of the Joint Agreement on Safety and Immunity Guarantees (JASIG) provides a compelling example of a creative instrument that establishes “the equal terms under which the Government of the Republic of the Philippines and the National Democratic Front enter into peace negotiations.” The JASIG itself did not deliver a peace agreement to the Philippines, but it did manage to overcome a central obstacle to the peace process – the asymmetrical status of a state actor and an armed group. The “deed of commitment” pioneered by Geneva Call for engagement with armed groups on humanitarian issues also stands out as a modality that makes engagement more possible and productive. Both these examples provide inspiration that other such modalities can be found to make engagement with armed groups easier.

Another avenue for facilitating engagement is to create greater cooperation or at least consultation between various actors engaged with armed groups. Several authors note the importance of boundaries between humanitarian and political engagement (Petrasek), and between track one and track two actors (Sandi and Fortune). However, this should not obstruct appropriate communication between track one and track two, and it is essential to prevent conflicts between the tracks from negatively impacting the engagement of armed groups in political dialogue (see Smith). Another area for future work is to engage actors from the different tracks to develop a code of conduct or ‘rules of the road’ to minimize the damage of conflicts and increase the chances of productive cooperation.

Conclusion: engagement for learning

If this volume stands for anything, it is that we can learn from our collective experiences of engagement, and through continued engagement with each other bring new clarity to the nettled questions of whether and how to engage. Haysom’s article on effective practice in engaging armed groups provides a rich example of this, containing advice from managing the decision about whether to engage, to the finer points of structuring a successful peace process. It is a testament to the proposition that there is a science to the endeavour of engaging successfully with armed groups. The various articles in this volume each in their own way provide insights into how to foster armed groups’ effective engagement in peace processes. Whether you agree or disagree with their perspectives, our hope is that they spur on additional thinking and conversation. Even though difficult policy choices remain, there is one form of engagement that we hope is settled: the need for continued engagement by all concerned stakeholders – including armed groups – for the purpose of learning how to make the system work better for all, especially those millions of people affected by violent conflict.
The case for engagement
an interview with
President Jimmy Carter

Jimmy Carter was President of the United States from 1977 to 1981 and is founder and Chair of The Carter Center, a non-partisan and not-for-profit organization that advances peace and health worldwide. The Carter Center has engaged in conflict mediation in many parts of the world, and President Carter was awarded the Nobel Peace Prize in 2002.

Accord: How would you make the case for why it is important to engage with armed groups?

President Carter: Well, the basic answer to that basic question is: with whom are you going to discuss a conflict if you don’t discuss it with the people who are involved in the conflict, who have caused the conflict from the beginning, and who are still engaged in trying to kill each other?

Often it would be quite impossible to get third parties, or fourth parties, to represent the people who are actually in combat. So in every case that I’ve ever addressed, I’ve attempted to go directly to the people who instigated and are continuing the conflict to see if and when they might be able to attempt to bring an end to the war and have a peace agreement that would be either temporary in nature (a ceasefire) or perhaps lead to a permanent resolution.

So, when there’s a terrible human rights abuse quite often the abuser may be a dominant dictator or an international pariah with whom very few people want to relate. But they’re the only ones who – if approached properly and forcefully – will change their policies and reduce the human rights abuses. The same thing applies, in my opinion, to an ongoing civil war.

It’s sometimes surprising how many of the issues parties to the conflict do agree on. It’s usually just a few items on which they cannot agree – they are obviously
significant, very significant. But that permits me to concentrate on the issues that have brought about the conflict.

Another very important factor that can only be ascertained if you know the country well is the pressure being exerted by the subordinates on the leaders of the two sides. Sometimes revolutionaries whom I have gotten to know well don’t really want to see an end to the conflict. But their subordinates are tired of the war.

**What are some of the criteria for whom you would engage with, and when and how?**

The first premise that I’ve imposed on myself ever since leaving the White House is that before we go into a sensitive area of the world we get approval from the White House.

Sometimes it has been somewhat reluctant, and sometimes it’s just tacit approval – they just agree to look the other way. But I don’t inject myself into a politically sensitive arena if it might conflict with the policies of the United States. That’s the first thing.

The second thing is, there needs to be some identifiable leaders in the ‘battle zone,’ usually within a country, that can speak effectively for the groups at war. And this is sometimes not possible.

A third criterion is that both sides in a conflict need to be willing to attempt a peaceful resolution. And quite often this occurs after a matter of long waiting for that propitious moment to arrive.

**Would you hold off from engaging if one side was interested in a settlement but, say, the government entity was not interested?**

Yes, if we are approached by one side. Of course in every case we have to make a political judgment, since every case is different from others – but we try to monitor all the conflicts in the world every day. If we do get an inquiry that’s substantive from either side in a civil war, then we would immediately make plans to consult the other side: “Would you be willing to have an intermediary explore a resolution?”
I have done it in two stages. Quite often to talk to somebody about negotiation or mediation raises a red flag. So we do what I call “pre-mediation work.” Without self-anointing ourselves as mediator, we just explore with both sides what the chances are that they would take the next step in approving some kind of mediation effort.

We say, “We’re just exploring the ideas to see what we could do to help you end this conflict successfully.”

In a sense, you’re engaging to decide whether you want to engage.

It’s not so much a matter of whether we want to or not, but whether we have an adequate opening that would at least give us a chance of success. And I’ve never been afraid of failing in the effort, you know, if I think we have a reasonable opportunity at the beginning. I think you can be too timid about going into a controversial arena.

So if we see a glimmer of hope, we explore, and if both sides – even if one side is somewhat reluctant – approve us as the mediators then we proceed more aggressively. One thing to remember is that almost invariably in a civil war, the last thing the ruling party in particular wants is for the United States or the United Nations or some highly identifiable mediation group to come in, because that in effect gives the imprimatur of legitimacy to the revolutionary people in their country.

But since The Carter Center has no authority, and since we are completely non-governmental in nature and we are already involved in about 65 nations around the world in other kinds of programmes – disease prevention, election observation, agriculture, projects of that kind – quite often we are known by both sides. So it opens up doors to us as a third party much more readily than would be the case for a national government or an international agency.

What about the argument against engagement that says that by engaging with an armed group – who might be guilty of human rights violations – you are in a sense legitimizing that group and their violence?

Well, I’ve been accused of that – or maybe sometimes criticized or condemned for that – during the life of The Carter Center. In each case, the decision I had to make was: should I reject this person who is contacting me and let the war or the human rights abuse or whatever continue? Or should I get approval from the White House and meet with those people to see if they are amenable to ending the war or ending the human rights abuse?

And I made the decision to go ahead and negotiate with these international outcasts, or reprobates, in order to try to end the conflict.

You met with the Bosnian Serbs at a time when no one else would. I imagine that was a pretty tough decision.

It was very tough. But as a result of that engagement, I worked on an agreement both sides accepted. It was a complete ceasefire for four months. And it was out of that ceasefire that the Dayton Accords eventually grew. But I met with some people that were later branded as international criminals, and they’re still being hunted.

What about other arguments that as a governmental entity you look weak if you engage with an armed group?

In most cases the ruling party is reluctant to deal with revolutionaries on an equal basis. The first time I was able to break that impasse was in Sudan when I went there in 1989. I finally got President Bashir’s approval to negotiate between him and John Garang of the Southern People’s Liberation Movement (SPLM), but it was very difficult for the officials in Khartoum to treat the revolutionaries in the south on an equal basis – to sit down across the same table – as they did with me.

In fact, we orchestrated a place with the help of Professor Moi in Nairobi, Kenya that we called The Peace House. We actually had 14 representatives from the Sudanese government and 14 representatives from the SPLM, and they sat across the table from each other with me mediating.

But that kind of thing is very difficult for an incumbent ruling party to accept because it does tend to legitimate the others who have been branded not only as revolutionaries, but now as terrorists.

But you’ve been successful, in many of these cases, of ultimately getting them to do just that.

That’s true. The first time I had an actual breakthrough in Sudan was through dealing with Guinea Worm disease. The two sides were hard at war at that time and wouldn’t have a day of ceasefire, because for one side it would be advantageous in the dry season and for the other side in the wet season. I explained that we wanted to get into the southern part of the country to help eradicate Guinea Worm disease, and since both leaders were thoroughly familiar with the devastating effect of this disease on their people, they reluctantly agreed – after a lot of negotiating – to have a temporary ceasefire. At first it was only six weeks, but eventually I got them to extend it to six months.
What about the difficult case of engaging with terrorist organizations? Some would say terrorists have no interest in peace so they shouldn’t be engaged with. How do you think about whether to engage with a terrorist group?

Well, I’ll have to be frank about this. These days I would be reluctant to get involved in negotiating with terrorists who are internationally branded as such, and about whom there’s no doubt that they are terrorists.

But, let me step back for a minute slightly and say that in many cases, over the last quarter-century there’s an increasing inclination on the part of any ruling party to brand as “terrorists” anyone who disagrees with them. Obviously, we see that his successors are negotiating directly with Palestinians. Back then there was a prohibition against any American having direct dealings with the Palestinian Liberation Organization.

Right now President Putin makes it clear that all Chechens who oppose him are terrorists. In Liberia 15 years ago, the warlords and their troops were all known as terrorists. As a matter of fact, last year Zimbabwean President Mugabe identified my staff—who were there to help put together a proper election—as terrorists. Obviously, we see that in a number of cases I have had to make my own judgment about whether or not a group is worthy of our involvement with them.

And does that follow a lot of the same criteria we talked about before?

It would involve the same criteria, yes. Obviously, if someone like Osama bin Laden sent word to us that he wanted to negotiate—which would be impossible to conceive—I wouldn’t do it.

One of the most interesting times that I did negotiate, though, was when we were involved indirectly in Somalia. The United States was trying to hunt down and kill a general, and he contacted us, and we worked out something between him and the US government indirectly. That’s one of the rare occasions that we’ve negotiated between the US government and somebody else.

But The Carter Center is available, and I would say that if we make an error, it would be in taking on things for which there isn’t much chance of success, instead of being more cautious. On the other hand, we err on the side of at least talking to people who are pariahs in the international community when no one else will talk to them. The advantage of talking is that when I think our intercession might end a conflict or eliminate threats or actual human rights abuses, we engage more fully.

Does introducing the “terrorist” label unnecessarily complicate things because we can’t agree on what it means?

Well, it does. It depends on the degree to which it deters outside mediation. For example, President Putin has convinced the rest of the world that all Chechens who disagree with him are terrorists.

Since the United States has adopted the frequent use of “terrorism,” and since we’ve passed some very stringent laws and restraints on human freedom under the aegis of combating terrorism, this has opened a Pandora’s Box for actual persecutors and human rights violators to claim, “We’re just dealing with terrorism.” And that’s happened in a number of countries.

Finally President Carter, can I ask about the decision to disengage. Is there anything that would weigh on you to say, “It’s time to pull out or end our involvement?”

If I’m personally involved in a mediation, and it becomes obvious to me that despite my best efforts either side is not acting in good faith, and that they don’t genuinely seek a resolution of their differences, then I very quickly withdraw.

And I reserve the right to have a press conference at that point with both leaders present (if they will come), and say, “This is the situation. I’ve done the best I could. These are the proposals I’ve made. One side has accepted them, the other side has refused,” and then I withdraw. I’ve done that a few times.
In the world of violent conflict, parties in dispute do not usually have a shared system for resolving their dispute and consequently there is generally an accepted need for what is referred to as a ‘peace process’. Authority and legitimacy are contested, and no judge, court, tribunal, or bargaining process is acceptable to all sides. Hence, there is often an assumed need for a ‘third party’, an individual or organization outside of the combatant groups, to assist in the establishment and management of the process. These assumptions bring us to the central question for this article: how can a third party understand an armed group well enough to be able to assist constructively in the establishment of a peace process? ‘Understanding’ such a group means more than merely having information about them. It means developing a deeper knowing, an awareness of their experiences and perceptions, an understanding of their logic or way of reasoning, and some ability to predict or explain what they do. This kind of understanding is dynamic, not static: rather than the gathering of information, this is the development of a process of communication and negotiation, out of which may come a peace process.

The question of understanding armed groups involves two kinds of variables: substantive (the information required) and procedural (the process of interaction with groups in order to gather the information). If an intermediary manages the procedural variables poorly, then there is little chance that the information obtained will have sufficient depth, trustworthiness or usefulness. So before detailing what information an intermediary should look for, it is necessary to flesh out the variables that affect how the intermediary acquires that information.
Understanding armed groups

Variables that affect ‘how’ to go about understanding

The trust factor
The first key variable that affects how an intermediary approaches the task of understanding an armed group is trust. Trust is the ‘bandwidth’ of the connection between an intermediary and the armed group. In technological terms, high bandwidth means that lots of information can flow over a computer network while low bandwidth means that information flows slowly and unreliably. In the same way, if there is a high degree of trust between an intermediary and an armed group, the amount, quality and honesty of the information exchanged is much greater.

Building trust is an incremental process. Often the first level of trust is implied by the fact that an intermediary is meeting at all with an armed group. In order to secure a meeting, an intermediary usually needs to address some basic questions that the armed group will expect to be answered. These include: who is the intermediary (are they trusted by someone we trust)? Who invited them? What is the purpose of the meeting? What are they going to do with our answers? What is their future role? Trust is more likely to be built if the initial meetings are confidential, focus solely on understanding the individual’s perspective (as opposed to arguing with it), and allow the individual (or group) to have a say in what, if any, future role the intermediary will play.

Assuming that an intermediary can overcome this initial hurdle of ‘gaining entry’ to the armed group, the intermediary needs to be true to their word. Ultimately, trust grows and contact continues if the armed group sees it as in their interests to keep talking. Further, groups may decide to use an intermediary to test whether they can build trust in a negotiation process. The intermediary may strive to gain the trust of the group’s leaders, in the hope of transferring that trust to the armed group. Just as the intermediary engages with an armed group in order to develop a better understanding of them, the armed group is seeking to further their understanding of the intermediary, the motivations of other parties and the broader context. All sides in a conflict generally pursue more than one strategy. They prepare for negotiations and for the next offensive at the same time. Their question is: are other parties really interested in negotiations? If they do negotiate, are they able to deliver on their agreements? To be effective, intermediaries must be aware of what their words and actions are telling the armed group in relation to these critical questions.

The intermediary as participant in the conflict
A second variable that affects how an intermediary understands armed groups is the fact that, once engaged with the combatants, the intermediary becomes an actor in that conflict system and has an impact (consciously or not) on the conflict dynamics. As Heisenberg’s Uncertainty Principle tells us, observers influence what they observe. An intermediary brings attention to the conflict and, depending on their profile, may bring prestige and offer a potential conduit to other resources such as important governments, individuals, or funds. Contact also entails risks for the interlocutor from the armed group. If the group is declared illegal, then it is risky for anyone to speak for the group or be identified with it. Even if not declared illegal, members of an armed group may feel that talking to outsiders can be a threat to their personal safety.

The intermediary also needs to be aware that in the process of understanding a group, he or she may also change the armed group itself and how the group relates to the conflict. The intermediary may be the first to seek explicitly to understand all sides of the conflict, and the armed group may, for the first time, decide to participate in an inclusive process. The process may change how the group thinks about its positions, needs, hopes and fears, and bring internal differences to the surface (or even resolve them). It may be one of a few times the group is in discussion with someone who is neither a supporter nor an opponent. The process of making themselves clear and gaining a basic understanding of the other combatants has potential to influence the group’s structure, internal and external communications, and even their understanding of themselves.

Information does not flow in only one direction, from the armed group to the intermediary, but from or through the intermediary to the armed group. Just as the intermediary engages with an armed group in order to develop a better understanding of them, the armed group is seeking to further their understanding of the intermediary, the motivations of other parties and the broader context. All sides in a conflict generally pursue more than one strategy. They prepare for negotiations and for the next offensive at the same time. Their question is: are other parties really interested in negotiations? If they do negotiate, are they able to deliver on their agreements? To be effective, intermediaries must be aware of what their words and actions are telling the armed group in relation to these critical questions.

What information to gather

More than words
Intermediaries need to pay attention to more than the spoken or written positions of the parties. They must also be adept at reading actions and the context within which armed groups operate. Armed groups often communicate in non-verbal ways. They operate in the world of politics, where words are the common currency, yet they often do not trust words used by others, and do not feel that words alone suffice to convey their own meaning and intent. Armed groups are usually closed to outsiders, to control both membership selection and information. An armed
group makes choices about what to reveal about itself, and what to hide. Of course, as with any group, it may ‘reveal’ information that is exaggerated or misleading in order to make itself appear larger, better-supported or more powerful. A group may create a public image by being mysterious, for example the intent of the masks of the Mexican Zapatistas. A hidden leader such as Prabhakaran of the Liberation Tigers of Tamil Eelam (LTTE) may appear mythic, powerful or charismatic. A group may strive to seem very ordinary, just like everyone else, both as camouflage and to give the impression of broad support. Or it may choose the opposite tactic and place itself out of the realm of ordinary human life, particularly by persistently violating taboos or extending the limits of its actions. Thus, the Lord’s Resistance Army of northern Uganda engages in mutilation and some LTTE members carry cyanide pellets, all to demonstrate that their cause and commitment go beyond the normal. These choices may be seen, and even dismissed, as tactics. However, each choice is also a piece of information about the group, and as such will reward careful study. What the group does and says about itself begins to describe and locate at least its aspirations or what it believes suits its interests.

**General information**

Intermediaries generally need to know similar things about the various groups in the conflict, including: 1) their political profile, including their history, ideology and allies; 2) their military capabilities, including the effective size of each grouping, their arms, degree of training and territorial influence or control; 3) their degree of constituency support, including any geographic or ethnic limits to their support; 4) their economic activities, including funding from abroad, from neighbouring states, from trade or from illegal activities such as drugs, kidnapping or extortion. The answers to these questions can give some early

---

**Figure 1. Indicators regarding opportunities for and constraints on armed groups’ engagement.**

<table>
<thead>
<tr>
<th>Negative indicators</th>
<th>Positive indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Political power</strong></td>
<td></td>
</tr>
<tr>
<td>• Disregard for rule of law and elections</td>
<td>• Are or have been in political power</td>
</tr>
<tr>
<td>• Political assassinations</td>
<td>• Respect rules of law, provide services</td>
</tr>
<tr>
<td>• Intolerant of differences, change</td>
<td>• Have political institutions, agenda, candidates</td>
</tr>
<tr>
<td><strong>Territory</strong></td>
<td></td>
</tr>
<tr>
<td>• Engage in ethnic cleansing, destruction or Have no territory or control over it</td>
<td>• Hold territory over time</td>
</tr>
<tr>
<td>• Set up systems within the territory</td>
<td>• Allow freedom of movement</td>
</tr>
<tr>
<td><strong>Social and economic support</strong></td>
<td></td>
</tr>
<tr>
<td>• Isolate themselves from wider society</td>
<td>• Enjoy support of public constituency</td>
</tr>
<tr>
<td>• Derive substantial profit from the war economy</td>
<td>• See settlement of conflict as delivering economic benefits to their region or constituency</td>
</tr>
<tr>
<td><strong>Use of military force</strong></td>
<td></td>
</tr>
<tr>
<td>• Indiscriminate, high civilian casualties</td>
<td>• Possess without necessarily using force</td>
</tr>
<tr>
<td>• No or little effective command and control</td>
<td>• Observe humanitarian law, proper treatment of civilians</td>
</tr>
<tr>
<td>• Troops undisciplined</td>
<td>• Troops disciplined</td>
</tr>
<tr>
<td>• Troops, force used to sustain illegal activities</td>
<td></td>
</tr>
</tbody>
</table>
indications of the opportunities for and constraints on political engagement, as the matrix (figure 1) suggests.

When analysing such information it is of course crucial to factor in the profile and behaviour of the other conflict protagonists; this will play a significant role in shaping the group’s strategies and attitudes towards political engagement. It is also important to consider how any future process of engagement will fit into the broader history of attempts at political dialogue. Finally, perhaps the most obvious and revealing area of enquiry can be to explore the group’s understanding of the current conflict and its possible solutions.

Groups usually want everyone to know what they think is wrong and what should be done about it. This topic has the added advantage that one can begin discussing it with anyone, without needing to know whether the interlocutor is actually a member of the armed group, a sympathizer or an analyst. Asking for suggestions of people who can help one to understand a given group generally progresses imperceptibly from those who say ‘they’ to those who say ‘we’. The group’s analysis of the problem and their range of possible solutions reveal a great deal about them, their aims, and how they wish to be seen.

One critical factor linked to the group’s perception of the origin of the conflict is how the group accounts for the fact that it is armed (an area of discussion requiring considerable tact). Has it been an armed group since its inception, or did it begin with political campaigns or social organizing before it took up arms? Has it caused many casualties, and are they steadily increasing? Does it limit the use of arms to specific situations? This helps to clarify its aims and priorities, and also helps others to interpret its actions. If an armed group is to engage in a peace process, both the group and the society will need to understand whether, how and when it might decide to prioritize strategies other than arms.

**Are they willing and able to negotiate?**

It is not clear that all armed groups want to participate in peace processes or can bring themselves to do so. At the same time, it is likely that many other groups will resist including armed non-state actors in negotiation processes. As with building trust, the understanding of whether a group is serious about negotiating may need to develop over time, based on actions rather than words.

In general, what a group does is the best predictor of what it will do. When this is extended to become a process of communication of intent and interpretation of events, it offers the best chance to understand whether a given group will engage in a peace process in good faith. Even at an early stage, however, the following questions can reveal indicators of likely future actions (positive replies suggesting that fruitful negotiation may be possible):

- Does the group have a positive vision for a peaceful future or just a vision of what they do not want to happen? Do they have a realistic understanding of the value of negotiating versus the value of not negotiating? Do they have a nuanced understanding of their own group’s needs, interests, hopes and fears – and those of the other side? Do they have a clear vision of what it means not to negotiate a solution, and do they think that scenario is better than any conceivable negotiated solution?
- Do they feel it is legitimate to talk to the other side(s)? Believe that it is in their interests to talk? Do they envision possible negotiated solutions?
- Do they have the resources (finances, expertise, communication channels) and ability to negotiate – including the ability to manage internal divisions, deliver on commitments, problem solve, understand the other side(s), etc?

**Conclusion**

For all parties to a peace process, the development of understanding about and between all the actors is an essential prerequisite for political progress. Without understanding it is difficult to identify common interests, build confidence, or resolve differences – all of which are vital steps in reaching an agreement capable of ending violence and addressing the causes of conflict.

Much of an intermediary’s success comes down to interpersonal and contextual factors, which will be different in each conflict setting and even each interaction. Above all, it is crucial to remember that armed groups are dynamic organizations whose strategies change in response to evolving circumstances. Different elements in the group will enjoy prominence at different historical moments, in response to internal tensions or external influences. Intermediaries need to remember that their assessment of a group and its attitude to political engagement is not definitive; at a different moment, possibly with a different interlocutor, an intermediary with a different approach may find openings that were previously undiscovered.

Despite attempts to define or systematize the task of understanding armed groups, it is still a healthy mix of art and science. The issues outlined above, and those raised in the following case studies, can provide some useful starting points and helpful signposts that intermediaries can use in the difficult but essential task of understanding armed groups.
Assessing groups and opportunities

a former government minister’s perspective

Mo Mowlam was appointed the British government’s Secretary of State for Northern Ireland by newly elected Prime Minister Tony Blair in May 1997. A process of talks chaired by former US Senator George Mitchell was underway to end decades of violent conflict in Northern Ireland, but without Sinn Féin, the political party closely associated with the Irish Republican Army (IRA). Shortly afterwards Blair announced that Northern Ireland Office (NIO) officials could talk to Sinn Féin officials as long as the IRA were preparing to stop violence and declare a ceasefire. The IRA restored its ceasefire in July and Sinn Féin joined the peace talks in October. After intensive negotiations, the Belfast Agreement (Good Friday Agreement) was signed in April 1998. Mowlam continued in her post until October 1999.

Accord: When you took office as the Secretary of State for Northern Ireland, how did you build your understanding of the various armed groups operating in Northern Ireland?

Mo Mowlam: I read what I could, I talked to everybody I could: civil servants, people in the public, journalists, authors, and I think I got a reasonably rounded picture of the various groups. I managed to get reasonable briefs on both sides and didn’t have any particular problems. I always made a note of where the information came from, so I knew that if there was any bias towards or against Sinn Féin I’d be aware of it from knowing what the source was.

You say there were no problems, but one challenge for a government representative is to try and avoid having an overly partisan perspective. Within the structures of the British state there must have been many different understandings of and approaches to the armed groups, especially the Republican ones.
There were some individuals more able to comprehend that we were going to talk to Sinn Féin face-to-face and publicly, and others who found it harder, particularly if they had lost loved ones. I would listen to all my advisors, the civil service, the security services, everybody – but I made the final decision. I evaluated the information I was getting – as well as the source – and I put it in context and decided which way I went next. That was what it was to be the Secretary of State.

The possibility that some people might try to obscure your (and other people’s) understanding of the Republicans especially must have been something you had to deal with. A report in the Irish Sunday Tribune in July 1997 alleged that the IRA’s newly announced ‘complete and unequivocal’ ceasefire would in fact be limited to only four months, and some believe this story was the result of an attempt by Northern Ireland security forces to scupper developments in the peace process.

In the case of the newspaper article, all I could do was not join the doubters and stick to what I knew. I didn’t know if the ceasefire was serious or not, I didn’t know who was not telling the truth. I just went along assuming it would last.

From the stuff I’d read on Bloody Sunday [13 January 1972 when British soldiers shot dead a number of protestors] it was clear that not everybody would be playing it straight. And so I took that into account on every piece of information I got, whether it was from Gerry Adams and Martin McGuinness of Sinn Féin, which would be biased towards their aims, or whether it was from the Royal Ulster Constabulary (RUC) or the security forces. I always used to bear in mind that the security forces’ information was being filtered through RUC officers on the desk. So I took that into account when understanding the value of that information.

*Did you try to change the way security or intelligence services worked at all?*

Why should I? It was safer for me to interpret than to take them on and try and change them or question their whole being. I was after progress don’t forget. I wasn’t after reform, I wasn’t after change, I wanted progress in the peace talks.
How did the previous government's experiences affect your approach?

I will never forget the moment when Patrick Mayhew [Secretary of State for Northern Ireland 1992-1997] had to come to the House of Commons in 1993 and say the government and the IRA had been talking secretly for several years. There was outrage – more on the government benches than our opposition ones. I actually felt sorry for him having to admit they had been talking in private while using very different rhetoric in the Commons. I think it made both Tony Blair and I clear that we wouldn't talk in secret: if and when we got into government we'd do it quite openly. Which we did.

Did you try to engage the IRA directly during your time as Secretary of State?

Why would I? Sinn Féin and IRA were much the same thing.

Is there any sense in which they can be considered separate as opposed to one organization?

I considered there to be two organizations but some people overlapped. There were clearly people who were members of both.

How did you perceive the IRA's decision-making process in relation to Sinn Féin's activities at the negotiating table?

Sinn Féin clearly had to consult with the IRA before they reached decisions on matters they discussed in the talks process. They always agreed or objected ‘in principle’ and would have to go back and consult with the rest of Sinn Féin and with the IRA before they would announce a decision. We had to give them the space to do that.

I don't think they were ever overruled by the IRA. I didn't really perceive any divisions nor did I see that relationship change much. There must have been difficulties as with all sides in the talks process, but they were never brought to the fore. Martin McGuinness and Gerry Adams knew pretty much what the IRA were thinking anyway.

So you gave them room to deal with their own internal dynamics as long as the peaceful dialogue was progressing. Did you learn more about their ways of working as the talks progressed?

They clearly had an efficient communication system within the party and to the IRA. I came to respect their structure and their organization, particularly in relation to the press. They always got their press releases out quicker than us, and I thought we had an efficient press office. However quickly I moved, Sinn Féin were always first. I eventually learned that they had a desk for America, a desk for Ireland, a desk for the north, a desk for Britain, all well-structured. Occasionally I used to go to their room at the talks process and it was full of people working away. So I learned how efficient they were and how we couldn't beat them on the press side.

A hallmark of your style was the willingness to talk to people face-to-face. You tried to prevent the talks process from collapsing in January 1998 by visiting the Maze Prison and talking to prisoners from both sides.

I talked to prisoners from both sides because if you talk to one side and not the other they feel cheated. Because they distrusted each other so badly if you didn't give the same to both sides they would think they'd been done down.

I was asked to go to the Maze by Loyalists. When Gary McMichael [leader of the Ulster Democratic Party, which has links to the paramilitary Ulster Defence Association] came across to London with two associates, I knew it was serious because the Loyalists don't have that much spare money and they had made the effort to bring three people to London. Gary said his people in the Maze didn't think there was any point in continuing with the peace process. That was serious because if they pulled out, Sinn Féin-IRA would pull out and they would return to fighting. So I checked with the head of my Department, I checked with the head of the civil service, I checked with my mum (she always had a common sense view of these things) and it made sense to go in.

How did this kind of contact assist your understanding of the armed groups?

It made me understand quite a lot about their hierarchy and motivation, and a little of how they were structured. They treated me with respect. Because of the heat in the prison they all wore shorts and t-shirts, but when I went in they put on long trousers and gave me one of the only chairs in the prison with arms (because they can break off the arms and use them as weapons), so that meant they were making an effort and considered the meeting important. They talked quite clearly about how they believed they weren't getting enough out of the talks and didn't see much point in staying in. I tried to convince them that there was a point and they shouldn't feel disillusioned, that their side was doing very well and that McMichael was a very good negotiator. They went back and reported to the rest of the Loyalists in the prison and after two hours they returned and the message came out that they were going to stay in the peace process.
You clearly understood the importance of actions, context and unspoken signals. Did you have a clear sense of exactly who the prisoners were in terms of where they stood within their various groups?

Well, I knew they were important – because they had lost their freedom and the people on the outside doing the negotiations hadn’t, and so that was a clear distinction and why they were so important to folks outside. That’s why you had to go in and talk to them and convince them not to break, because they were clearly important to the Shinners or the Loyalists outside. I think I found it easier to talk to people in all political parties because of my class. Unlike many previous Secretaries of State, my roots were similar to those of many people I was talking to. Unlike many previous Secretaries of State, my roots were similar to those of many people I was talking to. I also found humour very useful in the talks and I do have a good sense of humour.

They weren't difficult to talk to. I'd talked to a fair number of Loyalists outside the jail and the only difference is the ones inside had been caught doing something and the ones outside hadn’t. So, it was quite easy to talk to them, and to the Republicans too who were very similar but with a different perspective. Both the Shinners and the Loyalists were the same inside and outside the jail, but some of them had been caught and some hadn’t – that was the only distinction in their minds, so I took this into account all the time.

Was this kind of initiative something you considered a new and bold step?

No. I thought it was the common sense thing to do and the necessary step to hold them all in the process. I only realized how much of a risk it was perceived as when I went to the prison gym afterwards to meet the press and it was packed. I realized then it was perceived as an odd thing to do, which I can’t understand because without doing that the talks would have broken down. I wanted the talks to keep going.

One of the biggest challenges to understanding all sides in the conflict must have been the various attacks and atrocities that were committed during the peace process. To cite just one case, two RUC officers were killed by the IRA quite soon after your appointment. What did you understand about the meaning of groups’ violent actions during this time?

Like most actions on both sides, they weren’t trusting what was happening, they didn’t know where we were going. They didn’t know us well enough to know we were going to play it straight, and they were testing us. They wanted to be sure we knew they would continue violence if we didn’t play straight. I basically understood them as a group of people willing to talk, but there had to be more trust. I was prepared to shake hands and treat them as human beings, because otherwise you won’t get a good relationship for talking. I believe in talking rather than shooting. That’s my basic philosophy on how to bring people to peace. But it helps if they know you have the means to use force which was what previous governments had done.

But this must have been quite difficult. There are many cases where governments do refuse to talk to people engaged in violent activities.

Well we said if they went onto ceasefire we’d talk. They went onto ceasefire and we talked. We did in fact exclude Sinn Féin from the talks for seventeen days in February 1998 after it appeared the IRA had been involved in the deaths of two men. The IRA’s definition of a ceasefire was different to everyone else’s, and they probably didn’t see the killings as breaching a ‘cessation of military activities’, but rather ‘disciplinary’ attacks.

In conclusion, what advice would you offer to other government officials, elsewhere in the world, who are attempting to understand and engage with armed groups operating in their country?

I wouldn’t give a blanket recommendation and would begin by saying every conflict is different. But I think there are lessons on specifics we did that worked. It is important to consult with people and be inclusive. You must include the whole of society not directly involved in talks, and so bread and butter issues, particularly the economy, are important. Involve all the various groups in society so they know what is happening and you have to keep the people with you if you’re going to have social change. I worked hard to keep all the parties in the talks. Tony Blair and Bertie Ahern [the Irish Prime Minister] talked only to Sinn Féin and the Ulster Unionist Party, and I went around everyone else who would be wondering what was happening (i.e. why weren’t they being included? What was going on?) making sure everybody felt good about what was happening. That’s where I got the “tea lady” reputation from!

On governments engaging armed groups, all I would say is you don’t fight terrorism with weapons and bullets. You fight it by talking to them. That’s the overall message I think I have.
Terry Waite was appointed as an advisor on international affairs to the Archbishop of Canterbury in 1980 and became known for his humanitarian efforts to negotiate the release of Western hostages in the Middle East. His first experience was the successful negotiation of the release of hostages held in Iran (1980-81), followed by the freeing of four hostages in Libya (1984-85).

In 1987 he was himself taken captive while attempting to negotiate the freedom of British and American hostages held in Beirut. The hostage-takers, linked to Hizbollah (an Iranian-backed armed group from the Lebanese Shia Muslim community), were demanding the release of prisoners held on terrorist charges in Kuwait.

Waite, who was known to have met Colonel Oliver North, was seized soon after the exposure of the Iran-Contra affair in which North and other members of the US administration were revealed to have been selling arms to Iran. Waite spent 1,763 days in captivity before his release in November 1991.

**Accord:** As a humanitarian actor intervening in Iran, Libya and Beirut, how important was it to you to understand hostage-taking groups’ political aims, strategies and relationships, and how did you try to do this?

**Terry Waite:** I tried to do as much background work as I could, but looking back I realize I was learning as I went along. In the case of Iran, a country I had never been to before, I consulted a lot of people on Iran’s perceived political aims, but I depended more on getting on the ground, listening to people and picking up what they were saying to me. I tried not to go in over-prejudiced one way or the other, keeping an open mind and listening to what was said to me.
In a sense I was working highly intuitively rather than according to a set formula. I have to say I did have a pattern of working – which was extremely risky and one that I wouldn't recommend for every situation at all – and that was seeking a face-to-face meeting, which is obviously very dangerous in these situations. If such a meeting could be established, then I would try to build a relationship of trust, and if that could be done, then try and explore the root issues, i.e. why are you doing what you are doing? I would try and resolve issues in a face-saving manner, by which I mean in a manner in which all parties can walk away with their dignity intact, insofar as is possible. In the process of following that strategy, it is important not to behave in ways that would be illegal or would mean engaging in exchange or ransom-paying – I've never believed in that and stuck by that throughout. That was the sort of model that was in my mind, but it was treading one step at a time largely using intuition.

In trying to build your understanding of the hostage-takers in Beirut, we understand British and American governments were not sharing any intelligence, but you had publicized your efforts and a number of contacts provided information. Can you say something about that process of information-gathering?

The problem was where to begin. When hostages were taken, the different groups had different names. The problem for me from the outside was: is it one group using different names to confuse, or are there different groups competing with each other or not necessarily liaising with each other?

Information came in from different contacts, from people who had high level contacts in Lebanon, but I cannot think of any information that really was a great deal of use. Walid Jumblatt [leader of the Druze community] did provide me with protection by his militia when I came in from the airport, but I dismissed them when I got into town. I went to see Jumblatt when I was in Lebanon, but I can’t think of any really interesting information anyone provided, aside from the usual sort of things said about Hizbollah (about the involvement of Syria and Iran and so on) – nothing that would help me in terms of an intervention strategy.

It shows that you can surround yourself with thoughts and understandings and analyses, but what really counts is your ability on the ground to have a degree of sensitivity to people in situations, to be able to get yourself onto the wavelengths of the people with whom
you're working or discussing, not to be harsh in your judgments and to try and understand and listen to people – what is it you're saying, and why is it you're doing what you're doing? And where can we find some point of agreement, even if it's a very simple point of agreement, to agree to sit down together and talk to each other as human beings. We may have different perspectives because of our different backgrounds, religious upbringings and cultural heritages, but we share the same planet and have the same hopes and desires for our children and our families. Sensitivity is a misused term, but, sensitivity and intuition, coupled with a certain degree of hard-headedness are some of the qualities that are necessary in that situation.

If I were to criticize myself, I suppose I was fairly weak on detailed analysis because it was a totally complex field and I don't speak Arabic. If I wanted to have complete analysis I would have to speak Arabic.

It is one thing to see what a group is saying to you in terms of language but there is probably a lot that can also be learned from their behaviour.

There were so many real difficulties. They recognized they were extremely vulnerable. When I eventually met them, they would be concerned about whether I was being followed. Was I wearing a locator device? They'd search me for that. In some respects it almost took as much courage for them to come and meet me as for me to meet them. Of course it was easier for them because they had people all over the place and were certainly observing me as I went to meet them, and in their minds would be: where are the Americans or British observing us observing him? So you're walking through a hornet's nest, coupled with the fact that there was a civil war in Lebanon at the time.

Another obstacle was that when I met them I had to be blindfolded. As a negotiator you depend on the signals given out by body language. When that is denied to you, you are put in a more difficult position. The degree of rapport and understanding you can have is limited.

How did you identify their objectives?

They had a very specific agenda as far as I was concerned, and it was about the release of some prisoners held in Kuwait. But I almost made a fatal mistake trying to find out. I'd been to the US, and I was asked to try and get a meeting and clarify what it was the kidnappers wanted, and whether it was money or not. I said I would clarify their demands because I too wanted to know, but if it was money I wouldn't be a conduit.

I went to see the kidnappers in Beirut at the consulting room of a doctor who was acting as an intermediary, who I believe was acting in good faith as a member of the Shia community. I had to be blindfolded when the others came into the room, whoever they were. I first of all asked to see the hostages, and they wouldn't have that. I asked them to take a Polaroid camera and bring me pictures of the hostages, which they did. Then I raised the question of money, and it nearly wrecked the whole discussion. They said, “You know very well it isn't money.” I said I didn't know what it was. They said, “The Americans know very well what it is,” but I didn't know if the Americans knew or not – whether they'd had any other direct contact with America. Publicly the Americans were saying they would not negotiate with terrorists. Anyway, I was able to get over that hurdle, but it was a very nasty moment, and it almost wrecked things right from the beginning, and I regret even asking that question.

They said they had blood relatives in Kuwait being held on a variety of terrorist charges under appalling conditions, some facing the death penalty. They asked me to look into this situation, to take letters from their families, and to generally see what could be improved. I said I had no power at all to spring people from prison, but as a humanitarian I believed that all people detained by legal process were entitled to be treated fairly and properly according to due process. I offered to see if the prisoners were being treated properly, and if I could take letters.

These were the specific demands and they never strayed from them. There undoubtedly were broader political objectives, but in this specific instance in my dealings they never raised them whatsoever.

You were eventually taken hostage yourself. What went wrong, and did you make mistakes as a third-party intervener?

I think it is reasonable to surmise that one of the reasons they took me was that when Iran-Contra broke it came as a surprise to the Lebanese Hizbollah who were receiving guidance and arms from the Iranians. I think some of them said, “We'll take Waite and see what he knows about this whole business,” because they knew I was in touch with the Americans and the British – I wasn't trying to keep that secret – and I think they were also concerned that I might have given away something that would lead the Americans or British close to them.

I still believe if I had been able to get to Kuwait and see the prisoners and do something to alleviate their conditions it would have done wonders for easing the
situation. But I can see why I didn’t get there, because politically there was an entirely different agenda: the Iran-Contra business, which was all about trying to get Iran to pressurize Hizbollah in Lebanon. I think this is the important point. An independent mediator/negotiator in that situation is faced with a very great dilemma. On the one hand you want to cooperate with those – let us say a government or government agency – you believe are trying to obtain the release of innocent people. On the other hand, you’ll know it is possible – in some cases highly likely – that governments will also have another political agenda that will be playing out over and above the hostage issue. How far do you cooperate and how far do you stand apart? Cooperate too much and you are compromised; your position as an independent negotiator is gone. But standing back from them totally is sometimes almost impossible because you need them for access, etc. It puts the humanitarian negotiator in a very vulnerable position, where you almost can’t trust either side.

*What advice would you give to somebody engaged with armed groups for peacemaking or humanitarian purposes?*

Don’t necessarily imagine that formulas for negotiation are going to work. It’s not a bad thing to have a general idea in your mind as to the process that is possible, but try and work with intuition, an educated intuition. Don’t depend on intuition alone because alone it will sometimes lead you astray, but don’t despise it – that’s what I mean by educated intuition.

There may be times you have to work alone because perhaps you are the only one who has access or is trusted, but always try and refer back and debrief in a debriefing team when you come back from a situation – as quickly as possible. The debriefing team must also observe the same rules you observe – absolute discretion. You must not pass on anything to do with the groups you are working on without their permission. In other words you’ve got to be impartial and discreet.

*In summary, would you have any particular advice on this whole process of how you understand armed groups?*

Be very careful about any analysis you make, and check it, check it, check it. And most importantly you must establish personal contact with key decision makers within the groups, and if you establish contact with a lower level decision maker, you’ve got to get them to get you to the person who is the key decision maker. It may take time, you may have to work up, or around, but never be satisfied until you get to a key decision maker, and when you get there – and if you are the right person – you’re in a very strong position.

And I would also say, if for any reason you realize you’re not the right person for the job for whatever reason, get out. Get somebody else in instead. Don’t be so proud and stubborn to say, “Hang on, I’m failing, and therefore I have to try even harder.” If you’ve got a good reason, and you share that with your team, then no fault, no shame. Not everyone’s right for every situation.

*Hostage-taking in the Middle East is once again in the headlines. What does your experience tell us about how this should be dealt with, and what is different about the hostage-taking in Iraq today?*

I think it is totally different in Iraq. The strategy that I followed as a Westerner all those years ago could not be followed. I don’t believe I could go into Iraq and talk directly with the head of a group that has kidnapped a Westerner. Why not? Because I believe the pre-emptive policies and heavy-handed military methods adopted in the West have polarized the situation. In such a polarized situation you can’t work the same way. The only ones who stand a remote chance are the Islamic leaders on the ground, and they’re fighting a losing battle in such a polarized situation. Perhaps if the allies eventually withdraw and a UN force goes in, things can start to be put back together.
Chechen resistance
myth and reality

Ilyas Akhmadov

From my personal experience as Foreign Minister of Chechnya – in which capacity my main duty is to explain to outsiders the nature of the Chechen conflict – I would say that the biggest obstacle to being understood is ignorance of the history of the conflict. The Russian effort to classify the war as a classic separatist conflict between a rebel territory and a colonial centre obscures the fact that in the long and tragic history of relations between Russia and Chechnya, the tiny Chechen nation has at least four times been on the brink of total annihilation. It is a mistake to represent this war as only a war for independence – independence is not a goal in itself, but a guarantee of the survival of the Chechen nation. Even a cursory look at the last five years shows that the conflict is best characterized as ethnic warfare, where Chechens are targeted because of their nationality. In one famous incident at the beginning of the war, the Russian Commander General Shamanov said that the killing of civilians is justified because, “the wife of a terrorist is a terrorist; and the child of a terrorist is a terrorist.” Similarly, recent statements by the Russian Federal Security Service (FSB) routinely refer to arrests of persons “suspected of being relatives of terrorists.”

The Kremlin represents the Chechen resistance as a single terrorist network spreading throughout the north Caucasus, which has its centre in Chechnya but relies on direction and financing from foreign sources. In reality, there is a wide spectrum of groups fighting against Russia in the north Caucasus that have different goals and motivations and are to different degrees involved in the war in Chechnya. The complexity and variety of armed groups throughout the north Caucasus as a whole prohibits neat classification. Describing it is complicated not only for outside experts but also for participants. For this reason the classification offered here should be seen as a schematic outline.

Ilyas Akhmadov was appointed Foreign Minister of Chechnya in 1999. He is currently a Reagan-Fascell Democracy Fellow at the National Endowment for Democracy in Washington DC.
Who we are

The structure of the Chechen resistance can be broken down into several groups. Without a doubt, after the demise of President Aslan Maskhadov in March 2005 the conflict will pass into a new and qualitatively different phase, which will to a certain degree alter the components of the structures I am describing. Until recently, the political leadership was headed by Maskhadov and is comprised of Ministers in Chechnya, several Ministers who represent Chechnya abroad, and Members of Parliament who continue to carry out their duties. There is no Chechen ‘government in exile’; rather some members of the government remain in Chechnya whereas others represent Chechnya abroad. The President and the Parliament were elected in 1997 in elections which were certified as free and fair by the Organization for Security and Cooperation in Europe (OSCE). In contrast, the pro-Russian administrator Alu Alkhanov was chosen during wartime in a process that was roundly denounced as fraudulent. Another type of political resistance consists of individuals and groups who carry out actions of civil disobedience within Chechnya: marches, protests, anti-war actions and expressions of support for the resistance. For instance, over 3,000 Chechen residents signed my peace plan calling for conditional independence under an international protectorate (30,000 people worldwide signed). By putting their names and addresses on this petition they took great personal risks to demonstrate their support for peace.

The fighting strength of the Chechen resistance consists of units formed on the basis of squads of the army of the Chechen Republic of Ichkeria that transformed themselves into guerrilla units when they withdrew from the capital Grozny when it fell in February 2000.

A significant portion of these units remains constantly active and is based in the mountainous parts of the Republic. The remainder is oriented exclusively to diversionary tactics, carrying out operations against tactical targets in lowland Russian-controlled areas. The second type of armed resistance is comprised of groups who did not fall under Maskhadov’s control and who propagate the most radical methods of fighting the war. The main leader of this element is Shamil Basaev, who was responsible for both the Nord-Ost and Beslan hostage takings. The third type of armed resistance is represented by small temporary formations that unite for different purposes, usually vendetta and revenge. These are persons who come together for a particular mission and then return to civilian life. This would include some of the ‘black widow’ and suicide attacks that have been carried out over the last two years.

Finally, there are the various units that have been formed on the territories of neighbouring north Caucasus republics like Ingushetia, Dagestan and Kabardino-Balkaria. Some were formed in solidarity with the Chechen resistance while others were formed in response to the overall militarization of the north Caucasus. For Russia, the north Caucasus is the staging ground for the war in Chechnya, where the army, the security services, and federal law enforcement have greater authority than the local civilian officials. These various Russian forces have engaged in massive lawlessness and violence against the local civilian population, thereby inspiring local forms of resistance.

While the outside world might be content to view them as terrorists, the men and women on the ground are fighting for survival. When they lose faith that the war will ever end – that there is any civilized solution – they turn to terrorism. To understand this conflict it is
important to note that the only demand made by the terrorists has been the withdrawal of Russian forces from Chechnya and the start of negotiations. Even the most radical wing of the Chechen resistance usually calls for an end to the war, although they question whether an end can ever be brought about through negotiations. That the international community and Russia ignore the moderate political leadership and its persistent efforts to find a political resolution contributes to the sense of futility on the ground and therefore to an enlargement of the ranks of those who see terrorism as the only way of stopping the war.

How we are perceived
Particularly since the tragedy of 11 September 2001, it is commonplace for nearly all outsiders to view the mass killing of Chechens as a natural and excusable corollary to the global war against terrorism. As a result, international involvement in regulating, observing or mitigating the consequences of the war for the civilian population has been minimal.

The first Russian-Chechen war was viewed as a typical post-Soviet conflict, like the war over Nagorny-Karabakh or Abkhazia. Although international actors emphasized Russian territorial integrity, they also condemned Russian human rights abuses and actively sought avenues to end the war through mediation. Moreover, due in large part to the relatively unrestricted Russian television and other media that reported from both sides of the front lines and gave a reasonably balanced view of events, the Chechen resistance had a certain romantic public image, particularly in Europe. But since 11 September 2001 we are viewed through the lens of anti-terrorism: pretending that the mass killing of Chechens contributes to the war against terrorism permits the West to maintain close relations with Russia and absolves its collective conscience for ignoring atrocities. Viewing this war as one of the fronts in the war against global terrorism frees the West from its obligation to uphold standards of human rights and international law.

Without a doubt one of the major obstacles to understanding this conflict is the Kremlin-imposed information blockade. The creation of this blockade is a fundamental component of the Kremlin’s propaganda strategy. It seeks to prohibit any independent observation of the conflict by international organizations such as the OSCE, by foreign or domestic independent media, or by staff of international humanitarian organizations. The monopoly on the flow of information from Chechnya permits the Russian security services to distort the picture considerably. When he first came to power, President Vladimir Putin commented that lessons had been learned from the first campaign. I believe that the most significant lesson learned was to control foreign and Russian journalists reporting from Chechnya. Parallel to the ground offensive on Chechnya there was an attack on the Russian media. A clear example of efforts to prevent independent journalism was the case of Radio Free Europe / Radio Liberty correspondent Andrei Babitsky, who attempted to report from both sides of the lines. He was kidnapped by Russian security services, held for roughly a month, beaten and tortured, while Russian spokesmen claimed to know nothing of his whereabouts.

Other types of independent organization have to contend with similar problems. Humanitarian agencies such as Médecins Sans Frontières, the International Committee of the Red Cross and others are systematically harassed. Some international staff have been killed during bombardments of humanitarian aid convoys, and others kidnapped under circumstances that strongly suggest the involvement of Russian security services. Currently humanitarian organizations operate in Chechnya only through Chechen staff; their international staff are not permitted to travel there. Of course, the conditions for Chechen journalists and NGOs are even more risky. The Society of Russian-Chechen Friendship, which reports daily on human rights abuses in Chechnya, has lost four of its staff in political killings by federal forces. The head of the organization has been harassed by the FSB, kidnapped, tortured and his property – including lists of correspondents in Chechnya – confiscated.

Unrecognized statehood
We believe that we constitute a state in every aspect except international recognition. Therefore our strategy is to persuade outsiders that we can behave like a normal state and should be treated as such. During the first war and at the beginning of the present war we fought with the strategies and tactics of a conventional army. We tried to maintain command and control, hold a front line, hold territory and hold onto the capital for as long as possible. This strategy was almost suicidal in view of the unequal size of the forces. Guerrilla warfare would have been to our advantage but we sacrificed many of our best fighters to fight as a conventional force precisely because we wanted to demonstrate our capacity for statehood. Our constant lack of personnel, weapons and supplies was compensated only by tremendous force of will. For many observers this connoted heroism, for others fanaticism, but for us it was necessity. We had to maintain the norms that would allow outsiders to perceive us as a state. And even since the guerrilla war began, the Chechen resistance has held on tenaciously to all possible attributes of statehood. It is important to note that until summer 1995, our resistance...
was exclusively fighting conventional warfare. There was strict subordination to the President, who was the commander-in-chief and who supervised the head quarters of the armed forces, and four commanders responsible for different fronts or directions, who had responsibilities in their sectors and whose duties were carefully delineated. From December 1994 until June 1995, we held a front line and despite the huge superiority of Russian forces they moved that front line in the direction of the mountains very slowly and at the cost of high casualties. Our foreign policy is oriented toward persuading international institutions – the UN, OSCE, European Parliament, and the Parliamentary Assembly of the Council of Europe (PACE) – to pay greater attention to the war and ultimately regulate it. Despite our status as a party to the conflict and our constant efforts to be understood, we often meet a refusal to talk to us. For instance, the PACE held a roundtable to discuss Chechnya in March 2005 that included only the Russian government, Russian NGOs and the Russian-installed government of Chechnya. This was counter-productive. If the Russian delegation cannot sit at the same table as representatives of the Chechen warring side, then PACE should organize separate meetings. But PACE should not act as if all the sides are represented or progress is being made if there is only a pretence of multilateral discussion. This is particularly disappointing for us, because the PACE is one of very few international organizations that has been even marginally involved in trying to observe and resolve the conflict.

This is indicative of a fundamental error in the Western perception of the conflict and of Russia: namely, the habit of making unilateral concessions to Russia and hoping that it will reciprocate. Typically, Western politicians focus on utterly superficial improvements – such as new internet cafes or cell phone use – in Chechnya and pretend that these are indicative of a lower level of violence, which of course they are not. Proceeding from such illusory "improvements," the West makes small concessions to Russia and then hopes that Russia will reciprocate with substantive concessions. This approach can never work, because the Russian side is getting everything it wants without having to make any substantive improvements.

The most damaging concession that PACE and many other international actors have made is to follow the Russian line of “Chechenization.” Russia pretends that there is internal conflict between different Chechen groups and poses as the mediator. In fact, one of the Chechen “sides” comprises ethnic Chechens appointed by Russia and who should not be seen as an independent actor. Hence PACE pretends that Alu Alkhanov, a Russian appointee, is a “side” in the conflict and utterly ignores the warring side.

The representatives of Chechnya abroad try to resolve issues of state without access to any of the resources of a state, such as diplomatic immunity. My most elementary need is to be granted visas to enter different states, but every application process is a major battle. Western bureaucracies fear Russia’s hysterical responses and invent the most absurd obstacles. For instance, in November 1999, I was invited by Noel Mamier of France’s Green Party to speak to the National Assembly, but the French Foreign Ministry would not issue a visa. Eventually Pax Christi invited me to Holland, which gave me the opportunity to go to France. Mamer secretly took me into the parliament and in front of the Prime Minister publicly demanded to know why I was denied a visa. There was a huge furor but ultimately Foreign Minister Uber Vedrin apologized on behalf of the government and the following day I was given a visa. I wish I could say that every time I applied for a visa it ended with such a success, but I have missed many important forums and events because I could not obtain the proper documents.

Last but not least, Russia’s use of Interpol is a huge problem. As many human rights groups have noted, Russia uses its Interpol membership not to combat organized crime but to harass political opponents. The Russian ‘Procuracy’ fabricates cases against Chechen representatives such as Deputy Prime Minister Akhmed Zakaev and myself in the crudest manner. These cases, although blatantly false, damage our image, waste our resources and impede our ability to travel.

There was only one period in recent history when the way we were perceived corresponded to the way we perceive ourselves. This was during the negotiations of 1995-1997, which were conducted with OSCE mediation and ended the first war. The negotiations demanded that the Chechen side become unified and that the various armed units demonstrate loyalty and subordination to the political authorities. Only by so doing could we persuade the other parties of our ability to carry out the obligations we were undertaking. We felt we were being included in the sphere of inter-state or inter-government relations which stimulated us to observe the standards of that community. The ceasefire which Maskhadov announced and the Chechen fighters kept in February 2005 showed that this subordination and loyalty were still in place. What was lacking was a similar degree of international involvement. The tragic death of President Maskhadov turns a new page in this conflict and at present we can only speculate about its algorithms, its duration, and its geography. What is clear is that with his passing there seems little possibility of a civilized end to this conflict in the near future.
From armed struggle to political negotiations

Why? When? How?

Clem McCartney

When intermediaries and analysts think about armed conflict they often consider violence an obstacle to a negotiated settlement and thus that one of the keys to unlocking a peace process is the cessation of violence. A corollary of that thinking is that violence is simply a tactic and that armed groups need to be helped to recognize the benefits of a non-violent strategy. However, while the importance of ceasefires should not be under-estimated, the assumption that violence is a tactic that can be replaced by another tactic reflects a partial analysis of the nature of armed groups. Armed groups themselves will often say that they believe in peace and they are struggling for a just peace. In other cases they will say that the violence is an expression of their situation and valid even if it will not bring about change. Therefore to really understand how there can be a transition from military force to politics we need to understand the nature of armed groups. We also need to understand the communities which support them, either explicitly or implicitly, as they too are involved in the thought process discussed in this article and their attitudes are significant influences on the armed group.

Most armed groups have an analysis of their situation in which armed action seems an inevitable, if unfortunate, component. Their existence is often a challenge to the state monopoly on force or its use of terror against their community or class. Some militant groups begin with a theoretical analysis of the state that argues that change can only come through violence, but this is often not the case. Many militant groups have grown out of non-violent democratic movements for change which have been crushed by the state and in some cases the state has consciously preferred the transfer of popular protest into a terror it feels it can control more easily. Ironically, but not surprisingly, armed groups have adopted a cult of force and a power/coercion paradigm from states, imbued with the sense that nations are built through force and the attendant assumption that there is an acceptable level of violence.

Clem McCartney is an independent consultant from Northern Ireland where he has worked with the main protagonists. Recent involvements include the Sri Lankan and Georgian-Abkhaz conflicts.
The armed group and its supporters will not necessarily have a fully worked out sense of these matters but they will have grasped them intuitively and internalized them as basic aspects of their orientation. So when intermediaries explore with militant groups an end to their violence, they may treat violence as an optional element in the repertoire of options that the group has, when in fact it is an integral part of their *raison d’être* and needs to be approached as such.

However, the armed group is open to tactical adjustments in its methods if it sees an opportunity and will manage its military campaign to achieve the best advantage for itself. A ceasefire could give the opportunity for regrouping militarily, presenting a more positive public image and so on. This kind of shift does not imply a deeper change of orientation. But at some stage the military option will have to be replaced by a negotiation process. Even if the military campaign is successful, a process for an orderly handover of power is preferable and this requires some capacity to negotiate the end of the war. So whether dealing with the state or armed groups we can distinguish three possible positions:

- Militancy which believes that military force is the only option
- Dual strategy which still believes in the primacy of force but will use other approaches for tactical advantage
- A conflict transformation strategy

The question for the group is when a transition to a conflict transformation paradigm is appropriate and whether it can manage that transition effectively.

While we can accept that the issue of violence is only one part of the militant mindset, which needs to be appreciated as an integrated whole, we can identify some of its component elements and consider how they may change either as a result of the passage of time or through deliberate interventions which are designed to make dialogue and negotiations attractive.
We might think of a set of weighing scales on one side of which are stacked a series of elements tending towards militancy. They include:

- Lack of alternative option – council of despair
- Militant mindset
- Commitment to the campaign
- Avoidance of compromise
- Control of one’s own destiny
- Avoidance of splits

There are also material factors which will encourage the continuation of the armed conflict, such as the influence of external sponsors of the conflict or the benefits that the leaders gain from the war economy, but this paper focuses on the internal political dynamics which influence the continuation or curtailment of the military campaign.

On the other side of the scales are other elements that might tend towards a conflict transformation approach, including:

- Real opportunities for change
- Framework document on possible outcomes
- Inherent weaknesses of the military option
- Legitimacy and recognition
- Capacity to minimize risks and concerns
- Guarantees and mutual dependence
- Third-party intermediaries

Can the armed group, with the balance tending towards militancy at a certain point in the conflict, change the balance of forces so that there is a tendency and then a commitment towards a peaceful resolution of the conflict? In turn, the considerations that determine a government's response to a militant challenge inhibit it from changing its own approach so as to encourage the move to the negotiation table.

How can an armed group shift from its struggle-sustaining approach, and can its opponents or intermediaries facilitate that shift? A movement within civil society can influence both the government and the armed group in the same direction. Certain characteristics develop during the course of the campaign, which in themselves help to sustain commitment to armed action. As shown by the case studies, a group can sustain itself with a wide range of positions – from the right to the left, from a nationalist analysis to a class analysis – if all are against the status quo.

Beyond that, ideology is not necessarily a defining characteristic of militant movements. It can take many forms and be used as a determinant of the group's commitment to the campaign. It reflects the value placed on stability, which is the point at which it differs in its orientation from the state. It is also affected by the legitimacy and recognition it receives from the international community.

So a militant mindset emerges, often with justification from the actions of the state and the establishment. It incorporates a belief in the inevitability of their struggle, a belief in the belief of their opponents, and a belief in the belief of those who argue for peaceful resolution. This could be a political and obligatory commitment when faced with the military and armed groups. It may reflect a belief in the belief of those who argue for peaceful resolution and the establishment. It may also reflect a belief in the belief of those who argue for peaceful resolution and the establishment. It may also reflect a belief in the belief of those who argue for peaceful resolution and the establishment. It may also reflect a belief in the belief of those who argue for peaceful resolution and the establishment.
demonstrates the perceived need to be uncompromising and not to weaken one’s demands.

A common explanation for how the struggle will bring victory in the face of superior strength is based on the determination of the armed group and the people who support them. The rhetoric that captures this sentiment is, ‘he will prevail who can bear the greatest suffering, not he who can inflict the greatest suffering.’ This logic allows the campaign to continue even when it appears hopeless. It is ironic that sometimes both sides, in a mirror image of each other, try to influence their opponent by inflicting suffering but are aware that their own response to more suffering is continued resistance.

A powerful motivator of continued struggle is the distrust of both friends and enemies. The group will argue that they can only rely on themselves and they can only do that while the struggle continues. Once they enter into negotiations they are at the mercy of both their opponents— who clearly do not share their goals and want to undermine them—and their friends—who do not share their commitment and will be willing to compromise on core issues, not realizing their fundamental importance. This distrust underpins an avoidance of compromise and supports the belief that one is in control of one’s own destiny. Even if the struggle fails, they will know that they persisted and believe that nothing more could have been done.

The cumulative effect of these concerns is the armed group’s acute awareness of the risks involved in moving into negotiations. It is also believed that a change of strategy or the making of compromises exposes the group to the danger of internal splits. The folklore of armed groups is that they must remain united to win. While the group maintains consistent intransigence there is little space for alternative factions to emerge, but introducing new ideas can disrupt that unity. If they do start to contemplate new possibilities, the leadership will need to be very sure of their authority if they want to lead their group in a new direction that almost inevitably challenges some of the old certainties that have been central tenants of the movement. A militant once said that you become aware of the effectiveness of your propaganda when you try to promote a new direction and you find your group and supporters want to hold on to the old arguments and now use them against you.

All of these considerations will often make it almost impossible for a group to change its approach in spite of good arguments that show how the strategy is not working or the costs are too high. The group may well feel the force of these arguments and know that their campaign is proving counterproductive but can do little to change. The more the group has suffered and the greater the sacrifices made, the harder it is to explain why all that effort is now to be put to one side and a new approach adopted. They will also be faced with the problem of the law of diminishing returns: the longer the conflict continues the less impact they have unless they can find some way to escalate the struggle and that may be very difficult to do. So continuing as before in effect leads to a loss of momentum.

Towards a conflict transformation approach

In order to change direction, the group has to be satisfied that there are likely tangible benefits and real opportunities for change. They need to be able to show that more could be gained from negotiations and dialogue than from the continuation of the struggle. They need signs that their analysis of their opponent’s intransigence may be limited and that there is space for alternative ways of relating to their opponents. The signs may be small but must be enough to allow an internal debate to develop. For example the Irish Republican movement was helped by the statement by the United Kingdom government that they had no selfish or strategic interest in Northern Ireland and would leave if the people of Northern Ireland asked them to leave. The Naga leadership in northeast India were helped by the Indian government’s statement that it recognized their special history.

It is not surprising that in preparing for talks the parties may be unduly optimistic in looking for opportunities for change. For example, the armed group will often want some agreement for the interim government of the areas they control and they will want to use these arrangements to try to advance their legitimacy, while their opponents will resist conceding such points as they will want to bargain over such recognition and safeguard their own interests. It seems attractive to decide on interim arrangements before protracted negotiations start but experience suggests that parties can only enter into negotiations when they have some idea of the parameters of a settlement. A framework document outlining these parameters has often been an effective element in bringing about a ceasefire and peace process.

If such indications are forthcoming they may then be able to evaluate the impact of their present military campaign and it may then be possible to explore some of its inherent weaknesses. Armed groups are normally very secretive and reluctant to interact with people outside their movement, but at this point they often reach out to potentially sympathetic observers or
individuals from their community. In such dialogues it has been possible to help the group to reflect on alternative analyses and strategies, letting the group see how violence may often alienate constituencies whose support is necessary, or how opponents' and the general public's resolve is strengthened. This is an argument that the new Palestinian leadership is trying to develop in relation to the impact of suicide bombings. They can argue that as a result of the bombings the Israeli people are more afraid and therefore support more oppressive policies. The end of the bombings may also make the international community more amenable.

Not only is there the possibility of more support but also there is the possibility of more legitimacy and recognition. A ceasefire is often demanded as a precondition for allowing militant groups to enter into talks. In Sri Lanka the ceasefire in the conflict between the Liberation Tigers of Tamil Eelam (LTTE) and the Sri Lankan government allowed direct talks to begin between the parties and over time a number of states were willing to deal with the LTTE. An alternative scenario can also be demonstrated from the Sri Lankan experience. One of the reasons the talks broke down (though the ceasefire remains more or less intact) was the US government’s refusal to allow the LTTE to attend a donor meeting because it is still a proscribed organization in the US. The negotiations are still stalled, the scepticism of the LTTE has increased. It continues to demand a clear framework for renewing negotiations and it is careful not to be seen to respond to threats and inducements.

The issue of recognition and leadership is not straightforward. Recognition of the validity of its claims – if not its legitimacy – is important for armed groups giving powerful impetus to the shift from violence to negotiations. But on the other hand it means that the militant group is recognizing, if only implicitly, the legitimacy of its interlocutors to represent the state. It is interesting that in the Karen case study we see that at certain points the Karen were more willing to engage with the State Law and Order Restoration Council than were other pro-democratic forces within Burmese society. This was presumably because their struggle was secessionist and they were more ready to deal with the power brokers within Burma, while the other groups in their struggle were questioning the very legitimacy of the government. The government tried to use that difference in orientation to split the ethnic movements away from the Democratic Alliance of Burma.

Even when there are potential benefits of a new negotiation-based strategy, such as relief from superior military force or recognition of the concerns of the militant group, on the other side of the balance will be the risks and concerns that follow from a ceasefire and involvement in talks. Can splits be avoided? Can there be a return to war if necessary? How will the morale of the cadres or volunteers be maintained during the ceasefire and are there ways to integrate them into a political movement? The group will have to consider if the risks can be minimized or neutralized. This will probably require a sustained period of consultation and political education within the movement and its supporters. Many such changes originate among
prisoners who are removed from direct involvement in the struggle but are living it out in their captivity and therefore have the interest, credibility and opportunity to begin a process of rethinking. Often the group’s opponents will not help this process, trying to delay serious negotiations because they believe that the longer a ceasefire holds the more difficult it will be for the armed group to return to war and maintain that threat. But the opposite reaction may well occur. The armed group will be acutely aware of the pressure to return to war, and if there are no obvious benefits from or progress in the negotiation process they may end their ceasefire to show that the threat of violence needs to be treated seriously.

The armed group may ask for guarantees and their opponents or third parties may offer these. However, as the rationale of armed groups is partly based on lack of trust and the need to control their own destiny, it is very difficult for the group and its members to believe that these guarantees will be meaningful. On the other hand, guarantees may be useful in justifying a change of position after it has been decided upon. Developing an analysis that can demonstrate that opponents are likely to meet their commitments because it is in their own interests to do so is more helpful. In this way one may reach a stage of mutual dependency and that may be a more comfortable prospect for the armed group in that it equalizes the balance of power to some degree. There are other examples where networks and alliances have been forged which can provide mutual protection and security and avoid the influence of wider global politics, such as the Esquipulas process in Latin America. This can create space in which deals can be made.

A third-party intermediary may also provide guarantees in some situations, but this may not be their most useful role in facilitating the shift from military action to political engagement. Intermediaries can provide a framework for negotiations and invite the parties to take part. The conflicting parties can then come together under the sponsorship of the intermediary rather than one or other party being seen to be taking the lead. This is particularly important when one party is an armed group without the same status as a state party. Problems of protocol and status can then be avoided if a third party is willing to play an intermediary role. The Norwegian government has played this role in relations between Israel and Palestine, in Sri Lanka and elsewhere. In the Sri Lankan case they also tried to play the role of a guarantor and ‘referee’ and it has been argued that in trying to fulfill the latter roles they made their task more difficult.

Conclusion: the shifting balance of arguments

This discussion has concentrated on the substance of the concerns that have to be dealt with in order for an armed group to enter into a negotiation process. The case studies provide insights as to how those issues are dealt with within the organization, where decisions are taken, by whom and through what process. While these shifts vary considerably depending on the nature of the organization, they generally do not follow from explicit reasoned analysis or expression of underlying principles, nor do they necessarily originate in one element of the group’s command structure. Of course there will often be leadership figures who have enormous personal authority such as Veluppillai Prabakaran in the LTTE or, in a very different way, Joseph Kony in the Lord’s Resistance Army. In some cases it appears that they can take independent decisions while in others they have to be sensitive to potential reactions within the ranks. But in either case the considerations mentioned above will be at the heart of the thinking behind a change unless they are totally nihilistic leaders.

The process of internal debate is often presented as an argument between ‘hawks’ and ‘doves’ with each tendency trying to win over the other side. The case studies bear out a different dynamic. Shifts in movements seldom come from a change of attitude on the part of individuals but rather because the balance of arguments at any one time favours the analysis of one or other group within the movement. Perhaps the most significant influence on the credibility of any set of arguments is the inferences drawn from external events. When those circumstances favour maintaining the war then the doves will be silent but when circumstances favour negotiations then the hawks will be silent. For example, the El Salvador case study shows that the reforms before the peace agreement were partial and imperfect but they “gave credibility to the idea that working politically in the context of peace was more beneficial than continuing war.” Opponents often try to expose differences in opinion within the armed group but this may have the effect of closing ranks. But ultimately, if the state or intermediary, or indeed the armed group itself, wants to promote negotiations, it is necessary to strengthen the trends that give a peace process credibility.
When the Peace Agreement in El Salvador was signed in January 1992, it was commonly said to be a consequence of the end of the Cold War. Conspiracy theorists went even further and said that the peace in Central America was the result of a direct agreement between Ronald Reagan and Mikhail Gorbachev. However, this is belied by the fact that internal conflicts have since become more predominant. Harris and Belly’s research suggests that of the 101 armed conflicts identified in the world between 1989 and 1996, 95 were internal disputes. The ‘end of the Cold War’ explanation of peace in Central America is therefore too superficial and mechanical. A conflict as bloody, long and complex as El Salvador’s in the 1980s could not have been so abruptly and successfully solved by external factors. The external factors played a role, but were not as important as is thought. The crucial question about how peace was reached in El Salvador is how and why the protagonists of the conflict changed.

Understanding the case
In its effects, duration and dimensions, the war in El Salvador and Central America more broadly was Latin America’s Vietnam. Between the armies and guerrilla groups of Guatemala, Nicaragua and El Salvador, 400,000 people were involved, 250,000 died and millions were displaced in a conflict spanning more than a decade. During that time, the United States remained silent in the face of genocide in Guatemala, installed military bases in Honduras, supported the government of El Salvador both militarily and financially, armed the Contras, mined Nicaraguan ports and invaded Panama.

The conflict in Central America was connected to the struggle to overturn the authoritarian political models the US had long supported. With the exception of Costa Rica, democratic life was unknown in Central America. The reasons why these societies chose
violence as the path towards change are more complicated; the question here is how they stopped it and, specifically, how changes inside the Salvadorean insurgency took place.

Some answers

The Salvadorean insurgency was a pluralist political coalition

The Farabundo Martí National Liberation Front (FMLN) comprised five armed groups, all of which had political wings that were as important as their military structures. This means that even when they were under intense pressure, they had organized social groupings functioning openly. The FMLN had a close alliance with two non-armed political movements that were in favour of the democratic process: one social democrat and the other ‘social Christian’. This alliance was known as the Revolutionary Democratic Front (FDR). Despite seeming relatively weak in comparison to the FMLN’s organizational strength, these two movements and their leaders, together with the moderate guerrilla groups, created a correlation of forces that favoured a negotiated settlement. The FMLN-FDR alliance agreed on a strategy of finding a negotiated solution to the conflict in 1982, ten years before the peace agreement was signed.

All the guerrilla groups defined themselves as Marxist-Leninist, but only the Communist Party and some militants active in other organizations could be considered Marxist in the fullest ideological sense. The other groups adopted ideological extremism in reaction to the authoritarian regime. Even though the conflict pitted an authoritarian reality against a potentially authoritarian project, part of the insurgency’s legitimacy came from its unmistakable potential to substitute its project with a democratic one. The political life of the FMLN was always intense, influential and never isolated or unconnected from the reality of the country, which made it politically pragmatic in spite of the ideological rhetoric and radical use of violence. When the four guerrilla groups were created during the 1970s, they adopted the Marxist-Leninism typical of the Latin American left at that time. However, towards 1980 they joined forces and created an alliance with the FDR based on a liberal democratic programme. With the continuation of the war between 1984 and 1985, they again took up Marxist programmatic ideas. Towards 1990, when they were in a strong position again, the more moderate tendency was again able to promote a liberal democratic project, and this programme made negotiations viable and helped bring peace to El Salvador.
A context of democratic influences prevailed

For reasons of legitimacy, choice and self-interest, the FMLN-FDR was in contact with a broad spectrum of non-Marxist countries, forces and political leaders; however, those contacts were also possible because there was enough tolerance of the insurgency and belief in its potential transformation and the viability of negotiations. The Franco-Mexican declaration, which recognized the FMLN-FDR as a representative force in 1981, placed the insurgency in a position where agreements, language and strategies were different to the doctrinal ideological project that had made any agreement unfeasible. Mexico, Paris, Madrid, Stockholm, Caracas, Panama and the contacts with the US that always existed facilitated the political hegemony of moderate groups and leaders. Mexico became more important than Havana, and it could be said that many FMLN leaders identified more with the Mexican Institutional Revolutionary Party than with Marxism. Relations with Moscow and the socialist countries were important only for one of the five groups with the FMLN, the Communist Party.

Each group within the FMLN took a different stance on prolonged warfare, insurrection, strategic offensives, revolution, democracy and negotiation. Many of the more doctrinaire groups within the guerrilla coalition were militarily conservative, with more interest in preserving and accumulating power than pursuing bold military strategies. Conversely, those with less ambitious political goals tended to propose more offensive military strategies. Thus the Communist Party was always the weakest militarily while the People’s Revolutionary Army (ERP, a social Christian guerrilla group) was the most liberal politically and the strongest and boldest militarily. This created a preferential relationship between the ERP and the Nicaraguan Sandinistas, who had similar tendencies. Havana, which was instrumental in providing support for waging war because it saw the conflict in Central America as a line of defence against Reagan’s policies, thus also came to favour the ERP without taking into account their ideological dissimilarities. In this way, material support favoured the same moderate insurgent groups that saw Europe and Mexico as their political rearguard. This demonstrates another reason not to see the Central American wars and their resolution purely though the lens of the Cold War. The Central American governments signed the Esquipulas regional peace agreements in 1987, 1988 and 1989 against the wishes of Reagan’s government, and the coalition of the Salvadorean guerrillas signed the Peace Agreement without Cuba’s blessing.

The violence had rules and it gave clear messages

Some scholars refer to violence as a model of exchange that the protagonists choose rationally out of a repertoire of options built from the history and culture of a society. Political violence can be thought of as a type of communication mechanism (or language) between two actors. For this article, this is a very useful theoretical tool and a crucial point of debate. A large part of the discussion about violence understandably focuses on ethical issues, but it is often forgotten that violence is a real act and that the way it is used opens or closes spaces to ideas and possible understandings.

An actor that has greater legitimacy and moral and political advantage is more inclined to use violence in a way that transmits messages so that the exchange becomes constructive. Terrorism, massacres and torture transmit messages that impede understanding, while noble acts and compassion transmit constructive messages. It is less a matter of which actor using force is materially stronger, but who has the moral advantage in the use of force. In the Salvadorean case, it was the insurgency that held greater legitimacy, not the authoritarian regime, which reacted disproportionately to resistance to its political model in a way that only escalated the violence. While it did make serious mistakes, the insurgency used violence as a political mechanism to consolidate its moral advantage. This translated into treating prisoners well, shunning revenge and respecting humanitarian law. For example, when the army committed the most awful massacres and killings in 1980-81, the insurgency reacted by treating its thousands of prisoners well. If they had decided to take revenge, the conflict could not have been resolved.

The guerrilla’s regulated use of violence caused the government army to respond. This change emerged in informal local agreements, on issues such as respecting each side’s supporters and sometimes accepting implicit territorial limits. In November 1990, US Ambassador William Walker dared to visit a guerrilla-controlled area and speak with FMLN combatants. This led the FMLN to approve an unconditional and unilateral ceasefire that, though rejected by the army, sped up the signing of the peace agreements a few weeks later. While there were serious human rights violations in El Salvador, there were also many efforts at self-regulation of violence. The political defeat of the army took place when it murdered six Jesuit priests in November 1989; while in 1980 this would have been celebrated, in 1989 it just undermined morale. The first agreement signed was on human rights. Reactive and vengeful violence runs counter to messages of peacemaking and democratization.
The coalition of the guerrillas was strong and considered itself so

In 1984-85, the US provided its most significant military assistance to the Salvadorean army. However, within a few months the moderate sectors of the insurgency had found a military response that preserved the existing balance of power. If the FMLN had been weakened militarily, the most doctrinaire groups would have gained the upper hand, because their idea of aligning the final result with their ideology and pursuing a maximalist outcome made more sense in a situation of weakness. In 1984, there were massive desertions from all the armed groups, so they decided to teach Marxism on the fronts to reintroduce the ideas of a Cuban-style socialist revolution or a Communist Party like Vietnam’s. A sector of the National Resistance group put forward a democratic programme, but its proposal was rejected and copies of the document were even burnt. This ideological upsurge even affected the ERP, but its military capability enabled that ideological stage to pass, and the group proposed a strategic offensive to create the basis for negotiation. This offensive took place in November 1989, and it included battles in the capital and in the most important cities for two weeks. Then, in November 1990, the guerrillas launched another offensive, using surface-to-air missiles to defeat the army’s air capability. The negotiations took place after these two offensives.

In El Salvador the FMLN was strong both militarily and politically. This gave the FMLN a position of strength during negotiations and the capacity to run in elections during peacetime. However, the fact remains that peace cannot only be negotiated with political and military strength. The nature of the group is a significant factor in its choice of options. It is arguable that any kind of weakness tends to privilege ideological rigidity over pragmatism.

Before the signing of the peace accords, there were real political changes

Between 1931 and 1982, El Salvador was ruled by six generals, four colonels and seven civil-military juntas. The changes of government took place by means of seven coups and six elections. Only two of the elections were even vaguely contested: in the other four, a colonel was the sole candidate once, another colonel claimed victory with 95 per cent of the vote and the other two elections were fraudulent and started the conflict. The war proved that militarism was the cause of this confrontation; democracy and civil power thus began as part of a military doctrine of counter-insurgency, but the magnitude of the war gave them real value. In the 1982 elections, Álvaro Magaña (in whom the military had confidence despite his civil status) was elected President by a constituent assembly. But thereafter political parties started to gain real power and elections became more transparent. The army became relatively weaker in the political arena while still unable to defeat the insurgency militarily. By around 1990, half the insurgency’s members were working in politics and the other half waging war.

The democratic changes that took place before the Peace Agreement were partial and imperfect but felt tangibly by the insurgency. This gave credibility to the idea that working politically in a context of peace was more beneficial than continuing war. The Peace Agreement made the judiciary independent, created a civil police force with the participation of both former guerrillas and former members of the military, purged the military and constitutionally separated political and military power, strengthening the democratic transition.

Learning from the Salvadorean experience

It must be noted that this article is only a partial explanation of the end of the war: it did not seek to explain how and why the authoritarian right opted for democracy. Accounting for the transformation of established power is as important as the understanding the transformation of the insurgency.

The starting point for our conclusion is to understand that peace is only possible if it is understood that violence is a real act. Comprehending the nature of the conflict and its actors allows us to differentiate between appearance and reality. What many people have failed to understand is that the FMLN’s origins gave it its potential for democratic change. The internal and external actors who intervened to transform the FMLN did not credit the ideological discourse with too much importance and knew where to apply their influence, strengthening the pragmatic visions that the insurgency had always had the potential to develop. The systematic pressure to respect human rights made violence, as a language between the actors, productive. They moved from an unregulated violence to a regulated violence to a negation of the violence. Finally, the tangible changes that took place made people think that peace was a risk worth taking.
Choosing to engage
strategic considerations for
the Karen National Union

Saw David Taw

probably the largest of the non-Burman ethnic
groups of Burma, the Karen took up arms
against the central government after Burmese
independence in 1948. The Karen National Union (KNU)
had been formed in 1947 from Karen organizations that
boycotted elections for a constituent assembly and so
were not a part of Burma’s constitution-making process.
By the late 1950s all the main ethnic minority groups
had taken up arms against the government.

The Burmese military has held power directly or
indirectly since 1962. In 1988, the State Law and Order
Restoration Council (SLORC) military junta seized power
to crush a popular uprising. Multiparty elections were
promised, but the apparent winner, the National League
for Democracy (NLD) of Aung San Suu Kyi, was denied
power. The crackdown on pro-democracy forces drove a
new generation of anti-government activists to flee to
the border area, especially the area held by the KNU.
This led to the establishment of the Democratic Alliance
of Burma (DAB), a ‘post-88’ alliance of pro-democracy
exile organizations and ethnic insurgent organizations.
The DAB comprised most of the members of an earlier
alliance of armed ethnic organizations, the National
Democratic Front (NDF), together with several pro-
democracy groups that supported the armed struggle
or had taken up arms (chiefly the All Burma Student
Democratic Front). Until a military offensive by the
SLORC in January 1995, these alliances centred on
Manerplaw, the headquarters for the KNU and the
capital of the self-proclaimed Karen state of Kawthoolei.
The KNU’s Chairman, General Bo Mya, headed the DAB
as well as the National Council of the Union of Burma
(NCUB), the umbrella organization comprising the DAB,
NDF, Members of Parliament Union and National League
for Democracy–Liberated Area.

Saw David Taw heads the foreign affairs
departments of both the Karen National
Union and National Democratic Front.
He is also a member of the National
Council of the Union of Burma Foreign
Affairs Committee.
Early ceasefires

Early peace talks between Karen insurgents and the government failed in 1949, 1960 and 1963, in the last case resulting in a ceasefire by one Karen group denounced by the KNU as ‘a surrender’.

From the mid-1980s the Burmese army began to push towards the Thai border, challenging ethnic insurgents’ ability to control the border area and the cross-border trade that largely financed their war. In 1989 the SLORC pioneered a strategy of negotiating bilateral ceasefire agreements without political dialogue, agreeing truces with the various ethnic armies that had been commanded by the crumbling Communist Party of Burma. The SLORC’s new leaders developed a second phase of the ceasefire strategy after 1992 to split the ethnic organizations away from the post-1988 alliance. For example, a ceasefire agreement was reached in 1993 between the SLORC and the Kachin Independence Organisation (KIO), a leading member of the DAB, in defiance of DAB policy that demanded that the SLORC negotiate a national ceasefire and political settlement with the DAB collectively. The KIO ceasefire was strongly condemned by the DAB leadership as a betrayal.

With the SLORC continuing to gain the upper hand militarily, displacing much of the Karen civilian population, the semi-ceasefire that emerged in late 1992 gave the KNU opportunity to review the situation.

Internal debate on KNU strategy

The KNU’s decision-making structure is that of a one-party state, topped by a periodic party congress. Between congresses the party is led by a Central Committee and an Executive Committee. The congress is ‘selected’ to represent the seven administrative districts making up the state of Kawthoolei, each headed by a District Chairman. Until the military defeat of 1994-95, the KNU also formed a Kawthoolei government, with the post of Prime Minister held by the KNU General Secretary. The KNU’s army, the Karen National Liberation Army (KNLA), is a parallel command structure of seven military brigades each headed by a Brigade Commander and subject, in theory at least, to the KNU’s Defence Minister (a post long held by KNU Chairman General Bo Mya). These parallel structures, overlapping but not entirely coinciding, afforded the opportunity for distinct factions to develop within the KNU-Kawthoolei-KNLA leadership with somewhat distinct outlooks and constituencies.

For the younger, middle-level section of the KNU leadership it became clear that the burden of the conflict had become unbearable for the Karen population in the conflict area. This group viewed the KIO decision sympathetically, feared the consequences for the Karen of further erosion of the KNU’s military position and regretted the DAB’s lack of understanding concerning the need for the ethnic armies to try to end the fighting in their areas. Meanwhile, reports of SLORC human rights abuses in Karen areas were being used by the NCUB to further undermine and discredit the SLORC and mobilize stronger international responses. However, there were foreign visitors to the KNU who urged the KNU to consider a strategy of minimizing the impact of SLORC military superiority by entering a ceasefire and relying on a more political strategy. There were also Karen leaders from inside Burma who visited the KNU as self-appointed ‘mediators’, urging the KNU to try to find a way to end the war. These non-KNU Karen ‘mediators’ were treated as SLORC stooges and...
given a very cool reception officially by the KNU leadership although receiving quiet encouragement from the pro-ceasefire faction.

In 1994 an officially sanctioned KNU working group – initiated by those responsible for the KNU’s foreign relations – won support within the KNU to explore a negotiation initiative on the basis of the political advantage in being seen to be willing to ‘talk about talks’. Plans were laid for a delegation to go to Rangoon in the hope that such an initiative could win international support. The intention was to mobilize international pressure for a new approach to the SLORC, recognizing the need to open up some of the political issues (i.e. equal rights, the right to self-determination and a move leading towards federalism) for discussion, rather than simply demanding the removal of the SLORC (as the NLD’s National Coalition Government of the Union of Burma was doing) or limiting discussion to a military ceasefire (as the KIO had done). This move collapsed late in the year when NCGUB leaders in New York pleaded with the KNU leadership not to make such a move, which they saw as undermining their own efforts at the UN to win decisive international action against the SLORC.

Responding to military offensives
Long-standing grievances of Buddhist elements in the Karen population (which in the conflict area is substantially non-Christian) against the mainly Christian KNU leadership erupted at almost exactly the same time and the SLORC quickly moved to fuel the split. The formation of the Democratic Buddhist Karen Army (DKBA) led to a major SLORC-DKBA military offensive against the KNU and in early 1995 the KNU headquarters at Manerplaw fell. Afterwards, DKBA and SLORC forces continued to attack the KNU alleging its use of refugee camps inside Thailand as sanctuaries. The conflict’s spillover into Thailand caused great concern to the Thai authorities and those providing care for the refugees. Thai pressure on the ethnic armies in the border area (the Karen, the Karenni and the Mon) to negotiate increased. Pressure on the Mon led to another key DAB member, the New Mon State Party, agreeing to a ceasefire in 1995.

In 1996, the militarily hard-pressed KNU moved towards ceasefire talks. The moves followed a congress in which pro-talks middle-level leaders were seen by General Bo Mya to be challenging his predominance, and came against the backdrop of urgings from a SLORC-backed group of ‘mediators’ and in the face of strong alliance pressure. This time several rounds of talks were held but broke down. The collapse of the talks can be attributed to hard-line KNU leaders’ representation of the SLORC’s position as amounting to a demand to surrender, which mobilized grassroots Karen opposition to a ceasefire (something that had not happened in the case of the KIO and the Mon).

A new SLORC military offensive followed in 1997 in which the KNU lost virtually all the rest of its territory. The long-standing hard-line President of the KNU, General Bo Mya, was displaced to the position of Vice President, but retained his position as Defence Minister and also remained Chairman of the DAB and the NCUB. Ostensibly his displacement by long-time General Secretary Saw Bathin opened the way to a new KNU stance, but it could not hide the fact that the militarily-weakened KNU was now in an even weaker negotiating position. With Bo Mya still casting a wide shadow over the KNU, and with the discrediting of ‘talks’ in 1996, it was difficult in KNU circles to advocate more ceasefire talks.

In the wake of the military offensive in 1997 and the hardening of Thai attitudes towards providing refuge, the situation inside Karen areas deteriorated with increasingly large numbers of internally displaced persons (IDPs). Those KNU leaders who in 1993-94 had advocated a ceasefire strategy were now preoccupied with trying to find humanitarian assistance for civilians. Reporting on the IDP situation led in some cases to renewed advocacy on the need for an end to the fighting.

New opportunities for dialogue
A new process of dialogue between the renamed SLORC – the State Peace and Development Council (SPDC) – and Aung San Suu Kyi began to develop from late 2000. Hopes for real dialogue remained high during 2001 and 2002, and the KNU (and alliance circles) emphasized the need for ‘tripartite dialogue’ between the regime, the NLD and ‘ethnic forces’, though the ethnic struggle undoubtedly continued to be overshadowed by the democracy issue.

Intermittent contacts between the KNU and the SPDC continued during this period while Thai pressure, in the form of the restriction of Burmese opposition groups’ movement in Thailand, continued to intensify. During 2003, efforts to persuade the KNU to again try negotiation were renewed by the SPDC-backed mediator group and independently by other Karen community leaders.

Under intensifying international criticism, in August 2003 the SPDC announced a ‘roadmap’ for transition to democracy, the first step of which would be re-convening the National Convention, a constitution-drafting process initiated in 1992 but stalled since 1996. While international efforts were concentrated
(unsuccessfully) on securing the involvement of the NLD, the SPDC sought participation of key ethnic communities, especially ethnic ceasefire groups. This, and perhaps parallel Thai persuasion, seems to account for a surprise visit by Bo Mya to Rangoon at the invitation of the SPDC, where he made a ‘gentleman’s agreement’ ceasefire in December 2003. Perhaps it was thought that a quick ceasefire would lead to KNU participation in the Convention. The sudden change of position by Bo Mya has given weight to those in the KNU who have long advocated a negotiations policy, but it has not yet neutralized those more in line with ‘alliance policy’ that opposes a KNU ceasefire.

A KNU negotiating team subsequently met with the SPDC negotiators on two occasions, but remained essentially at the confidence-building stage and made only nominal progress against the backdrop of the uneasy ‘gentleman’s agreement’, which elements on both sides were inclined to want to disregard. With little progress occurring, talks were suspended while the Convention was in session and efforts to reconvene the talks met a series of delays from both sides. When a KNU delegation arrived in Rangoon in October 2004, a new round of talks was engulfed by the political crisis caused by the removal of Burmese Prime Minister Khin Nyunt and the purge of the Military Intelligence apparatus that was his power base and had made up the SLORC/SPDC ceasefire negotiators.

Staying engaged
In the case of the KNU conflict with the military government of Burma, there are groups on both sides who are willing to attempt to find a negotiated settlement. However, the credibility of such elements in the SPDC has been severely eroded by the predominant hard-liners who appear unwilling to make any concessions to anyone or to hold serious dialogue. At recent talks with the KNU, the SPDC’s hard line quickly eroded early potential for problem-solving talks. This had the effect of undermining the position of those in the KNU who were willing to work seriously to achieve a ceasefire and reinforced the position of KNU hard-liners who do not consider a ceasefire necessary or attainable.

Despite this there is no change in the KNU mindset regarding ceasefire talks. At the KNU Congress in late 2004 it was unanimously agreed that the ceasefire process should continue. With the consent of the KNU Central Committee, the KNU Chairman wrote a letter to Senior General Than Shwe on 15 November, inquiring about the SPDC’s attitude regarding the resumption of a process of ceasefire talks. In response, SPDC Lt. Col. Kyaw Soe of Army Security Command acknowledged receipt of the KNU letter in a letter dated 11 January 2005. It also stated that discussions were being held on the continuation of a peace process with the KNU, that the prospects were bright, and that arrangements had been made for an informal meeting for peace in Moulmein, the Headquarters of the Southeast Command. It stated that, if willing, a KNU delegation could proceed to Moulmein. The KNU General Secretary responded by conveying a letter to the Commander of the SPDC Army Security Command (with copies to both the commander of the Southeast Command and Kyaw Soe) expressing the KNU’s satisfaction with the SPDC’s responses and willingness to have an informal discussion.

Conclusion
The KNU’s current stance in favour of agreeing a ceasefire and engaging the SPDC in talks is the product of a long process of internal debate and political manoeuvring on the costs and benefits of such a strategy. A number of inter-related factors can be identified that have tilted the scales in either direction at different times:

- Individual leaders’ changing analyses of the situation play a decisive role: it should be noted that the viewpoints and membership of pro- or anti-ceasefire factions are not static.
- Concern about the effects of the conflict on the civilian population has shaped attitudes to engagement. Also, different KNU factions’ abilities to present the case for or against engagement to grassroots supporters have been important determinants of strategy.
- Interpretations of the KNU’s worsening military situation have differed: variously suggesting a ceasefire (in order to neutralize the government’s military advantage) or continued fighting (because the unfavourable negotiating position undermines the value of negotiating).
- International influences have been an important factor, with Thailand’s increasing discomfort with the conflict and concurrent willingness to hinder the KNU’s military strategy being an important push towards a ceasefire approach.
- Perceptions of the trustworthiness of counterparts and intermediaries and the credibility of past engagements were other important factors.
- Membership of broader opposition groupings and alliances has played a role in the KNU’s decision-making, reinforcing certain factions’ power (especially because of overlapping leadership arrangements), and usually inveigling against engagement with the ruling regime. The existence of a high-profile pro-democracy movement that has overshadowed the Karen cause internationally has also played a role in KNU thinking.
Vive la différence?

Humanitarian and political approaches to engaging armed groups

David Petrasek

Humanitarians working to mitigate the consequences of war and to prevent needless suffering must engage with armed groups just as mediators seeking a political settlement must engage with armed groups. What is the relationship between humanitarian and political engagement?

By ‘humanitarian engagement’ is meant efforts to persuade armed groups to respect humanitarian and human rights principles, including in particular:

• to respect civilian life and property, and to refrain from attacking civilians;
• to treat captured combatants and others hors de combat humanely, without discrimination and with respect for their rights;
• to ensure civilians and victims of war have adequate medical care, food and shelter, and to allow humanitarian agencies access for this purpose; and
• to ensure insofar as possible the material and social well-being of civilians within areas they control.

By ‘political engagement’ is meant efforts to persuade armed groups to negotiate a peaceful resolution of the armed conflict, including facilitating their participation in processes to this end. Presented in this way, there appears a tidy distinction between these types of activities, whereby humanitarian initiatives focus on preventing and mitigating the consequences of war, and political initiatives focus on ending the conflict.

In practice, the distinctions between the two are not so clear. Humanitarian issues will often include prominent political aspects. For example, if the purpose of a conflict appears precisely to terrorize civilians of one ethnic group, then humanitarian negotiations to protect those civilians necessarily challenge the underlying rationale for the conflict. At the same time, negotiations aimed at ending conflict may begin by discussing the delivery of relief supplies. It is also the case that multi-tasked

David Petrasek is Policy Director of the Centre for Humanitarian Dialogue in Geneva. He previously worked for the Office of the UN High Commissioner on Human Rights, the International Council on Human Rights Policy and Amnesty International.

Humanitarian and political engagement
organizations, like the UN, often engage simultaneously in humanitarian and conflict-resolution efforts, and some (though by no means all) humanitarian organizations believe that ending war is a legitimate humanitarian endeavour. In short, distinctions are not so clear-cut and this is one of the reasons for exploring the relationship between humanitarian and political engagement.

This article will look at three issues:

**Lessons from humanitarian engagement.** Humanitarian workers regularly engage in the field with all parties to armed conflict. They have, therefore, a good deal of experience in dealing and negotiating with non-state armed groups. What lessons drawn from this experience are relevant for peacemaking efforts?

**Humanitarian issues as door-openers.** Humanitarian issues are often easier to discuss than issues related to a resolution of the conflict. In what ways can humanitarian engagement with armed groups open the door for discussion of political issues?

**Differences and risks.** While there are similarities in the two approaches, key differences remain and in some situations there might well be good reasons for keeping approaches distinct. What are the risks involved in blurring humanitarian and political approaches to armed groups? How can these be avoided in practice?

**Is ending war a humanitarian objective?**

Humanitarian action has never been precisely defined, and ‘humanitarianism’ is notoriously ambiguous. Perhaps it is best summed up as a concern to respond without bias to those in need. There are, nevertheless, some clear currents amid the muddy waters. One such current, drawn along by the International Committee of the Red Cross (ICRC), holds that humanitarian action should focus solely on the consequences of war, and not aim to resolve conflict. To enter the realm of conflict resolution is, in this view, to stray into fundamentally political questions, which will inevitably compromise the ability to mitigate suffering.

This distinction is not merely abstract philosophy. It finds concrete expression in the international legal regime concerning armed conflict. Legal rules fall into two distinct baskets: *ius in bello* (the law regulating the conduct of war) and *ius ad bellum* (the law determining whether a resort to armed force is justified). The ICRC, and the many humanitarian agencies that look to it for inspiration and guidance, have long maintained that they are only concerned with the former. The four Geneva Conventions and their protocols – the foundation for much humanitarian work – are silent on questions of whether or not any war is justified, dealing only with rules for its conduct.

On the other hand, the ambiguity of humanitarianism, and the real-life demands of modern warfare, have permitted (some would say demanded) the emergence of humanitarian action that is committed not only to relieving suffering but also to addressing its underlying causes. Many humanitarians today embrace human rights norms as a basis for their work, inevitably forcing them to examine systemic causes and the unequal power relations underlying conflict. Further, many accept that their work may have political impacts, and endeavour to ‘do no harm’ through their interventions.

There is no easy answer to these problems. Agencies which choose to retain a pure humanitarianism, and steadfastly refuse to be drawn into efforts to end war are certainly entitled to do so. At the same time, one cannot deny that a modern understanding of humanitarian action could include the notion of ending war. There is no universal agreement on this point, and the result is a continuing tension concerning humanitarian efforts to end war.

**Lessons from humanitarian engagement**

There are differences and tensions, but also similarities and synergies between humanitarian and peacemaking approaches to armed groups. Studies of humanitarian and human rights approaches to armed groups have made a number of suggestions that might also be considered by those engaged in peacemaking:

**Understand the armed group.** Before engaging an armed group on humanitarian issues, it is vital to understand the group’s political, social and economic motivations. Key issues include the group’s leadership, its ideological motivation, its state and non-state sponsors, and the group’s constituency.

**Know thyself!** A wide variety of actors engage armed groups on humanitarian issues – local NGOs, international relief NGOs, UN agencies, diplomats, religious leaders, etc. Many of them have learned that effective engagement requires a proper understanding of their own strengths
and weaknesses as an interlocutor, on a particular issue and vis-à-vis a particular group. International actors often carry more leverage; local actors often know better where to find points of leverage.

Factor in state behaviour. Though it seems obvious, those engaging armed groups need constantly to bear in mind the degree to which an armed group’s decisions are influenced by its state (or other non-state) adversaries. For example, the group’s willingness to respect humanitarian and human rights norms will be influenced by the state’s own record in this respect. Less obvious is the fact that state’s attitude towards engagement will play a big role. In many cases, in fact, state hostility to outside actors engaging armed groups on humanitarian issues means such engagement never gets off the ground.

In their engagement with armed groups, humanitarian actors also encounter many of the same dilemmas faced by those mediating armed conflicts. Questions of conferring undue legitimacy, of unwittingly empowering the wrong group, and problems of identifying the correct interlocutors abound.

One lesson humanitarian actors have learned, though not always acted on, is that it is crucial that there be co-ordination between different actors working with similar groups or on similar issues. When a variety of relief agencies enter into uncoordinated discussions with an armed group they may not only confuse the group but jeopardize each other’s efforts to get the group to agree on particular issues.

The humanitarian entrée

Beyond efforts to reduce immediate suffering, humanitarian engagement can act as a door-opener or ‘entrée’ that allows the parties to meet and build confidence and trust. This may eventually create an environment conducive to discussion of security and political issues. This case is grounded in the notions that:

• there is likely to be greater common ground on humanitarian issues – all should be able to agree, irrespective of their view on the war, that waging it should be done in ways that are minimally destructive;
• humanitarian norms are universal, based in internationally accepted treaties or customary law and not open to serious dispute; and
• in many cases, there need be no loss of military advantage in accepting humanitarian constraints, provided both parties agree and respect the same humanitarian commitments.

While each of these points might be challenged, in practice there are numerous examples where governments and armed groups have initially reached agreement on humanitarian provisions, and only later moved on to discuss ceasefires, security and political issues. In El Salvador in 1991, initial agreement on human rights was widely credited with creating the necessary confidence for political talks. In Aceh, Indonesia, agreement on a ‘humanitarian pause’ (2001-2002) was a useful prelude that created the basis for eventual ceasefire (though this did not hold). In Darfur, Sudan in 2003 belligerents signed two agreements on humanitarian issues before being able to open talks on security and political issues.

There are also situations, described below, where armed groups used agreements on humanitarian issues to win legitimacy while they stalled on political talks. That said, humanitarian issues are usually easier to discuss, and if only for this fact necessarily play a role in building (or undermining) confidence.

As noted above, humanitarianism is a broad concept, and covers a vast range of issues. Some of these will be relatively easier to discuss, and this will vary depending on the nature of the armed conflict. It is, therefore, also important to carefully consider which ‘humanitarian’ issue might best serve as a door-opener or confidence builder. A discussion on securing medicine for children will usually be easier to broach than one on prisoner exchanges, for example, though the particular context will be crucial.

One step forward or two steps backwards?

While humanitarian engagement may create space for peacemaking, this is by no means assured. There are tensions between a humanitarian approach and political engagement, and experience shows that belligerents might well use humanitarian engagement as a means of putting off discussion on political issues. Armed groups might, for example, agree to discuss access for aid workers and relief supplies to show they are responding to international demands, but do so only to postpone serious negotiations aimed at ending the conflict. Such behaviour can be encouraged by unwary outside governments and intergovernmental organizations under pressure to show they are doing something to address the conflict. This was the criticism levelled by humanitarian agencies in the Bosnia war, when the European Union, UN and others entered into numerous humanitarian agreements with the various warring factions, requiring these agencies to carry out various functions but postponing any serious pressure to end the conflict.
A key tension between the different approaches is the worry that a blurring of approaches will compromise the ability of humanitarian agencies to carry out their activities. Where actors with explicitly political or conflict resolution approaches are seen to manipulate humanitarian concerns for the sake of a negotiation strategy, relief workers fear that this will rebound negatively on their work. They will insist on a humanitarian ‘space’, free from the parties’ short-term political interests where the sole concern is to tend to the needs of the war’s victims in an impartial way. Though at times arguments defending this space may have an excessively ‘purist’ or unrealistic quality (given that humanitarian issues themselves are so often deeply politicized), it is important for those working to end the conflict to be attentive to the general point.

A related issue is that armed groups are alert to the fact that beginning a discussion on humanitarian issues may draw them towards political negotiation: where they are reluctant to proceed so far, this wariness may in fact create a block to solving humanitarian matters.

Ending conflicts is a difficult, long-term task. It would be unwise for its practitioners to gamble too carelessly with the short-term humanitarian goals of mitigating suffering. Using humanitarian issues as an entrée, therefore, must be done carefully and due recognition given to the fact that humanitarian principles are important in their own right. They cannot be simply subsumed, in a purely instrumental way, to the goal of resolving the conflict.

Key risks that arise, therefore, include:

- armed groups may use negotiations on humanitarian issues as an easy means of gaining legitimacy and delaying progress on substantive political issues;
- humanitarian principles may get subordinated to political ends, and if means to achieve those ends fail the conflict may continue with even less respect for those principles;
- armed groups win the legitimacy conferred by international engagement, without being forced to give anything in return.

A further set of issues concerns the universality of humanitarian principles. Governments and their military forces must show at least rhetorical commitment to international humanitarian law (IHL), because virtually all governments have ratified the core IHL treaties. Armed groups no doubt gain international legitimacy when they make a similar commitment, but only from the particular perspective of a state-centred world governed by a set of international norms of behaviour, regulated by state-dominated institutions. If an armed group’s constituency and/or ideology expressly rejects or pays little heed to such a world then it may show little inclination to abide by its rules of behaviour.

In other words, when dealing with armed groups one cannot assume there is agreement on key humanitarian principles, even at a purely rhetorical level. Anarchists, fundamentalists of all stripes, new religious movements and others may indeed refuse to stand on the shared platform that allows for a discussion on means to enhance civilian protection or ensure access to medical supplies.

**Summary**

Opening the door to considering how humanitarian and political engagement can relate to each other in a positive way may entail some risks to the strict humanitarian ethic. On the other hand, whether we like it or not, the door relating humanitarian and political engagement may already be open. It is not always easy in practice to separate humanitarian and political approaches to armed groups. Such groups are more likely than states to view all international agencies as related, and will not easily appreciate the difference between, for example, the UN’s relief arm and its mediators. Humanitarian issues are often easier issues on which to open dialogue. Reaching agreement on the delivery of relief supplies, respect for civilian property, or the fair treatment of prisoners may build trust between combatants and open the door to discussions leading to a resolution of the conflict.

Humanitarian agencies and political actors need to be wary of the potential downsides of relating humanitarian and political engagement. Armed groups, no less than state belligerents, may use humanitarian discussions as a means of gaining legitimacy while stalling on addressing security and political issues. Humanitarian agreements can be a fig leaf hiding naked political disagreement. Armed groups, unlike recognized states, are not bound to show commitment to humanitarian principles. Though they often do so (not least to gain legitimacy), their tactics will be driven by their ideologies and constituencies, either or both of which may reject such principles. Finally, political actors must be careful in manipulating humanitarian issues. Ensuring respect for humanitarian principles is an end in itself; agreements towards this end cannot simply be instrumentalized and used willy-nilly as tools or inducements in a peace process.
The struggle against landmines

an opening for peace talks in Colombia

Elisabeth Reusse-Decrey

In December 1997, the Ottawa Convention or Mine Ban Treaty (MBT) was signed by 144 states. As with other international treaties and conventions, the MBT can only be acceded to by states. It does not contain any provisions dealing with armed non-state actors, nor does it provide them with the opportunity to express their commitment to the ban. Seeking to complement the state-centric process, Geneva Call launched a new tool to engage armed groups in a landmine ban: the Deed of Commitment.

Geneva Call seeks to establish humanitarian dialogue with these groups and obtain from them a sustainable commitment to the mine ban, as well as respect for the norms of International Humanitarian Law (IHL) more broadly. The Deed of Commitment by which the armed groups can commit to the ban is a unique process based on an inclusive rather than exclusive or repressive approach towards these actors.

The work of Geneva Call in Colombia

Colombia is the only country in South America where landmines and Improvised Explosive Devices (IEDs) are still being laid. The civil war that has been raging for forty years is vastly complex due to the variety of actors involved: two large guerrilla organizations, a range of paramilitary groups and the government armed forces. Colombia is a signatory to the Mine Ban Treaty and, at present, no longer uses anti-personnel (AP) mines. The armed forces affirmed the destruction of their stock of AP mines in October 2004.

The other actors in the conflict are regular landmine users because mines are cheap and easy to acquire and assemble. The population is therefore severely affected by landmines. Current statistics suggest that AP mines are responsible for a conservative average of two victims a day, of which around 40 per cent are civilians. A significant proportion of the indigenous population is also victimized by these weapons, with displacement, the prevention of land cultivation, and disrupted transportation among the effects. Furthermore, landmines placed by armed groups cause 50 per cent of the armed forces’ casualties. Considering the gravity of the situation, in 2003 Geneva Call decided to commit itself to approaching the Colombian groups using mines or IEDs.

The Colombian Campaign to Ban Landmines (CCCM), a member of the International Campaign to Ban Landmines, works in Colombia supporting the implementation of the MBT and immediately expressed interest in assisting Geneva Call’s project with its knowledge of the conflict and its contacts with local communities.
Since 2003 Geneva Call has approached two armed groups: the National Liberation Army (ELN) and the Revolutionary Armed Forces of Colombia (FARC). While only indirect contact has been established with the FARC, considerable progress has been made with the ELN with whom Geneva Call is in direct communication. One of the guiding principles of Geneva Call's work is transparency. This means that in most of the cases where the organization initiates contact with an armed group it informs the state authorities and publicizes its action in the local communities concerned. When the Colombia project started the government supported Geneva Call's inclusive approach to the landmine ban and took steps to facilitate contacts between the organization and the armed groups active on its territory. For example, a Geneva Call delegation was allowed to meet directly with two ELN spokespersons detained in the high security Itagui prison in Medellin. Since this first meeting, regular exchanges have taken place and a dialogue with the group's leadership has been made possible. Discussions are continuing with Francisco Galan, the ELN spokesperson imprisoned in Itagui, and with contacts in the field. Geneva Call has also met a member of the Central Command in Cuba.

It is important to remember that at the time of its first meeting with Geneva Call, the ELN had publicly ruled out attempting to seek a negotiated settlement with President Uribe's administration after the breakdown of a peace process with the previous government in May 2002. In a Forum organized by Geneva Call in June 2004 (see below) the ELN opened the door again and the government replied positively, proposing Mexico as a facilitator. But the talks between the two parties are difficult, and tensions and disagreements have made the Colombian government more cautious in its support – initially very positive – for Geneva Call's activities.

Geneva Call is not alone in its efforts to engage armed groups in dialogue. Many other actors such as the Catholic Church and the 'group of friendly countries' are also active in trying to find ways to re-open negotiations and to maintain contact with the armed groups.

**From rejection to first steps**

Early on, it became apparent to Geneva Call that the ELN was not willing to discuss the possibility of renouncing the use of landmines and IEDs at that time. Landmines were deemed essential in the armed struggle against the government. For Geneva Call this was a first: previous negotiations with armed groups in other parts of the world had been long and arduous but never had a group categorically refused the notion of a total ban on AP mines. The ELN showed no signs of bending on the issue.
At this juncture, Geneva Call faced a dilemma: should the dialogue be halted until the ELN assumed a more reasonable position? It was decided that to do so would be to abandon the humanitarian cause of the people in the region. If even a slight possibility existed that continued dialogue might build confidence and yield a positive outcome for potential victims, then this had to be pursued.

Thus the dialogue continued and the idea of creating a mine-free pilot zone was conceived. This idea, which has been accepted in principle and is currently being developed, concerns a zone in which the ELN will carry out an initiative on three fronts: (1) progressively allowing the implementation of mine-risk education programs; (2) mapping and marking mined land; and (3) enabling the eventual de-mining of designated zones.

Linking the landmine ban to the peace process

On 4-5 June 2004 Geneva Call and the CCCM organized the ‘First International Forum on Landmines, Non-State Actors and Humanitarian Agreements’ in the Senate room in Bogotá. Government officials, NGOs, international organizations, indigenous peoples, representatives of the Colombian military and others were to attend.

Upon learning of this event, the ELN voiced its concern that the forum would provide an opportunity for all but itself to be heard. Geneva Call asked the government to authorize the recording of a video interview with the ELN to be shown during the Forum. The government refused but later made a proposal that signalled its willingness to endorse the renewal of peace talks. Francisco Galan would be released from prison for a few hours to make a declaration in front of the participants.

In a live broadcast from the Senate room on 4 June, Galan read a statement on behalf of the ELN that proposed peace negotiations be re-opened around three themes:

1. a humanitarian agreement that includes a commitment to limiting the use of AP mines;
2. a general amnesty for ELN political detainees and prisoners of war;
3. a temporary bilateral ceasefire agreement.

Galan expressed the wish that “Geneva Call and the Colombian Campaign Against Mines […] accompany [the ELN] in the process of building this humanitarian agreement.” This attested to the successful confidence-building process of the preceding year.

The Colombian authorities immediately responded positively, voicing willingness to re-open negotiations with the ELN through the Mexican government and emphasizing the need to prioritize the fight against landmines. Moreover, Colombian Vice-President Francisco Santos publicly authorized Geneva Call to hold discussions with the illegal armed groups on this issue.

Through the organization of a forum on landmines, and after a long process of confidence-building between the ELN and Geneva Call, a possible small path to peace was opening.

Positive spin-offs

Since June 2004 work has continued, and Geneva Call and the CCCM have organized several regional meetings. New actors have become interested in the question of armed groups and landmine usage. Most notably, the Governor of Antioquia has created a Humanitarian Commission, launched during a Geneva Call workshop, with a view to finding regional solutions to the humanitarian crisis. Antioquia is one of the regions that suffers most from landmines, which have left a number of villages completely deserted. Geneva Call was the only international organization invited to become a member of this Commission. The Governor’s objective is to negotiate various humanitarian agreements through the Commission, with the AP mine issue as one of the priorities. Geneva Call has been endorsed as the Commission’s intermediary with the guerrilla groups, the main responsibility being to formalize agreements for demining affected zones and enabling the safe return of internally displaced persons. To date, Geneva Call has visited communities from three of the most affected towns in the Antioquia region – San Carlos, San Fransisco and Argelia – where the proposed negotiation of humanitarian agreements on landmines with armed groups has been very positively received. However, until now the progress of the Commission has been slight because the government has resisted the development of regional humanitarian agreements. President Uribe’s strategy demands a global and total agreement on a suspension of hostilities before any talks with the ELN are opened.

At the end of November 2004, the ELN proposed discussing another humanitarian agreement outside of this Commission. The group proposed allowing demining in an area of Micoahumado, north of Santander, and asked Geneva Call to follow up. Several criteria were taken into account in selecting this zone: it is a zone under the ELN’s influence whose mining seriously affects civilians, and the local population is well organized, thus facilitating the monitoring process and information exchange.
Rejecting the ELN’s proposal, the government refused to authorize a specialized NGO to de-mine the area. In response, in January 2005 the ELN announced it had taken the initiative itself and de-mined the zone. The ELN requested that Geneva Call ensure that a process of verification was conducted before civilians use this zone again.

The government has so far refused to allow this verification to take place, despite the readiness of a specialized international organization to do it. The government is under enormous pressure to allow verification to occur, with appeals from such actors as the regional Laboratory of Peace, the United Nations Development Programme, the United Nations Children’s Fund, the Geneva International Centre for Humanitarian Demining and the local population. The deaths of three children in a landmine incident in February 2005 have further increased this pressure.

Geneva Call has proposed that this zone be declared demilitarized to prevent the land from being re-mined in the future. The authorities have also rejected this, but Geneva Call intends to seek a compromise that would guarantee that the zone will not be mined again.

In this difficult and suspicious climate Geneva Call tries to reaffirm that the landmine initiative must be isolated from political debates and considered only in relation to meeting humanitarian needs. This is a great challenge since up till now the Colombian authorities have always refused to support regional or local agreements. But Geneva Call hopes that discussions on mines can open doors for broader negotiations or even re-launch abandoned peace talks.

**Lessons learned, dilemmas and opportunities**

Even if the ultimate objective of a total ban on AP mines seems out of reach for the moment, there is space to improve the lives of populations that face the threat of landmines on a daily basis. The following lessons, dilemmas and opportunities from Geneva Call’s involvement in Colombia can be identified:

- Discussing a concrete and tangible topic such as landmines could open up new possibilities for dialogue and bring actors who would otherwise refuse to speak to each other together, because the acute need for solutions to the humanitarian issue posed by mines seems to be accepted by both parties and many other actors. By raising awareness of the question of landmines, it is possible to find common ground for negotiating regional humanitarian agreements. This approach of beginning locally and expanding regionally was the key to achieving peace in El Salvador.

- The involvement of the national government is indispensable. Conversely, an NGO such as Geneva Call can assume a role that governments can rarely afford to play, especially in a complex political reality such as Colombia’s. Engaging armed groups is a sensitive issue, and other foreign governments fear creating diplomatic incidents with the countries concerned or giving legitimacy to these groups. An NGO can play a complementary role by engaging with armed groups without taking risks on diplomatic or political matters.

- The fight against landmines, approached inclusively through the parallel engagement of state and non-state actors, has provided opportunities for direct and indirect dialogue between the Colombian government and the ELN that could potentially help build the trust and mutual understanding required for future peace talks.

Geneva Call is working in a specific niche, guided by the principle of neutrality and independence. Geneva Call will never take part in the conflict and is involved only in humanitarian action. The organization is fully aware that it does not control all the decisions taken by one side or the other. It remains aware of all these political manoeuvres and is motivated by only one objective: to save human lives.

Geneva Call’s engagement with the ELN and Colombian government on landmines has experienced both progress and setbacks. The project of de-mining areas of Colombia has an impact on the prospective peace process, and the relationship between the parties is subject to both opportunities and risks; for example, there may be negative ramifications for this relationship when the ELN pushes forward on a de-mining initiative and the government is reticent. But while results may be small, they are real. Since Geneva Call initiated its project in Colombia, debate on the landmine issue and the condemnation of mine use has become very visible throughout the country. Thanks to several regional workshops, the Afro-Colombian and indigenous communities, usually excluded from these debates, have become very active on this question. The Governor of Antioquia has created a Humanitarian Commission and other mayors have expressed their willingness to negotiate humanitarian agreements on mines. A small zone has been de-mined. Colombia’s attention is increasingly focused on this question. The Governor of Antioquia has created a Humanitarian Commission and other mayors have expressed their willingness to negotiate humanitarian agreements on mines. A small zone has been de-mined. Colombia’s attention is increasingly focused on this question. The process has grown yet is fragile and complicated, but it is important to push forward with this work as even a little progress is of benefit to the population.
In 1988, the United Nations Secretary-General, Javier Perez de Cuellar, appointed James P. Grant, Executive Director of the United Nations Children’s Fund (UNICEF) to organize a special relief operation in Sudan. This decision was taken against the backdrop of repeated media reports of a high death toll resulting from war-induced famine. For southern Sudan, some sources put the figure as high as 500,000 persons, most of them children and the aged. The conference was to take place in Khartoum and to be attended by representatives from the United Nations, donor countries, relief NGOs and the Government of Sudan (GoS). The Sudan People’s Liberation Movement/Army (SPLM/A) was not invited, despite a string of recent military victories that left it in full control of the international borders between Sudan and its neighbours: Uganda, Kenya and Ethiopia, east of the Bahr el Jebel and south of the Sobat river. The International Conference on Sudan Emergency Relief opened on 8 March 1989. Grant declared his wish that the parties to the conflict agree a six-month ceasefire in order to stock food on site for the needy population.

Genesis of the operation

SPLM/A Chairman Dr. John Garang sent an urgent letter to the Khartoum Conference commending the international community’s concern and expressing the SPLM/A’s readiness to co-operate with the organizations and agencies meeting in Khartoum in assisting the needy populations. Grant took the letter seriously and once the conference closed, he flew to Addis Ababa to discuss the issue. As the Director of the SPLM/A Office of Co-ordination and External Relations, I met Grant on 10 March 1989 in the company of two of my assistants. He briefed us on the deliberations that took place in the conference and excitedly added that Dr. Garang’s letter was well received by the participants. Finally, he outlined the issues he wanted SPLA agreement on. The six-month ceasefire was to facilitate the implementation of a
massive relief operation to deliver food into southern Sudan by land, river and air from across the borders of Ethiopia, Kenya and Uganda. I gave my initial response but promised him that I would convey our discussion to the Chairman so that a firm decision could be made. We agreed to meet again.

The Chairman ruled out a ceasefire for any length of time but instructed me to continue dialogue on the suggested relief operation. He pointed out that the UN needed to secure the agreement of the neighbouring countries for any cross-border operation to be possible.

I met Grant again, as well as the US Embassy Chargé d’Affaires in Addis Ababa and his Deputy Chief of Mission (DCM). I communicated to them that the SPLM/A was not prepared for a ceasefire but more than ready to explore other modalities for the relief operation. We then got locked into a series of meetings to explore these modalities with the US embassy staff led by Bob Frasure, the DCM. It was not an easy task. At the final stage Julia Taft, a senior official of the US Office of Foreign Disaster Assistance in Washington, joined the talks.

The problem was how to carry out the operation without a ceasefire. Ultimately, I suggested that it may be easier for the SPLA to consider a ceasefire along the relief routes rather than all over the south. This would take care of the land and river routes. Air routes needed more discussion. All agreed there and then to a ceasefire along the routes followed by UN relief convoys. Bob Frasure termed those ceasefire axes “Corridors of Tranquility”, a phrase later adopted by the relief operation. The Chairman gave his final approval. It proved to be a turning point for the SPLM/A in terms of international exposure and its dealings with the UN system.

OLS I (April – December 1989)

The Chairman instructed me to represent the Movement for the negotiation and implementation of the relief operation. I left Addis Ababa for Nairobi on 17 March, and met Grant again to conclude the agreement. It aimed to get sufficient food aid into southern Sudan to feed approximately two million civilians, bringing in 100,000 tons of food over a six-week period before the rainy season made the roads impassable. The cost of the operation was estimated at US$132 million. It was code-named Operation Lifeline Sudan (OLS), and officially launched on 1 April 1989 in Nairobi when Grant flagged off the first convoy of trucks taking food to Kapoeta and Torit through Lokichoggio.
The following terms formed the basis of Operation Lifeline Sudan:

1. The UN has to deal with all the parties to the conflict that control territory through which relief items pass or to which they are delivered.
2. The parties to the conflict commit themselves to the safe and unhindered passage and delivery of relief items to the needy population.
3. The UN, as a neutral body, was to co-ordinate the operations with the parties to the conflict.

There was no written agreement between the parties to the conflict (the SPLA and the GoS) and the UN when OLS came into being on 1 April 1989. It was only the express commitment of the parties to the above terms that kept the operation going. Although the UN does not confer formal recognition of any kind to the SPLA, it had to deal with it in order to reach the needy population. Indeed, Grant made it clear that the choice of UNICEF as the UN lead agency in OLS was in part to stress non-recognition of the SPLA while dealing with it on this humanitarian undertaking.

Kenya and Uganda readily agreed to allow cross-border relief operations through their territories. Since the Ethiopian government did not give its consent, the plans for river and land cross-border operations envisaged through Gambela were shelved. Lokichoggio was chosen as the main relief centre to serve the SPLA-administered areas of southern Sudan, especially by air. During this period, relief items were delivered into the areas of southern Sudan controlled by both the SPLM/A and the GoS by river, rail and air. Improved health conditions among the population became noticeable.

The advent of OLS provided an opportunity for the SPLA High Command to have a presence outside Addis Ababa, facilitating sustained direct access to the SPLM/A leadership for the international community and the press. In fact, for the first time in the SPLA’s history, journalists were milling around in previously out of bounds SPLM/A-administered areas.

There was a profound connection between OLS and opportunities for peacemaking, even if peace was not its stated aim. The operation was mounted to ameliorate the suffering caused by war-induced famine, hence, the final solution to the problem lay in achieving peace.

OLS also provided the donors, especially the US, with leverage or influence on the SPLM/A. In a meeting between the SPLM/A leader and Grant at Panyagor in April 1989, the latter raised the issue of how he and the donors could assist in bringing about a peaceful resolution to the conflict. This was followed by an announcement from the Chairman of a unilateral one-month ceasefire to commence on 1 May 1989. It will be recalled that this was one of Grant’s initial requests. The ceasefire was renewed several times. The SPLM/A’s initiative had the effect of exerting tremendous pressure on the government of al-Sadiq al-Mahdi, and led to the first peace talks between the parties in Addis Ababa in June 1989. This was a very significant shift for the Movement, which had previously held meetings only with political parties and not with the sitting government. The talks made considerable progress and the two sides agreed to reconvene on 4 July. The process was, however, interrupted by the coup d’etat on 30 June 1989.

**OLS II (April - December 1990)**

The new regime’s seizure of power, supposedly in defence of Islamic laws (sharia), was widely seen as an attempt to derail the peace process. Clearly, the junta wanted the peace process on its terms.

The ceasefire collapsed in October 1989 with renewed fighting on a number of fronts. In November, the military junta suspended all OLS relief flights to southern Sudan. It saw the relief operation as feeding its enemies. Thus, the breakdown of the ceasefire led to the breakdown of the humanitarian partnership with the GoS. The renewed fighting brought about a new peace initiative mediated by former US President Carter and talks took place in Nairobi in November-December 1989. These efforts were undertaken in close coordination with the US government.

Negotiations for the second phase, or what became known as OLS II, did not lead to an agreement between the three parties similar to that of OLS I. The relief operations took on an ad hoc nature, and the GoS slowly became the dominant partner, dictating terms to both the SPLA and the UN. This dominance was particularly evident in the GoS approval of destinations in southern Sudan to be reached by air. To the SPLA, the GoS was motivated by purely military considerations, using food as a weapon of war. To make things worse, these approvals always came late and sometimes whole months passed without any flights at all. The keenness of the UN system not to push the regime to the point of withdrawing from the OLS prevented them from reacting strongly to the junta’s machinations, a situation further exploited by the regime. There were also allegations that the SPLA was itself diverting food aid to feed its army. These allegations remained unsubstantiated; however, the truth is that, as civilians, soldiers’ spouses receive food aid which they share with their partners and children.
OLS III (post December 1991)

Negotiations for OLS III in October 1991 came after the Movement had split into two: the Torit and Nasir factions. The then UN Under-Secretary General coordinating relief for the Horn of Africa, James Jonah, was to blame for the failure to reach agreement on the third phase of OLS. Contrary to the principles adopted by the UN to deal with those parties in control on the ground, the very principles that brought about OLS in the first place, Jonah insisted that the Nasir faction of the SPLM/A should not take part in the October 1991 meeting to discuss the corridors of tranquillity for OLS III. Eventually, the meeting ended in disarray. Soon after this incident the OLS agreed to deal with the SPLM-Nasir and its relief wing, the Relief Association for Southern Sudan. However, the SPLM-United (the name SPLM-Nasir adopted in 1993) split in February 1994. With the backing of the US Embassy in Nairobi, Philip O'Brien, the OLS Coordinator for the Southern Sector, refused to co-operate with the SPLM-United under my command and its relief wing, the Fashoda Relief and Rehabilitation Association, citing the flimsy argument that this would encourage SPLM/A factionalization. The refusal to deal with the SPLM-United, which controlled territory in Southern Sudan, meant denying relief assistance to the population in that territory. It was only O’Brien’s successor, Pierce Gerety, who signed the Ground Rules agreement on relief with the SPLM-United on 29 May 1996.

This phase of the OLS saw divisions within the liberation Movement and raised concerns within the international community as to whether the relief operation caused or contributed to fuelling this division. It cannot be overemphasized that factionalism is a political development driven by the political dynamics of the situation concerned. It does not need any prompting or recognition by UN bodies and aid organizations. They just have to deal with the reality. In order for it to reach all the needy population, the UN needs to deal with all the parties to the conflict that control territory. The refusal to deal with any of the parties results in denying relief assistance to the population in the territory controlled by that party. The UN would have put itself in the unenviable position of not only using food as a weapon of war but also taking sides in an internal conflict.

The period also saw a lull in the peace process. Apart from the 1992 Abuja mediation which was planned before the split, no serious peace talks took place. The government sought to exploit the SPLM/A split by playing one faction off against the other. For example, on 23 February 1993 the GoS agreed with Garang in Entebbe that the SPLM-Nasir be excluded from the ‘Abuja 2’ talks. Thus, there were two parallel talks in May-June 1993 between the GoS and the two factions of the SPLM/A: one in Abuja with the SPLM-Torit and the other in Nairobi with the SPLM-United. The government’s intransigence and its attempt to dictate terms on the OLS must be seen in this light.

The expansion of the OLS system, the increased number of parties to the humanitarian engagement, and some violations of the ‘gentleman’s agreement’ by the parties necessitated a change in approach towards written ground rules. These were first developed between OLS and the liberation Movements in 1992 to provide greater security to relief workers. Strengthened ground rules were further developed as an improved framework for OLS engagement with armed opposition movements. As a signed document, it was one of the few international agreements made with non-state entities. Garang signed the Ground Rules for the SPLM/A in July 1995, Riek Machar for the South Sudan Independence Movement/Army in August 1995, and I signed for the SPLM-United in May 1996.

Conclusion

OLS was innovative in that it was one of the first post-Cold War UN-led humanitarian programmes. It came at a critical historical moment of changing notions of sovereignty, intervention, and engagement with non-state actors. It was the first time that the UN had to deal with a non-state armed group without conferring recognition upon it. With regard to peace, a number of developments took place in this period. Influenced by the stakeholders in OLS, the SPLM/A declared a blanket ceasefire on 1 May 1989 paving the way for the first meeting between the two sides to the conflict in June. The installation of the military regime on 30 June led to the breakdown of the ceasefire, which in turn had a negative impact on OLS. Splits within the liberation movement in the first half of the 1990s also had a negative impact on both OLS and the peace process.

OLS saved lives in southern Sudan. That was its declared mandate. However, it is evident that the initiative created an atmosphere conducive to peace as demonstrated by the accelerated peace efforts during its early period. Although other developments in Khartoum and within the SPLM/A slowed down this process, it is significant that the Inter-Governmental Agency for Development (IGAD)-mediated talks started with an agreement on relief issues in 1994. As with OLS, this agreement helped the parties to start talking about the political issues.
The relationship between track one and track two diplomacy

Julian Thomas Hottinger

Track one actors (governmental officials, representatives of inter-governmental organizations, and third-party governments) are common and established interlocutors with armed groups in the context of peace processes. The last twenty years have seen track two actors (non-governmental and unofficial groups and individuals) play a wide variety of roles vis-à-vis armed groups and peacemaking.

Joseph Montville, who coined the term ‘track two’ in 1982, defined track two diplomacy as:

“an unofficial, informal interaction between members of adversary groups or nations that aims to develop strategies, influence public opinion, and organize human and material resources in ways that might help to resolve their conflict. …[It] is a process designed to assist official leaders to resolve or, in the first instance, to manage conflicts by exploring possible solutions out of public view and without the requirements to formally negotiate or bargain for advantage”

Broader theoretical systems have been developed since then to differentiate further between different actors, and different segments of society can play a role. The Institute of Multi-Track Diplomacy’s model of Multi-Track Diplomacy defines ‘track two’ as peacemaking by conflict resolution professionals and NGOs, with a number of other tracks from ‘track three’ (peacemaking through commerce or business) through to ‘track nine’ (peacemaking through the media and information) having a role. Within a multi-track system it is important to see negotiations as taking place at multiple levels, while the different tracks can be either engaged in sequence or parallel, or even get mixed up to the extent of having various tracks knitted together and strongly interrelated.

Julian Thomas Hottinger is an expert in mediation and facilitation attached to the Expert Pool of the Swiss Federal Department of Foreign Affairs. The views expressed below are those of the author alone, and do not necessarily reflect the views of the Swiss Federal Department of Foreign Affairs.
The growing appreciation of models of peacemaking driven by non-state actors is partly explained by the way non-state armed groups have become more complex, heterogeneous and harder to deal with. For example, many armed groups have evolved to diversify their economic resource base. This phenomenon was clearly seen during the civil war in Lebanon, where no militia could survive without an economic base in the ‘taxes’ gathered from the communities or diasporas, extorting money from business circles, or creating legal or illegal businesses. Because of the complex nature of armed groups, negotiations with them need to cover much more than military aspects, and include broad societal issues and the reintegration of former combatants.

This development demands the diverse kinds of peacemaking that increasingly flexible and pragmatic multi-track diplomacy offers.

**Comparative advantages**

While distinctions between tracks are not always as clear in practice as they are in theory, it is useful to recognize how each track can have its own advantages and disadvantages for engaging armed groups in dialogue. Track one actors are more likely to have resources and status. They may have powerful ‘carrots’ and ‘sticks’ in terms of their ability to intervene militarily, support peace processes/agreements with monitors and peacekeepers, and give or withhold legitimacy, aid, trade or loans, etc. They may also be constrained from acting effectively as they may be wary of conveying status and legitimacy on ‘rebels’, may be compromised by national interest or seen as too partial toward one of the combatants or have too great a stake in the outcome of the process. There may also be legal constraints and difficulties in acting without drawing lots of media attention.
Track two parties are less threatening to armed groups, and find it easier to work flexibly, unofficially, and off-the-record, and have less to be concerned about in terms of conveying official/legal recognition. Lacking geopolitical interests and stakes in the conflict, they may be more impartial, forming relationships with a wider variety of actors in the conflict, and hearing things official actors do not. On the other hand, they lack the capacity to compel or coerce parties, can have a harder time ‘gaining entry’ to a conflict (especially with state actors), and cannot provide the same incentives and guarantees as a track one actor. Importantly, they often lack resources and funding, especially for their more longer-term work that is ‘out of the spotlight’.

**Ways that track one and track two can work together well**

In many peace processes now it would be unrealistic to think that one track could work without the others, or that you can totally separate the track roles to the extent that each level can work autonomously, ignoring the others. There are several ways in which track one and track two contributions complement each other:

**Track two can assist the process of understanding armed groups**

Like most organizations, armed groups do not appear spontaneously and remain stable until the end of their existence. Because armed groups are highly volatile organizations, building up an understanding of them can take many years. Track two actors can help build this gradual understanding. One of the essential tasks of any mediator interested in an armed group is to watch and measure the phases within an armed group’s life, so as to understand its intentions, reasoning, strategy and evolution in such as way as to be in a position to help prevent the situation from deteriorating, or occasionally to help set the venue and agenda within pre-negotiations. This has been the case in Burundi, for example, where a number of NGOs sustained contact with the Forces for the Defence of Democracy–National Council for the Defence of Democracy (FDD-CNDD), while discussing issues with them, organizing seminars and trying to help them build a political agenda solid enough to deal with the Burundian government. The FDD-CNDD eventually decided to negotiate in 2000.

**Track two can help build the willingness and ability of armed groups to participate successfully in a peace process**

There is a sort of myth that in negotiations – especially between armed groups – militarily-trained leaders are apt to be pragmatic, and can simply start talking to each other if seated at a table. Rather, parties are likely to sit down and continue fighting across the table, as if the battlefield had simply been replaced by a meeting room. To avoid this, a lot of background preparatory work needs to be done over months or years at different track levels. ‘Shadow diplomats’ or professional intermediaries regularly engage in informal meetings where delegates or friends of an armed group will participate, often anonymously, to learn about experiences elsewhere, or sound out ideas. Where sides participate together, the process of drawing on experiences from elsewhere and studying alternative practice is a way of sounding out what the other is thinking, or gauging reactions. These meetings can become a sort of testing ground for what the leaders might discuss at a latter date in track one negotiations. In this way a track two process helps prepare for a track one process, and different projects at different levels can inter-connect.

**Keeping lines of communication open**

Track two actors might be employed by formal mediators to make informal contact with armed groups with the aim of following events within the movement, grasping its logic, and letting them know that when they want to sit down and talk there are organizations willing to assist. Messages may be carried across lines with the hope of sharing and cross-fertilizing each side’s perception of events, or to negotiate an exchange of prisoners or the liberation of hostages. In this process of ‘putting one’s foot in the door,’ track two mediators do not try to impose themselves, but just follow events and, if required, try to find some alternative paths towards peace. Another reason for the need to constantly keep channels open is to prevent armed groups from falling into total isolation, to the extent that they bury themselves in their own logic, making any form of contact more difficult. It is slow but essential work: an armed group’s confidence in a political dialogue cannot be built overnight. It demands a significant investment of time and energy and constant follow-up. It is also complicated, especially as changes in leadership can be relatively common due to internal struggles or military defeats. The best known example of this kind of activity remains discussions with Sinn Féin in Northern Ireland before the Belfast Agreement, but it is also commonly practised in Europe, the former Soviet Union, South America and elsewhere.
Support from above
An effective track two actor may have a high level of technical and process expertise, and acquired knowledge of the armed group, but without track one political pressure, help and backing, professional mediators or facilitators would be lost. Armed groups are in need of reassurance that the international community and its official representatives will back the peace process and help implement and guarantee the results. This was clearly the case in Sudan’s Machakos negotiations, where the close and steady watch of the international community and its reassurances on assistance with implementation made the agreement reached in January 2005 feasible.

Blurred boundaries
As the number, roles, and importance of track two actors have proliferated, the management of the track one – track two relationship has come to have a significant effect – positive or negative – on the process of getting armed groups successfully engaged in political dialogue.

A number of problems can arise in complex, multi-level peacemaking. Track two actors do not always conduct themselves responsibly or act with sufficient accountability. When there are a number of track two actors involved in a single conflict, it can be confusing for all concerned, increasing the risk of misunderstandings and disagreements. It can be especially confusing for armed groups when track two actors appear to speak for a country or state they do not necessarily represent, and NGOs sometimes underestimate armed groups’ confusion between the NGO and the state representatives of the country where the NGO has its headquarters. Quite often warring parties do not necessarily grasp the difference between state and non-governmental intermediaries, confounding informal track two positions on certain issues with state positions.

Track two actors should make an effort to understand their position in a complex peace process. They must also try to understand that track one actors are under various pressures: i.e. they must “get results” and “show success” while making sure they serve their own government or agency’s strategic interests. It is important that track two actors recognize the political and diplomatic constraints that they are not themselves subject to.

The most important response to these problems is better communication and networking. We need to hear more about complementary roles that different tracks have played in peace processes. We need more proposals on rules of conduct for interaction between tracks, addressing such issues of confidentiality, transparency and respect for boundaries. Perhaps the hardest issue to deal with is when and how to convince an NGO working within track two that its task has been fulfilled and it is time to step down. Many NGOs have had their fingers burnt on this issue by wanting to stay on to fulfil a task that they are not needed for any longer.

To conclude it must be noted that practical experience casts doubt on the applicability of neat distinctions between track roles and identities: in reality they are often hazy. Complex peace processes are by definition untidy affairs: track two actors do not always feel they are doing track two work – and the same is true with track one actors and their work. While distinctions between tracks continue to have theoretical usefulness, as negotiations themselves become increasingly complex the nuances and distinctions between tracks become less clear-cut.
Ceasefire negotiations in eastern Democratic Republic of Congo

Steven A. Smith

Since 2001 a team of Returned Peace Corps Volunteers (RPCVs) and conflict resolution practitioners have engaged in track two discussions with the three main belligerents in the Congolese war. This article explores efforts to achieve a cessation of hostilities between the Mayi-mayi (sometimes Mai-mai) local militia fighters and the Congolese Rally for Democracy-Goma (RCD-Goma) in the context of the implementation of the Lusaka Accord. It also explores the impact of tensions between track one and track two players have had on that effort.

Background

The Lusaka Accord of 1999 laid out the modalities for the withdrawal of foreign forces from the Democratic Republic of Congo (DRC), established ceasefire lines and created a process known as the Inter-Congolese dialogue. It was signed by several foreign governments as well as the DRC government (hereafter ‘Kinshasa’), the Movement for the Liberation of Congo (MLC) and the RCD. The RCD was formed after the initial Rwandan and Ugandan invasion of the DRC in August 1998, and later split into several factions, the largest and most influential being the RCD-Goma. The ongoing RPCV initiative included facilitating dialogues between Kinshasa, the MLC and the RCD in support of their participation in the official Inter-Congolese dialogue.

Through the work of mediators from South Africa and the UN, a further agreement was reached in July 2002 between Kinshasa and the Rwandan government on the withdrawal of Rwandan forces from the DRC. In December that year a power-sharing deal was signed by the Congolese parties.

During this time, fighting between Mayi-mayi forces and the RCD in eastern DRC escalated. Mayi-mayi are local militia with numerous tribal and political allegiances and no collective leadership, opposed to Rwandan intervention in Congo. The Rwandans’
withdrawal from eastern DRC in November 2002 permitted the Mayi-mayi to expand into Rwanda’s former positions in South Kivu province, pressuring the RCD politically and militarily. The RCD believed this to be a violation of the Lusaka Accord and planned to retake the territory. The population was certain to bear the brunt of the fighting.

Discussions with the Mayi-mayi and RCD

In early 2002, I had been contacted by a representative of one of the Mayi-mayi groups. They had become aware of our track two team through our work with the main actors in Congo. They requested that we facilitate a dialogue between themselves and the Rwandans – not the RCD, whom they considered Rwandan proxies. We initially declined, but as it became clear that the fighting in eastern DRC might undermine the formation of a transitional government, we decided to proceed.

Hans Romkema, country representative for the Life and Peace Institute in Bukavu in South Kivu, was engaged in dialogue with some Mayi-mayi groups, including one led by General Padiri. I accompanied Romkema to a meeting with General Padiri in November 2002. Members of the RPCV team worked with the RCD leadership to determine the basis for a cessation of hostilities that might lead to a ceasefire and cooperation on humanitarian access.

The Mayi-mayi wanted a formal ceasefire, freedom of movement between sides, humanitarian aid, and local autonomy while retaining political authority and security in their areas. The RCD wanted the Mayi-mayi to accept their authority, but could live with some local autonomy provided the Mayi-mayi did not work with the ex-Rwandan armed forces or the Interhamwe militias. Our goal was a cessation of hostilities as an initial step, after which the UN could push the sides towards a formal resolution.

The first meeting with Padiri was positive, but while we were there RCD military hardliners attacked Padiri’s positions, violating the temporary ceasefire both sides had accepted to allow for the meeting. Despite this, Padiri offered a permanent formal ceasefire, proposed freedom of movement for the population and international organizations, and discussed the repatriation of ex-Rwandan armed forces and Interhamwe militias operating in South Kivu.

The RCD leadership was split over pursuing negotiations for complex reasons of trust and personal interest linked to the national peace process. Some believed that the Mayi-mayi were just Kinshasa’s proxies – the government’s support being a grave violation of the Lusaka Accord. Did the Mayi-mayi have the capacity to resist Kinshasa’s entreaties to keep fighting? Further, discussions with the Mayi-mayi legitimized them, letting
Kinshasa off the hook. Some questioned whether the Mayi-mayi could separate themselves from the Interhamwe and ex-Rwandan armed forces.

There was also a deep lack of trust within the RCD leadership over the Lusaka process. They believed that too much was being given up for a problematic deal with a government they felt had demonstrated bad faith by supporting the Mayi-mayi, and worse, the genocidal forces represented by the Interhamwe and ex-Rwandan military. Finally, some elements in the RCD pushed to keep the status quo. The status quo was desirable for security and for economic and political reasons:

- they would continue to control the ancestral lands of the Congolese Tutsis, the ethnic group of much of the senior RCD leadership;
- they felt secure with their Rwandan allies on the border and the vast, trackless Congolese rain forests and mountains lying between them and Kinshasa;
- they controlled significant wealth in natural resources, including coltan, diamonds, gold, timber and agricultural land.

**Delay and resumption of the process**

Five months elapsed between the initial meetings and the second effort in May 2003. There were two reasons: (1) a lack of funding; and (2) our attempts to persuade the US embassy in Kinshasa to support local peace talks. The US State Department funded the second mission, but discussions with the embassy revealed their concern that local peace talks before the transitional government was formed could result in Congo’s partition.

The embassy also did not want our team involved with the national peace process, at least while travelling on US government funding. There had been some differences and misunderstandings over our track two efforts. They felt that we were only going to work on local peace processes and thus should stay away from the RCD leadership while in Goma. However, we felt meeting the RCD was advisable both for the success of the mission and for our own security: it would be impossible to achieve our objectives without the RCD’s comprehension and active support. In addition, we knew the RCD leadership from our track two efforts, and for us to travel to Goma and not meet them would have been both insulting and unwise politically. From a security standpoint, we could not expect to meet with Mayi-mayi representatives without the RCD security services knowing. Attempting the mission while avoiding the RCD would have endangered others’ lives as well as our own, and in any event we would have been ‘invited’ to meet the RCD in a way that we could not refuse. We were unable to resolve the difference of opinion with the embassy and would later be haunted by that failure.

The May 2003 mission began in Kinshasa with meetings with the US Ambassador and political staff. We then proceeded to Goma. By this point, the RCD had begun its long-anticipated offensive to retake areas occupied by the Mayi-mayi. We met with RCD President Onasumba, Vice President Ruberwa and military chief of staff Sylvain Buki. We urged them to consider a ceasefire with General Padiri and to continue their support for the overall peace process. We also met representatives of the Mayi mayi, although due to the fighting we were unable to meet with Padiri directly. Both sides reiterated a guarded willingness to stop fighting.

**Tensions with track one: a critical decision**

We returned to the US and presented our findings to the State Department, strongly recommending that urgent follow-up discussions between the Mayi-mayi and RCD be undertaken. We waited for feedback from the embassy on our report, but a week later we received a clear message: the embassy intervened with the State Department to block any future funding of our efforts. They had complained that we had exceeded our terms of reference during the mission.

We never fully understood the basis for this decision. Not everyone viewed a halt to the fighting in the east as positive: credible reports indicated that elements within the Kinshasa government were using the Mayi-mayi and ex-Rwandan armed forces and militias to fight a proxy war in the east in order to weaken the RCD and force them into a transitional government on Kinshasa’s terms. Successful local peace negotiations would have undercut that strategy and brought the RCD into the government in a stronger position. Kinshasa was even more alarmed about the possibility that some Mayi-mayi elements might join with the RCD and threaten the capital with military action.

It is doubtful that that local peace accords would have led to Rwanda and the RCD advancing upon Kinshasa. All sides were exhausted and wanted an end to the fighting, albeit on their terms. We felt reducing the violence would strengthen moderates on all sides and facilitate the RCD’s entry into a transitional government. Key RCD leaders repeatedly emphasized how attacks upon their positions had eroded confidence and made it more difficult to continue the peace process. Further, serious differences existed within the RCD on whether to pursue negotiations or warfare, and it was clear that
Kinshasa’s continued support to the Mayi-mayi and ex-Rwandan forces strengthened the pro-war faction in the RCD.

We were presented with a dilemma: the RCD and Mayi-mayi were committed to entering into dialogue on a ceasefire, but it was clear that we could expect no help and probably active opposition from the US embassy. We decided that we could not allow the conflict to continue to burn when the parties were willing to discuss stopping it.

Lacking US government or private support, I returned to Congo in July 2003 using personal funds. I informed the State Department and embassy of my decision, and met with the RCD leaders in Goma where they agreed to cease hostilities to permit discussions with General Padiri. Romkema organized a trip to see Padiri at his headquarters in South Kivu. We spent two days with Padiri and his senior staff, including all of his senior officers and political leadership from the front lines. I ran a training seminar in negotiations and conflict resolution for most of the staff. Most of the participants’ questions were on a possible integrated army and whether the RCD would keep their word. Hans Romkema worked with General Padiri on the details of the Mayi-mayi ceasefire offer. The evenings were spent in long conversations with the senior officer corps. After two days, we had a ceasefire offer in hand and returned to Bukavu to deliver it to the RCD and MONUC (United Nations Observer Mission to Congo). Our meeting with MONUC was brief: both the US embassy and UN headquarters instructed MONUC’s Bukavu office to have nothing to do with it.

The next day we watched the Congolese national flag raised in Bukavu for the first time in five years, marking the fact that the country was now in theory united. We then went back to Goma and delivered the ceasefire proposal to the RCD. They accepted it and the fighting between Padiri and the RCD subsided.

Eventually, MONUC became involved in formal ceasefire negotiations between Padiri and the RCD. These ended with General Padiri taking a position in the new Congolese army. The violence was reduced, although fighting continued and still does with other Mayi-mayi groups yet to be formally inducted into the peace process.

Reflections on the track one - track two relationship

The track two team’s relations with the UN in New York and the US State Department in Washington were open and professional, based on constant dialogue and trust established over a long period. We provided ongoing analysis and recommendations to both organizations as well as to the facilitator of the Inter-Congolese dialogue President Masire. Members of the track two team were present for the dialogue in Sun City, South Africa. However, our relationships with both the US embassy and MONUC were more problematic. Early on the State Department had requested that they handle communications on our track two efforts with the embassy, and we respected that request. In retrospect, much misunderstanding may have been avoided and the overall peacebuilding effort strengthened if a direct channel of communications between our team and the embassy existed. We may have had more success in persuading the embassy of our position on the need for local peace accords and, more importantly, built up a greater degree of trust between us.

It appeared that MONUC headquarters was taking a similar line to the embassy. Our team had direct contact with the Goma and Bukavu offices of MONUC, but little with the Kinshasa office. This again hampered our efforts. The Life and Peace Institute’s relations with the Bukavu office of MONUC were especially difficult, although I made several interventions with the head of the office and his staff, which met with some success and ultimately a key MONUC officer decided to become actively involved.

Relations with the US embassy in Kinshasa never got on track and this conflict caused the embassy to oppose our mission in eastern DRC. The case illustrates the difficulties that can occur when track two actors try to work closely with track one actors when there is a fundamental disagreement. But it would be wrong to conclude that this case means that track two should distance itself from track one. Rather, our relationships with track one actors were, in sum, helpful for us. Our interlocutors at the State Department and the UN with whom we had most contact also said they found our relationship helpful to them. If anything, the case shows the need for stronger engagement between track one and track two actors, as long as both sides respect each other’s right to disagree in good faith.
Civil society groups and citizen intermediaries were instrumental in bringing the Revolutionary United Front (RUF) to the table and negotiating the 1999 Lomé Agreement that formed the basis for peace in Sierra Leone. These efforts complemented track one negotiations between the RUF and the Government of Sierra Leone (GoSL), which were organized by the Economic Community of West African States (ECOWAS) and the United Nations and hosted by the Togolese government. Both the track one process – the formal political negotiations concentrating on power-sharing and full amnesty – and the track two efforts, which encouraged both parties to stay engaged during the difficult times, were important in reaching the final agreement. Just as the women’s movement had stimulated action for the Abidjan Accord between the RUF and the new government of President Kabbah in 1996, the Civil Society Movement (CSM) and the Inter-Religious Council of Sierra Leone (IRCSL) galvanized a groundswell of public opinion in favour of a peaceful settlement. During the Lomé talks, the IRCSL and the CSM facilitated interaction and discussion by drawing on informal relationships, leveraging extended networks and creating an atmosphere conducive to engaging the armed parties. Their efforts remain integral to the sustainability of the peace process in Sierra Leone.

Civil society actors during conflict
Civil society responses to the war that began in 1991 developed slowly, beginning with local community efforts to protect themselves and promote human security. The formal civil society organizations did not begin mobilizing to promote peace until the RUF approached and threatened the main urban centres. By the time of the first peace process that led to the Abidjan Accord, civil society actors were very active, wresting the initiative for settlement away from the warring parties and placing it squarely in the public forum and forcing the warring parties to the table. However, the Abidjan Accord soon broke down and...
RUF leader Foday Sankoh was arrested and detained in Nigeria. On 25 May 1997 some parts of the military took advantage of the situation in a coup d’état under the auspices of the Armed Forces Revolutionary Council (AFRC). The AFRC invited the RUF to Freetown to share power and a volatile coalition junta was formed, fully aware that it lacked the support of the international community and of the majority of the populace. In response to the occupation of Freetown, the CSM organized consultative meetings around the country and urged a virtual labour boycott, rendering the then AFRC-RUF government quite toothless.

In the coming months, civil society actors kept up their action, despite a dismal series of failed peace initiatives, broken ceasefires and coups. Nigerian-led ECOWAS Monitoring and Observation Group (ECOMOG) troops forced the AFRC-RUF out of Freetown in April 1998. The joint dissident forces again attacked Freetown in January 1999 and were eventually driven back by ECOMOG troops. Galvanized by the sheer scale of the human tragedy of these events, the CSM initiated and convened meetings in Freetown with the reinstated Kabbah government to try to find a coordinated approach to engaging the AFRC-RUF and pursuing a peaceful settlement. The IRCSL, which was formed in 1997 to encourage dialogue for peace, initiated similar activities shortly afterwards.

The RUF’s retreat into the bush made communication with them very difficult. Further, in a highly polarized society suspicious of anyone making overtures to the RUF, both organizations walked a fine line between pursuing peace while trying not to be maligned as ‘collaborators’. Meanwhile, the gulf between the GoSL and the RUF widened with Sankoh’s extradition from Nigeria and trial for treason. Through the ongoing civil society consultations, CSM and IRCSL indirectly ensured Sankoh’s release from prison in Sierra Leone to the Ivorian authorities to allow his participation in talks. The two civil society groups acquired huge legitimacy with the RUF as they had moved the government to dialogue and ultimately the Lomé peace talks. President Kabbah later said of the IRCSL, “They did a great job … they went into the bush and sat on the ground with rebel forces,” while Kadi Sesay of the Human Rights Commission said, “The IRCSL made it possible for rebels to talk with the government.”
While the RUF was aware that CSM and IRCSL were working with both sides, advising the government on the RUF position as well as encouraging the RUF to find mutually acceptable solutions, they appreciated the groups’ legitimacy derived from the public consultative processes they had conducted over the years. The RUF had confidence that, although the CSM was not neutral or even non-partisan as they lived in ‘government territory’ and worked with government, they were basically representing the interests of all Sierra Leoneans – unlike the GoSL that they felt represented narrow, elitist political interests.

The Lomé talks
In preparation for the Lomé peace talks scheduled for July 1999, the AFRC-RUF War Council developed their working document outlining their positions. The RUF consulted with Sankoh (under house arrest in Abidjan) to finalize their working draft and make amendments. They then submitted their paper to the official mediator, Omrie Golley, a civilian intermediary who had long been involved with the RUF, to represent their interests at the talks. Fourteen people took part in the Lomé peace process on behalf of the AFRC-RUF, with RUF Adjutant General Rashid Sandi as one of the younger members.

Track one roles
President Gnassingbe Eyadema and the Togolese government hosted and facilitated the Lomé talks, with Foreign Affairs Minister Joseph Kokou Koffigoh as chief mediator. They invited the RUF to the meeting and coordinated with the UN to transfer them from Vahun in Liberia via Monrovia to Lomé, where their security was assured. The RUF felt comfortable with the neutrality of the Togolese government who had shown no signs of favouring one group. There was no discrimination between the sides right down to the details of food and lodging.

On the first day of the talks to launch the peace process, the ECOWAS Committee of Seven (comprising senior ministers from west African countries) officially declared the process open. The extent of their involvement was to speak to all the parties politely and encourage everyone to reach an agreement. After the launch, only Ivorian Minister of Foreign Affairs Amara Essay, the UN Special Representative of the Secretary General Francis Okelo and US, UK and Commonwealth Representatives were involved in the talks process.

President Eyadema helped facilitate the negotiation process by engaging both parties in substantive discussions about their demands and proposals before the peace talks officially opened. He helped them develop platforms that were appropriate and would generate productive dialogue, finding access points that would eventually lead to agreement. He also regularly invited both the RUF and GoSL delegations to his house (separately) during the peace talks to further encourage the process.

In an additional move to support the talks and facilitate engagement, the Togolese government provided five star hotel accommodation, transportation, food and even ‘pocket money’ to the RUF. While the RUF delegates were very excited about these benefits, and many had never experienced similar conditions, the benefits were not the primary incentive to stay involved. The delegates were committed to the process in its own right, and the benefits provided added recognition of their participation.

Track two roles
The IRCSL and the CSM were encouraged to come to Lomé by the GoSL and their international partners. The civil society groups did not receive governmental funding to attend, although some benefited from financial support from foreign NGOs. Their representatives sat as observers on each of the committees and took part in the plenary sessions, but were not included in the caucuses or smaller group work. The official talks drove the bargaining process and the eventual agreement; the track two players complemented the track one diplomacy by helping maintain the momentum, mediating the issues and easing competition and negativity between the actors as discussions became tense. Okelo admitted that he, “needed to use the IRCSL members constantly in dealing with the RUF and the government,” while US Ambassador to Sierra Leone Joseph Melrose reported that, “when things looked bad in negotiations, they kept the dialogue going”.

During the talks, the civil society actors pressured both sides to make concessions and reach agreement. While the RUF were aware that CSM and IRCSL were mainly ‘for’ the government, they had respect for their point of view and listened to the interlocutors they sent. For example, the RUF’s proposal included a provision for quality education, an idea scoffed at by the GoSL representative given the government’s financial resources. The civil society delegate Alpha Timbo pressured the government to include the provision in the agreement, saying that it was an appropriate goal for a country and a positive, productive contribution by the RUF. The RUF were pleased with this process and it raised their confidence in engaging with civil society actors.
According to the RUF, the IRCSL and CSM were most effective outside the general meetings. The CSM delegates were staying with their colleagues (teachers) and had to travel some distance to the talks every day. The RUF admired their commitment despite the fact that they were not receiving any substantial material support to play this role. The civil actors used their informal networks and connections to engage RUF delegates and appeal to them to commit to the process and pursue a meaningful peace. They started with Rashid Sandi, who was the youngest delegate at the talks, approaching him through schoolmates and other CSM interlocutors of a similar age group to the RUF who had connections with them through schools and family ties. As they made inroads in discussion with him, they were able to expand their conversations and relationships with other members of the AFRC-RUF delegation. The delegates were initially suspicious, but through connections with extended family members and other relationships they gradually warmed to the civil society representatives and were inspired by their commitment to finding a peaceful resolution to the conflict. CSM interlocutors joined the RUF socially after the talks each day, eating with them and discussing and analysing the progress and outcomes from the day. As this was their first personal contact together, the RUF group also had the opportunity to show themselves as straightforward people who could be talked to, and both found they could listen to each other and this generated a sense of hope. The civil society actors basically showed confidence in the RUF negotiating group. This role may have been especially important because of the disparity between the negotiating teams evident in the obvious age differential on either side of the table: the government represented by politically seasoned senior ministers and the RUF represented by young, battle-hardened RUF members with a few elder political types.

The practical hospitality shown by the Togolese to the negotiating parties did not extend to the civil society participants who had to rely on their own resources for accommodation, transport, etc. Their effectiveness was somewhat constrained: had they lodged in the same location as the delegates it is possible that they could have continued their individual meetings and lobbying efforts after hours and exerted further influence over the process.

**Lessons learned**

It is not the purpose of this paper to put a gloss on the Lomé Agreement, which had many design and implementation problems, but the role of track two actors suggests several general lessons that could be learned from the perspective of the RUF in the Lomé process.

Track two efforts should start early – long before formal peace talks are organized – to create the environment and linkages that can be used to foster dialogue between the groups. The CSM and IRCSL initiated dialogue about the war and how it should be handled in the public forum without an overt political or partisan agenda – wresting the initiative from an overly sensitive government and depoliticizing the issue. This initiative created an opportunity for the RUF that had not previously existed.

The involvement of track two players is essential in moving processes forward, but it is important that individuals and groups chosen be completely different from the track one actors. They should not be co-opted by government; rather they should be acknowledged as legitimate actors who are non-partisan and have a committed social agenda, as they were in Sierra Leone at this time. Their presence serves to broaden the agenda and supports addressing some of the root cause issues of the war.

Related to this, diverse track two actors should be utilized and should be identified with the interests and concerns of the armed groups in mind. In this case, the RUF were young people who were engaged effectively through their age group and schoolmates.

Finally, like track one, track two diplomacy needs support. This support should be channelled separately from that of track one so that it appears and can be perceived as independent. This recognition lends status to their role and bolsters the track two actors’ authority to speak with the armed groups. Civil society contributions are central to the sustainability of a peace process, which is directly linked to how well a political agreement can be translated into a social agreement that is embraced by the nation.
Engaging armed groups
the challenge of asymmetries

Liz Philipson

Power asymmetry and analysis
Asymmetric conflicts are notoriously intractable and pose analytical and practical problems for the conflict parties and mediators. ‘Asymmetry’ in conflict literature is often reduced to ‘imbalance’, rather than being understood in its more normal, and more useful, sense of ‘not symmetrical – different’. Conflict asymmetry is a more complex conception than a simple matter of power imbalance based on conventional conceptions of power, which are heavily reliant on military and economic criteria.

A broader conception of power resources would include: ‘soft’ and ‘hard’ political power; the commitment of constituencies, combatants and politicians; communication and bilateral relationships; and the political will to apply resources to war and peace. The relative symmetries of overt structural power are more easily determined than the power of hidden informal relationships. Yet the failure to account for the latter will weaken an analysis of the opportunities for effective engagement in peace processes. For example, in Sri Lanka, the military and economic stalemate helped to deliver a ceasefire but has so far proved insufficient to deliver an agreed settlement between the parties. To comprehend this lack of progress and move forward the more complex underlying asymmetries must be understood.

Asymmetry will manifest itself differently and dynamically in each conflict, and determining factors will include historical and geographical issues and the impact of third parties. Analysis and understanding of the shifting relations and conflict issues are critical for any peacemaker, and the failure of analysis at the ground level can seriously undermine attempts to encourage pacific engagement. Poor analyses include those that lack historical perspective – such as in Israel-Palestine where the use of the latest failed settlement rather than original conflict issues as a starting point for negotiations has continually undermined progress.
In asymmetrical conditions a failure to develop a strategy tailored from a strong analysis of the asymmetry risks institutionalizing inequalities and prolonging the conflict through a continuation of actual and perceived injustice.

Asymmetry and peacemaking in a state-centric system

Globalization has resulted in more intervention in internal conflicts from the international level where systemic state bias can prove an obstacle to the productive engagement of non-state actors in conflict resolution efforts. For example:

- Legitimacy is more readily accorded to state actors by other state actors,
- State actors tend to be more familiar with diplomatic norms and the rules of the system, and
- In the current anti-terrorist age, international proscription, or threats of international proscription, may be used against armed groups by state actors.

Granting legitimacy

An armed non-state actor wishing to enter negotiations on the basis of parity with a state faces huge obstacles to achieving the legitimacy of a place at the table. Max Weber defined the state by its monopoly over the legitimate use of force. Thus states by their nature will assume that a non-state actor using force is doing so illegitimately. Almost all negotiations in recent years have involved foreign governments in a variety of roles and a state actor will likely have established relationships with other governments, even governments of ‘weak’ and ‘fragile’ states, whereas this is less likely for a non-state actor. However, if an armed group succeeds in becoming a government, all the relationships and benefits of statehood are conferred upon it, as recently observed in the Democratic Republic of Congo.

Another form of legitimacy comes with the assumed compliance with the rule of law and human rights of state actors as opposed to armed groups. Ideally, the objective of negotiations should be to move the parties from violence to pacific politics and bring the armed non-state actor into the political mainstream and under the rule of law. There tends to be an assumption that governments are already compliant with the rule of law and human rights – at least compared with rebel groups. This assumption can distort dynamics if the reverse is true in the experience of the population, but the negotiations proceed on the basis of assumed government compliance with assumed regular rebel abuse as a norm. While there may be advantages in being a state actor in a peace process that takes place in the state system, third-party governments do not necessarily side with the state party if there is some overriding national interest at stake, such as the case of US support for the Contras in Nicaragua.

Diplomatic norms and international rules

Once armed groups enter negotiations they are entering an arena in which diplomacy and international norms largely dictate both the formal and the informal rules of behaviour – rules with which they may initially have little or no familiarity. By contrast most states, which are operating daily in this sphere and with these rules, are more familiar and comfortable with the diplomatic setting and international norms. Furthermore, states are often more experienced at how the international system works and how to navigate it. For example, the competition between the international actors in response to the 2004 Darfur crisis was difficult for both mediators and armed groups to work with and, for a time, the conflicts between foreign governments were detrimental to both relief and peacemaking.
Peacemaking in the shadow of the ‘war on terror’

When foreign governments decide to focus on bringing peace, they can have a powerful, positive influence. However, the current international climate is reducing the political space for peaceful engagement and placing obstacles in the way of peacemakers seeking to engage with armed non-state groups.

Anti-terrorist measures began to receive more attention at the international level during the late 1990s and the discussions were given great impetus by the attack on the United States in 2001. Both the International Convention for the Suppression of Terrorist Bombings (1997) and the International Convention for the Suppression of the Financing of Terrorism (1999) require signatories to enact domestic legislation to exercise control relating to these aspects of terrorism within their jurisdiction. This has resulted in many governments, such as the UK, and intergovernmental organizations, such as the EU and UN, developing lists of organizations designated as terrorist.

The atmosphere of fear and exclusion giving rise to much of the anti-terrorist rhetoric deepens asymmetries. The former Mayor of New York Rudolf Giuliani’s declaration on terrorism shows this tendency towards polarization: “Those who practise terrorism lose any right to have their cause understood. We’re right, they’re wrong. It’s as simple as that” (reported on the BBC). This blanket attitude is reflected in much anti-terrorist legislation, despite the fact that it covers a wide spectrum of groups with widely differing objectives and methodology.

Listing an organization as ‘terrorist’ potentially lengthens the path to non-violent politics for that group as negative perceptions of the group are encouraged, and the group’s own perceptions about whether they can or should have a place in non-violent politics may also be negatively affected. In Nepal, the US has listed the Communist Party of Nepal (Maoist) and there has been pressure for other countries to do so to freeze their assets. In the absence of any external assets this has little practical purpose and serves only as a political label. In Nepal the effect of this threat least weight to those in both the Royal Nepal Army and the Maoists who were in favour of continuing war, rather than entering negotiation. It was taken as a signal that the international community would support a policy of isolating and defeating the Maoists.

In Sri Lanka during 2003, two international conferences added to the negative dynamics which led to the deadlock of the peace process. A conference held in Washington to discuss development aid and reconstruction, which the Liberation Tigers of Tamil Eelam (LTTE) could not attend because of domestic terrorist legislation, emphasized the asymmetrical disadvantages for the LTTE at the international level. This was followed by a conference in Tokyo also discussing development money. The LTTE refused to attend the later conference as the process had almost reached stagnation and began to talk about ‘over-internationalization’ of the conflict. Both of these conferences were as much to do with the international aspirations of the host nations as the peace process in Sri Lanka.

The discourse of terrorism has allowed a number of governments to cast their opponents as terrorists whose cause is disconnected from any legitimate political grievance – the intention and effect of which is to decrease any international understanding and deepen isolation of the group both domestically and politically – hence entrenching asymmetries. In Aceh during May 2003, the Indonesian government launched a brutal military offensive against the Free Aceh Movement (GAM) “terrorists” which replicated many of the tactics of the war against Iraq and was responsible for the death and injury of many Achenese civilians.

Terrorist listings are often problematical for peacemakers as well as the groups they are designed to regulate. Peacemakers working directly with listed groups risk being labelled terrorist sympathizers. Peacemakers are also in danger of operating outside the law if they meet representatives of a listed group in certain circumstances, even if it is to advocate peace or mediate. This is not the intention of the legislation but legal advice has confirmed that is its effect in some cases. Furthermore, funding of undertakings that are focused on training, or other pacific activities solely directed at a listed group, may also be illegal. This is not to deny the problem of ‘asymmetrical warfare’ for the international community, nor the need to bring perpetrators to justice. But the current legislation is not smart or nuanced and listing and de-listing can send unintended and non-constructive messages. The legislation generally inhibits measures designed to bring ‘terrorists’ back into the mainstream and fails to recognize the nature of asymmetry.

Taking a group off a terrorist list can also pose problems. For example, many people in the peace movement who opposed the listing of the LTTE by numerous countries – especially the USA (1997) and UK (2000) – are currently reluctant about giving them the very positive signal of de-listing despite the three-year ceasefire. This is due to the LTTE’s ongoing assassinations of many Tamil political opponents.
Asymmetries that arise between the parties in conflict

The following section explores some of the different dimensions of asymmetry between armed groups and state actors engaged in peace processes. Most are dynamic, changing over time, and contain within them opportunities as well as risks for the resolution of violent conflict. The stereotype of armed non-state actors arriving at negotiations ill-prepared with cordite on their fingers to face a government side honed in their diplomatic skills is misleading because asymmetry is more complex than that.

Adaptability, learning and accountability

As the parties to the conflict move through different conflict stages, they learn more about handling conflict and become more knowledgeable. However, armed groups are generally less constrained than states by rule-bound bureaucracies or the need to gain support for their actions through national democratic machinery. These characteristics can inhibit states’ adaptability and their learning processes, and change the nature of imbalance between the parties. There are several examples of governments, at the first rounds of negotiation, assuming that there would be a return to the status quo ante (Sri Lanka 1985, Nepal 2001) and failing to demonstrate any flexibility in negotiations. Equally, in 1985 when the LTTE joined the negotiations with the Sri Lankan government, they were uninterested and possibly incapable of delivering a settlement. Twenty years of war and four sets of negotiations have matured the organization in some respects and, despite the difficulties of the current Sri Lankan peace process, they have proved to be a capable negotiating partner.

Often free from internal democratic accountability, leaders of armed groups may be able to demonstrate more flexibility in their decision-making, and with fewer chances for leadership changes, more long-term consistency as well. In Sri Lanka, there have been two changes of government since the Norwegian mediation began and there was also a very short lull in mediation during a Norwegian election campaign. By contrast, the LTTE leadership has remained unchanged at the top level, though there has been some strain and changes among second level leaders.

The differing nature of agendas

Moderating between differing issues on the agendas of conflict parties is in itself problematic. A government will have a programme which covers all aspects of governing a state at the national, local and international levels, whereas an armed group is likely to be more able to focus directly on the conflict issues without the distractions of wider issues. So the differing and perhaps more spasmodic attention to the details of negotiation can cause frustration between the parties. Differing timeframes can also pose significant challenges for the mediator. Governments’ timeframes may be the next election, or perhaps the next donor conference, and armed groups may be committed to long-term societal change or simply the next meal.

Security and self-confidence

Governments can be confident that they will continue to have the right to ‘legitimate force’ and are usually secure in their legality. Armed groups have won their place at the negotiations table through armed struggle and violence. They need to find a new basis for their self-confidence and legitimacy – other than intimidation of their constituents or mobilization against the enemy – however confident they are of their constituency and position. The search for formal domestic political legitimation whilst maintaining military prowess is a contradiction that all armed groups find difficult and that is fraught with dangers of misinterpretation by other actors.

Premature calls for the decommissioning of weapons can exacerbate this dilemma. No organization which has won its place at the negotiation table through arms can afford to put arms out of use until they have a secure agreement being implemented and the safety of their members is guaranteed. This vulnerability is often exploited politically by conflict opponents.

Reflections on the challenges for mediation

The nature of the different experiences of state and non-state actors means that they need different sorts of mediation support and assistance. Providing that differing assistance lays a mediator open to the charge of partiality. Furthermore, the ethical code embraced by most independent negotiators requires strict impartiality, though states may be more interest-based. Recommended methods of dealing with strong asymmetry do require the mediator to give unbalanced assistance directly or persuade other experts to work directly with the weaker party – government or non-government. In the current international climate, intermediaries need to maintain this space to address asymmetries constructively. Governments and international organizations need to ensure that their efforts to promote security do not compound the asymmetries that make internal armed conflicts difficult to resolve.
Facilitating dialogue with armed insurgents in the Philippines

Rene V. Sarmiento

Peace negotiations between the Government of the Republic of the Philippines (GRP) and communist insurgents would be even more difficult than they are if not for a facilitating mechanism called the Joint Agreement on Safety and Immunity Guarantees (JASIG). The JASIG was adopted by the two parties to promote peace negotiations, create an atmosphere conducive to free discussion and free movement during negotiations, and avert any incident that may jeopardize them.

Historical background

The longest running communist insurgency in Asia is the one being waged by the National Democratic Front of the Philippines (NDFP), which was founded in 1973. The NDFP is an alliance of seventeen organizations led by the Communist Party of the Philippines (CPP) and its armed wing, the New People’s Army (NPA). The NDFP has been fighting what it calls a “people’s democratic war” against the GRP for more than three decades.

Peace talks between the GRP and the NDFP started in 1986 during the administration of President Corazon C. Aquino. A discreet meeting in May between the GRP and the CPP/NPA/NDF and the appointment of panel members from both sides set the peace process in motion. In November, after four months of contentious discussions, the panels signed a Memorandum of Agreement for a Preliminary Ceasefire (60 days), which started on 10 December. Thereafter, a National Ceasefire Committee was formed to oversee implementation. However, progress was slow as the two sides differed on the framework and agenda for peace talks, and negotiations ended abruptly on 22 January 1987 when peasant demonstrators were killed – allegedly by presidential security forces – in a rally held in Mendiola Bridge near Malacañang Palace. No substantive issue had been discussed and there were no commitments on future talks. Armed hostilities resumed shortly afterwards. The breakdown of the
peace talks and the experience of putting a ceasefire ahead of formal talks had taught the CPP/NPA/NDF that the proper place for a nationwide ceasefire agreement is toward the end of the talks after the signing of the substantive agreements.

When President Fidel V. Ramos succeeded President Aquino in 1992, he stressed that the advancement of peace would be among his priorities because, “without political stability, social reform and economic progress could not move forward.” Within his first two months of office, he issued Amnesty Proclamations 10 and 10-A, endorsed the de-criminalization of the CPP through the repeal of Republic Act No. 1700 (the Anti-Subversion Law), created a committee to review alleged political offenders’ cases and dispatched a special mission led by Congressman Jose V. Yap to the Netherlands, where the CPP/NPA/NDF leadership is based, to explore their openness to peace talks.

Difficult exploratory talks
The participation of CPP/NPA/NDF in formal peace talks with the GRP from June 1995 onwards did not come about instantaneously, nor did it come in neat stages. Their participation was the fruit of difficult and tortuous preliminary and exploratory talks covering a period of more than two years. Both parties agreed on the Netherlands as the venue, with the CPP/NPA/NDF expressing its preference for talks held in a neutral venue on the grounds of its safety. Moreover, the CPP/NPA/NDF claimed that third-party facilitation by a foreign government raised the level of seriousness of the GRP-NDFP negotiations. The Dutch government facilitated the peace talks from 1992 to 2001.

Out of four rounds of exploratory talks came the Hague Joint Declaration of 1 September 1992 (an agreement to hold formal peace negotiations to resolve armed conflict) and a number of procedural agreements including the JASIG that paved the way for formal peace talks. Chairman of the NDFP Panel Luis Jalandoni calls the JASIG, “the most important document after the Hague Joint Declaration of 1992 … because aside from providing safety and immunity guarantees for all participants in the GRP-NDFP negotiations, it vividly expresses the equal terms under which the GRP and the NDF enter into peace negotiations.” NDFP Political Consultant Jose Ma. Sison considers the JASIG as, “formulated in accordance with the framework of mutually acceptable principles and no capitulation” provided in the Hague Declaration.

JASIG – the toughest to negotiate
Of the three agreements signed by the two panels during the exploratory talks, the JASIG was the toughest to negotiate because of the contentious issues of political authority and belligerency. The NDFP, claiming equal status with the GRP in the peace
negotiations, asserted that it was a nationwide alliance of patriotic and progressive forces in control of considerable portions of the Philippine population and territory, carrying out a national democratic revolution with political organs and a well-disciplined People’s Army. It argued that the armed conflict between the GRP and the NDFP was a civil war between the belligerent forces and not a mere insurgency. The GRP, on the other hand, referred to the NDFP as an insurgent force criminally liable for rebellion under the Revised Penal Code. The GRP upheld its sovereignty over the whole country, denying NDFP control or influence over any portion of the Philippine territory.

Thus, the negotiations on JASIG were shot through with difficulties. The initial peace talks at De Bilt, scheduled for 10-14 October 1994, were a big letdown. They collapsed on the first day because the NDFP asserted full equality with the GRP. Through its proposal to grant safety and immunity guarantees to the members and personnel of the GRP Peace Panel, the NDFP had asked the GRP to accept the premise of two sovereignties, two constitutions, two systems of law and two armies existing in Philippine territory. The NDFP demanded nothing less than the authority to issue GRP negotiators and personnel safe conduct passes which would require the GRP to accept the NDFP’s sovereignty over Philippine territory. The GRP Panel did not accept this untenable position and contended that the constitution recognizes only one sovereign, the Filipino people, united under the banner of the Republic. It further pointed out that the NDFP sought to obtain through the negotiating table what it could not achieve through force of arms, seeking only an agreement confirming its status of belligerency, poisoning the peace talks by not approaching them as a forum for compromise. In his final statement, however, Chairman of the GRP Peace Panel Ambassador Howard Dee vowed, “to keep all channels open for the resumption of talks in the future” and invited the NDFP, “to join the people … in the pursuit of social reform which should usher in an era of social justice, of equality, human dignity, plurality and rule of law”.

Amid all the difficulties in the negotiation of the JASIG, the GRP persisted in pursuing the peace talks because it was morally right to do so and because President Ramos wisely wanted a peaceful climate that would be attractive to investors, one of the main tracks of his administration’s centrepiece programme, ‘Philippines 2000’.

Indeed, the two panels kept open all the channels of communication and negotiated JASIG by phone and fax to and from the Netherlands and by internal consultations over the next three and a half months. After the exchange of seventeen drafts and counter-drafts with corresponding corrections and revisions – and much creative language engineering to protect GRP sovereignty and territorial integrity while respecting NDF’s organizational dignity – agreement on the final JASIG draft was reached on 24 February 1995 at Nieuwegein. The mutual acceptability of the JASIG was made possible by employing neutral language that made no explicit reference either to the GRP as the guarantor of safety and immunity or to the NDFP as the beneficiary of guarantees, and no specific reference as to which party would avail of the safety and immunity guarantees or which party would recognize the documents of identification as safe conduct passes. Some of these features are demonstrated in the following excerpts:

1. Each party has the inherent right to issue documents of identification to its negotiators, consultats, staffers, security and other personnel and such documents shall be duly recognized as safe conduct passes as provided in this Joint Agreement (I, para. 2);

2. The GRP and the NDFP shall agree through their respective panel chairmen on the number of documents of identification each party will issue based on the different categories of functions which the parties will designate from time to time (I, para. 3);

3. In addition to or in lieu of the aforesaid documents of identification, the party concerned may request the other to issue safe conduct passes to the holders of such documents of identification or to other persons involved in the peace negotiation as provided in this Joint Agreement (I, para. 3).

Such avoidance of the problem of competing claims of sovereignty has certainly contributed to the protraction of the peace negotiations. It has not, however, scuttled the process. The process has continued and has even resulted in one substantive agreement, the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) in 1998. The use of neutral language can continue until the discussion on the third substantive agenda, Political and Constitutional Reforms, when the period of ‘dribbling the ball’ or ‘suspension of disbelief’ has to stop and the issue of political authority be resolved once and for all.

The meaning of safety and immunity guarantees
Under the JASIG, duly accredited persons in possession of documents of identification or safe conduct passes are guaranteed free and unhindered passage in all areas in the Philippines, and in travelling to and from
the Philippines in connection with the performance of their duties in the peace negotiations. All accredited persons are provided with immunity from surveillance, harassment, search, arrest, detention, prosecution and interrogations or any other similar punitive actions due to any involvement or participation in the peace negotiations. The immunity guarantees cover all acts and utterances made in the course of the peace negotiations and likewise cover all materials, information and data submitted to or produced pursuant to these peace negotiations.

Such mechanisms to facilitate the peace negotiations between the GRP and the NDFP are acceptable to the GRP because they help create and sustain an environment conducive to peace talks. With peace talks made possible through the JASIG, political stability in the Philippines is enhanced and the GRP's peaceful approach towards local insurgency is made known to the global community. The peace talks have even drawn the Royal Norwegian Government, known for its peacemaking efforts in many parts of the world, into a facilitation role, thereby increasing the legitimacy of the GRP's efforts in peace talks. The JASIG has also allowed the GRP a window of opportunity to better understand the logic and dynamics of the NDFP and to better know its leaders and supporters.

To express their mutual satisfaction in successfully completing the JASIG, the two panels issued a Joint Statement describing the JASIG as highly significant because it paved the way for the resumption of the exploratory talks and provided for the opening of formal talks on 1 June 1995 in Brussels, Belgium.

Chairman Luis Jalandoni stated that by working for and signing the JASIG, the NDFP showed its seriousness in dialoguing with the GRP. After the signing of the JASIG on 24 February 1995 the two panels engaged in formal and informal peace negotiations resulting in the completion of five more agreements. These include the CARHRIHL, though it remains only partially implemented because the sides have yet to agree on the contentious and nagging issue of political authority vis-à-vis arrest, prosecution, trial and punishment of human rights violators and offenders.

**Assessment of the JASIG**

Although the JASIG has helped paved the way for the holding of informal and formal peace negotiations and the entry of the Royal Norwegian Government as third-party facilitator, its has not contributed immensely to pushing the peace negotiations forwards. Of the four substantive agreements to be completed and signed under the Hague Joint Declaration, the CARHRIHL is the only substantive agreement signed so far. Despite the JASIG, peace negotiations remain tumultuous – a tumult spanning twelve long years and three presidencies.

Like the peace negotiations, the JASIG has not been spared from issues and controversies, and it has been terminated and reinstated several times. On 1 August 1995 the GRP called for a suspension of the talks and the termination of JASIG due to the NDFP's unreasonable demand to bring their imprisoned Political Consultant Sotero Llamas to Brussels before they would attend the first substantive session (he was subsequently released pursuant to the agreement called Joint Efforts to Seek Release of Sotero Llamas in Accordance with Judicial Processes). In February 1999 the GRP called for an indefinite suspension of the talks and the JASIG due to the abduction of police and armed forces officials. In June the same year the GRP issued notice of the termination of the JASIG in response to the NDFP's termination of peace talks in May.

While there are those who claim that the JASIG has allowed the NDFP greater movement for propaganda and recruitment and to intensify its other activities, this claim has not affected the GRP's commitment to the JASIG and its belief that peace through talks is imperative to economic growth and investment. While undertaking legitimate military action, the GRP is committed to the just completion of the peace process, which is item 9 of President Gloria Macapagal-Arroyo's Ten-Point Legacy Agenda. The GRP continues to vigorously pursue the Six Paths To Peace espoused under Executive Order No. 3, Defining Policy and Administrative Structure for Government's Comprehensive Peace Efforts (2001).

**Conclusion**

The resolve and intensity demonstrated by the two Panels in reaching agreement on the JASIG are worth telling and retelling. Indeed, a revival of the same spirit in the negotiation of the three remaining substantive agreements (on social and political reforms, political and constitutional reforms and the end of hostilities and disposition of forces) is vital for a political settlement in the Philippines. Enough of brother fighting against brother, sister against sister!
In search of respect at the table
Hamas ceasefires 2001–03

Alastair Crooke

“Negotiating without resistance leads to surrender. But negotiating with resistance leads to real peace… the world understood that the Vietnamese resistance had to continue whilst the Vietnamese were negotiating with the American Administration in Paris.”
Khaled Meshal, Head of the Political Committee of Hamas, interview on BBC Newsnight, 13 December 2004.

Islam and Arab custom have a long history of conflict resolution through ceasefire and truce as a step toward peace. All of the traditional Islamic and tribal methods begin alike – with talking. Unless one of the parties is simply suing for peace in the wake of overwhelming defeat, all Islamist factions subscribe to the wisdom that a ‘just’ outcome – that is, one that has legitimacy and therefore may endure – can only be achieved when both parties to a conflict arrive at the table treating the other as an adversary worthy of respect.

This search for ‘justness’ within conflict resolution in the Palestinian context is not confined to the Islamist groups such as Hamas and Jihad; but the more secular movements such as Fateh or the Popular Front for the Liberation of Palestine (PFLP), although alive to such traditions, tend to an approach that leans more towards engaging a third party and international public opinion as the counterweight to a lack of symmetry. For Islamist movements, third parties can play some compensating role, but this can never fully act as a corrective to a situation in which one of the parties to a negotiation perceives itself treated with disdain or a without the respect owing to a worthy adversary.

In some respects this view reflects Senator George Mitchell’s ‘first rule’ of conflict resolution: unless each party to a dispute acknowledges and accepts that the ‘Other’ has an argument for their side to advance, there can be no resolution. Armed Islamist groups in the Palestinian arena have been engaged in not only asserting that there is a valid Palestinian ‘case’, but also in attempting to achieve Israeli ‘respect’ through resistance. Islamist groups’ effort to find this grudging esteem and some parity has been adversely affected both by the dehumanization and de-legitimization of the cause of both parties by the other as a result of...
violence, and by proscription in the international arena. Of course Hamas and the other Islamist factions understand that there will never be parity in terms of military power, but at the same time they have the example of Hizbollah, which is perceived in Lebanon and Syria as having achieved a ‘parity of deterrence or fear’ with Israel. The perception is that Israel has absolute air superiority and greater firepower, but understands Hizbollah possesses the rockets and weaponry in south Lebanon to drive the north of Israel into the air raid shelters were it to choose to retaliate. In short, parity is not conceived as absolute. Palestinian groups such as Hamas understand that Hizbollah’s successful resistance in south Lebanon has caused Israel’s military to treat Hizbollah with caution, as a respected foe. Israeli armed forces do not take action against Hizbollah lightly. Hamas has sought to emulate the respect in which Hizbollah is held by Israel. The Islamist movements understand that there cannot not be parity in each compartment such as weaponry, air power and so on; but, provided that there is some perceived ‘parity’ of esteem between parties to the conflict, then and only then is there the prospect of achieving a ‘just’ and durable outcome.

Ceasefires 2001-03

The principal object of the various ceasefires mounted by the various Palestinian factions from 2001 until 2003 was essentially to test Israeli readiness to engage in a serious political process that would lead to a Palestinian state on the basis of the 1967 borders. Unilateral attempts at military de-escalation had not been attempted earlier as the outset of Oslo period had been characterized by Fateh attempting to capitalize on its monopoly of power and control of security. Oslo effectively licensed the transformation of the militia of a single faction (Fateh) into the official organs of the Palestinian National Authority police and national security in order to control and ultimately destroy its political rivals. Well before the time of the last Intifada, this mandate for Fateh to suppress its rivals had eroded as a result of a shift of public support in the Palestinian Territories towards the Islamists.

There were other considerations that prompted the ceasefire efforts of 2001-03. The civilian population of both communities was periodically experiencing Intifada fatigue and morale dips in response to what has been
called ‘Fourth Generation’ warfare. Fourth Generation warfare really is no more than the modern evolution of insurgency, but has been well summarized as:

...widely dispersed and largely undefined; the distinction between war and peace (becoming) blurred to the vanishing point...nonlinear, possibly to the point of having no definable battlefields or fronts...[and] distinctions between “civilian” and “military” disappearing; actions [occurring] concurrently throughout all participants’ depth, including their society as a cultural, [and] not just a physical, entity. (William S. Lind et al. ‘The changing face of war: into the fourth generation’ Marine Corps Gazette, October 1989).

Fluid asymmetrical insurgency of this type, which was incorporated into some aspects of the second Palestinian Intifada, is aimed at undermining the psychological steadfastness of the opponent. Its deliberately uneven tempo also affords the irregular forces more flexibility to test the political waters without experiencing adverse political consequences from their supporters. A change in an already uneven tempo does not imply concession or defeat.

For the EU and for some within the US Administration, de-escalation of violence was one of Senator Mitchell’s three key linked components towards a resolution of the conflict, which he summarized as “reduce violence, build confidence and begin talking”. In this aspect the Mitchell Report ran concurrently with Islamic norms of conflict resolution. For the Islamists a Hudna (a period during which military activities are suspended in order to allow a peace process to proceed) held a particular attraction because there was no implied return to the status quo ante: that is, in their perception it carried no implied return to the Oslo approach by which Hamas and other groups were to be dismantled or destroyed. It also opened political space vis-à-vis Fateh. Here were Islamists taking their own independent political initiative.

Israel throughout the period of attempted ceasefires remained ambivalent on whether or not to encourage the Hudna until after August 2003, when the Hudna declared on 29 June ended with a bus bomb in Jerusalem and the subsequent targeted killing of Hamas leader Abu-Shanab in Gaza. Israel then pressed for Hamas to be internationally proscribed and isolated. Although proscription by the European Union, a move that divided Europeans, carried little practical import for Hamas in terms of finance or activities, it further isolated and marginalized them from the political process. More seriously from Hamas’ perspective it gave the ‘green light’ to Israel to try to assassinate their leadership.

Before the EU proscription, some Israeli officials and military officers (e.g. Efraim Halevy, a security adviser to the Israeli Prime Minister) had argued the benefit of co-opting Hamas and the Islamists into the political framework, because they had seen the consequences of the Islamists’ exclusion on the efforts of Colin Powell, George Tenet and Anthony Zinni to try to resurrect the earlier security commitments by Fateh at the outset of the Oslo era. They also understood that inclusion of Hamas was necessary to bring an end to conflict.

Other Israeli officials however argued that Hamas was not capable of transformation into a political party by virtue of its nature as an Islamist movement. This hostility to the religious aspect, in contrast to the more secular Fateh, also coloured the attitude of the US and some Europeans. Some secular Europeans too had misgivings about the wisdom of accommodating religious movements. These misgivings persisted despite the evidence of polls which showed that Islamism was no longer optional to the equation, no marginal phenomenon; Hamas was mainstream. Perhaps of greater weight for some Israelis however was the value of harnessing the ‘war on terror’ to portray Israel as engaging in a wider conflict with Islamic extremism rather than a political struggle over disputed territory.

Similar disquiet is also affected the Egyptian mediation efforts. For Egypt, the baggage of their own repression of the Muslim Brotherhood weighed heavily. They were concerned that tacit endorsement and any legitimizing of Palestinian Islamists might be seized on by their own Islamists and exploited. Consequently, their approach was circumscribed by the framework of the domestic political objective of containment of Egyptian Islamism as well as their approach towards Israel and the Palestinians.

The result of this accumulated ambivalence was that the unilateral efforts of four de-escalation initiatives (2 June–9 Aug 2001, 16 December–17 January 2002, 19 September–21 October 2002 and 29 June–19 August 2003) in which Hamas participated provoked no efforts at establishing a framework of reciprocity that was detailed and understood by both parties. Israeli security forces continued to kill Palestinian civilians, make incursions into Palestinian areas and demolish houses during the periods of significant de-escalation by the Palestinians. In the last Hudna in June 2003, the number of civilian Palestinian deaths caused by Israeli military forces did reduce significantly. However arrests of Palestinians rose fourfold, and there were continued targeted killings.
Missed opportunities

Israel’s failure to define or to practice reciprocity was probably the principal trigger of the Islamists’ decision to return to armed operations. Both Egypt and the EU made some efforts to obtain reciprocity, but neither succeeded. Israel for policy reasons remained adamantly opposed to entering any Grapes of Wrath type of reciprocal agreement (an agreement between Israel and the groups in Lebanon that defined the military operational activities of both parties) with the factions. Israel was concerned that such a step could lead to limitations on its freedom of military action and open the door to internationalization of the conflict (in the form of non-US third-party involvement in monitoring or negotiating any elements of any agreement affecting Israel’s relationship with the Palestinians). There were two other principal causes of the truce breakdowns however: the failure to provide any ‘feel-good’ factor to the Palestinian public that could sustain the momentum towards complete ceasefire and the failure of the international community to use these de-escalations to develop any political dynamic.

The failure to develop political dynamic stemmed principally from the refusal of European nations and of the US to acknowledge or accept the breakdown of legitimacy and credibility of the Oslo process. The Mitchell Report had already signalled in 2002 that for both publics involved there was a crisis of confidence in the incremental Oslo approach. This acknowledgement would have required the international community to consider how to recoup that lost credibility of both the Oslo process as well as that of Palestinian institutions themselves.

The external actors were not alone in their difficulties. The second Intifada had so weakened and divided Fateh that it too found it difficult to accommodate Hamas and the other groups politically without calling into question the monopoly of authority and the position of interlocutor granted to them by Oslo. Consistently throughout this period, Fateh failed to discuss the key issues of defining national objectives, the appropriate tools by which to achieve them and the leadership required to pursue them with Hamas and the other factions for fear that it could unravel their special status as the ‘legitimate’ authority. The inability of any Fateh leader to do this was also of course bound up with the evolution of the movement itself. Fateh was having great difficulty in accommodating its own ‘younger’ generations, let alone other factions. Paradoxically, it was Hamas that proved better placed than Fateh to manage negotiations. Throughout the talks in Cairo it was plain that Hamas had a leadership that was sophisticated and operated to a clear mandate.

One obvious way to respond to these challenges was to encourage accommodation within the Palestinian constituency and to emphasize elections as the tool to revalidate and find some Palestinian consensus on means and objectives. Western prejudices against non-secular politics and groups that used violence for political ends however led to hesitations. It required also that external actors be plain in arguing that Palestinian unity was a positive objective not only for Palestinians, but for Israel too. The mindset of Oslo was too ingrained for many to feel comfortable making this case. The West felt more at ease with secular interlocutors and a ‘crack-down’ on ‘rejectionists’. This essentially was the Tenet (Work Plan of 2001) and Zinni (ceasefire proposal of March 2002) response: let us revert to the status quo ante commitments of a process, the breakdown of which was a principal cause of the violence, and only then – once recommitted to that which had failed – can talks begin. It did not work.

There would always be some rejectionists in both camps to any outcome, but if that outcome was validated by the bulk of Palestinians and gained a critical mass of popular support from the public, then there would be some prospect of consolidating progress.

The hostility of the West however, with its ‘war on terror’ rhetoric of demonization and isolation of Islamist groups has left Islamists cynical and radicalized. The proscription and isolation of the Islamists has heightened the sense of asymmetry of the process and the ‘unjustness’ of the West’s perceived bias toward the stronger party – Israel. Europeans and Americans remain vacillating between the pragmatic understanding of the need for inclusiveness and effective reduction in violence; and a fear that to engage fully along this path might muddle the black and white principles of the ‘war on terror’, leaving the West with unravelling policies. But for anyone looking for a durable end to conflict, inclusiveness and legitimacy are two elements for which any amount of top-down Western pressure are unlikely to substitute.
Asymmetries in the peace process

the Liberation Tigers of Tamil Eelam

Visuvanathan Rudrakumaran

As Clausewitz observed, war is politics by other means. Negotiations are a form of politics, but without some real or perceived symmetry of power they will be an exercise in one side imposing its will on the other. Power – i.e. the ability of one party to move the other in an intended direction – is constituted by military resources, economic leverage, international legitimacy, the moral basis of one’s position, mass support, leadership, etc. It includes ‘hard power’ such as military coercion, as well as ‘soft power’, which is defined by Joseph Nye as the ability to achieve one’s intended results through cultural or ideological ‘attraction’. Symmetry can be created between states and non-state entities by military parity, the drain on the state’s economy, persuasion or coercion by large powers, etc. The power to persuade, in large part a soft power, is perhaps the most important power at the negotiating table and can help the negotiating table be a ‘leveller’ in terms of power symmetry.

However, when the parties are competitive to the point of being unable to meet and have discussions, symmetry of power will not yield a negotiated settlement unless the international system in which the negotiation takes place forces the parties to adopt cooperative attitudes towards each other.

It is often argued that a government and non-elected non-state actor cannot be treated equally because the former is ‘democratically elected’. This argument may have merit in some cases, but it is not applicable with respect to national liberation movements fighting for self-determination. In national conflicts, liberation movements represent a ‘people’ who share attributes such as language, culture, a sense of oneness and a territorial relationship. The aggrieved people often neither voted for the ‘democratically elected’ government in power nor owe any allegiance towards it. While liberation movements are not elected through ballots, Judge Amoun of the International Court of Justice observed that, “the struggle undertaken in common, with the risks and even sacrifices it entails… is more decisive than a referendum, being absolutely sincere and authentic”.

Visuvanathan Rudrakumaran is a legal advisor to the LTTE and an Attorney-at-Law in the USA.
Unfortunately, as many scholars have rightly observed, the international climate in which most negotiations take place inherently fosters asymmetrical relations in favour of states, which have presumptive and elite legitimacy, allies (whether genuine or interest-based), membership in international organizations and the resources of a government. The Sri Lankan government’s prevention of the UN Secretary General’s visit to the areas most severely affected by the December 2004 tsunami because they were governed by the Liberation Tigers of Tamil Eelam (LTTE) is one illustration of the asymmetry between states and non-state entities in their relations with international institutions. This article will elaborate on the ways in which the asymmetrical treatment of the LTTE and the Sri Lankan government by the international system has hurt the Sri Lankan peace process.

Negative effects of the state-based system

The impact that international institutions can have on the peaceful resolution of conflicts between states and non-state actors such as armed liberation groups is substantially diminished by this dominant pro-state bias. The state-based composition of international institutions has negative implications for their ability to engage successfully with all the parties in a national conflict. Thus, these international institutions are increasingly becoming less relevant to peacemaking in the contemporary world in which conflict between states and armed entities ‘predominate and proliferate’ to a greater degree than conflicts between states. Both the Report of the Secretary-General’s High-Level Panel on Threats, Challenges and Change and the UN Secretary General’s proposal entitled In Larger Freedom: Towards Development, Security and Human Rights for All failed to address this asymmetry between states and non-state actors.

Since the current international system is an inter-state one, states playing the role of the mediator or facilitator tend to treat the state and non-state entities in an asymmetrical manner. This third-party state is itself a member of the existing inter-state system and thus has a vested interest in preserving it. While there may be exceptions to this general statement, the 1987 Indo-Lanka Accord is a clear example. Besides her geopolitical interest, India treated the Sri Lankan state as an equal and entered into an agreement with her. The LTTE, though a protagonist in the conflict, was not a party to
the Indo-Lanka Accord. Its exclusion resulted in failure to address the Tamil issue satisfactorily and ultimately the failure of India’s peacemaking effort.

Proscription and anti-terrorist legislation
Before the commencement of talks in the current peace process, the LTTE insisted that the Sri Lankan government remove its legal ban against them. Although the proscription of the LTTE did not have any tangible impact on the organization, the LTTE wanted the ban removed because both parties should perceive themselves, and be perceived by others, as equals. The LTTE viewed the de-proscription as a visible sign of power symmetry between the two. The government has historically fought any recognition of equal status vigorously, but taking into consideration the military reality on the ground, its economic capacity and the arguments of the international community, the Sri Lankan government removed the ban before the commencement of talks.

Despite the fact that ban had been removed, the peace process was ongoing and the ceasefire in effect, the US government invited only the Sri Lankan government to attend the Washington donor conference of April 2003 that was meant to address post-conflict resettlement, rehabilitation and development. The LTTE, which was governing 70 per cent of the north east, the area mostly affected by the war, was not invited. The Sri Lankan government characterized this conference as a preparatory seminar for the main Tokyo donor conference in June that year. The LTTE was upset and pointed out that the Sri Lankan government’s attendance in Washington was a breach of the parties’ commitment to seek developmental aid as joint partners. The US government’s rationale for not inviting the LTTE was not that the conference was limited to state representatives, but that the US anti-terrorism statute did not permit LTTE members to enter the US, because of their designation as a foreign terrorist organization. Yet if that were the case, the conference could have been held in a country without such a list.

The whole exercise was viewed by the LTTE as an attempt to destroy the power symmetry between the protagonists and added to growing mistrust between the Sri Lankan state and the LTTE. The LTTE’s exclusion contributed to their dismay at the lack of progress in negotiations and the Sri Lankan government’s failure to implement its obligations under the Memorandum of Understanding signed almost a year before. On 21 April 2003 the LTTE suspended its participation in the talks and decided to boycott the Tokyo conference. The LTTE’s chief negotiator and political strategist Dr. Anton Balasingham observed, “As a non-state actor caught up in the intrigue-ridden network of the international state system, the LTTE was compelled to act to free itself from the overpowering forces of containment.” By failing to engage with non-state entities, third-party states were also lessening their ability to persuade or become fair arbitrators of the conflict.

Anti-terrorism legislation is another example of how artificial and unhelpful asymmetry is created between states and non-state actors pursuing legitimate armed struggles. Anti-terrorism statutes address terrorist acts by foreign non-state actors, but not by state actors. Yet there is no moral or legal reason for state terrorism to be immune from any anti-terrorism statute. The provisions of the Additional Protocol I and II of the Geneva Conventions refer to the “party” to the conflict, not the state in conflict, and thus cover conduct of both state and non-state actors. Thus the rationale for limiting anti-terrorist legislation to non-state actors only is flawed. The unreasonableness of the anti-terrorism statute is demonstrated by the case of Sri Lankan government whose armed actions against the Tamils resulted in the mass murder of Tamils and their burial in mass graves. According to the UN Human Rights Commission, in the period from 1980 to 2000 Sri Lanka was second only to Saddam Hussein’s regime in the number of outstanding cases of disappearances. Yet the officers of the Sri Lankan military establishment were able to come to Hawaii where the US Pacific Command is situated, whereas the LTTE’s political and economic advisors were unable to enter the US as ‘members’ of a ‘foreign terrorist organization’.

As an attorney who was involved in the legal challenges to the designation and/or characterization of the LTTE as a terrorist organization in the USA and in Canada I was privy to the unclassified information in those legal proceedings. I was appalled to see that the designation or characterization was primarily based on intelligence reports from the country in which these groups operate and from reports by academics of one of the protagonist nations claiming to be objective experts. Since the intelligence agencies are part of the conflict with the non-state entities in those countries, it cannot be expected that those agencies will provide unbiased information. However, other states uncritically accept the host government’s demonization of an armed group when it suits their own geopolitical interests, and often possibly for the sake of courtesy. The above illustrates the asymmetry inherent in the international community that influences its legal systems.
Human rights violations and international instruments

It is notable that prosecutors from the newly established International Criminal Court, another multi-lateral initiative, have chosen to begin investigations of abuses by the Ugandan Lord’s Resistance Army but have not yet given indications that they will investigate alleged abuses committed by the Ugandan state in the north. In the Sri Lankan peace process persistent accusations about LTTE’s recruitment of underage children are made, whereas the adverse impact on Tamil children of actions taken by the government in the name of security (such as depriving Tamil fisherman of their livelihood, which contributes to the starvation of Tamil children) is not brought up in international discussions. Another example is the Sri Lankan government’s refusal to withdraw from high security zones in violation of the Memorandum of Understanding. This is a clear violation of humanitarian laws which only recognize the right to a military occupation of civilian properties for an “imperative need”. Humanitarian laws do not accept forced occupation of civilian lands and homes for the sake of maintaining the balance of military power. Given the three-year ceasefire and the peace process, the occupation of civilian land by the military in the northeast is contrary to humanitarian laws and clearly unlawful, yet the international community does not condemn this.

With respect to the resumption of talks, the LTTE presented its proposal and expressed its willingness to resume talks in October 2003. However, the present Sri Lankan government failed to resume talks from the point left off by the previous administration in November 2003, as is customary in any negotiating process. Even though the government has changed the state has not. Even in cases of the succession of states, international law mandates that the new state honours the commitment made by the previous states. It is acknowledged that in some instances when governments change, their approach to negotiations also change, but it is clear that in Sri Lanka the failure to resume talks is due to the government’s insistence on a completely new approach to the talks. Yet the government uses its access to the international media to spin the story that it was the LTTE who suspended the talks in April 2003.

The international instruments used to monitor the behaviour of states and non-state actors are also asymmetric. First of all, it must be recognized that almost all international agreements are negotiated and prepared by states. Thus, it should not be a surprise that these international agreements give primacy to state interests. Some say that the LTTE is in violation of the Optional Protocol to the Convention on the Rights of the Child. The Optional Protocol allows states to recruit individuals under 18 for their armed forces, while prohibiting armed groups from recruiting individuals under 18 for their national forces or even for political and administrative work. There is no provision in the Optional Protocol for a national liberation movement and/or a de facto government like the LTTE. Application of the Optional Protocol, which has not yet become customary international law, will favour the Sri Lankan state against the LTTE. However, there is criticism that the LTTE is violating the Optional Protocol provisions that it is not a party to, has never signed and thus is not legally bound by.

Negotiating peace

Asymmetry also characterizes the facilities for preparing negotiations between state and non-state actors. States’ resources to train their diplomatic corps professionally and academically exceed those of non-state actors. The LTTE recognizes this asymmetry and compensates for it with the resourceful Tamil diaspora’s talents and with assistance from some international NGOs and academics, a strategy manifested in the Interim Self-Governing Authority, a proposal put forward by the LTTE to address the urgent humanitarian needs of the people of the northeast.

The Sri Lankan government comprises various constituencies and ideologies and has to expend its resources to address various interests. For the government, the peace process is just one of many things on its agenda. The LTTE’s commitment to the peace process has helped to reduce the asymmetry between its resources and those of the government.

Conclusion

This article has tried to identify some of the asymmetries between state and non-state actors pervasive in the current international state system in light of the Sri Lankan peace process, as well as the lack of factors in that system to compel state actors to adopt a cooperative orientation towards non-state actors. The third parties who are involved in such processes must address these asymmetries for the process to work. If the international environment is not rectified to enable the non-state actor to exercise its soft power effectively, the non-state actor will be forced to conclude that only through hard power can they level the playing field and compel the state actor to reach a negotiated settlement.
Engaging armed groups in peace processes

lessons for effective third-party practice

Nicholas (Fink) Haysom

The fundamental question that third-party facilitators or mediators (hereafter, the mediator) should ask themselves at the outset is whether their intervention is indicated at all. However, perhaps because there is currently a distinct competitiveness or territoriality in regard to facilitating or brokering peace processes, this question is seldom asked. Best practice suggests that peace processes are more likely to succeed where the parties engage directly with one another and take ownership of the peace process and its products. But where belligerent parties are unwilling to engage with each other, collaborate in joint structures or even meet in the same room, third parties or mediators are often required. For this reason, this article attempts to identify key lessons learned about effective third-party practice during the early phases of engagement with armed groups and state parties in the context of a peace process. This article may also provide some useful insights to armed groups and state parties in terms of how to negotiate effective third-party roles or at least to appreciate the considerations of third parties.

The third party’s choice: whether to engage

Mediators should be cautious where it seems one or both of the parties to a conflict wish to engage in talks without any intention of reaching agreement. This phenomenon is common in a world where there is increasing international or regional pressure on parties in armed conflict to engage in negotiations. Motivations for engaging may derive only from the economic rewards of being seen to do so or the punitive conditions or consequences of failing to do so. Engagement may also be a military stratagem serving to bolster the parties’ image or to secure a period of respite prior to another military manoeuvre. In these circumstances, a mediator must think carefully before engaging parties in an unworkable or potentially damaging peace process. While negotiations can build a party’s commitment to political dialogue, it is also clear that the fallout of failed negotiations can prevent or delay a more serious peace process.
Mediators should also be able to walk away from a process that has become dishonest or counter-productive. States whose international profile is closely associated with their successful participation in particular peace processes tend to make frequent third-party interventions in those processes, and it is often difficult for officials to walk away for fear of damaging their careers or their country’s reputation. An important corollary to this is that mediators have at least some independence in exercising a measure of control over the process and doing so may mean that the mediator acts more independently than the parties would initially wish. Failure to do so could lead to a chaotic process in which parties exercise unbearable pressure on the mediator. While it is crucial for a mediator to have the trust of the parties and their consent to act as a mediator, this should not be construed as an imperative towards appeasement. The parties will generally come to respect a measure of control over the process, provided it is exercised impartially and professionally. This needs to be asserted at the outset – even at the risk of ‘losing’ the mediation.

**Building credibility**

In the first engagements the mediator needs to establish and build confidence in his or her role, and accordingly the skills of listening, empathetic understanding and impartiality are important. It will be important for the mediator to respect the rules of confidentiality and insist that the parties do so too.

The mediator must possess knowledge of creative process options and the capacity to move from one form of negotiations to another: formal to informal, committee to sub-committee, bilateral to multilateral, one-on-one or side talks. In order to do this the mediator should, with the parties’ consent, establish some responsibility for the orchestration of the negotiations including facilitating the preparation of an agenda. General Sumbeiywo managed this at the outset of the Machakos round of Sudanese peace talks. The failures to do so in the Burundi peace talks became a significant complication.

A good mediator is acquainted with the substance of the issues at the heart of the conflict as well as the nature of the possible solutions, and they have access to the necessary national, regional or international authority to secure the parties’ compliance with their process requests. Preferably the mediator should also be able to guarantee (or know that others will guarantee) the resources necessary to facilitate the negotiations. Mediators may often need to rectify the imbalance in access to resources and knowledge possessed by non-state parties. In this regard, state or multilateral organizations may be more clearly
indicated as mediators in certain conflicts than individuals or eminent persons.

**Changing the mindset of the parties in favour of negotiation**

Changing the mindset of the parties in favour of negotiation involves influencing the parties to reframe their approach from conflict to negotiation. This can be achieved through external pressure on both state and non-state actors, who may be influenced by threats to their resources, status, or pressure from regional powers. However, external pressure alone is not decisive; what is more important is the armed group's subjective appreciation of a negotiated settlement as the first prize — something that can actually deliver on their bottom line demands.

Three important barriers to achieving such willingness to enter a peace process are: the legacy of previous bad faith negotiations; the belief that the adversary is unable to meet its bottom line demands; or the current imbalance in power between the two parties. Thus, the first task of a third party is to engage the armed groups (and the other parties) on the grounds that a negotiated solution is both possible and capable of generating a lasting and enduring settlement of the conflict. These negotiations are usually separate, unsolicited, preliminary, informal confidence-building exercises. The mediator, as in subsequent engagements, is required to share best and worst alternatives to a negotiated agreement, to separate positions from interests and explore possibilities.

A mediator should build the parties' understanding that their enemy is also their negotiating partner. The barriers, problems and constraints that affect one's negotiating partner are also likely to affect the success of the peace process. In this sense, recognizing that both parties have some mutual obligation to assist each other in dealing with their respective constraints may encourage collaborative and constructive approaches and an understanding of each side's need to frame a solution in a form its supporters can digest.

It is critical that both parties appreciate the need for demonstrable gains so that they both can claim benefits arising out of the engagement and negotiations for their respective constituencies. Thus in South Africa the negotiations initially followed a tit-for-tat series of concessions that both sides were able to hold out to their supporters. It is important to recognize that peace is itself a 'bread and butter' benefit for both sides.

Armed groups need to turn around the slogans and battle cries which served them well during periods of mobilization. ‘No compromise’ or ‘victory or death’ are not appropriate rallying cries for parties in a peace process. The African National Congress (ANC) needed several months to bring their cadres round to the possibility of a negotiated settlement.

There is a tendency for parties to personalize the causes of the conflict and to believe that the removal or destruction of the opposing leader will secure the conditions for peace (the so-called Savimbi option). The practice of undermining a rival leader’s authority may well mean that an agreement will either not be concluded, because of accusations of bad faith (as in the so-called Karuna issue in Sri Lanka) or worse, the leader will sign a peace agreement without the support of their constituency or military commanders. It is thus important that parties respect each other’s leaders and their legitimacy.

**Negotiating the process**

Initial engagements are not only about securing the armed group’s entry, but involve the very nature and details of the peace process itself. Such negotiations involve establishing the role of the third party. Building trust in the process involves building trust in the mediator. Due to the intrigue and maneuvering involved in establishing the Burundi talks, the Tanzanian facilitation team was on the back foot throughout the process.

**Pre-negotiations: rules and arrangements**

The range of process issues that can be pre-negotiated is extensive and the more that is agreed the smaller the list of potential flash points that might threaten the process later. Such issues include: decision-making formulae at the talks; the extent and nature of representation of the parties at the talks; important logistical questions such as the venue and transport; the powers and role of the third party; the removal of pre-conditions to the talks; time frames; rules of procedure, etc. A comprehensive negotiation of these process issues with an armed group is also a form of preparation for the substantive talks to come.

Negotiating a peace process ‘road map’ can provide both clarity and confidence in the direction and trajectory of the peace process. In South Africa it was only after the conclusion of an agreement on such a road map (in a memorandum of understanding between the South African government and the ANC) that negotiations proper were able to commence. The failure to negotiate a road map at the outset in Sri Lanka has seen that process stranded in a state of uncertainty.
Logistical arrangements
An issue that may have disproportionate importance in the discussion of negotiation arrangements with armed groups is the equality of treatment and status of the parties. Whilst state parties are sometimes loathe to accord full and equal status to non-state parties and armed groups, the very process of engaging across a negotiating table is itself an equalizing mechanism. However, sensitivities over equality may mean symbolic issues such as the number of bodyguards participants may bring, the motor vehicles they use, their hotel rooms and other issues of formal status may have more importance than might seem warranted to an outsider. There are also key issues of asymmetry between state parties and armed groups that need to be addressed, such as access to resources, finances and expertise, securing visas for travel, and any perception of inferior treatment in the process.

Pre-agreements
One reason why an armed group may be loath to enter into a peace process is the fear that it may not succeed in some critical issues in the negotiations. Certain assurances can provide confidence in the process and security to an armed group: for example, pre-agreeing some outcomes that affect neither party’s bottom lines. Typically, ‘binding fundamental principles’ might govern the conduct of the parties during the transition, the outcome of any constitution-making process down the line, or simply guarantee the rights of minorities in a post-conflict society. Such binding principles were critical in South Africa and Namibia.

Agreeing on confidentiality, transparency and inclusivity
The mediator should ensure mutual clarity on rules of confidentiality so that the parties do not leak information about the process to secure certain off-the-table advantages. Breaches of confidentiality have frequently scuppered peace processes before they have started (for example the talks between the National Council for the Defence of Democracy and the Burundian government in Rome, 1998). Party-to-party engagement is generally best conducted in an atmosphere of candour and confidentiality. Yet failure to provide a measure of transparency on the substance of the talks can lead to disinformation and suspicion about the nature of the deals being struck between political elites. It is thus necessary for the mediator to balance the need for confidentiality within the process and transparency about it.

The conduct of the media, and the parties’ use of it, can have an important effect on the overall negotiating environment: belligerent war talk, continued propaganda and disinformation can sour the atmosphere. The mediator can offer to regulate information about the peace process itself, and may raise the need to agree on rules regarding each party’s approach to the media. It is also critical for the parties to be aware that there are multiple audiences on whom public statements may have quite different effects. Triumphalist reporting of negotiations to supporters may affect the constituency of the negotiating partner and undermine the capacity to keep to agreed compromises. While the participants at the table may allow some space to either side to ‘talk up’ the fruits of their participation, this may not be understood so strategically by the other’s rank and file (as in Northern Ireland). In this regard media releases should address the sensitivities or insecurities of persons who are not at the table but who may have a critical role in destabilizing the peace process.

In the interest of a durable and sustainable peace agreement the mediator should endeavour to point out the need for inclusivity especially in regard to any long-term political or constitutional implications of the agreement which affect people and groups not represented at the talks. It is not the mediator’s duty to represent unrepresented parties, but for the durability and workability of the outcome of the peace process, a third party may raise the need for inclusivity in the processes and/or institutions created by the peace process. It is unclear whether the Norwegian facilitators did enough to persuade the government to adopt a bipartisan approach to the Sri Lankan talks. In any event, the absence of such an inclusive approach is the principal problem the process now faces.

Generating momentum from the outset
An enduring pressure on the mediator from the outset is to ensure that the peace process builds and sustains a momentum. Momentum in this context means concrete achievements and deliverable benefits from the process, or an ever-broadening area of common agreement. In the initial phase, this may mean interim humanitarian access, or provisional ceasefires or even the agenda of the talks. In some situations the use of ‘sunrise’ and ‘sunset’ conditions can be used where issues of principle are agreed but implementation is delayed, or there is a phased removal of the disputed condition or circumstance. In both cases the armed group may be precluded from entering a peace process if it cannot at least demonstrate that a central
underlying principle has been or will be addressed (e.g. withdrawal of troops, representation in state structures).

The most important test of a mediator’s judgment is when and how to facilitate agreement by introducing compromises in these initial stages. In circumstances where it may be difficult or overly risky for a party to accept another party’s proposal on issues of process and/or substance, or make one of their own, it is the role of the mediator to provide parties with ‘neutral’ compromise proposals or single texts from which both can negotiate. In this way, parties may be empowered to move past initial positions and onto discussing substantive issues. This is a high-risk strategy, especially if one party insists on using the mediator’s agenda for the negotiations and the other party insists that it be rejected (Sudan). Moreover, the mediator stands to be accused of bias by one or both sides, as was the case in both Burundi and Sudan. However the compromise packages in both cases introduced the likely middle ground, which the parties, although unable to accept then, were later able to implement or refine.

Tackling substantive issues

There are several substantive issues that may arise in the initial stages of a peace process that require attention by the mediator, including ceasefires, amnesty and other important issues of international law, and implementation of agreements.

Cessation of armed hostilities

It is not uncommon for the parties to a peace process to insist on the continuation of armed conflict during the talks on the grounds that it is such armed conflict that has created the conditions and established the weight of the armed group at the table. This was the situation in Sudan until the Sudan People’s Liberation Movement / Army overran the garrison town of Torit with disastrous consequences for the negotiations. In general the continued conduct of armed hostilities does not create an environment favourable to a successful peace initiative, as the capacity to negotiate can become hostage to battlefield fortunes.

The issue of whether and how to negotiate a ceasefire in the preliminary stages of engagement is a context-specific choice and difficult to discuss fully in this article. However, one critical consideration for a mediator dealing with the issue of a ceasefire at the outset of a process is that ceasefires can be notoriously difficult obligations to fulfill. Even though an armed group or state party may believe or wish to give the impression that it is capable of fulfilling the obligation, it would be most damaging for the process if one or other of the parties subsequently fails to live up to its commitments. In Sri Lanka the large and disproportionate number of ceasefire violations by the Liberation Tigers of Tamil Eelam is steadily eroding confidence in the ceasefire agreement. In this regard the third-party mediator may have some role in counselling the parties on undertaking unrealistic obligations.

Difficult issues and international law

Questions of amnesty, human rights, treatment of prisoners, torture, maintenance of ‘no-go’ zones, laying of mines, etc. will arise at an early stage in most negotiated settlements to armed conflict. The mediator’s responsibility is to draw the parties’ attention to the appropriate international law provisions, while conceding that the terms of the agreement will ultimately be the responsibility of the parties themselves. With issues of amnesty in particular, the mediator may simply point out that such provisions will have limited applicability outside their territories and may serve to undermine their status and international support.
Anticipating implementation issues

A mediator should anticipate putting implementation modalities on the agenda for negotiations from the start so that the parties are thinking about this issue throughout the process instead of scrambling to address it after agreement has been reached. Armed groups do not want to be held hostage to their adversary’s cumbersome legal procedures and seldom respect the imperatives of legal continuity. Nonetheless effective practice requires that new rights and structures should be protected from challenges to their legality and this was the option taken in South Africa, Burundi and Sudan. In Sri Lanka and Nepal this option poses serious impediments to a settlement.

Building a party’s capacity to negotiate

Training and resources

Parties who are experienced or trained in negotiation are more likely to engage constructively in a negotiation process. They are more likely to have the confidence to be risk-takers – and negotiations is a risk-taking business – and be bound by the discipline of negotiations. Government parties are not necessarily skillful in negotiating or understanding tactical compromises and how they can be used to effect concessions. Accordingly they are in equal need of exposure to negotiating skills. In South Africa the evident and unexpected initial disparity of negotiating skills between the ANC and the National Party was initially a source of some satisfaction to the ANC. This changed however when the ANC recognized that adversaries who are poor negotiators make for a poor negotiating process.

What is true for negotiating skills is equally true for questions of substance. It is in the mediator’s own interest to arrange for or to provide training for the parties. In some instances joint training can be an effective first exercise in a collaborative engagement between the parties, as was successfully employed in selected technical areas in Sudan and Burundi. This however is unusual, and there are also good reasons for conducting training separately, not least the need for candid exchanges.

Getting good negotiating mandates

The mediator should, as far as possible, ensure that the representatives of the parties, particularly the armed groups, have a mandate to negotiate. Dealing with messengers from a leadership not present at the talks – and thus not subject to the discipline of the process and the logic of its compromises – is to be avoided.

Moreover, the negotiating teams should not necessarily include the highest level of leadership of the respective parties. The leaders of the parties can be left out of the tough and undignified bargaining that may take place in acrimonious exchanges at the negotiating table. Apart from questions of dignity and personal security there is the important objective of having recourse to a higher level of decision-makers once deadlock is reached. This process was effectively used in South Africa to create layers of deadlock-breaking mechanisms, while in Sudan it was the eventual presence of the highest level of leadership at the talks that secured real movement in the negotiations once the negotiating teams (with their very limited mandates) had reached a seemingly intractable impasse.

Managing internal divisions

Understanding the relationship between party leadership and their rank and file is critical. The South African negotiations took their rhythm from the need to allow party leaders to consult with their regular members. This was critical in order to engage popular support for a new social contract. This in turn guarantees that the leaders are able to deliver their members and supporters in any resulting compact. This is particularly true of armed groups whose negotiators need to keep close to their commanders, rank and file, and the various hard-line factions in the movement.

Conclusion: the need to build ownership

The mediator should always be alive to the need for the parties to have ownership and even management of the process. As the peace process unfolds it may be possible to achieve ever greater levels of collaboration and joint decision-making in regard to the management of the process. The failure to achieve this sense of ownership may result in a situation where one party is able to walk away from the table claiming that the process is a “UN” or “Norwegian” or ‘foreign’ project. Establishing collegial management committees to arrange daily agendas or investigate problem areas is one way to increase ownership of both the process and the text. In this regard the mediator is increasingly required to adopt a background role. This is what happened in the Naivasha talks in Sudan. ‘Ownership’ is not a soft ‘feel good’ consideration. It is about the hard realities of implementation and sustainability. Throughout the engagement process mediators must remember that the process must belong to the parties and that they are assisting the parties with their process, not the other way around.
Joint Agreement On Safety And Immunity Guarantees

24 February 1995

Signed between the Government of the Republic of the Philippines (GRP) and the National Democratic Front of the Philippines (NDFP)

This JOINT AGREEMENT on Safety and Immunity Guarantees, hereinafter referred to as the Joint Agreement IS ENTERED INTO BY AND BETWEEN:
The GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES, including its executive departments and agencies, hereinafter referred to as the GRP, through its negotiating panel headed by its Chairman, HOWARD Q. DEE;
AND
THE NATIONAL DEMOCRATIC FRONT OF THE PHILIPPINES, including the COMMUNIST PARTY OF THE PHILIPPINES and the NEW PEOPLE’S ARMY, hereinafter referred to as the NDFP, through its negotiating panel headed by its Chairman, LUIS JALANDONI;

WITNESSETH:
In firm adherence to the HAGUE JOINT DECLARATION and pursuant to the pertinent provisions of the JOINT STATEMENT signed in Breukelen, the Netherlands on June 14, 1994, the GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES (GRP) and the NATIONAL DEMOCRATIC FRONT OF THE PHILIPPINES (NDFP) hereby adopt safety and immunity guarantees to protect the rights of negotiators, consultants, staffers, security and other personnel who participate in the GRP-NDFP peace negotiations.

The primary purposes of the safety and immunity guarantees hereby adopted are to facilitate the peace negotiations, create a favorable atmosphere conducive to free discussions and free movement during the negotiations, and avert any incident that may jeopardize the negotiations.

I. Safety Guarantees

1. As used and understood in this Joint Agreement, safety guarantees shall mean that all duly accredited persons as defined herein in possession of documents of identification or safe conduct passes are guaranteed free and unhindered passage in all areas in the Philippines, and in travelling to and from the Philippines in connection with the performance of their duties in the negotiations.

2. Each party has the inherent right to issue documents of identification to its negotiators, consultants, staffers, security and other personnel and such documents shall be duly recognized as safe conduct passes as provided in this Joint Agreement.

The GRP and the NDFP shall agree through their respective panel chairmen on the number of documents of identification each party will issue based on the different categories of functions which the parties will designate from time to time.

The documents of identification shall contain the official seal of the issuing party, the bearer’s photograph, name, sex, date and place of birth, height, color of hair and eyes, distinguishing physical features, the assigned number, designation or duty in the peace negotiations, and the period of validity. Each party shall provide the other with the name, designation and assigned number on each document of identification issued in accordance with this Joint Agreement.

The holder of the document of identification so considered as a safe conduct pass in accordance with this Joint Agreement or of the safe conduct pass referred to in the preceding paragraph is hereinafter referred to as the duly accredited person.

Any person under detention who may be designated to participate in the peace negotiations pursuant to this Joint Agreement shall have the subject of separate agreement between the two parties on a case to case basis.

Upon presentation by the duly accredited person to any entity, authority or agent of the party concerned, the document of identification or safe conduct pass shall be honored and respected and
the duly accredited person shall be accorded due recognition and courtesy and allowed free and unhindered passage as stipulated in this Joint Agreement. The duly accredited person shall have in his or her possession the document of identification or safe conduct pass for the duration of the peace negotiations.

3. The document of identification or safe conduct pass shall not be transferable, provided that safety guarantees granted to the duly accredited person shall extend to any person or persons consulted by the duly accredited person during and in transit to and from such consultations, and provided that these consultations shall be in connection with and in furtherance of the purposes of the peace negotiations. The appropriate information on these consultations shall be given by the party concerned to the other with due consideration to the safety of the persons involved in such consultations.

4. All duly accredited persons who are already publicly known to be involved in the GRP-NDFP peace negotiations shall be free from surveillance and shall be allowed freely to consult with the leaders and entities of the party concerned in the Philippines and abroad.

5. The GRP shall promptly issue upon request regular passports to NDFP personnel who are duly accredited persons, without obligation to take an oath of allegiance to the GRP.

6. The GRP hereby recognizes and respects the right of NDFP personnel who are duly accredited persons to hold and use passports or travel documents issued by other countries or other recognized entities. Said NDFP personnel who are duly accredited persons may use such passports or travel documents in entering, staying in and departing from the Philippines, and shall not be subjected to any form of punitive action, harassment, obstruction or similar acts by the GRP in the course of travel, entry, stay or departure.

7. Each party shall upon request provide to the other any appropriate assistance to achieve the primary purposes of this Joint Agreement.

II. Immunity Guarantees

1. As used and understood in this Joint Agreement, immunity guarantees shall mean that all duly accredited persons are guaranteed immunity from surveillance, harassment, search, arrest, detention, prosecution and interrogation or any other similar punitive actions due to any involvement or participation in the peace negotiations.

The immunity guarantees shall cover all acts and utterances made in the course of and pursuant to the purposes of the peace negotiations.

All materials, information and data submitted to or produced in the course of and pursuant to the purposes of the peace negotiations shall likewise be covered by the immunities provided for in this Joint Agreement and shall not be used in any investigation or judicial proceeding.

Any evidence obtained in violation of this Joint Agreement shall not be used in any investigation or judicial proceeding.

All immunities acquired by virtue of this Joint Agreement shall remain in full force and effect even after the termination of this Joint Agreement, provided said immunities shall not cover acts which are contrary to the purposes of the peace negotiations and outside and beyond involvement or participation in the peace negotiations.

2. In all cases involving duly accredited persons, the prosecutors shall move for the suspension, during the peace negotiations, of criminal proceedings or processes including arrest and search, for acts allegedly committed prior to the effectivity of this Joint Agreement.

3. All persons who shall assist the personnel of either side in the performance of their work in the peace negotiations, including the conduct of public consultations and peaceful assemblies, shall not be held liable for rendering such assistance.

4. In the course of requesting a passport from the GRP in accordance with No. 5 of 1 above, the duly accredited person shall be immune from surveillance, arrest, prosecution, trial, punitive action, harassment, discrimination or any liabilities due to exposure of identity and role in the peace negotiations.

5. Any NDFP personnel, holding a GRP passport, who is a duly accredited person and who goes abroad to consult with the NDFP negotiating panel or to attend any meeting in peace negotiations or perform work related to the GRP-NDFP peace negotiations shall be exempt from passport cancellation and shall continue to be entitled to the safety and immunity guarantees, including immunity from arrest, search or any punitive action, within a period of 30 days upon his return to the Philippines, or 30 days from the formal termination of this Joint Agreement, whichever comes later.

6. Any NDFP personnel based abroad who is a duly accredited person and who goes to the Philippines for consultations or to perform any other work related to the peace negotiations shall enjoy safety and immunity guarantees as provided for in this Joint Agreement and shall be free to return abroad at any time before and within a period of 30 days after the formal termination of this Joint Agreement.

III. General Provisions

1. This Joint Agreement on Safety and Immunity Guarantees shall be signed by the GRP and the NDFP negotiating panels and shall be subject to approval in writing by the respective principals of both parties, which approval shall be made and communicated to the other party within 90 days from the signing hereof.

2. Any violation of this Joint Agreement may be presented by the aggrieved party to the other and shall promptly be the subject of consultations between the two panels of the negotiating parties in order to remove impediments to the peace negotiations. Such violation shall be investigated and dealt with accordingly by the party to which the personnel charged with the violation belongs.

3. Any disagreement or ambiguity in the interpretation and application of the provisions of this Joint Agreement shall be subject of consultations between the two panels and resolved in accordance with the letter and spirit of the HAGUE JOINT DECLARATION.
and the pertinent provisions of the BREUKELEN JOINT STATEMENT.

4. The two parties may mutually amend, modify or supplement this Joint Agreement if the progress of the peace negotiations so demands.

5. After its approval as provided in No. 1 of III above, this Joint Agreement shall be effective and binding upon the parties 30 days prior to the formal opening of the peace negotiations on June 1, 1995 and for the duration of the peace negotiations, unless this Joint Agreement is sooner terminated by written notice given by one party to the other. In the latter event, this Joint Agreement shall be deemed terminated 30 days after receipt of the notice of termination.

6. The venue of the formal talks shall be Brussels, Belgium, unless both parties mutually agree on another neutral venue. For this purpose, both parties shall separately make arrangements with the host country concerned.


APPROVED BY:
(Sgd.) FIDEL RAMOS
President
Government of the Republic of the Philippines
April 25, 1995
(Sgd.) MARIANO OROSA
Chairperson
National Democratic Front of the Philippines
April 10, 1995

SPLM-United / Operation Lifeline Sudan Agreement on Ground Rules

May 1996

This agreement is intended to lay out the basic principles upon which Operation Lifeline Sudan (OLS) works and to lay out the rules and regulations resulting from such principles. It seeks to define the minimum acceptable standards of conduct for the activities of OLS agencies and the Fashoda Relief and Rehabilitation Association (FRRA), as the official counterpart in areas controlled by the Sudan People’s Liberation Movement-United (SPLM-United).

We, the undersigned, enter into this agreement in a spirit of good faith and mutual cooperation in order to improve the delivery of humanitarian assistance to and protection of civilians in need.

In signing this agreement, we express our support for the following international humanitarian conventions and their principles, namely:

i. Convention on the Rights of the Child 1989

ii. Geneva Conventions of 1949 and the 1977 Protocols additional to the Geneva Conventions

A. Statement of humanitarian principles

1. The fundamental objective of OLS and FRRA is the provision of humanitarian assistance to populations in need wherever they may be. Such humanitarian assistance seeks to save life, to ease suffering, to promote self-reliance, self-sufficiency and the maintenance of livelihoods. The right to receive humanitarian assistance and to offer it is a fundamental humanitarian principle.

2. The guiding principle of OLS and FRRA is that of humanitarian neutrality – an independent status for humanitarian work beyond political or military considerations. In other words:

i. Humanitarian aid must be given according to considerations of human need alone. Its granting, or its acceptance must not be made dependent on political factors or upon race, religion, ethnicity or nationality. It must not seek to advance any political agenda. Where humanitarian assistance is inadequate to meet the needs of all, priority must be given to the most vulnerable.

ii. The passage of humanitarian assistance to populations in need should not be denied even if this requires that aid passes through an area controlled by one party in order to reach the needy in another area, provided that such passage is not used for military advantage.

iii. Relief assistance is provided solely on the basis of need; those providing assistance do not affiliate themselves to any side in the ongoing conflict.

iv. The only constraints on responding to humanitarian need should be those of resources and practicality.

3. All humanitarian assistance provided is for the use of identified civilian beneficiaries. Priority must at all time be given to women and children and other vulnerable groups such as the elderly, disabled and displaced people.

4. Those carrying out relief activities under the auspices of OLS must be accountable to the beneficiaries and their representative structures in first place, and to those who fund the activities. This places the following obligations on the various parties:

i. those rendering humanitarian aid have a duty to ensure its appropriate end use. This includes a right to monitor and participate in the distribution of humanitarian aid on the ground in partnership with FRRA.

ii. local authorities, through the FRRA, must ensure that aid is distributed fairly to civilian beneficiaries. Diversion of aid from intended beneficiaries is regarded as a breach of humanitarian principles.

iii. decision-making on the selection of beneficiaries and the monitoring of the use of inputs and resources must be, and be seen to be, transparent and responsive to broad based decision-making at the level of affected communities. Local authorities and relief agencies should involve local
representatives of communities in the processes of targeting and monitoring of aid. Where possible, this should be done through the Joint Relief and Rehabilitation Committees which include elected community representatives.

5. OLS is based on the complete transparency of all its activities. This means that local authorities have the right to expect that OLS agencies provide full information regarding the resources to be provided. In return, it is expected that local authorities will report honestly and fairly in all their dealings with OLS with respect to needs identified, populations in need, use of resources, etc.

6. All humanitarian actions should be tailored to local circumstances and aim to enhance, not supplant, locally available resources and mechanisms. Strengthening local capacity to prevent future crises and emergencies and to promote greater involvement of Sudanese institutions and individuals in all humanitarian actions is an integral part of OLS’s humanitarian mandate.

7. The fundamental human right of all persons to live in safety and dignity must be affirmed and supported through appropriate measures of protection as well as relief. All those involved in OLS must respect and uphold international humanitarian law and fundamental human rights.

8. Bona fide staff members of OLS agencies and others living, working or travelling in Sudan under the auspices of OLS have the right to go about their business freely and without restraint provided that they adhere to these ground rules and to local laws and customs. In all their dealings, relief workers and local authorities must demonstrate mutual respect.

B. Mutual obligations

1. All externally supported programmes and projects in SPLM-United administered areas, must be approved by FRRA (both locally and at FRRA head office) prior to their implementation. NGOs or UN agencies are responsible for ensuring that such approval is obtained in writing. Project implementation should be based upon

a letter of understanding between the agency, FRRA and OLS which defines roles, responsibilities and commitments of all sides plus procedures for resolving differences and grievances.

2. All UN/NGO workers are expected to act in accordance with the humanitarian principles previously defined: provision of aid according to need; neutrality, impartiality, accountability and transparency. This includes non-involvement in political/military activity. NGOs and UN agencies must not act or divulge information in a manner that will jeopardise the security of the area.

3. All UN/NGO workers must show respect for cultural sensitivities and for local laws and customs. Relief agencies must ensure that their staff are familiar with these laws and customs.

4. UN agencies and NGOs shall strive to offer the highest possible standards of service to their beneficiaries. This means that all agencies commit themselves to recruiting only those staff judged to have adequate technical and personal skills and experience required for their work.

5. UN agencies and NGOs must ensure that all their staff living, working or visiting Sudan are bearers of valid entry passes from SPLM-United.

6. FRRA must commit itself to the humanitarian principles defined above and not allow itself to be motivated by political, military or strategic interests. It should seek to provide an efficient and effective coordinated information and planning service for relief and rehabilitation activities.

7. The SPLM-United recognizes and respects the humanitarian and impartial nature of UN agencies and those NGOs who have signed a letter of understanding with UNICEF/OLS and FRRA.

8. The FRRA should facilitate the flow of relief goods and services and provide accurate and timely information regarding the needs and the situation of civilians in their areas.

9. Local authorities assume full responsibility, through the FRRA for the safety and Protection of relief workers in areas under their control.

This responsibility includes:

i. Providing an immediate alert to relief workers in potentially insecure areas;

ii. facilitation of safe relocation when necessary;

iii. protection from any form of threat harassment or hostility from any source;

Relief staff or agencies are not expected to pay for such protection either of themselves or of their property.

10. UN/NGO compounds should be respected as property of these institutions. Those living in these compounds have the right to privacy and compounds should only be entered with the permission of their residents. No military or political activity should take place in these compounds and no personnel bearing arms may enter them except when the safety of their residents is threatened.

C. Use of relief property and supplies

1. i. All UN/NGO property, including vehicles and property hired by UN/NGOs, is to be controlled and moved at the discretion of UN/NGOs or their agencies, unless such property is formally donated to another party. Project agreements between NGOs, FRRA and UN/OLS should clearly define which assets will remain the property of the agency concerned and which are project assets which must remain in Sudan even when the agency concerned leaves temporarily or permanently.

ii. Those assets defined as agency assets remain the effective property of the agency at all times and may be removed whenever a project terminates or an agency withdraws from a location for whatever reason.

iii. Project assets are those which are for direct use by project beneficiaries or are integral to the running and sustainability of the project. These goods remain the property of UN/NGO until formally handed over to the FRRA or local communities and their leaders. Decisions regarding the distribution and use of such items should be made, whenever possible, jointly between NGOs and local authorities, under the auspices of the Joint Relief and Rehabilitation
Committee following the humanitarian principles stated above.
2. UN and NGO flags are for exclusive use by these agencies.
3. UN and NGO staff will be allowed unrestricted access to their
communication equipment and to exercise normal property rights. Except
for emergencies, all messages should be written and recorded. Use of
UN/NGO radios or other communication equipment will be limited to
information on relief activities only. All messages will be in the English
language. Operation shall be by a
locally designated radio operator
seconded and selected jointly by the local authorities and relief agencies.
Whenever necessary, UN/NGO personnel will be allowed to transmit
their own messages.
4. No armed or uniformed personnel is
allowed to travel on UN/NGO vehicles:
planes, boats or cars. This includes
those vehicles contracted by UN/NGOs.

D. Employment of staff
1. All UN agencies and NGO have the
right to hire their own staff as direct
employees. These agencies should be
encouraged to employ appropriately
qualified and experienced Sudanese as
part of a capacity building strategy.
2. In the cases of Sudanese staff
seconded to an NGO supported project
(e.g. health staff), appointments and
discharges are made by the local
authority in consultation with the
agency which is expected to support
payment of that workers incentives.
The number of workers to be supported
must be agreed jointly. An NGO or a UN
agency may ask the local authorities to
withdraw seconded staff considered
incompetent, dishonest or otherwise
unsuitable for their jobs.
3. Local authorities should ensure that the
Sudanese staff of UN/NGOs and,
especially, those staff who receive
special training programmes to
upgrade and improve their skills are
exempted, whenever possible, from
military or other service so that they
can contribute to the welfare of the
civilian population.

E. Rents, taxes, licences,
protection money
1. No UN/NGO should be expected to
pay rent for buildings or areas which are
part of their work, for example, offices
or stores when they have built these
buildings themselves or where they are
donated by the local authority.
2. In the case of public buildings which
are being rented by an NGO as living
accommodation, a reasonable rent may
be paid by the NGO/UN agency to the
civil administration. Genuine efforts
should be made to make moves
towards standardization of these rents.
3. All OLS agencies shall be exempt
from customs duties for supplies
(including personal supplies) and
equipment brought into Sudan. Any
taxes to be paid will be agreed between
the agency concerned and the local
authority as part of the project
agreement.

F. Implementation of this
agreement
1. All signatories to this agreement
must accept responsibility for ensuring
that it is disseminated to all their
officials and staff working in Sudan.
It should also be publicised in public
places in Sudan to ensure that local
communities and beneficiaries
understand its principles and rules.
2. UNICEF/OLS, together with the
FRRA will be responsible for ensuring
the holding of workshops and meetings
in all key locations in which the
principles and rules of this agreement
are explained and discussed with all
relevant personnel.
3. The FRRA is fully responsible for
ensuring compliance with this
agreement by the local authorities
and communities.
4. Joint Relief and Rehabilitation
Committees established in all relief
centres and involving all relevant
actors should meet together on a
regular basis to plan, implement and
monitor the delivery of humanitarian
assistance. These committees will be
regarded as the custodians of the
principles of this agreement at local
level and responsible for ensuring that
the rules are upheld and respected by
all sides.

G. Mechanisms for resolving
alleged violations of ground
rules
1. In cases where allegations of non-
compliance with this agreement are
made, all parties commit themselves to
resolving differences as speedily as
possible in an attitude of good faith.
2. Where alleged violations of ground
rules have occurred, the allegation
should be documented in writing by
the complainant.
3. The issue should then be taken to the
local Joint Relief and Rehabilitation
Committee where this exists.
4. If unresolved, it should then be
discussed at local level with meetings
between the area secretary of the
FRRA, the civil administrator and the
local head of the UN/NGO, together
with the UNICEF/OLS Resident Project
Officer, where appropriate.
5. If the issue remains unresolved at
local level, it should be referred to
central authorities in writing to be
dealt with by the senior officials of
the agencies concerned, i.e. the FRRA
head office, the head of the NGO and,
if appropriate, the UNICEF/OLS
coordinator.

Signed:
Dr. Lam Akol, Chairman and
Commander in Chief SPLM-United,
and Pierce Gerety, OLS Coordinator
and UNICEF Chief of Operations
Deed of commitment under Geneva Call for adherence to a total ban on anti-personnel mines and for cooperation in mine action

We [the undersigned rebel movement or armed group] through our duly authorized representative(s),

Recognizing the global scourge of anti-personnel mines which indiscriminately and inhumanely kill and maim combatants and civilians, mostly innocent and defenceless people, especially women and children, even after the armed conflict is over;

Realizing that the limited military utility of anti-personnel mines is far outweighed by their appalling humanitarian, socio-economic and environmental consequences, including on post-conflict reconciliation and reconstruction;

Rejecting the notion that revolutionary ends or just causes justify inhumane means and methods of warfare of a nature to cause unnecessary suffering;

Reaffirming our determination to protect the civilian population from the effects or dangers of military actions, and to respect their rights to life, to human dignity, and to development;

Resolved to play our role not only as actors in armed conflicts but also as participants in the practice and development of legal and normative standards for such conflicts, starting with a contribution to the overall humanitarian effort to solve the global landmine problem for the sake of its victims;

Accepting that international humanitarian law and human rights apply to and oblige all parties to armed conflicts;

Acknowledging the norm of a total ban on anti-personnel mines established by the 1997 Ottawa Treaty, which is an important step toward the total eradication of landmines;

NOW, THEREFORE, hereby solemnly commit ourselves to the following terms:

1. TO ADHERE to a total ban on anti-personnel mines. By anti-personnel mines, we refer to those devices which effectively explode by the presence, proximity or contact of a person, including other victim-activated explosive devices and anti-vehicle mines with the same effect whether with or without anti-handling devices. By total ban, we refer to a complete prohibition on all use, development, production, acquisition, stockpiling, retention, and transfer of such mines, under any circumstances. This includes an undertaking on the destruction of all such mines.

2. TO COOPERATE IN AND UNDERTAKE stockpile destruction, mine clearance, victim assistance, mine awareness, and various other forms of mine action, especially where these programs are being implemented by independent international and national organizations.

3. TO ALLOW AND COOPERATE in the monitoring and verification of our commitment to a total ban on anti-personnel mines by Geneva Call and other independent international and national organizations associated for this purpose with Geneva Call. Such monitoring and verification include visits and inspections in all areas where anti-personnel mines may be present, and the provision of the necessary information and reports, as may be required for such purposes in the spirit of transparency and accountability.

4. TO ISSUE the necessary orders and directives to our commanders and fighters for the implementation and enforcement of our commitment under the foregoing paragraphs, including measures for information dissemination and training, as well as disciplinary sanctions in case of non-compliance.

5. TO TREAT this commitment as one step or part of a broader commitment in principle to the ideal of humanitarian norms, particularly of international humanitarian law and human rights, and to contribute to their respect in field practice as well as to the further development of humanitarian norms for armed conflicts.

6. This Deed of Commitment shall not affect our legal status, pursuant to the relevant clause in common article 3 of the Geneva Conventions of August 12, 1949.

7. We understand that Geneva Call may publicize our compliance or non-compliance with this Deed of Commitment.

8. We see the desirability of attracting the adherence of other armed groups to this Deed of Commitment and will do our part to promote it.

9. This Deed of Commitment complements or supersedes, as the case may be, any existing unilateral declaration of ours on anti-personnel mines.

10. This Deed of Commitment shall take effect immediately upon its signing and receipt by the Government of the Republic and Canton of Geneva which receives it as the custodian of such deeds and similar unilateral declarations.

Done this [date] in [place]
[Signatories]
Further reading

The further reading list is organized to provide general reading on each of the five main themes of the publication plus additional material on conflicts covered in the case studies. Web links and a more extensive bibliography and are available at: www.c-r.org/accord/ansa/index.shtml

Understanding armed groups / armed groups’ choices

- McCartney, Clem. ‘Revolutionary and agreed change: managing the contradictions’. See http://www.c-r.org/accord
- Rees, Phil. Dining with terrorists: meetings with the world’s most wanted militants (London: Macmillan, 2005)

Humanitarian & political engagement

- Bradbury, Mark, Nicholas Leader & Kate Mackintosh. ‘The Agreement on Ground Rules’ in South Sudan’ (London: Overseas Development Institute, Humanitarian Policy Group Report 4, 2000)
- De Waal, Alex. Food and power in Sudan (London: African Rights, 1997)
- Hofmann, Claudia. ‘Engaging non-state armed groups in humanitarian action: state actor and non-governmental approaches’ (German Development Institute background paper, July-August 2004)
- Kay, Kira. ‘The “new humanitarianism”: the Henry Dunant Center and the Aceh peace negotiations’ (Woodrow Wilson School of International Affairs, Case Studies in International Diplomacy: case study 02/03)
- Levine, Iain. ‘Promoting humanitarian principles: the southern Sudan approach’ (London: Overseas Development Institute, Relief and Rehabilitation Network paper 21, 1997)
- Harmer, Adele & Joanna Macrae. ‘Humanitarian action and the “global war on terror”: a review of trends and issues’ (London: Overseas Development Institute, Humanitarian Policy Group Briefing No. 9, July 2003)
The impact of asymmetries


General: armed groups and peace processes

- Capie, David & Pablo Policzer. ‘Keeping the promise of protection: holding armed groups to the same standard as states’ Paper for United Nations and Global Security, United Nations Foundation
- Haysom, Nicholas & Julian Hottinger. ‘Do’s and Don’ts of sustainable ceasefire agreements’. Presentation to IGAD Sudan Peace Process Workshop on Detailed Security Arrangements in Sudan During the Transition

- Williams, Sue & Steve Williams. *Being in the middle by being at the edge* (York: William Sessions Ltd, 1994)

Track one – track two interaction

- Strimling, Andrea & Susan Allen Nan. ‘Track I - Track II cooperation’, an essay for *Beyond Intractability*, 2003: http://www.beyondintractability.org/m/track_1_2_cooperation.jsp

- Policzer, Pablo. ‘Human rights and armed groups: toward a new policy architecture’. mimeo, July 2002
- Toole, Daniel. ‘Humanitarian negotiation: observations from recent experience.’ Harvard Program on Humanitarian Policy and Conflict Research.

Further reading
**Glossary**

**Armed groups:** The focus in this volume is on armed groups operating primarily within state borders and engaged in violent attempts to challenge or reform the balance and structures of political and economic power, to avenge perceived past injustices and/or to defend or control resources, territory or institutions for the benefit of a particular ethnic or social group. As such they would share the following characteristics outlined by Pablo Policzer:

- They are challengers to the state’s monopoly on coercive force;
- They are not under effective state control; and
- They are capable of preventing, blocking or endangering humanitarian action or a peace process.

Criminal organizations and international terrorist networks such as al-Qaeda are outside the primary focus of this publication.

**Conflict resolution:** has come to be understood as an umbrella term that refers to several distinct interventions which all aim to help people find peaceful or non-violent responses to conflict and potentially resolving disputes and addressing underlying drivers of violence. These include:

- **Conflict Prevention:** stopping or averting the occurrence of violence or other destructive responses to conflict through activities intended to address conflictual issues or relations in a society.
- **Conflict Management:** building the ability of people to work together cooperatively to deal with their conflicts. Conflict management and mitigation is a term that refers to attempts to contain or lessen the impact of violent conflict.
- **Conflict Transformation:** changing the underlying systems/institutions, attitudes and relationships that underlie violence and building new systems/institutions, attitudes and relationships that promote constructive methods for dealing with conflict.
Conflict resolution processes: can be used to address conflicts and disputes:

- **Negotiation**: discussion between two or more people with the purpose of solving a common problem, resolving a dispute and/or planning joint action.

- **Dialogue**: a process in which participants share and learn about each others beliefs, needs, perceptions and feelings.

- **Facilitation**: a third party assists the parties in a dialogue process.

- **Mediation**: a third party (outside the control of any one participant in the negotiation) is given responsibility to manage the process through which the parties come to an agreement.

Engagement: refers to efforts or activities initiated by either the parties to the conflict or intermediaries to explore, enable, instigate or sustain opportunities for contact (and possibly other conflict resolution processes) with or between the parties.

Intermediary: a person who is engaged in working with or between parties in conflict to help them communicate, discuss and possibly reach agreement relevant to their dispute or conflict. Intermediaries can play a number of roles such as conveying messages back and forth, hosting or convening meetings, facilitating dialogue, providing advice and other support for negotiations, and mediating.

Legitimacy: the degree to which an action, process, actor or institution is perceived as having legal, moral or ethical authority and consequently whether it should be recognized or dealt with. In situations of civil war and insurgency, contested legitimacy may be at the heart of the conflict. Legitimization refers to an action or process that is perceived as granting legal or moral status to another actor or institution.

Peace process: refers to a long-term series of negotiations, dialogue and/or other conflict resolution processes involving the parties to the conflict (e.g. state parties and armed groups) as well as elements of civil society and the international community to define and implement a transition from a state of violent conflict to a state of sustainable peace.

Political dialogue: used in this volume to refer to discussions between parties to a conflict (e.g. a state party and armed group) on the substantive issues in which they have an interest, such as security, governance or democracy, and ways to manage or resolve their conflict or stop the use of military force.

State party: used in this volume to refer to a sovereign government that is a participant in a conflict and possibly a conflict resolution process with an armed group within their borders.

Third party: refers to the status of a person who is not directly affiliated with any of the participants in a conflict and who gets involved to try to help them work out a solution. Most third parties do not have a stake (or at most a minimal stake) in the problems or issues under discussion by the parties. Third parties can be from the international community, non-governmental organizations and from the local country or affected population. While third parties from the affected population certainly have a stake in the outcome of a conflict or the cessation of violence, they qualify as third parties so long as they are not directly involved in the structures of any of the parties to the conflict.

Track one and track two processes: track one conflict resolution processes are official mediations or negotiations with the intended outcome of reaching an agreement among the leadership of the combatant parties to end military operations and/or reach a peace accord. Track one actors (governments and inter-governmental bodies like the UN) can impose legal sanctions and provide military and financial assistance. Track two conflict resolution processes tend to involve non-governmental actors or mid-level officials and are not intended to produce official binding commitments, but instead focus more on facilitating contact, relationship building, dialogue, brainstorming and action planning with the parties to a conflict or with non-governmental leaders (such as from business, media, religion, etc.). Often, track one and track two actors are in contact with each other or cooperate to some degree within the context of a peace process.
### Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AFRC</td>
<td>Armed Forces Revolutionary Council</td>
</tr>
<tr>
<td>ANC</td>
<td>African National Congress</td>
</tr>
<tr>
<td>AP</td>
<td>Anti-personnel [landmines]</td>
</tr>
<tr>
<td>CNDD</td>
<td>National Council for the Defence of Democracy</td>
</tr>
<tr>
<td>CPP</td>
<td>Communist Party of the Philippines</td>
</tr>
<tr>
<td>CSM</td>
<td>Civil Society Movement</td>
</tr>
<tr>
<td>DAB</td>
<td>Democratic Alliance of Burma</td>
</tr>
<tr>
<td>DKBA</td>
<td>Democratic Karen Buddhist Army</td>
</tr>
<tr>
<td>DRC</td>
<td>Democratic Republic of Congo</td>
</tr>
<tr>
<td>ECOMOG</td>
<td>ECOWAS Monitoring and Observation Group</td>
</tr>
<tr>
<td>ECOWAS</td>
<td>Economic Community of West African States</td>
</tr>
<tr>
<td>ELN</td>
<td>National Liberation Army</td>
</tr>
<tr>
<td>ERP</td>
<td>People's Revolutionary Army</td>
</tr>
<tr>
<td>FARC</td>
<td>Revolutionary Armed Forces of Colombia</td>
</tr>
<tr>
<td>FDR</td>
<td>Revolutionary Democratic Front</td>
</tr>
<tr>
<td>FMLN</td>
<td>Farabundo Martí National Liberation Front</td>
</tr>
<tr>
<td>FSB</td>
<td>Federal Security Service</td>
</tr>
<tr>
<td>IDP</td>
<td>Internally Displaced Person</td>
</tr>
<tr>
<td>IED</td>
<td>Improvised Explosive Device</td>
</tr>
<tr>
<td>IHL</td>
<td>International Humanitarian Law</td>
</tr>
<tr>
<td>IRA</td>
<td>Irish Republican Army</td>
</tr>
<tr>
<td>IRCSL</td>
<td>Inter-Religious Council of Sierra Leone</td>
</tr>
<tr>
<td>JASIG</td>
<td>Joint Agreement on Safety and Immunity Guarantees</td>
</tr>
<tr>
<td>KIO</td>
<td>Kachin Independence Organization</td>
</tr>
<tr>
<td>KNLA</td>
<td>Karen National Liberation Army</td>
</tr>
<tr>
<td>KNU</td>
<td>Karen National Union</td>
</tr>
<tr>
<td>LRA</td>
<td>Lord's Resistance Army</td>
</tr>
<tr>
<td>LTTE</td>
<td>Liberation Tigers of Tamil Eelam</td>
</tr>
<tr>
<td>MBT</td>
<td>Mine Ban Treaty</td>
</tr>
<tr>
<td>MONUC</td>
<td>United Nations Mission in the Democratic Republic of Congo</td>
</tr>
<tr>
<td>NCUB</td>
<td>National Council of the Union of Burma</td>
</tr>
<tr>
<td>NDF</td>
<td>National Democratic Front [Burma]</td>
</tr>
<tr>
<td>NDFP</td>
<td>National Democratic Front of the Philippines</td>
</tr>
<tr>
<td>NLD</td>
<td>National League for Democracy</td>
</tr>
<tr>
<td>NPA</td>
<td>New People's Army</td>
</tr>
<tr>
<td>OSCE</td>
<td>Organization for Security and Cooperation in Europe</td>
</tr>
<tr>
<td>PACE</td>
<td>Parliamentary Assembly of the Council of Europe</td>
</tr>
<tr>
<td>RCD</td>
<td>Congolese Rally for Democracy</td>
</tr>
<tr>
<td>RPCV</td>
<td>Returned Peace Corps Volunteers</td>
</tr>
<tr>
<td>RUC</td>
<td>Royal Ulster Constabulary</td>
</tr>
<tr>
<td>RUF</td>
<td>Revolutionary United Front</td>
</tr>
<tr>
<td>SLORC</td>
<td>State Law and Order Restoration Council</td>
</tr>
<tr>
<td>SPDC</td>
<td>State Peace and Development Council</td>
</tr>
<tr>
<td>SPLM/A</td>
<td>Sudan People's Liberation Movement / Army</td>
</tr>
<tr>
<td>SPLM-U</td>
<td>Sudan People's Liberation Movement–United</td>
</tr>
<tr>
<td>UNDP</td>
<td>United Nations Development Programme</td>
</tr>
<tr>
<td>UNICEF</td>
<td>United Nations Children's Fund</td>
</tr>
</tbody>
</table>

**Facilitators Col. Barnwell and the Life and Peace Institute's Hans Romkema meet two ex-Congolese Rally for Democracy officers in the DRC in a track two initiative**

Source: Rob Riggleman
Conciliation Resources (CR) supports people working to prevent violence, promote justice and transform conflict into opportunities for development.

CR’s organizational goals are to:

• Support people working at local, national and international levels in developing innovative solutions to social, economic and political problems related to violent conflicts

• Provide opportunities for inclusive dialogue and improved relationships within communities and across conflict divides at all social and political levels

• Influence governments and other decision makers to employ conflict transformation policies that promote alternatives to violence

• Improve peacemaking practice and policies by promoting learning from peace processes around the world

• Strengthen the media’s capacities in divided societies to challenge stereotypes and increases public awareness of human rights, conflict and peace issues

In addition to the Accord programme, CR has recently worked with:

• Civic groups in Guinea, Sierra Leone and Liberia

• Kacoke Madit and its partners in northern Uganda

• Non-governmental organizations and officials in the Caucasus

• The Citizens’ Constitutional Forum in Fiji

For more information or to make a donation contact:

Conciliation Resources
173 Upper Street
London N1 1RG
United Kingdom

Telephone +44 (0)20-7359 7728
Fax +44 (0)20-7359 4081
E-mail cr@c-r.org
Website www.c-r.org

Charity Registration No 1055436
The Accord series

Accord: an international review of peace initiatives is published by Conciliation Resources (CR). It provides detailed narrative and analysis on specific war and peace processes in an accessible format. The series is intended to provide a practical resource for reflection for all those engaged in peacemaking activities.

Issue 1 | 1996
The Liberia issue documents the lengthy and fractious Liberian peace process and provides insight into why thirteen individual peace accords collapsed in half as many years.

Negotiating Rights: The Guatemalan Peace Process
Issue 2 | 1997
The signing of the peace agreement in 1996 brought an end to 36 years of civil war in Guatemala. The publication analyses issues of impunity, indigenous rights, political participation and land reform.

The Mozambican Peace Process in Perspective
Issue 3 | 1998
The Mozambique issue documents the diverse initiatives which drove the parties to a negotiated settlement of the conflict as well as illustrating the impact of changing regional and international dynamics on Mozambique.

Demanding Sacrifice: War and Negotiation in Sri Lanka
Issue 4 | 1998
The Sri Lanka issue documents the cycles of ethnic/national conflict which have blighted the country since 1983. It analyses negotiations and other peace initiatives that have taken place since 1993 and outlines fundamental issues that need to be confronted in future peacemaking efforts.

Safeguarding Peace: Cambodia’s Constitutional Challenge
Issue 5 | 1998
This publication documents issues around the signing of the 1991 Paris agreements which officially "brought to an end" Cambodia’s long war and the violent collapse of the country’s governing coalition in July 1997.

Compromising on Autonomy: Mindanao in Transition
Issue 6 | 1999
The GRP-MNLF 1996 Peace Agreement was a milestone in many ways. The publication analyses features of peacemaking in Mindanao and examines the challenges of implementation.

2003: Supplement issue

A question of sovereignty: the Georgia–Abkhazia peace process
Issue 7 | 1999
The publication explores the background and issues at the heart of the Georgia-Abkhazia conflict, provides a unique insight into a political stalemate and points towards possible avenues out of deadlock.

Striking a balance: the Northern Ireland peace process
Issue 8 | 1999
Accord 8 explores the factors that led to the negotiations resulting in the Belfast Agreement, describing the complex underlying forces and the development of an environment for peace.

2003: Supplement issue
Paying the price: the Sierra Leone peace process
Issue 9 | 2000
The Lomé Peace Agreement of July 1999 sought to bring an end to one of the most brutal civil wars of recent times. Accord 9 explores earlier attempts to bring the conflict to an end and in doing so seeks to draw valuable lessons for Sierra Leone’s transition.

Politics of compromise: the Tajikistan peace process
Issue 10 | 2001
Accord 10 describes the aspirations of the parties to the conflict in Tajikistan and documents the negotiation process leading to the General Agreement of June 1997. It looks at the role of the international community, led by the UN, as well as local civil society, in reaching a negotiated settlement.

Protracted conflict, elusive peace: initiatives to end the violence in northern Uganda
Issue 11 | 2002
While a meaningful peace process in Northern Uganda remains elusive, this issue documents significant peacemaking initiatives undertaken by internal and external actors and analyses their impact on the dynamics of the conflict and attempts to find peace.

Weaving consensus: The Papua New Guinea – Bougainville peace process
Issue 12 | 2002
Accord 12 documents efforts leading to the Bougainville Peace Agreement of 2001. The issue describes an indigenous process that drew on the strengths of Melanesian traditions, as well as innovative roles played by international third-parties.

Owning the process: public participation in peacemaking
Issue 13 | 2002
The first thematic publication documents mechanisms for public participation in peacemaking. It features extended studies looking at how people were enabled to participate in political processes in Guatemala, Mali and South Africa. It also contains shorter pieces from Colombia, Northern Ireland and the Philippines.

Alternatives to war: Colombia’s peace processes
Issue 14 | 2004
This issue provides an overview of more than 25 years of peace initiatives with Colombia’s guerrilla and paramilitary groups. It includes analysis of civil society efforts at local, regional and national levels and identifies the necessary elements of a new model of conflict resolution.

From military peace to social justice? The Angola peace process
Issue 15 | 2004
The Luena Memorandum of 2002 brought an end to Angola’s 27-year civil war. This issue reviews Angola’s history of peacemaking efforts, and analyses the challenges remaining if the absence of violence is to develop into a sustainable and just peace.

Future issues
The Nagorny Karabakh conflict has languished in a state of ‘no peace, no war’ for over a decade following the ceasefire of 1994. The conflict remains the central obstacle to the political development of the newly independent states of Azerbaijan and Armenia, and a key impediment to the development of the South Caucasus region as a whole. This Accord issue will document official and unofficial peace initiatives in the region, exploring the positions of key stakeholders and the central issues and dynamics to be addressed in future conflict resolution initiatives.
Accord: an international review of peace initiatives

I would like to request a complete set/single issues
Price £245.00 for a complete set of back issues (1 copy each of issues 1 to 16) OR £17.00 for a single issue – discounts available for bulk purchases

- Issue 1 The Liberian peace process 1990–1996
- Issue 2 Negotiating rights: the Guatemalan peace process
- Issue 3 The Mozambican peace process in perspective
- Issue 4 Demanding sacrifice: war and negotiation in Sri Lanka
- Issue 5 Safeguarding peace: Cambodia’s constitutional challenge
- Issue 6 Compromising on autonomy: Mindanao in transition (including 2003 supplement)
- Supplement only £5.00
- Issue 7 A question of sovereignty: the Georgia–Abkhazia peace process
- Issue 8 Striking a balance: the Northern Ireland peace process (including 2003 supplement)
- Supplement only £5.00
- Issue 9 Paying the price: the Sierra Leone peace process

Please indicate number required against issues requested

Postage and packaging
Please add 10% for UK, 15% for Europe, and 30% for the rest of the world

TOTAL £ ____________

METHOD OF PAYMENT
Cheque made payable to ‘Conciliation Resources’ in pounds sterling only

Bank transfers (reference ‘Accord’) to account number 10022088, sort code 16-00-58
Royal Bank of Scotland, London Islington Branch, 40 Islington High Street, London N1 8XJ

Invoice please send me an invoice for

TOTAL £ ____________

Credit card
- Mastercard
- Visa

Card number □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ insA
Choosing to engage: armed groups and peace processes

Non-state armed groups are central figures in many of the world’s internal armed conflicts. Their objectives and use of violence spark deep controversy about appropriate responses to their actions, particularly in the context of the global ‘war on terror’. Yet in the last two decades armed groups have participated in peace processes on every continent, resulting in a wealth of experiences of dialogue and peace negotiation involving state actors, civil society groups, foreign governments and multilateral organizations.

This Accord issue draws on these experiences to explore the case for engagement with armed groups and lessons learned from peacemaking practice. Highlighting both the opportunities and challenges of this approach, it suggests that the diversity of engagement options and potential interveners makes a strong argument for greater commitment to engagement by all stakeholders. The publication combines the voices of armed groups, governments and intermediaries for a rich and varied set of perspectives on five key issues: the challenge of understanding armed groups; armed groups’ choices about peacemaking; political and humanitarian engagement options; the role of governmental and non-governmental actors; and the impact of asymmetries in a state-based international system. With case studies from twelve countries complementing analytical overviews of these issues, Choosing to engage: armed groups and peace processes highlights important lessons and good practice for future peacemaking efforts involving armed groups.

Conciliation Resources and the Accord programme

Conciliation Resources (CR) is an international non-governmental organization, which supports people working to prevent violence, promote justice and transform armed conflict. CR’s Accord programme aims to inform and strengthen peace processes, providing a unique resource on conflict and peacemaking. Working collaboratively with locally based organizations, we document peace processes, increase understanding and promote learning from past and comparable peacemaking experiences.

“Accord is an incredible source of valuable insight and information, indispensable for any peace or conflict worker.”

Johan Galtung, Professor of Peace Studies and Director of TRANSCEND.

“Accord offers very interesting and informative reporting. It will greatly contribute to our own knowledge and wisdom as we work in this complex field of peacebuilding and conflict resolution in Africa.”

Joseph W. Butiku, Executive Director, The Mwalimu Nyerere Foundation, Tanzania

The full text of all issues in the Accord series can be found on the Conciliation Resources website at http://www.c-r.org