Cease fire!

Handbook of Peace Processes

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INTRODUCTION

"A peace process is an effort to achieve an agreement that puts an end to violence, as well as to implement it, through negotiations that may require mediation by third parties". With this initial definition, I want to stress the idea that a "process" is not a point in time; rather it is a series of phases or stages occurring over a period of time in which all the affected actors participate in a collective effort to achieve, at some point, agreements that will put an end to the previous situation, which was dominated by violence and armed clashes. The goal is to use dialogue and consensus to reach pacts or agreements that put an end to physical violence, and to start, through the implementation of the agreements, a new stage of progress and development that also enables an end to also be put to the structural violence that fostered the emergence of the conflict.

Therefore, a "peace process" obviously includes the negotiation and mediation phase, but it transcends this phase utterly and also includes fulfilment of the agreement as an essential ingredient. Hence, a peace process goes beyond the peace agreement or pact which, though it is a peak moment and unquestionably the most visible one, is nothing other than the point of departure for decisive stages in which we see whether the cessation of violence is truly capable of generating a new situation of positive peace, which entails prosperity, harmony, human development, personal growth and social justice, among other aspects. In this sense, there

are "processes" which have actually come to fruition and others which have remained mere intentions and have been stalled along the way precisely because what was agreed to was never implemented, generating enormous frustration as the expectations created were not fulfilled. Furthermore, in these cases, and Central America is a witness to this, it is common to see the resurgence of new violence unrelated to the political violence of the past, which can lead to a number of victims equal to or higher than the number produced during the armed conflict stage.

Models of Peace Processes		
Models	With external facilitation	Without external facilitation
1) Reinsertion		Angola (FLEC) Congo (Ninjas)
2) Political and economic power-sharing	Burundi Ivory Coast Liberia DR Congo Somalia	(Colombia-FARC)?
3) Exchange		
a) Non-aggression for denuclearisation	North Korea/USA	
b) Peace for democracy	(Colombia-ELN)? El Salvador Guatemala	(Colombia-FARC)? Nepal South Africa
c) Peace for land	Israel/Palestine	
d) Peace for withdraw-ing occupying forces		Iraq, Afghanistan??
4) Bilateral confidence-building measures		India-Pakistan
5) Self-governance	Philippines (MILF) Indonesia (Aceh) Western Sahara Sudan (South)	Northern Ireland

Therefore, embarking on and developing a peace process is a real adventure, a major challenge brimming with uncertainties, obstacles and possibilities. Some people have compared it to the first stage in a mountain climb, but without relief maps, with all the risk and mystery that this entails. The participants will be faced with new and unforeseen slopes, frequent drop-offs and apparently unscalable peaks. If a peace process has mediation and sound societal support, in the mountain simile this would mean having a guide who helps to organise the climbing strategy, and people who climb with the participants to make the ascent more bearable and make it possible to reach the peak with someone else in order to celebrate the accomplishment and achieve something that is also vitally important: returning safely to the point of departure.

MODELS OF PEACE PROCESSES

A survey of the models of peace processes existing today and in the immediate past will show how they are very closely bound to the kinds of demands underlying each of the conflicts. In other words, the underlying issue being disputed is what determines the model of peace process. Following this line of thought, we can distinguish between five main models, namely reinsertion, power-sharing, exchange, trust-building measures and self-governance.

The first model, reinsertion, is the simplest, although it is also not very frequent. It refers to cases in which the armed group agrees to lay down its weapons in exchange for facilities to help them reintegrate into society. This

usually involves adhering to a DDR programme (disarmament, demobilisation and reintegration), through which the group members receive economic benefits, professional aid, healthcare and education, along with facilities to adapt to community life. This is the model that was used in the Angolan region of Cabinda with the members of the FLEC and in Congo with the Ninjas. It is also the model aspired to by many governments which ultimately wish to "subjugate" the armed groups. However, this model should not be confused with another which we could call "surrender", in which at first the armed groups are unwilling to lay down their weapons and turn themselves in good faith. Therefore, this reinsertion model entails reaching an agreement on the way to achieve DDR, which must be accurately fulfilled to be successful. There are too many experiences of failures in the demobilisation of combatants for these processes to be conducted off the cuff without giving them the importance they deserve. Conducting a reinsertion process poorly runs the risk of the combatants rearming and forming groups linked to common violence.

The second model, one of the most frequent, which involves political, economic and military power-sharing, takes place when the armed groups seek to attain the power to take over the political steering of a country and from there run all the economic and military affairs. Examples of this kind of agreement, in which it is common to find transition governments that include traditionally clashing actors, include the peace processes in Burundi, where different armed groups laid down their weapons in order to share political power; in the Ivory Coast, where the *Forces*

Nouvelles shared power with the government; in Liberia; in the Democratic Republic of the Congo, where diverse factions participated in what was called the Inter-Congolese Dialogue, which led to political power-sharing in exchange for putting an end to the internecine struggles; and in Somalia, where a Transitional Federal Government was instated which included a variety of militias who had been fighting with each other. The downside to this model is that mainly former armed actors take part in these transitional governments and relegate unarmed actors who fought for political change using peaceful, democratic means to the sidelines. In this way, the political power-sharing model tends to be confused with another model we could call "plunder-sharing", especially when access to political power permits control of the ministries that provide access to the country's natural wealth. In this case, they often come to be governed by actors who are reluctant or unwilling to share the profits with society at large. Another sign of the unworthiness of this model is the frequency with which we can find governments with an infinite number of ministries (up to 40) to satisfy the numerous actors who have to benefit from the plunder-sharing.

The third model is what we call exchange, in which peace is achieved in exchange for something else. One variation on this model is "non-aggression for denuclearisation". This strategy has been pursued by North Korea on several occasions, offering to denuclearise in exchange for a non-aggression pact with the United States, in addition to guarantees of energy supply and food. Another variation is "peace for land", which would serve as the groundwork for

achieving peace between Israel and Palestine. In countries like El Salvador and Guatemala, the peace processes have been framed as tantamount to achieving democracy. Attaining the conditions for democratic normality was the basis of all the negotiation processes pursued in these countries, and it is probably the aspiration that has guided the Colombian guerrillas in the ELN when they negotiated with the Colombian government, inasmuch as they did not aspire to political power (something to which, conversely, the FARC guerrillas have aspired at certain points in their history). We can include Nepal's experience within this category, when the Maoists agreed to join a platform of political parties that suggested a democratic change in the country; and the case of South Africa as well, in which the African National Congress laid down its weapons in order to participate in a negotiation and reconciliation process that would lead it to gain political power through free elections. Finally, another variation on this model is the one we could call "peace for withdrawing occupying forces", which demands that the foreign occupying forces of countries like Iraq and Afghanistan be withdrawn as a prerequisite for attaining a climate that enables the country to achieve some likeness of peace. However, there is no guarantee that this withdrawal will automatically lead to the instatement of peace due to the deterioration in the situation in both countries.

A fourth model of peace process, though not a common one, is based on creating confidence-building measures. The process underway in India and Pakistan to resolve the Kashmir conflict follows this model. Since 2003, both countries have adopted a series of bilateral, reciprocal measures
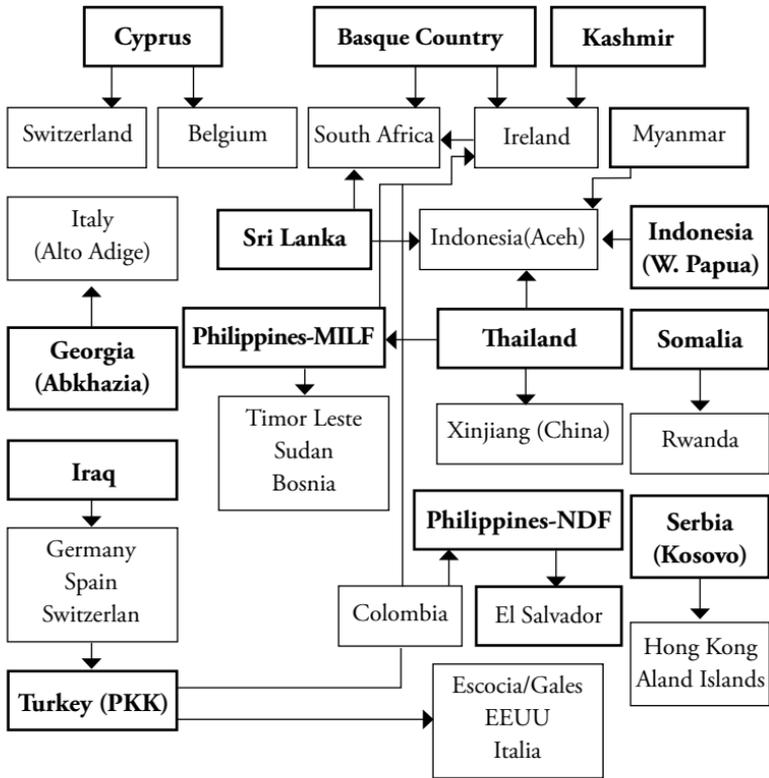
aimed at easing relations and making the frontier between both countries, called the Control Line, increasingly irrelevant. Thus, among many other measures, railway and air communications have been restored, sporting events have been held (especially cricket), visas have been granted to visit the respective capitals, permits have been given so that adults can cross the frontier on foot, the number of buses running between the two countries has been increased, links have been established between the coast guard of both countries, the staff at the embassies of both countries has been increased, prisoners on both sides have been released and a host of other measures have been taken. In 2002, confidence-building measures were also put into motion to ease relations between both Koreas. They included re-establishing the postal service, railway and land transport; resuming diplomatic relations; demining the contact zones; mutually recognising the errors committed in the past; playing friendly football matches (with the suitable, diplomatic score tied at zero); and sending humanitarian aid. Also worth highlighting are the trust-building measures launched in Sri Lanka in 2002 in its squandered peace agreement, when the decision was taken to disarm the paramilitary groups, reopen frontiers, allow unarmed guerrillas to move about freely, open the guerrilla political offices, withdraw the occupying military and guerrilla forces from the churches and schools, grant permits for soldiers to fish in areas under guerrilla control, suspend the illegal status of the guerrillas, not recruit minors, rehabilitate the destroyed zones, facilitate the return of refugees and the displaced population, demine, reduce the defence budget, call a donors' conference, grant loans from the World Bank and get the private

sector involved in the economy. Unfortunately, in the case of Sri Lanka, these measures were not enough to sustain the negotiations over time, as they were suddenly interrupted in 2009 with the consequent military defeat of the Tamil guerrillas from the LTTE after 26 years of clashes.

Finally, the fifth model involves achieving some kind of self-governance in regions with demands for autonomy or independence; this is called "intermediate political architectures". This is what enabled peace to be achieved in Northern Ireland, in Indonesia (Aceh region) and in southern Sudan, and it is the underpinning for the negotiations with the MILF in the Philippines. Self-governance is also the demand of the Western Saharans, who are calling for a referendum on self-determination that includes the possibility of choosing independence, an extreme to which Morocco is opposed, as it is only willing to grant the region autonomous status. In any event, this model could cover at least 40% of the conflicts existing today, so the wide range of proposed forms of self-governance (autonomous regions, confederations, symmetrical or asymmetrical federalisms, co-sovereignty, freely associated states, hybrid forms of states, etc.) should be considered in the negotiation process in order to find the right formula that meets the initial demands of a particular ethic, political, linguistic, religious or demographic group.

THE MIRRORS OF PEACE

In the course of their development, many peace processes are inspired by the underlying issue, procedure or

Cyprus	**Basque Country**	**Kashmir**	
Switzerland	Belgium	South Africa	Ireland	Myanmar
Italy (Alto Adige)	**Sri Lanka**	Indonesia(Aceh)	**Indonesia (W. Papua)**
Georgia (Abkhazia)	**Philippines-MILF**	**Thailand**	**Somalia**
	Timor Leste Sudan Bosnia	Xinjiang (China)	Rwanda
Iraq		**Philippines-NDF**	**Serbia (Kosovo)**
Germany Spain Switzerlan	Colombia	El Salvador	Hong Kong Aland Islands
Turkey (PKK)	Escocia/Gales EEUU Italia		

methodology used in another context, which is used as a mirror. Even though all conflicts and their respective peace processes or negotiations are different, there tend to be aspects in which each of them draws others' attention. For this reason, it is common for the actors in a peace process (either governments, armed groups or both at the same time) to take a close look, ask for advice or travel to other places in the quest for inspiration for their own processes or to find a way to overcome the difficulties they are facing or might face in the future.

In Cyprus, for example, the construction of a bizonal, communal zone is largely inspired by the federal model of Switzerland and Belgium; in the Basque Country, the pro-independence left has always used the methodology pursued in Ireland and South Africa as a reference, the latter being a mirror and reference of the former. Ireland is also the model used in the quest for a solution for the region of Kashmir. The Philippine MILF has travelled there to learn about their experience in autonomy and has also taken an interest in the experiences of Timor-Leste, southern Sudan and Bosnia. Somalia has observed the justice experience in Rwanda, while Kosovo (Serbia) has examined the cases of Hong Kong and the Aland Islands (Denmark). Myanmar, where several ethnic groups have lodged requests for autonomy, has looked into the mirror to see the experience in the Indonesian region of Aceh, which is also a focal point for Thailand, which in turn has examined the case of the tumultuous Chinese region of Xinjiang. In Georgia, the de facto autonomous region of Abkhazia has closely tracked the experience of autonomy in the Italian region of Alto Adige. Political leaders in Iraq, in turn, have kept a close watch on and visited Germany, Spain and Switzerland to examine their experiences with autonomous regions and federations. And finally, the Turkish Kurds have paid special attention to several European models (Spain, Scotland/Wales and Italy) and in the United States as an inspiration in the design of their national project.

At times, the mirrors serve to seek references on how a country has dealt with a given conflict or negotiated with an armed group that bears similarities to one at home. This
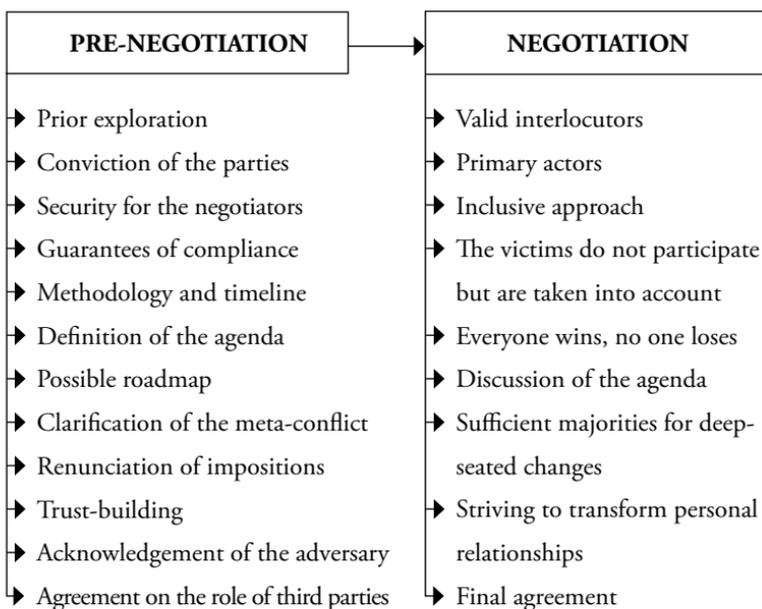
holds true in Colombia, for example, where the government has taken an interest in how the Philippines has dealt with the conflict with the communist guerrillas NPA, whose political wing, the NDF, has expressed, in turn, interest in learning about the experience of the peace process conducted in El Salvador in the 1980s between the government and the FMLN.

THE MAIN STAGES IN A PEACE PROCESS

All peace processes require a large time investment; proof of this is the number of years that must usually elapse for a peace process to be launched and bear fruit. Generally speaking, with the exception of very few cases, they follow a pattern with more or fewer known phases, in which most of the time is spent on negotiations. A peace process begins with an early exploratory or probing phase, also called pre-negotiation, in which the participants (explorers) gauge the parties' conviction, that is, whether they are truly convinced about embarking on a negotiation process in which they will be forced to make some concessions. That moment is decisive, as negotiations often take place without the conviction of one of the parties, either the government or the armed group, as a way to gain time, as a distracting manoeuvre in order to rearm, through inertia or simply as a strategic calculation. In this case, if the negotiations do get underway, they are condemned to failure. This is what happened in 2001 with the failed talks in El Caguán, Colombia, between the FARC and the government of Andrés Pastrana. The FARC, which felt strong and powerful, engaged in the negotiations in an effort to seize

the moment to gain even more strength, leading them to choose an exceedingly slow methodology that benefited them time-wise but was ultimately a dead-end. All that was needed was a trigger, the hijacking of an airplane, for the experiment to fail spectacularly, which gave way to a decade with no negotiations. In terms of peace or confrontations, deception comes at a very high cost.

In the exploratory phase, the terms of complete and total security for the future negotiators are also sized up, as there are precedents of murders or attacks against negotiators and no one would venture to embark on talks without full security guarantees, which should be set up with very clearly defined rules. Likewise, certain guarantees are sought for compliance with the agreement in this stage, in which the timelines and the methodology are agreed upon, a pre-agenda or initial agenda is set, the terms of a preliminary roadmap are laid down and the conflictive aspects of the basic disagreement or fundamental incompatibilities (the meta-conflict) are clarified. In short, the goal in this stage is to generate trust in the process itself, to agree on the role played by third parties and to avoid imposing plans (the very basis of the negotiation). The adversary ends up being acknowledged, giving it the legitimacy it needs to intermediate. Once this exploratory groundwork has been conducted, an "agreement on what needs to be agreed on" is reached to thus make headway towards "how to do it". The sum of all these steps is what is sometimes called a "roadmap" or initial framework of what needs to be done in order for everything to turn out well. The roadmap, as we shall see below, is simply a working scheme, often a diagram, in

PRE-NEGOTIATION	NEGOTIATION
→ Prior exploration	→ Valid interlocutors
→ Conviction of the parties	→ Primary actors
→ Security for the negotiators	→ Inclusive approach
→ Guarantees of compliance	→ The victims do not participate but are taken into account
→ Methodology and timeline	
→ Definition of the agenda	→ Everyone wins, no one loses
→ Possible roadmap	→ Discussion of the agenda
→ Clarification of the meta-conflict	→ Sufficient majorities for deep-seated changes
→ Renunciation of impositions	
→ Trust-building	→ Striving to transform personal relationships
→ Acknowledgement of the adversary	
→ Agreement on the role of third parties	→ Final agreement

which the steps to be taken are fleshed out, serving as the guidepost of the process.

Once the negotiation is underway, the parties try to ensure that the interlocutors are valid, that is, that they are the representatives of the primary actors with the capacity to take decisions. No third-rate actors should be allowed at the negotiating table, so it is always necessary to start with an inclusive approach that gives a voice to all the actors, even though they may not be the desired ones but are crucial to resolving the conflict. It makes no sense to invite friendly actors to the table, although it is unquestionably easier, rather only the true adversaries. The raison d'être of these negotiations will be for the opposing parties to sit down to

Common phases in peace processes

Exploratory phase
(sounding-out phase)

↓

Preliminary agreement
(agreement to agree)

↓

Pre-negotiation agreement
(agreement on
"how to do it")

↓

**Framework agreement
Roadmap**
(general principles on steps
to follow and agenda)

↓

**Partial agreements
+ Protocolos**

↓

General agreement
(defining how, what and who)

↓

**Agreement on implementation
+ Verification +
Solving controversies**

**Truce
Ceasefire**
(unilateral or
bilateral)

↓

End to hostilities
(unilateral or
bilateral)

*The length of ceasefi-
res and cessations of
hostilities vary and are
part of the negotiation
process*

talk with a mindset of achieving mutual benefit through the scheme of "everyone wins, no one loses", that is, a win-win approach, ridding the talks of zero-sum approaches in which one party loses as the other wins.

If the negotiation makes satisfactory headway, the issues on the substantive agenda can be discussed (the ones on the procedural agenda will have already been agreed to). Given the fact that trust will have already been earned, the relationships also become personal, which will make it easier to reach an agreement or at least partial agreements, with their respective protocols. This, then, will allow a final agreement to be reached, with an outline of how it is to be implemented and who will implement it. And this, in turn, will finally lead to the implementation agreements, the forms of verification, and the ways of solving any possible disagreements that may arise in the last stages.

In the midst of this process, possible declarations of ceasefires and/or cessations of hostilities will have to be managed, the latter meaning a ceasefire plus the cessation

Status at the end of 2009 of the 82 armed conflicts that have emerged since 1960		
	Number	%
Ended with peace agreement		26.8
Ended with imperfect peace agreement		7.3
In resolution phase	7	8.5
Not permanently resolved	10	12.2
Ended with military victory	7	8.5
Unresolved	30	3.6
TOTAL	82	100.0

of activities targeted at the civilian population (harassment, threats, destruction of infrastructures, kidnappings, etc.). Thus, the process is linked to fulfilment of the rules of International Human Rights (IHR).

CURRENT PEACE PROCESSES AND CONFLICTS WITHOUT A PEACE PROCESS

Are human beings condemned to understand each other? When faced with such complex conflicts as the ones in Iraq, Afghanistan, Israel-Palestine and other long-term disputes, we could conclude the opposite. However, statistics on the conflicts that have emerged from the 1960s until today show that these conflicts are still unresolved or have ended in some sort of agreement.

As seen in the table, only a minuscule portion of the conflicts end with the victory and defeat of the parties involved, while a much higher number (three times higher) end in some kind of agreement. Therefore, there are reasons

Conflicts without a negotiation process in early 2010	
Armed conflicts	Algeria (AQMI), Chad (various groups), Ethiopia (Ogaden), Rwanda (FDLR), Somalia (Al Shabab), Sudan (Darfur, various groups), Sudan (southern), Colombia (ELN, FARC, emerging paramilitary groups) Philippines (Abu Sayyaf), India (CPI), India (Manipur), Pakistan (northwest), Thailand (south), Russia (Chechnya), Russia (Ingushetia), Iraq, Yemen
Unresolved former armed conflicts	Sri Lanka, Indonesia (Western Papua), Georgia (South Ossetia)
TOTAL	20

Source: Yearbook of Peace Processes 2010, Icaria Editorial 2010

to hope that the unresolved conflicts today will end one day at the negotiating table. We are living in a time when the culture of negotiation prevails over the culture of military confrontation, and this gives us hope for the peaceful resolution of many of the conflicts underway, regardless of how difficult and longstanding they are. This culture of negotiation is captured in the 25 agreements signed in the five-year period from 2005 to 2009,[1] which enabled peace to be reached in such disparate places as Indonesia (Aceh), Northern Ireland, southern Sudan, Nepal, Burundi and Lebanon, and has put an end to conflicts that have lasted decades, with dozens or hundreds of thousands of victims behind them. This culture of negotiation is a beacon of optimism for the 20 conflicts that did not yet have negotiation processes open in early 2010, 17 of which can be categorised as armed conflicts.

In contrast to this universe bereft of negotiations, there are numerous negotiation processes underway, albeit with differing degrees of consolidation, in countries like Mali, Niger, Chad, Ethiopia, Eritrea, Nigeria, Central African Republic, Sudan, Uganda, Western Sahara, Philippines, India, Pakistan, Nepal, Myanmar, China, Taiwan, Armenia, Azerbaijan, Georgia, Russia (Kosovo), Moldavia, Turkey, Israel and Palestine. Most of these processes have experienced a number of interruptions and are subjected to

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1 Indonesia (Aceh), Northern Ireland, southern Sudan, Sudan (east), Sudan (Darfur-SLA Minawi), Nepal (CPN), Israel-Lebanon, Benin-Burkina Faso, Burundi (FNL), Central African Republic (APDR), Kenya, Colombia (ERG), Sri Lanka (TMVP), Georgia-Russia, Lebanon, Mali (ATNM), Chad (National Movement), Central African Republic (FDPC), DR Congo (CNDP), Somalia (ARS), India (DHD), Myanmar (KNU-KNLA Peace Council), Thailand-Cambodia.

frequent moments of crisis, but they do have the minimal negotiating structure in place, which gives hope for a possible positive end if the right circumstances are in place.

THE TIMES AND ROUNDS OF PEACE PROCESSES

As mentioned in the cases of Guatemala and Ireland, peace processes rarely take a short time. They often require up to a decade, and the most common scenario is for them to last several years. A great deal of time elapses from the first exploratory contacts to the signing of a final agreement, and in the meantime there will have been attempts to consolidate a negotiation process, with rounds of dialogues, possible ceasefires and bilateral talks. Many years tend to go by before the first talks are held (15 in the Philippines with the MILF, ten in Sri Lanka with the LTTE, 11 in Sudan with the SPLA, 27 in Colombia with the ELN), and once the first encounter has been held, the most important thing is for negotiation rounds to be held over several years; each of these rounds can, in turn, last months or years. For example, in the 17 years that elapsed between 1991 and 2007, the ELN and the government of Colombia went through six negotiation stages: the first one in 1991 in Caracas and Tlxacala, the second in Madrid in 1998, the third in Cuba in 1999, the fourth in Cuba in 2002, the fifth in Mexico in 2004 and the sixth in Cuba between December 2005 and October 2007. The last stage, in turn, was comprised of eight rounds, all of them held in Havana, in addition to two later meetings with delegates in Caracas. The negotiations ended without positive results, and as this is being written no negotiations are open.

The Rounds of Negotiations with the ELN

Year	Location		Year	Month	Round
1991	Caracas (Venezuela) and Tlxacala (Mexico)				
1992					
1993					
1994			2005	December	1st Round
1995			2006	January	
1996				February	2nd Round
1997				March	
1998	Madrid			April	3rd Round
1999	Havana			May	
2000				June	
2001				July	
2002	Havana			August	
2003				September	
2004	Mexico			October	4th Round
2005	Havana			November	
2006				December	
2007			2007	January	
				February	5th Round
				March	
				April	6th Round
				May	
				June	7th Round
				July	
				August	8th Round

In the peace talks between the SPLA and the Sudanese government held in Kenya and sponsored by the IGAD, up to nine rounds of negotiations were held every month, each one examining a different topic, with the exception of the most complex issues (like enforcing Islamic law in the capital, the basic agreement on power- and resource-sharing, military security and the status of the three southern provinces), which were discussed in several rounds. The difference with the ELN's attempts, in which the last round of negotiations was broken up when the Colombian government demanded that the ELN members be rounded up and

identified, is that the negotiation with the SPLA discussed substantive issues on the agenda once the negotiations on procedural issues were done. Therefore, it is important for the procedural issues, that is, how things are to be done, to be discussed in the pre-negotiation or exploratory phase in order to avoid the disappointment and frustration of negotiations that are condemned to failure because no agreement was reached on the basic terms before ever reaching negotiations on the substantive issues.

The scenario of a round:
The case of the first round with the ELN

For a round of negotiations to be held successfully it requires an entire supporting infrastructure, in which details that apparently hold no importance actually play a crucial role in ensuring that the delegates participating in the negotiations feel comfortable enough to engage in the talks needed. For example, below we shall outline the scenario in which the first round of negotiations with the ELN and the Colombian government took place in the city of Havana in December 2005, at the end of which the participants expressed their interest in moving forward with a process whose goal would be national peace, and whose main beneficiary would be the Colombian people. To make this simple statement, several days of meetings were needed in which both parties felt each other out before continuing with the exploratory talks in subsequent phases (the second round was held in February 2006).

The High Commissioner for Peace, Luis Carlos Restrepo, took part on behalf of the Colombian government,

and the spokesman for the ELN guerrillas, Pacho Galán, and the member of the Central Committee (COCE), Antonio García, represented the ELN. They met several times at the Hotel Palco, an immense building located on the outskirts of the city in the diplomatic district, a safe, quiet area that is therefore ideal for hosting an event of this kind. The negotiators were accompanied by civil society, represented by the five guarantors who had been encouraging the efforts of the Casa de Paz in Medellín for months. The Casa de Paz is a meeting point with the ELN allowed by the Colombian government where hundreds of representatives from the different estates in society went to talk to the ELN spokesman and convey to him the concerns of the different sectors of society. The representatives of the three partner countries, Spain, Norway and Switzerland, attended some of the meetings at the hotel, and their diplomats contributed their knowledge and skills to ensure that the talks ran smoothly. These diplomats, in turn, had their own consultative teams. Cuba served as the host country and as such limited itself to providing its land and all the logistical infrastructures needed to ensure that the encounter ran smoothly. Thus, for example, the ELN delegation was accommodated in a house set up just for this purpose, with a garden and rooms for welcoming guests. The embassies of the friendly countries offered their quarters (rooms and gardens) for holding receptions where the negotiating parties could talk in a relaxed, unofficial way. Therefore, what was discussed at the negotiating table could be tempered or complemented in these places, far from the spotlight of the press and the pressure of formal negotiations. All the areas in the hotel were used (press rooms, gardens, swim-

ming pool, rooms, restaurants) to hold informal meetings and encounters among the participants as well, so that the overall setting (hotel, embassies and ELN house) encouraged constant dialogue among all the participants.

"STALEMATES": THE CASE OF WESTERN SAHARA

Some of these unresolved conflicts, which at one point were armed clashes, are now stalled. This is because the parties' stances do not change over time, which makes it very difficult to reach a solution even if there is a formal mechanism in place for solving the conflict. One paradigmatic case of these stalemates is Western Sahara.

Indeed, even though there has been a "settlement plan" formulated by the United Nations since 1991, both parties, Morocco and the Polisario Front, have been unable to find a way to fulfil it or to seek an alternative route. This settlement plan called for holding a referendum on self-determination for the Saharan people based on a census of voters that has existed since colonial times. However, Morocco has put up numerous obstacles to this census, raising the number of possible voters while opposing a referendum that would include independence as an option. In 2003, the UN Secretary General Special Envoy presented the Baker II Plan, which called for a three-stage development. During the first stage, prisoners of war would be released, the armed forces would be cantoned and an election campaign would be held. This would pave the way for the second stage, when elections would be held to elect the Western Sahara Authority, the head of the executive branch and the

Legislative Assembly, which would have extensive authority except on matters relating to the flag, currency, customs, the post, telecommunications, foreign relations, national security and foreign defence. In the third stage, after four or five years, a referendum would be held, organised by the UN, in which voters could vote for the 1991 Settlement Plan or for the agreement on autonomy offered by Morocco. All adults who appear on the election list drawn up in late 1999, who were included in the UNHCR repatriation list in October 2000 or who have lived continuously in Western Sahara since late 1999 would have the right to vote. Even though the Polisario Front accepted the terms of this plan, it was rejected by the government of Morocco, which was fearful of not winning despite the fact that the situation seemed to be beneficial to its interests.

Since then, the UN Secretary General Special Envoys have not managed to budge either party's position, despite the frequent consultations made in the rounds of negotiation that have been promoted and the Security Council resolutions, which have called on both parties to negotiate in good faith in order to find a solution acceptable to both. The UN Security Council is incapable of imposing a solution, as this would entail a peace-imposing operation, which would impossible due to the balance of forces on the Council and the likelihood that France would block this move. Likewise, the Security Council does not have the power to convince the parties to make concessions in their stances. The solution, however, might entail finding a compromise formula different to the traditional immobile positions, which would mean that Morocco would give in with regards to holding a

referendum and the Polisario Front would agree that there would be an intermediate stage of autonomy before the referendum is held. The initial question on the referendum might be if the current autonomous status is accepted or not, which would buy time to consolidate this autonomy and serve as an alternative to the current stalemate. This should not serve as an impediment for the Security Council to hold a second referendum later on should the former come out against autonomy.

THE CONDITIONS FOR ENTERING A PEACE PROCESS

As mentioned above, in many processes, and in particular the most longstanding ones, it has taken many years to start the first negotiations. However, once started, a great deal of time is often spent trying to keep them open. One statistical figure from 2007,[2] for example, showed that the political wing of the New People's Army, the NDF, had spent 31.3% of its military life negotiating, and since it began to negotiate it had spent 60% of its time in talks. In southern Sudan, an armed conflict which is now resolved, the SPLA guerrilla spent 24.6% of its lifetime negotiating. In the case of the FARC in Colombia, this proportion is 22.8%, while the other Colombian guerrilla, the ELN, has only spent 8.5% of its time. The Tamil guerrillas in the LTTE spent 3.3%.

In any event, it is important to note that after a given time had elapsed it was deemed that there were enough optimal conditions to engage in a peace process, even if

2 VVicenç Fisas, "2007 Yearbook of Peace Processes", Icaria Editorial, 2007, p. 204

there were interruptions later. What are these conditions? There are basically ten of them. First of all, implicit political recognition of the interlocutors is needed, although it is preferable for this to be made explicit, even if in a baroque, diplomatic, indirect way using arguments from the past. Plus, the negotiations must offer total security for the negotiators, as well as guarantees of compliance with what is agreed to. Fourth, there must be agreement on the meta-conflict, that is, on the essence of the difference in approaches, but there must at least be recognition that the parties share a problem and that time and space must be given to address it at the negotiating table.

Ten minimum conditions needed to embark on a peace process

    Recognising of the interlocutors
    Security
    Guarantees
    Agreement on the meta-conflict
    Willingness to make concessions
    Desire to construct
    Possibility of winning something
    Knowing how to explain it
    Having facilitators
    Giving the people a voice

The fifth condition is a willingness to give up something that may be substantial for the other party, which entails generosity and the intention to sit at the negotiating table. The sixth is having the security that engaging in a process will allow the parties to construct something new, which

entails the desire to both intervene and transform. The seventh condition is having the certainty that by engaging in the process there are more chances to win something (for oneself and for others) than to lose, which means trusting in the process. The eighth refers to the fact that the parties have to know how to explain to both their own members and others that they have engaged in the process, without this meaning humiliation or defeat, rather framing it as a decisive, generous and constructive contribution. Achieving this means having a mastery of ideological communication and interpretation. The ninth condition is that if there are external facilitators, they must be mutually accepted and the parties must fully trust them. Finally, the tenth condition deals with the vertical dimension, that is, ensuring that the people have the last word. All too often, negotiators purportedly speak on behalf of the people, even though they have never been consulted. A genuine peace process must have channels of popular expression so that opinions are shared on the substantive issues from the bottom up.

An X-ray of the status of three peace processes in 2003, specifically the ones in Indonesia (Aceh region), Israel-Palestine and Nepal, shows us the reasons behind three failures and raises an underlying question: Can peace be achieved without understanding what is happening, without generating trust and security in the process, without knowing what is really wanted and without understanding each party's ineluctable issues, or the damage wrought by everyone? In the case of Aceh, which ended satisfactorily in 2005, the reasons leading to the failure in 2003 were insecurity, mistrust, political incompatibilities that were

unresolved in the negotiation (the essential demands), erroneous interpretations of the agreements and problems with the mediation process. In the negotiations between Israel and Palestine, the reasons for the failure were the culture of violence (the deep-seated culture), the action-reaction dynamic (the need to provide immediate violent responses), insecurity, mistrust, political incompatibilities that were unresolved in the negotiation, the asymmetry of military power (although they had a symmetrical symbolism in terms of the damage they could inflict) and the lack of clarity in the mediation process (due to confusion in the roles of the United States and the Diplomatic Quartet). In the case of Nepal, which reached a peace agreement in 2006, the failure in 2003 might have been due to insecurity, mistrust, incompatibilities in the essential demands and a lack of international help.

With the ten pointers in hand, the next step is to ask which conditions are needed in any given scenario. Therefore, if we ask what conditions are missing in Colombia, Iraq, the Basque Country, Georgia and Chechnya, just to cite a few examples, we can glimpse some of the primary elements missing in any given situation, which enables us to consider the strategies that should be pursued in order to fill the existing gaps.

COMMON RISKS IN PEACE PROCESSES

By observing the development of peace processes in recent years we can get an idea of the most common risk factors. They often have characteristics that make it diffi-

cult to start a process or hinder its smooth operation. One of the most common risk factors is the lack of conviction among the actors. Obviously, a negotiation or exploration can start without one of the parties being fully convinced about entering into the negotiation, which entails making concessions at some point. However, this lack of conviction will be noticed at once and will doom the negotiation, as the other party will accuse the first of not acting in good faith and pursuing its own interests for purely strategic reasons. Therefore, it is best not to engage in a process until the parties are fully convinced that the time has come to negotiate.

A second risk factor is undervaluing or ignoring external support, regardless of its guise. Usually a series of mediators, guarantors, verifiers and external boosters are needed, and it is not wise to make do without their contributions. Therefore, the parties must have an open mind in order to benefit from these outside contributions, rejecting attitudes of self-sufficiency with the mistaken excuse of not wanting to depend on outsiders. This openness to the outside world should never be tantamount to accepting forced mediation, which would simply be another error. The mediation should be voluntary and desired, never imposed by force, as in this case not much time would have to elapse before frustration and rejection rear their heads.

Another common risk is generating higher expectations than is reasonable. A peace process is ridden with uncertainties and problems, and failure or temporary rupture is more than likely. For this reason, it is not a good idea to create false expectations because they can lead to an attitude that is vulner-

able to frustration when faced with the smallest adversity. The most sensible approach is to be aware of the intrinsic difficulties in the process and to have the tools to overcome them.

One risk dealt with in the majority of processes is the emergence of dissidences and divisions within groups entering into negotiations. This is due to the fact that there are sectors that have become accustomed to conflict and the war economy. They have found comparative advantages in continuing with the armed conflict and therefore have a hostile attitude towards ending it. These parties become saboteurs of the process and do not hesitate to generate new cycles of violence. Managing the activities of these "spoilers" is one of the most important functions of whoever helps to keep the avenues of the negotiation open.

Likewise, it is common to see noncompliance with a ceasefire declared during the negotiation process, which generates fears and serves as an excuse to break off the negotiations. In this situation, oftentimes the dilemma arises of whether it would be better not to demand a ceasefire or make it a precondition, bearing in mind just how easy it is to violate. Obviously, it would be best to negotiate with as little violence as possible, and if there is a cessation of hostilities in the meantime that is even better, but this is not always feasible, so whether or not to continue the negotiations in view of possible violations of the ceasefire must be carefully considered.

The optimal scenario in a peace process is having few actors, but this is not always possible, and sometimes

negotiations must take place with many actors. At times one actor may split off into factions after they enter negotiations, usually because there are people who want to squeeze the most from the negotiations and try to keep parcels of power, even if this means using weapons. The Darfur conflict is a paradigm of this. When it began in 2003 there were only two groups, the JEM and the SLA. Six years later, the SLA had divided into more than one dozen factions, which entailed an entire series of negotiations to get them to unify or at least share a common position. The more violent actors, the greater the complexity and the greater the difficulty in reaching an agreement. However, it is important to ensure that none of them remains on the sidelines of the negotiation, given their destructive potential and boycott of the process. In the case of Palestine, for example, Hamas has an armed wing (Hamas-Izz al-Din al Qassem), as does Fatah (the Brigades of the Martyrs). Can these groups, along with the Islamic Jihad Palestine, remain on the sidelines of the peace process? Are they not inevitable interlocutors in a negotiation process?

Given that internal conflicts tend to have a regional dimension, either from arms trading in the zone or through people who are forced to take refuge in neighbouring countries, it is common for these neighbours to take part in the conflict and display hostile stances. This is yet another risk in a peace process. Finally, in contemporary conflicts, and particularly in conflicts on Africa, there are huge economic interests linked to the continuation of the conflict. The development of a war economy in specific zones within a region generates interests that run counter to the signing of

a peace agreement and prolong the conflict, as the lumber, oil drilling and the mining of diamonds, coltan and other minerals gives them an easy source of money. In this sense, it is necessary to create an economic strategy in which achieving peace is a greater incentive than perpetuating war.

Usual risks in peace processes

Lack of conviction in the actors

Lack of external support

Forced mediation

Excessive expectations

Emergence of violence and dissidence

Noncompliance with the ceasefire

Existence of numerous armed actors

Existence of hostile neighbours

Economic interests linked to a continuation of the conflict

Reasons for three failures in 2003		
Year of peace agreement		
Indonesia (Aceh)	2005	Insecurity Mistrust Incompatibilities in the demands Erroneous interpretation of the agreements Problems with the mediator
Israel/PNA		Culture of violence Action-reaction dynamic (violent responses) Insecurity Mistrust Incompatibilities in the demands Asymmetry of military power Little clarity in the mediation process
Nepal	2005	Insecurity Mistrust Incompatibilities in the demands Lack of international assistance

By examining three peace processes that were in the midst of a crisis in 2003 as examples, even though two of them (Indonesia and Nepal) reached peace agreements in 2005, we can see a series of recurring reasons that explain the crisis in the process and enable us to pose the following overall question: Can peace be achieved without understanding what is happening, without generating trust and security in the process, without knowing what is really wanted and without understanding each party's ineluctable issues, or the damage wrought by everyone?

DRAWING LESSONS FROM PEACE PROCESSES

According to a project entitled "Leaving Violence "[3] conducted by INCORE (John Darby and Roger McGinty) at the University of Ulster, along with scholars from the University of Stellenbosch, the University of Tel Aviv, Ben Gurion University, the University of the Basque Country and the Centre for Policy Alternatives in Colombo, by studying five peace processes (South Africa, Northern Ireland, Israel-Palestine, Basque Country and Sri Lanka), the interactions and influences of a variety of variables were analysed. These influences were divided into six overarching themes:

1) Violence and security issues
2) Economic factors
3) The role of external actors
4) Popular responses

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3 John Darby & Roger MacGinty, *The Management of Peace Processes, Palgrave*, 2000.

5) Symbols and rituals

6) Progress towards political or constitutional agreements

With regard to violence and security issues, according to the authors of this project, the weight of the culture of violence in the society being studied must be assessed, because over the course of the war, people get used to violence as a routine social phenomenon. With the signing of a peace agreement, however, criminality may continue to rise (this is the case of South Africa, Guatemala and El Salvador) due to the also constant presence of weapons.[4] This is compounded by the difficulties and mistrust in disbanding the military apparatuses created during the period of violence, and if they are disbanded, there is the risk that the demobilisation is not completed due to a lack of jobs. This in turn leads to the possibility that some elements attempt to boycott the peace process. In some cases it has been seen that fear generates acts of violence by some undisciplined members of the groups that are engaged in negotiations. In any event, as mentioned above, spoilers often arise, actors who have been left outside the process and would do anything within their power to see that it fails.

In terms of the economic factors, peace processes unfortunately tend to produce not "peace dividends" but "peace deficits". It is difficult to offset the destruction wrought during the conflict with new promises of investments, which only sow discontentment and protests. We should recall that in many cases the war came at a very high cost

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4 Vicenç Fisas, *Adiós a las armas*, Icaria, 1999

for the country's economy. In 1999, the cost of war in Sri Lanka was 723 million dollars, more than 13% of the total budget, and in Liberia war absorbed 30% of the GDP in 2002. However, on a positive note, businesspeople and the business industry can play an extremely active role in promoting peace. This is what happened in Northern Ireland, South Africa and Somalia.

The role of external actors can have either positive or negative effects on achieving an end to the conflict. If a neighbour feels that its interests are being threatened, it may try to interfere in the conflict to influence its course. Likewise, diasporas may either finance the clashing parties or act as mediators. In addition to actors, there are also other external factors that can help to change the dynamics. The end of the Cold War and the fear of communism, for example, nudged along the process in South Africa. In 1987, the government of Sri Lanka declined Canada and Norway's offers of mediation out of a fear that the Tamil diaspora would exert too much influence on the mediators in these countries. In contrast, the Irish community in the USA played a positive role in persuading the IRA to agree to a ceasefire. In the conflict in Uganda, in 1996 the organisation Kacoke Madit was founded by Ugandans living in Britain; it created a network of groups and initiatives in favour of reconciliation of the Acholi people. Neighbouring countries usually try to help resolve the conflict by launching proposals or offering venues for negotiations. That, for example, is how we can interpret Tanzania's assistance to Burundi, Gabon's to the Congo, China's to North Korea, Malaysia's to the Philippines, Egypt's to Israel and Kenya's to Somalia and Sudan.

A fourth factor is popular responses. The success or failure of mobilising public opinion and the strength of civil society tend to be important factors in achieving a peaceful solution, even if it takes years to reach it. Certain massive popular demonstrations can be "windows of opportunity" (like the murder of 28 South African activists in 1992, the Omagh bombing in Ireland, the Citizen's Mandate in Colombia, etc.), but they are not decisive elements, rather only fleeting moments that can bear a heavy or minuscule influence on the political process and decision-making.

In terms of symbols and rituals, the study showed that ethnic conflicts are quick to adopt symbolic expressions (flags, songs, cultural affiliations) and revive religious and linguistic elements. They are then often used to hinder reconciliation more than to facilitate it, one example being the marches by the Orange Order in Northern Ireland. However, an intelligent use can be made of the symbols in favour of reconciliation. Mandela, for example, successfully performed symbolic gestures, such as when he attended the final of the World Rugby Cup, a sport for whites in South Africa, and donned the t-shirt of the Springbok club. Positive symbolic gestures are the ones that, through imagination and magnanimity, manage to take the adversary by surprise and lower the levels of suspicion and mistrust. They are only useful when they are not a suggestion of triumphalism or condescension, and as long as they are not used to seek a political advantage.

Finally, in terms of the progress towards a political or constitutional agreement, it is important to dissolve the

initial mistrust between the parties and agree on whether preconditions are needed to start and continue with the talks. As mentioned above, a peace agreement is not limited to the clauses in the agreement. What was agreed to must then be validated in society, usually with new elections and specific agreements to resolve specific problems plaguing the country or community.

ROADMAPS

As mentioned above, in the early stages of a peace process, usually in the pre-negotiation stage, the parties tend to agree on an operating scheme regarding what is to be achieved. This outlines the steps to be taken in sequential order, with variations in order to provide for potential changes. This scheme is called the "roadmap", and it is extremely useful for having a mental map of what must be done. A roadmap is not a closed document in which the details of the agenda are set forth. The agenda per se is drawn up afterward and includes the substantive issues to be discussed. However, the roadmap merely states the steps, who does what and how. Nothing more. It is a guide; it does not resolve the multiple questions arising in the process, but it does help to avoid them.

In the case of Colombia, for example, in 2003 the UNDP drew up a report entitled "Dead End Street", in which it showed a roadmap for that time, valid for both the guerrilla groups in the country. The scheme consisted of three phases (open dialogue, negotiation and negotiated solution). In the first it was made clear that the open dialogue

would be shielded from interferences and that it would be supported by third parties. It also stated that it would draw from past experiences and come up with a peace strategy as a state-wide policy, not a policy of individual governments, which change periodically. With regard to the negotiation phase, it was stated that if possible it would be a joint effort, that is, joint negotiations would be held with the ELN and FARC, that they would be held in a relaxed fashion and with a brief agenda (unlike the agenda used in the meetings in El Caguán in 2000) with three top priority issues, namely the international sphere , the guerrillas' social base and reforms. Likewise, it was stipulated that there might be facilitation from European countries and UN coordination. Finally, the negotiated solution needed the endorsement of the United States and would entail real concessions by the state, and whatever was agreed to would be subjected to a referendum. As shall be seen, the roadmap does not advance the details of the negotiation, rather only the framework through which it has to travel.

School of Peace Culture (UAB)
Proposed roadmap
for the negotiations between the government of Colombia and the ELN
May 2005

PHASE 0: RECOVERY OF THE SPIRIT OF RAPPROCHEMENT

Length: brief (weeks)

- Facilitation by the Papal Nunciature to resume the meetings in Itagüí.
- Overcoming the difficulties that arose when the direct government-ELN meeting seemed imminent.

PHASE I: ON PRIOR CONSENSUS (from Itagüí)

Length: brief (weeks)

- Pre-agreement to mutually suspend offensive military actions.
- Generic pre-agreement on the scope of the financial component of the cessation of hostilities and the government's commitment to address the issue as the first subject in Phase II.
- Unilateral pledge by the ELN to society to suspend kidnappings should Phase II materialise.
- Initial agreement to release prisoners held for political reasons and people kidnapped by the ELN.
- Agreement to promote joint demining actions.
- Agreement on procedural questions in the subsequent phases (meeting venue, methods, terms, calendar, transparency, dealing with no-shows, etc.).

Authentication of the pre-agreements by the COCE

Mutual suspension of offensive military actions

Unilateral suspension of kidnappings by the ELN

PHASE II: DIRECT GOVERNMENT-COCE MEETINGS. HUMANITARIAN AGREEMENTS AND OTHER CONFIDENCE-BUILDING MEASURES

Defining the cessation of hostilities:

- Outline of sources of economic resources.
- Creation of management and transparency mechanisms.
- Separation of forces component: design of the concentration of ELN forces in the different areas of the country where they are present.

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                    ┌─────────────────────────────┐
                    │      Financial component      │
                    └─────────────────────────────┘
              ┌───────────┼───────────┐
              ▼           ▼           ▼
        ┌──────────┐ ┌──────────┐ ┌──────────┐
        │Support for│ │  Social  │ │Support for│
        │the force │ │  relief  │ │    the    │
        │          │ │   plan   │ │ political │
        │          │ │          │ │  efforts  │
        └──────────┘ └──────────┘ └──────────┘
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Security and Human Development Zones in areas where the ELN is present **Objectives:** Concentration of forces Demining Social investment Community work by participants Regional pre-conventions	• Lifting arrest warrants • Freedom of movement and association **Objectives:** Transition to civilian political life

- Security component.
- Outline of the national and international assistance and verification.
- Bringing back some aspects of the "encounter zone" regulations drawn up by the United Nations during the previous administration.
- Release of people kidnapped by the ELN.
- Release of ELN members imprisoned for political reasons.
- The government asks that the ELN be removed from international terrorist lists.
- Agreement on limitations on the use of weapons.
- Agreement to promote joint demining actions.
- Agreement on the methodology of the National Convention.
- Legal framework for the process.
- Guarantees of respect from the AUC and the FARC.
- Agreement on the agenda for the government-ELN peace negotiations.

PHASE III: IMPLEMENTATION OF CONFIDENCE-BUILDING AGREEMENTS

- Creation of Security and Human Development Zones (SHDZ).
- Implementation of the social and infrastructure investments agreed to.
- Presence of national and international verifying bodies.
- Demining actions.
- Pre-conventions in the SHDZ (and possibly in some foreign countries).
- Involvement of national and international companies (especially mining, energy, agro-industry and services) in designing and signing a corporate social responsibility agreement, in dialogue with the local communities.

PHASE IV: NATIONAL CONVENTION

Six months after the start of Phase III.
Length: brief (weeks)

PHASE V: DISCUSSION OF THE PEACE AGREEMENT

Phase V takes place in parallel to Phase IV.

PHASE VI: IMPLEMENTATION

Conclusions of the National Convention and agreements on the peace agenda.
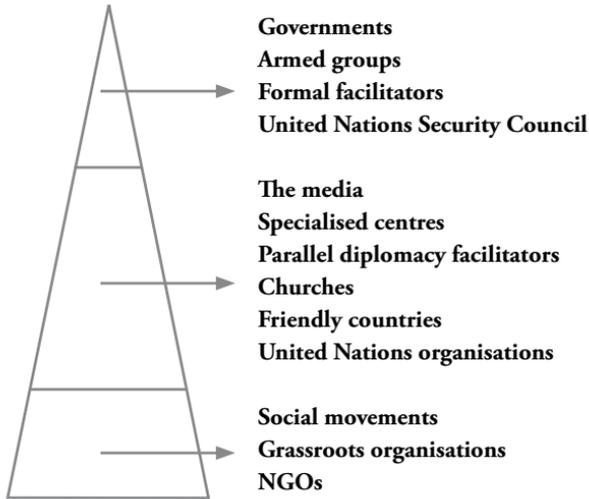Agreement to call a constituent National Assembly.

THE ACTORS IN A PEACE PROCESS: WHO DOES WHAT?

As mentioned at the beginning, there are models of peace processes, like the ones in Guatemala and South Africa, in which civil society has played a prominent role by creating participatory structures that have given society a voice, either at the start of the process or in more advanced stages. In other models, only the primary actors have had a voice (i.e., the government and armed groups) along with the possible assistants who make up a facilitation group. Yet whether the process is participatory or elitist, multiple actors with distinct roles take part in any process.
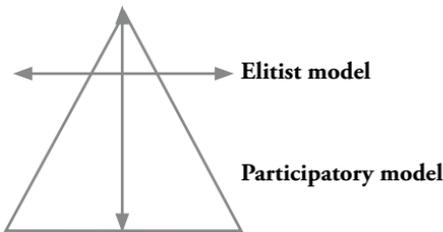
If we use a pyramid to depict the kind of actors who are usually involved in a peace process, we can see that the formal actors and facilitators are at the top. They are the most visible actors, the ones we find in the media and who

appear in the photographs at the end of the peace process, if it evolves satisfactorily. The top of the pyramid also includes the United Nations Security Council in cases in which the conflict has appeared on its agenda.

Governments
Armed groups
Formal facilitators
United Nations Security Council

The media
Specialised centres
Parallel diplomacy facilitators
Churches
Friendly countries
United Nations organisations

Social movements
**Grassroots organisations**
NGOs

At the middle of the pyramid there is an intermediate space which includes actors like countries lending a hand in the process, supporting diplomacies (in both political and economic aspects, and sometimes in military aspects if verification is an issue), the media, any churches involved, the United Nations organisations, support organisations, centres specialising in conflict resolution and media and the like. The Centre for Humanitarian Dialogue, the Carter Center, the Community of San Egidio and similar organisations would fall in the middle of the pyramid.

At the base of the pyramid are the NGOs, grassroots movements and civic organisations that sustain the entire process.

From another vantage point, bearing in mind the different phases in the process, we can see that the most common times that civil society participates in peace processes are the first and last stage, the ones related to prevention or the post-agreement or implementation, whereas parallel diplomacy tends to take a more active role during the pre-negotiation phase. In contrast, official diplomacy permeates almost all the phases.

Usual levels of participationGrassroots organisations NGOs

	Preventative	Pre-negotiation	Negotiation	Post-agreement
High level (official)	⬭	▭	⬭	⬭
Parallel diplomacy	▭	⬭	▭	▭
Civil society	⬭	▭	▭	⬭
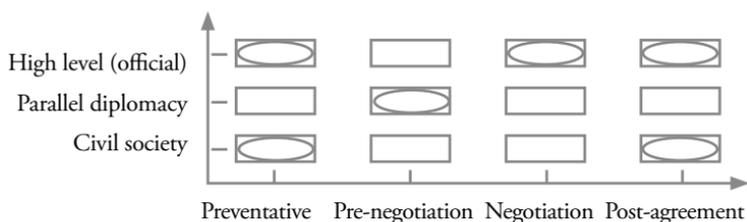
THE LAST STAGE IN PEACE PROCESSES: POST-CONFLICT AND THE IMPLEMENTATION OF THE PEACE AGREEMENTS

Some people claim that a peace process truly begins with the signing of an agreement. That is the hour of truth. The phases of explorations and negotiations are left behind, and a new phase begins in which the agreements must be put into practice. If it works, it will be deemed a successful peace process; if it fails, new violence and injustice are likely to occur, and doubt will be cast on the value of the agreement. Many people will wonder if it was worth it. In any event, it was worth it because it put an end to armed violence, fratricidal clashes and the cruelty of war, but it did not achieve peace.

Once the armed conflict is over, it is time to reconstruct what has been destroyed, both materially and immaterially. Hence, the next few years are what we can call a stage of post-war reconstruction in which efforts are required in at least eight areas, with the following agenda:

1 –Support for the process of democratisation

      Modernisation of the state

      Democratic education

      Reform of the security system

      Support for election process

      Strengthening of the legal system

      Support for civil society

      Civic education

2 –Monitoring human rights

      Education in human rights

      Strengthening of the human rights attorney's office

      Creation of specialised organisations and courts

      Dissemination of International Humanitarian Law

3 – Strengthening the peace process

      Verification of the agreements

      Support for the organisations involved in dialogue and reconciliation

      Creation of peace commissions

      Creation of truth commissions

4 – Demilitarisation

      Demining

      Reduction of armed forces and military budgets

Suppression of organisations involved in repression
Formation of armed forces with former combatants
New concepts of human security

5 – Disarmament, demobilisation and reintegration of former combatants

Land transfers
Education, healthcare and food assistance
Training
Support for production projects
Creation of micro-enterprises and cooperatives
Education for families

6 – Support for the return of refugees and displaced persons

Emergency humanitarian aid
Food aid
Healthcare assistance
Resettlement

7 – Support for injured persons and the families of victims

8 – Rehabilitation of damaged zones

Reconstruction of infrastructures

Without exception, all the countries that sign agreements must grapple with an entire series of political, economic and social difficulties, and the original conflict will only truly be over once all these difficulties have been overcome. We have taken three cases as examples of the emergence of these difficulties: southern Sudan, Ivory Coast and Burundi, with the peace agreements signed in 2005, in 2007 and in early

2009, respectively. An analysis was conducted in late 2009 to see the kind of problems all three countries were forced to deal with. The results are as follows:

Southern Sudan: Problems with the election census, arms trading, the distribution of oil revenues, human rights violations, delays in the reform of the intelligence services, tribal clashes and rising insecurity.

Ivory Coast: Problems with delays in elections, clashes between rebel factions, a struggle to control natural resources, disputes over land control, weakness of the social fabric, disproportionate use of force by the security forces, human rights violations of minors, lack of information on displaced persons, inter-community tensions, delay in the disarmament of pro-government militias and problems integrating the rebels.

Burundi: Delays in the disarmament and demobilisation of former combatants, proliferation of light weapons, criminality, human rights violations, clashes over land ownership, mistrust of the election code and a division within the opposition forces.

As can be seen, some of these problems are common to all three countries, while others involve delays in the implementation of the agreements signed months or years earlier, which demonstrates the extreme difficulty of totally fulfilling them.

II – PEACE PROCESSES COMPARED

This chapter summarises the peace processes in ten countries: El Salvador, Guatemala, Northern Ireland, South Africa, Tajikistan, Sierra Leone, southern Sudan, Burundi, Indonesia (Aceh) and Nepal. It encompasses processes that were begun between 1984 (El Salvador) and 2002 (Nepal), which lasted between four years in Nepal and 21 in Northern Ireland. The majority of these peace processes had mediators (the United Nations four times). As for the underlying reasons, four were related to the democratisation of the country, three to political power-sharing and three to self-government. In two processes (Guatemala and South Africa), there was widespread participation by civil society, while in the remaining countries the processes were conducted in a more top-down fashion. When the agreements were reached, combatants in all the countries were granted amnesty, although in some cases Truth Commissions were created. All the opposition groups which fought during the conflict ended up occupying positions of responsibility in the new governments that emerged after the peace agreements.

	Period	Years	Mediation	Underlying reason
El Salvador	1984-1992	8	UN	Democratisation of the country
Guatemala	1985-1996	11	UN	Democratisation of the country
Northern Ireland	1987-2008	21	-	Self-government

	Period	Years	Mediation	Underlying reason
Angola	1988-2002	14	Portugal, Rusia, EEUU	Democratisation of the country
South Africa	1989-1994	5	-	Political power-sharing
Liberia	1990-2003	13	_	Political power-sharing
Tajikistan	1992-1997	5	UN	Self-government
Sierra Leone	1994-2002	8	UN	Political power-sharing
Southern Sudan	1998-2005	7	IGAD	Self-government
Burundi	1998-2008	10	Tanzania South Africa	Democratisation of the country
Indonesia (Aceh)	2000-2005	5	CHD Finland	Autogobierno
Nepal	2002-2006	4	-	Democratización del país

There was a variety of reasons for negotiating and starting a peace process, but in all the cases the people's weariness with war and desire for peace were crucial. In El Salvador and Guatemala, as well as in Tajikistan, the regional context favourable to dialogue (Contadora Group) was decisive. In Guatemala, the presidential elections helped to foster a change in the political scene. In Northern Ireland and South Africa, the economic need to achieve peace was important. In Tajikistan and South Africa, the fact that the guerrillas agreed to cease having an assured rearguard played a key role. External pressure exerted influence in South Africa, southern Sudan and Burundi. The humanitarian crisis was decisive in southern Sudan and Indonesia (Aceh); in the latter, a natural catastrophe, a tsunami, precipitated the start

of the process. Finally, in Nepal, grassroots demonstrations against the monarchy prompted the negotiations which led to the definitive peace agreement.

THE PROCESS IN EL SALVADOR

A civil war broke out in 1980 which led to the death of 75,000 people, as the FMLN guerrillas clashed with the country's repressive militaristic government. In 1983, the Security Council approved a resolution in which it stated its support for the peace-building activities of the Contadora Group (Colombia, Mexico, Panama and Venezuela), which had embarked on a series of consultations in five Central American countries. Between 1984 and 1987, the first four exploratory dialogue encounters were held, to no avail, between the government and FMLN representatives. These talks were mediated by the archbishop of El Salvador, Monsignor Arturo Rivera y Damas. At the last meeting, the Nunciature Round in October 1987, a communiqué was issued that expressed the desire to reach a ceasefire and to back the decisions taken by the Contadora Group. This was a stage in which both parties' positions matured and became more flexible. The Esquipulas Process gained prominence in 1986, which used the efforts of the Contadora Group and was joined by the Support Group (Peru, Argentina, Brazil and Uruguay) with the backing of the OAS and the UN. Between 1987 and 1990, the Central American presidents called for a negotiated political solution.

In September 1989, the Secretary General of the United Nations conducted his first good offices spurred by a request

by President Cristiani and the FMLN made in Mexico. The Secretary General appointed Peruvian diplomat Álvaro de Soto his special representative. The agreement signed in Mexico between the government and the FMLN included a decision to embark on a dialogue process with the purpose of putting an end to the armed conflict. However, in November, the FMLN launched a general offensive to demonstrate its strength. The offensive was contained by the armed forces, leading both parties to reach the conclusion that they were militarily tied.

In April 1990, a dialogue meeting was held in Geneva sponsored by the United Nations and in the presence of the Secretary General. At this meeting, an agreement was signed that laid down a series of rules to be followed in the negotiation process and stated both parties' desire to reach a negotiated, political solution. The goals were to end the armed conflict via political means, to promote the country's democratisation, to ensure unlimited respect for human rights and to reunify Salvadoran society. In May of the same year, a meeting was held in Caracas where a general negotiating agenda and calendar were drawn up. The process was divided into two phases: in the first, political agreements would be reached in areas that enabled the armed conflict to come to an end; and in the second, the guarantees and conditions needed for the FMLN to rejoin the country's civil, institutional and political life would be set forth. In July, the San José Agreement (Costa Rica) was reached, which outlined both parties' commitment to respect human rights and called for a UN verification mission (the future ONUSAL) before reaching a ceasefire.

In April 1991, an agreement was reached in Mexico City in which the negotiations on land tenancy were considered closed and constitutional reforms on judicial, military, electoral and human rights matters were included. The Truth Commission was created to investigate the serious violent deeds that had taken place since 1980; the commission received more than 22,000 grievances. In May, UN Security Council Resolution 693 was approved, which stipulated the formation of a United Nations Observers' Mission for El Salvador, whose initial mandate was to verify compliance with the San José Human Rights Agreements. Later, its mandate would be expanded. The mission had a three-fold organisation: a human rights division, a military division and police observers. In September, the UN Secretary General intervened directly by seating the parties in New York (New York Agreement) at a summit at which they agreed to the minimum security guarantees for a ceasefire. These guarantees were later verified by the nascent National Commission for the Consolidation of Peace (COPAZ), made up of all the political forces in the country. In December, final negotiations were held at the UN headquarters in New York, and on the 31ˢᵗ of this same month an agreement was reached.

In January 1992, a general amnesty was declared and the Chapultepec Peace Agreement was signed, which led to a change in the armed forces (elimination of officers involved in the dirty war and reduction in troops), the creation of the National Civil Police force, the dissolution of the military intelligence services, the elimination of the paramilitary corps, a change in the judicial system, the defence of hu-

man rights, the creation of a Truth Commission, changes in the electoral system, the transformation of the FMLN into a political party, the adoption of economic and social measures and the expansion of the ONUSAL mandate (Military and Police Division). February witnessed a cessation of the armed clash and the start of demobilisation. In December, the FMLN was legalised as a political party, and the next day, the definitive end to the conflict was officially celebrated.

There were several determining factors in reaching the agreements: the Salvadoran people's desire for peace, changes in civil law, the de-legitimisation of the armed forces, the murder of six Jesuit priests, the military standoff between the armed forces and the FMLN, more flexible positions, United Nations mediation, the efforts of friendly countries (Spain, Mexico, Colombia and Venezuela), the positive role played by the Catholic Church and the National Reconciliation Commission, the new geopolitical scene (end of the Soviet empire, defeat of the Sandinistas), pressure from the United States late in the game and the influence of the Contadora Group. The process lasted ten years.

THE PROCESS IN GUATEMALA

Just like many peace processes, the one in Guatemala needed many years, more than one decade, to transform the earliest contacts into the agreement signed in 1996. The origins date back to 1983, when Colombia, Mexico, Panama and Venezuela formed the Contadora Group with the purpose of stimulating democratic changes in Central

America and generating, in little time, regional pressure in favour of peace in the region. The Contadora Group is an example of how an external factor can become a driving force for creating an atmosphere that is friendly to dialogue and negotiation, to such an extent that these processes would not have existed in Guatemala, nor in El Salvador and Nicaragua, without this initiative.

Furthermore, the regional pressure dovetailed with the first steps towards civility taken inside the country shortly thereafter. Guatemala had been enmeshed in years of conflict and militarisation, and it was not until 1984 that Guatemalan military officers gave the first signs of agreeing to transfer power to civilian hands. These signs materialised in the 1985 presidential elections, which Vinicio Cerezo won. He became the president who launched the much-awaited transition to democracy after years of military dictatorship. Cerezo was also the first to make overtures to the guerrillas, specifically in Spain at the headquarters of the Guatemalan embassy, in an initial exploration of the URNG guerrilla's willingness to embark on a negotiation process. Even though the right conditions were not in place at that time, the encounter was decisive for starting a maturation process which would bear fruit years later. In any event, without the courage to take this first step and in the absence of Cerezo's vision of the future, peace would never have been achieved in Guatemala.

In 1986 and 1987, there was yet another regional push with the Esquipulas I and II Agreements, with the slogan "peace for democracy". The upshot of these meetings was

the creation of the National Reconciliation Commission in Guatemala, which in the ensuing years would play a prominent role in achieving peace. In parallel, pro-peace social and religious groups also blossomed. They would end up being the hallmark of Guatemala's experience: the decisive contribution of its civil society in a scope of involvement rarely seen in peace processes. At that time, the contribution by a single person, the U.S. Lutheran pastor Paul Wee, was also crucial. Wee was the former Secretary General of the Lutheran World Federation whose good offices fostered the earliest encounters between the URNG and the military. While in South Africa the human factor is discussed in reference to the decisive contribution by Nelson Mandela, the history of Guatemala must pay tribute to the crucial figure of Paul Wee, as without his efforts the process would have taken another pace and a different course. Paul Wee fostered the creation of a favourable atmosphere, which paved the way for the Grand National Dialogue called in 1989.

In 1990, an extremely important process got underway that was dubbed the "Oslo Consultations", as the first meeting between the URNG and the National Reconciliation Commission (CNR) was held in that city, which enshrined Norway as one of the most active countries in peace diplomacy. That encounter ushered in a series of meetings between CNR delegates and the URNG in different countries: in El Escorial, Spain, with the presence of the political parties; in Ottawa, Canada, with the business sector; in Quito, Ecuador, with the religious groups; in Metepec, Mexico, with representation of the people and trade unions; and finally in Atlixco, Mexico, with the representatives of

educational organisations, small business owners and university colleges. These meetings laid the groundwork for the start of direct negotiations between the URN and the government in 1991. These negotiations lasted five years. President Serrano, who replaced Cerezo, launched the Total Peace initiative, which made it possible to sign an agreement in Mexico in April with an eleven-point negotiation agenda. The main items included strengthening civil society and the role of the army, indigenous peoples, constitutional reform and the election system, resettling the displaced population, socioeconomic conditions and agricultural reform. A second round of negotiations was held in Querétaro, Mexico, in July, at which the principles for the democratisation of the country were discussed. As can be seen, much of Guatemala's process was conducted outside the country.

In 1993, under the presidency of Ramiro de León, institutional reforms were undertaken in Guatemala and the National Reconciliation Commission was disbanded. However, a permanent peace fund was created to give the people a voice, and at the end of the year, more formal negotiations were launched with the URNG after several "ecumenical encounters" organised by pastor Paul Wee. The following year, negotiation rounds were held in Mexico, and UN mediation got underway with the Framework Agreement for Resumption of the Negotiation Process; this entailed a series of rounds that lasted until the final agreement, signed in 1996. The figure of "friendly countries" was launched, which included Colombia, Mexico, Norway, Spain, the United States and Venezuela. These countries provided diplomatic and economic support to the project.

The United Nations created MINUGUA (United Nations Verification Mission in Guatemala), whose mandate lasted until 2004. In March, the important Global Agreement on Human Rights was signed by the government and the URNG. It is worth noting that this agreement was signed without a ceasefire, that is, in the midst of the hostilities, but with the purpose of "humanising" the war. It was agreed to ask that an Assembly of Civil Society (ASC) be created, which started in April of that year and lasted until 1996. Its mandate was to debate the underlying issues addressed in the bilateral negotiations. With the ASC, Guatemala's process provided a hugely enriching model of citizen participation, as it is one of the processes in which civil society has had the most chances to influence the negotiating table under an operating scheme in which ten delegates were appointed for each social sector represented. These delegates were charged with adopting "least common denominator" proposals to be brought to the negotiating table.

Finally, a peace agreement was signed in 1996 that put an end to 36 years of armed conflict. It consisted of 13 agreements and 300 commitments, not all of which were fulfilled, partly because they were overly ambitious and partly because a referendum which was supposed to ratify some of them failed to pass in 1999. Thus, the process in Guatemala is criticised for having overly high aspirations, which sheds light on the dilemma of which is better: a less ambitious but more realistic agreement, or the opposite. In any event, the agreement put an end to the armed violence and enabled an International Commission against Impunity to be created years later in 2007.

THE PROCESS IN NORTHERN IRELAND

The peace process in Northern Ireland lasted a little over a decade. Its immediate origins date back to the mid-1980s, when the atmosphere was favourable to peace, either because of weariness with war, contagion from other processes, the economic need to achieve peace, support from the new US administration or the people's fervent desire for peace. In 1987, the first secret talks were launched between John Hume, leader of Northern Ireland's Social Democratic and Labour Party (SDLP) and the British government. Eleven years later, Hume was awarded the Nobel Peace Prize for his contributions to peace in Northern Ireland. In 1990, the channel of communication was opened with the leaders of Sinn Féin, and in December 1993 the British government issued the Downing Street Declaration, which accepted Northern Ireland's right to self-determination and pledged to facilitate an agreement with the Irish people, as well as allowing Sinn Féin to join the political dialogue. This led the IRA to declare a ceasefire in 1994, which lasted until February 2006. In January 2005, the loyalist paramilitary groups declared a ceasefire, and in November of the same year, the President of the United States, Bill Clinton, travelled to Northern Ireland, which amounted to an enormous boost to the peace process.

In June 1996, inclusive multi-party negotiations were held, initially without Sinn Féin, with the mediation of former US Senator George Mitchell. These negotiations operated under the principle of "sufficient consensus", that is, the decisions were taken by simple majority, as long

as the main parties participated. Decision-making also included what was called "parallel consent", in which a majority of both nationalist Catholics and unionist Protestants was needed. The negotiations were conducted under the principle that "nothing was agreed until everything was agreed"; that is, the partial agreements would not be valid until everything had been agreed to. Under former Senator Mitchell's mediation, it was stipulated that only peaceful and political means would be used in the process. This was called the "Mitchell principles". At this time, the British Minister for Northern Ireland, Mo Mowlam , demonstrated her courage by visiting prisons to meet with prisoners from the IRA and protestant paramilitary groups with the purpose of convincing them to take part in the peace process. In 1997, the IRA declared a second truce, which allowed Sinn Féin to rejoin the multi-party talks. Finally, a peace agreement called the Belfast Agreement (also known as the Good Friday Agreement) was signed in April 1998. This agreement called for police reform, reform of the institutions of Northern Ireland, the formation of a British-Irish Ministerial Council, a North South Ministerial Council and a Human Rights Commission. Seven years later, in 2005, the IRA gave up its armed struggle. In 2007, a government shared between Catholics and Protestants was started, and the IRA was officially, permanently disbanded in 2008. Reconciliation will take many years and the wounds will probably not be fully healed for another generation, but at least headway can be made in the absence of attacks.

THE PROCESS IN SOUTH AFRICA

The process in South Africa, which lasted less time, also emerged as the result of a nurturing atmosphere. In the late 1980s, South Africa was experiencing governability problems. There was a great deal of outside pressure regarding the policy of apartheid, the country was suffering from a major economic crisis and Nelson Mandela's African National Congress (ANC) was losing outside support as the result of the fall of the Berlin Wall and the end of the Soviet Empire. In 1989, all of these factors conspired in favour of negotiations, which the recently appointed President De Klerk would transform into major reforms. De Klerk opened up secret negotiations with Mandela, who was now the mastermind of a process that would shake the world and become a benchmark for other countries seeking a model of reconciliation and transition to democracy. Mandela used his extraordinary powers of persuasion to earn the trust and respect of his opponents and turn the secret talks into formal negotiations. He was released in 1990, at the same time that all the political groups were legalised and the transitional period got underway. In March of the following year, the churches called a peace conference, which was warmly welcomed by the business community. Indeed the business sector became one of the most fervent in its support of change, to such an extent that a consultative business movement was created. In April, President De Klerk announced a peace summit, and shortly thereafter a Civil Facilitating Commission and a National Peace Convention were created. From then on, a parallel process unfolded: first, the National Peace Accord was launched from 1991

to 1994 as the instrument of citizen participation, and secondly the Convention for a Democratic South Africa (CODESA) was orchestrated, made up of five working groups, along with the Multi-Party Negotiating Forum (MPNF) as a formal negotiation mechanism between the government and the political parties, including the ANC.

The instrument for citizen participation, the National Peace Accord, worked with two kinds of structures: a National Peace Commission (made up of 60 people) and a National Peace Secretariat (made up of seven people), as well as regional and local structures. The latter were made up of 11 regional peace commissions (with representatives from political parties, business, trade unions, local authorities, police, local commissions and other sectors), 260 local peace commissions (which reflected the composition of each community and reported to the regional commissions) and 15,000 peace monitors. This civic structure, which deep-down bears similarities to the Civil Society Assembly in Guatemala, debated the issues on the negotiation agenda for three years until general elections were held in 1994. Nelson Mandela won, and a transition government was sworn in, which gave rise to the Constituent Assembly and the formation of a Truth and Reconciliation Commission, which operated until 1999. In December 1996, the new constitution was approved, ushering in the new South Africa of the 21st century, full of challenges yet free of apartheid. All of this was thanks to the courage and mass appeal of President Mandela, the miraculous "human factor" in South Africa, a process which, along with its charismatic leader, has given the world a participatory model with a

unique experience of reconciliation, in which forgiveness was conditioned upon revelation of the truth.

THE PROCESS IN TAJIKISTAN

In 1992, one year after Tajikistan proclaimed its independence from the USSR, a civil war broke out which led to 50,000 deaths. In May, the Tajik opposition, an informal coalition of Islamic groups and other forces, took power after two months of demonstrations. The United Tajik Opposition (UTO), led by Abdullo Nuri, took refuge in Afghanistan after being defeated in December.

In September of that same year, the first United Nations exploratory mission was conducted based on an appeal from President Rakhmonov to the UN Secretary General. A second United Nations exploratory mission was held in November, with the active participation of four countries from the Commonwealth of Independent States (CIS): Kyrgyzstan, Kazakhstan, Uzbekistan and Russia. In April, Ismat Kittani was appointed the Secretary General's special envoy. In January 1993, Kittani was replaced by Ramiro Piriz-Ballón. In March 1993, the "non-official inter-Tajik dialogue" got underway when seven individuals from different factions in the war gathered round the same table in Moscow. The talks continued after a peace agreement was signed in 1997, and they exerted some influence on the outcome of events. In September 1993, the CIS Council of Ministers deployed collective peace forces, made up of contingents from the Russian Federation, Kazakhstan, Kyrgyzstan, and Uzbekistan. The hostilities had waned considerably.

In April 1994, the first round of negotiations was held in Moscow with an inclusive agenda (political agreement, the problem of refugees and consolidation of the state). In June, a second round of negotiations was held in Teheran with participation by the OECD as an observer. In September, a consultative meeting took place in Teheran, where a provisional ceasefire agreement was signed, prepared by the United Nations teams. At that meeting, the Russian and Iranian chancellors played a prominent role in convincing the UTO. In October, the third round of talks was held in Islamabad with participation by the Organisation of the Islamic Conference (OIC) as an observer. It concluded with a protocol that set up a joint commission to supervise the ceasefire. In December, the United Nations Mission of Observers in Tajikistan (UNMOT) was created with the mission of supervising the situation and backing regional peace initiatives.

In May 1995, the fourth round of talks was held in Almaty, with an agreement to exchange prisoners and repatriate refugees. The UTO submitted a proposal for a transition government, which was rejected by the government. In July and August, the United Nations team flew between Dushanbe and Kabul five times to hold "consultative negotiations" between President Rakhmonov and the leader of the UTO, Nuri. In August, President Rakhmonov and Nuri signed a Protocol on the Fundamental Principles for establishing Peace and National Accord in Tajikistan, which became the roadmap and stipulated that a "continuous round" of negotiations be held. In November, the first phase in the continuous round was held in Asjabab,

Turkmenistan, where the discussion topics included how to integrate representatives from the opposition into the government and representatives from the opposite military units into the armed forces. In July 1996, the third phase in the continuous rounds was held in Asjabab, Turkmenistan, and Ramiro Piriz-Ballón was replaced by the representative of the Secretary General of the United Nations, Gerd Merrem. In December, Rakhmonov and Nuri met in Afghanistan and agreed to a cessation of hostilities.

In January 1997, the Protocol on Refugees was signed in Teheran with key participation by the Iranian Foreign Minister, Velayati. From January to May, rounds of talks were held in Teheran, Moscow, Meshed (Iran) and Bishkeh, in which both parties agreed to the modalities of the DDR, the integration of the armed forces, the legalisation of the Islamic Renaissance Party and a 30% share in the power structure for UTO representatives. The Protocol on Political Affairs was signed in the Bishkeh round with the good offices of the President of Kyrgyzstan. In March, the Protocol on Military Affairs was signed, which enabled the CIS armed forces to accompany the units of the United Tajik Opposition (UTO) from Afghanistan to the gathering zones supervised by UNMOT. The Russian Foreign Minister, Primakov, played a key role in this process. Finally, on the 27th of June, the General Peace Agreement was signed at the Kremlin. In July, the first meeting of the National Reconciliation Commission was held in Moscow, which approved a mutual forgiveness law and a draft amnesty law that was approved days later by the Parliament. In November, a donor conference was held in Vienna, where 96 million dollars

were pledged. The Security Council extended UNMOT's mandate and changed its mission so it could cooperate with the National Reconciliation Commission, supervise the DDR and coordinate the United Nations' assistance during the transitional period. In 1999, peaceful elections were held and Rakhmonov was re-elected president. The peace process lasted five years.

There were several keys factors in the negotiations: weariness of war; Russia's and Iran's interest in peace (the last few rounds were held in the capitals of both countries); the moderating influence of Turkey and Saudi Arabia on the Tajik opposition; the fundamental role played by the United Nations and its Department of Political Affairs; the skilful handling of the process by the friendly countries; the Security Council's clear mandate; the adept coordination of the four CIS countries (Kyrgyzstan, Kazakhstan, Uzbekistan and Russia); the participation of Iran, Pakistan, Afghanistan and Turkmenistan as observers; the role of the OSCE and the OIC, who were allies in the process and guarantors of the peace agreement; the negotiations which were not interrupted despite the surrounding conflict and noncompliance with the ceasefire (the negotiations were part of the war strategy); the personal relations between the Tajik President Rakhmonov, and the Tajik opposition leader, Nuri, who took the helm of their respective delegations seven times; the confidentiality of the process; the usual format of consultations between the leaders of the delegations and the United Nations mediators, who always wrote the first drafts, which were accepted 95% of the time; and the existence

of the "non-official inter-Tajik dialogue", which bore a positive influence on the course of the negotiations.

THE PROCESS IN SIERRA LEONE

A civil war broke out in 1991 in which 75,000 people died. It was triggered by a rebellion against President Momoh led by the Revolutionary United Front (RUF) with Foday Sankoh at the helm. Momoh was defeated the next year in a military coup. Captain Strasser became the President, and the RUF issued new demands, leading the conflict to continue. In October, the RUF took control of the diamond mines, which also prolonged the conflict.

In 1994, President Strasser asked for the good offices of the UN Secretary General to encourage the RUF to negotiate with the government. The Secretary General sent a civil servant to try to forge contacts with the RUF, but to no avail. In view of this development, the Secretary General appointed Berhanu Dinka his Special Envoy for Sierra Leone, with the mission of engaging in contacts with the RUF. In 1995, the UN, ECOSAP and the OAU tried to negotiate a solution, and in December of the same year the international British organisation Alert helped to set up a meeting between the UN and the RUF in Abidjan (Ivory Coast). In March 1996, presidential elections were held and Ahmad Tejan Kabbah was elected. The RUF did not participate and forged ahead with the conflict, but on the 25th of March the outgoing government and the RUF signed a ceasefire agreement. It was also agreed to hold negotiations with a view to solving the conflict. These negotiations were held with mediation by

Ivory Coast, the United Nations, the OAU and the Commonwealth. In April, Kabbah and Sankoh met face-to-face in the Ivory Coast; they agreed to a ceasefire and to set up working groups. The OAU decided to get more actively involved and appointed a special envoy. The negotiations ended with the signing of the Abidjan Agreement in November, which initially put an end to the conflict. The agreement called for amnesty, the conversion of the RUF into a political party and a disarmament, demobilisation and reintegration (DDR) process. The agreement also called for electoral, judicial and police reform. Between December 1996 and January 1997, an evaluation group sent by the UN Secretary General visited Sierra Leone, and on the 3rd of January this group managed to meet with the leader of the RUF.

In March 1997, Sankoh was arrested in Nigeria, and in May of the same year, Paul Koroma led a military coup with the support of the RUF. He created the Armed Forces Revolutionary Council, with which he fought the ECOMOG (Military Observer Group) troops in the country. In October, talks were held in Conakry and a peace plan was signed that called for a cessation of hostilities, a ECOMOG verification mechanism, the DDR, immunity for participants in the coup, the return of Sankoh and the reinstatement of President Kabbah's constitutional government. In February 1998, in response to a joint attack by the RUF and the army of the junta , ECOMOG launched a military attack that led to the dissolution of the junta and its expulsion from Freetown. President Kabbah once again occupied his post and appointed a new government. The United Nations Observer Mission in Sierra Leone (UNOMSIL) was

also created. Foday Sankoh, who had been arrested, issued a call for surrender, but the skirmishes continued, partly due to Liberia's support of RUF members.

In 1999, new negotiations were held between the government and the rebels. In May, the Lomé Convention was signed and a dialogue got underway between the government and the RUF. The government transported Sankoh from Freetown to Lomé with a promise of amnesty. The government of Togo facilitated the negotiations. A ceasefire was declared and the prisoners of war were released. The main provisions in the agreement were the transformation of the RUF into a political party, the establishment of a national unity government, the granting of the vice presidency to Sankah, the establishment of a Council of Notables and Religious Leaders to act as mediators, an amnesty, the scheduling of elections, the start of a DDR and a restructuring of the armed forces, the establishment of a Truth and Reconciliation Commission and the gradual withdrawal of ECOMOG forces. It was agreed that Togo, the United Nations the OAU and the Commonwealth would serve as the guarantors of the agreement. In October, Sankah and Koroma returned to Freetown and UNAMISIL (United Nations Mission in Sierra Leone) was created to fulfil the Lomé Convention. In November, a ceasefire agreement was signed in Abuya, which called for UNAMISIL to perform a supervisory function and for the DDR to immediately resume. This agreement triggered divisions within the RUF.

In May 2000, 500 UN troops were kidnapped by the RUF, which prompted a British military intervention, the

disbandment of the RUF and the arrest of Sankah. However, in November the Abuja I Accord was signed, which declared a ceasefire supervised by UNAMSIL and the handover of weapons by the RUF, as well as DDR programme and the restructuring of the armed forces. Given the fact that the fighting continued, in 2001 the Guinean troops performed an offensive against the RUF. However, in May the Abuja II Accords setting out a DDR programme were signed between the RUF and the government. The war finally came to an end in January 2002. Sankoh died in prison. The peace process, with all its ups and downs and non-compliance, lasted eight years.

THE PROCESS IN SOUTHERN SUDAN

The start of the conflict dates back to 1983, when the armed opposition group SPLA from the south of the country rebelled against the Sudanese armed forces, which were opposed to independence for the south of the country, which the SPLA was advocating. The conflict led to the death of more than one million people. The first explorations were conducted in 1988, and the following year the government and the SLPA signed a tentative Declaration of Principles of IGAD, the mediator, to hold a referendum on self-determination in the south of the country.

In July 2002, a theoretical agreement was reached under the auspices of IGAD, which established autonomy in the south before a referendum was held in 2011. Between 2002 and 2004, several rounds of negotiations were held in Kenya, in which headway was made on an extensive agenda

of issues. These rounds made it possible for a definitive peace agreement to be reached on the 5ᵗʰ of January 2005, in which the north and south would keep separate armed forces, a joint force would be created for the more disputed areas, autonomy would be set for six years, a referendum on self-determination would be held in 2011, the oil profits would be equitably split and a National Unity Government would be formed, with one vice presidency set aside for the SLPA. Likewise, it was agreed not to apply Islamic law in the south of the country and that each territory would have its own flag. The process lasted a total of 13 years, and seven went by before a peace agreement was signed.

THE PROCESS IN BURUNDI

The start of the conflict in Burundi dates back to 1983, when the country's Hutu prime minister was assassinated, triggering a cycle of violence that led to the death of 300,000 people. The first peace talks did not start until five years later, in 1998, in Tanzania. They were initially facilitated by the president of that country, Nyerere, and later by Nelson Mandela. In August 2000, the Arusha Agreement was signed with the participation of 17 political parties and the majority of Hutu organisations in the country, which led to the formation of the first transition government. Between 2002 and 2003, agreements were signed with two other major groups, the CNDD-FDD and the PALIPEHUTU-FNL, which left pending the agreement with just a single group, the FNL, whose leader, Agathon Rwasa, did not sign a peace agreement until six years later.

The first negotiations with Rwasa's FNL were held between 2002 and 2004 in Gabon, Tanzania, Switzerland, Kenya, the Netherlands and South Africa, although they were fruitless. In 2004, the United Nations Operation in Burundi (ONUB) was created with the mandate to help to implement the efforts to restore peace and reconciliation. Its mandate lasted until 2006, when a General Ceasefire Agreement was signed with the FNL in September in Tanzania, which along with South Africa was a mediator in the conflict. This agreement stipulated the following: rectification of the ethnic question, already identified as one of the causes of the conflict; provisional immunity for FNL members and its transformation into a political party; the repatriation of refugees and the return of the displaced population; and a revision of the composition of the security and defence forces. In October of the same year, a United Nations Integrated Office in Burundi (BINUB) was created, which took over the baton from the ONUB with the mandate of supporting the government in its efforts on behalf of peace and stability.

Finally, in December 2008 a peace agreement was signed with the FNL, with the presence of the South African mediator, Charles Nqakula. The next step was political power-sharing, with 33 posts set aside for the FNL and the launch of the group's disarmament. The process lasted ten years.

The process in Indonesia (Aceh)

The conflict in Indonesia (Aceh) started in 1976, when the armed opposition group GAM claimed independence

for Aceh. The conflict led to the death of 15,000 people. The earliest talks were held in 2000 with the facilitation of the Centre for Humanitarian Dialogue, headquartered in Geneva. These talks led to the signing of a Framework Agreement on Cessation of Hostilities. However, both parties were still clashing because they were unwilling to give up armed activity. Another influential factor was that Timor-Leste had just won independence and the Indonesian army was unwilling to lose another region. The second round of negotiations was held in May 2002, also in Geneva, and the third in May 2003 in Tokyo. However, the GAM insisted on independence for Aceh, an option that was rejected outright by the government. As a result, martial law was instated and the hostilities resumed. Yet during this same period, a 46-year-old Finnish financial consultant, Juha Christensen, managed to keep up discreet contacts with the clashing parties, which would come to be of vital importance to the future of the negotiations.

A tsunami hit in 2004 leading to the death of 170,000 people in the region, which was devastated. This natural catastrophe, which required the government to open up Aceh to the international community, totally altered the situation and triggered reactions that helped spur the resumption of the negotiations. The first contacts occurred in January 2005 with the mediation of the Crisis Management Initiative, driven by former Finnish President Martti Ahtisaari. Several noteworthy events took place within the space of a few months: a bilateral truce, a meeting in Sweden with GAM exiles, the withdrawal of the arrest warrant against GAM leaders and a change in GAM criterion, as it ceased

to demand independence and instead agreed to advanced autonomy. Thus, special autonomy was negotiated, and the facilitator set a deadline for reaching an agreement (summer). Finally, a Memorandum of Understanding between the GAM and the government was signed in August 2006, which put an end to 30 years of conflict. The agreement was based on the end of hostilities and the disarmament of the GAM, the withdrawal of the military and police forces, amnesty for GAM members and their participation in politics, as well as the establishment of a Truth and Reconciliation Commission. In December of the same year, the GAM candidate was proclaimed governor of the region of Aceh. The peace process, in all its stages, lasted five years.

THE PROCESS IN NEPAL

The conflict got underway in 1996, when the Communist Party of Nepal (CPN), a Maoist guerrilla force, opposed the forces of the Nepalese monarchy. The conflict led to 10,000 deaths. In 2002, the first secret talks were held and a tentative and temporary bilateral ceasefire was reached. The next year, formal talks were held, but to no avail. In November 2005, the CPN reached an alliance with seven Nepalese parties, pledging to establish a democracy, respect human rights, call UN-supervised elections and embark on a UN-supervised disarmament. One year later, in June 2006, an agreement was reached between the government and the NPC, and in November the peace agreement was signed that put an end to ten years of conflict.

This agreement was comprised of the following points:

- To implement the 12-point agreement reached on the 22nd of November 2005 between the CPN and the seven political parties, as well as the ceasefire code of conduct signed by the government and the CPN on the 22nd of May 2006.
- To conduct their respective activities peacefully and mindful of the commitments of a multi-party government system, civil liberties, the fundamental rights, human rights, freedom of the press, the rule of law and the democratic norms and values.
- To ask the United Nations to assist in managing the armed forces and weapons of both parties, as well as to observe the impartial elections for the Constituent Assembly.
- To guarantee the democratic rights established by the grassroots movement in 1990 and 2006, based on the commitments expressed in the 12-point agreement, in the preamble of the ceasefire code of conduct and in the draft of an interim constitution, and consequently to set up an interim government, set a date for the election of a Constituent Assembly and dissolve the congress and the Maoist government through an alternative agreement based on consensus.
- To deem that these issues are of national importance and must be fulfilled based on understanding.
- To guarantee that the fundamental rights of the Nepalese people are part of the process of creating a new constitution, without their being influenced by fear, threats or violence. International observation and monitoring will be needed for the elections.
- To restructure the state gradually in order to resolve the

problems associate with class, race, region and gender, through elections for a Constituent Assembly. This includes a commitment to transform the ceasefire into lasting peace and to resolve problems through dialogue, with special attention to democracy, peace, prosperity, progress, independence, the sovereignty of the country and self-esteem.

In 2008, Nepal ceased to be a monarchy and became a democratic federal republic. In accordance with the peace agreement, the United Nations will supervise the cantonment and reintegration of the Maoist forces, while the government will restructure its armed forces. The peace process lasted four years.

III – INTRODUCTION TO NEGOTIATION

This section includes several tables that can help shed light on the complexities of the world of negotiation and mediation. By negotiation we mean the process of dealing with a conflict in which the parties involved try to reach an agreement, to fulfil their interests through dialogue and to get a result other than zero-sum, so that both parties win and neither loses completely. By mediation we mean the actions by a third party to help the conflicting parties enter into negotiations and reach an agreement through dialogue and commitment.

According to a study analysing the results of 1,153 negotiations that took place in violent international conflicts between 1945 and 1995, 40.3% managed to reach a solution to end the conflict, 6.7% reached a ceasefire and 53% failed.[5] However, just as we can see the glass as half-empty or half-full, the statistics show a higher percentage of negotiations that end in relative success. An equally meaningful fact is that as the years go by there is a gradual tendency for there to be more and more cases of civil wars that end with negotiated agreements. While in the 1960s they accounted for 10% of the cases, by the 1990s they accounted for 54%. In this past decade, only 23% of the civil wars ended in a military victory,

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5 Richard Jackson, *Journal of Peace Research*, may 2000

compared to 65% in the 1970s and 80% in the 1960s.[6]

With regard to mediation, according to a study analysing 419 international crises between 1918 and 1996, 30% of them had mediation.[7] There has been more mediation in the post-Cold War years (64%) than in previous periods (20% of the crises during the bipolar Cold War era from 1945 to 1962, and 34% in the polycentric period from 1963 to 1989). What is even more meaningful is that the crises with mediation reached final agreements more often (62% compared to 27% of the crises without mediation). Therefore, we are moving towards a culture of negotiation in armed conflicts, even though they are internal conflicts with a multiplicity of actors, which always makes negotiations more difficult. In any event, as seen in the table below, the figures indicate that it is taking less and less time to start negotiations and that the negotiations are lasting less and less time.

6 C.A. Hartzell & M. Hoddie, "Crafting Peace", The Pensylvania State University Press, 2007, p. 10.

7 Wilkenfeld, Young, Asasl & Quinn, "Mediating International Crises", Journal of Conflict Resolution, Vol. 47 no. 3, June 2003, pp. 279-301.

Negotiation times in some conflicts (status at the end of 2009)				
	Start of the conflict	Start of the negotiations	Years the conflict lasted[8]	Years of negotiation[9]	Years waiting before the first negotiation
India-Pakistan	1947	1949	62	60	2
Guatemala	**1960**	**1989**	**36**	**7**	**29**
Colombia – ELN	1964	1991	45	18	27
Colombia – FARC	1964	1983	45	26	19
Palestine	1967	1990	42	19	23
Philippines – NPA	1969	1986	40	23	17
Northern Ireland	**1970**	**1985**	**35**	**20**	**15**
Philippines - MNLF	**1972**	**1993**	**24**	**3**	**21**
Angola	**1975**	**1991**	**27**	**11**	**16**
Cabinda	**1975**	**2002**	**30**	**3**	**27**
Western Sahara	1975	1991	34	18	16
Timor-Leste	**1975**	**1998**	**24**	**1**	**23**
Indonesia – GAM	**1976**	**2000**	**29**	**5**	**24**
Philippines – MILF	1978	1998	31	11	20
India – CPI	1980	2002	29	7	22
India – NSCN	1980	2003	29	6	23
Senegal – MFDC	**1982**	**1991**	**24**	**13**	**9**
Sri Lanka	**1983**	**1983**	**26**	**25**	**0**
Sudan – SPLA	**1983**	**1999**	**22**	**6**	**16**
Turkey – PKK	1986	1994	23	15	8
Uganda – LRA	1984	2009	25	0	25
Armenia-Azerbaijan	1991	1994	18	15	3
Sierra Leone	**1991**	**1996**	**10**	**5**	**5**
Somalia	1991	2000	18	9	9
Algeria	1992	1999	17	10	7

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8 If the negotiations lasted less than one year, they are listed as one year.

9 The years of negotiation include years with interruptions.

Bosnia-H.	**1992**	**1992**	**3**	**3**	**0**
Georgia-Abkhazia	1992	1992	17	17	0
Tajikistan	**1992**	**1994**	**5**	**3**	**2**
Burundi –FNL	**1993**	**2002**	**13**	**4**	**9**
PARECO – FDLR	1994	2004	15	5	10
Nepal – CPN	**1996**	**2003**	**10**	**3**	**7**
Congo- Ninjas	**1998**	**1999**	**5**	**4**	**1**
Ethiopia-Eritrea	**1998**	**1998**	**2**	**2**	**0**
DR Congo	**1998**	**1998**	**3**	**3**	**0**
Liberia-Lurd	**2000**	**2002**	**3**	**1**	**2**
Ivory Coast	**2002**	**2002**	**4**	**4**	**0**
Sudan – Darfur	2003	2003	6	6	0
Sudan - East	**2005**	**2006**	**1**	**1**	**1**
Kenya	**2008**	**2008**	**1**	**1**	**0**
Georgia - Russia	**2008**	**2008**	**1**	**1**	**0**

(The conflicts that are over appear in boldface.)

Almost half the negotiations are related to political power-sharing, while a similar percentage is related to demands for self-governance and identity-related claims. This is the nature of the conflicts, and they are the foundation on which the negotiation processes must be conducted. In all cases, it is important to first make a distinction between the stakeholders' initial position (what we want) and their real needs, their most profound and even hidden desires (why and for what reason we want it), so that we can differentiate between an initial claim and its real solution based on the stakeholder's real interests. Plus, by entering the world of needs, we pave the way for discovering new transformative possibilities generated by the very negotiation process. Let us explain this with an example experienced at this university, in a conflict that emerged in 2000.

A group of university students painted a large mural on an outer wall in the Faculty of Political Sciences and Sociology, in a tone of grievance criticising the university structures. They did not ask for a permit before painting it. The university authorities forced them to erase it because there was an internal rule that banned painting the walls of buildings, which sparked a conflict between the interests of both parties. If we examine the students' position or posture (painting murals with utter freedom) and that of the university authorities (abiding by the rule that bans mural paintings without permits), we will see that by limiting ourselves to these postures, their incompatibility is clear. However, if we examine both parties' needs, we see that it is possible to reach an understanding, since in the end, what the students were seeking is greater freedom of expression, while the university authorities wanted to maintain control of what happens in their buildings. The negotiated, transformative solution in this case would be to set up dialogue mechanisms between both parties which enable them to agree to rules that would allow for the possibility of painting murals under new conditions, such as with a prior permit, or through a public tender in which all students could take part. Furthermore, quality criteria would be instituted for the paintings (to reinforce their visual quality), a time period for the murals would be set (so that they could be rotated) and the possibility would be offered of set up mobile scaffolding to make the paintings. By working under these new conditions, not only would there be murals, but it would also improve the communication between the students and the university authorities, there would be greater participation by students and the paintings would be more creative.

Something similar happens in armed conflicts. The agenda of many armed groups is full of claims which are often unrealistic because they do not reflect real needs, which should be expressed in another way. Sometimes the claim is for independence, when what they really want is self-governance; other times the goals are intangible elements, like respect, recognition and dignity, which are very difficult to negotiate and, obviously, to haggle over. Yet what is negotiable is the pathway to achieve dignity (such as by recognition of the language and the possibility of including it on school curricula).

In the end, the goal is to engage in negotiations while distinguishing between the person, the problem and the process (the three P's). We must leave pre-set negative parameters behind and use more subtle forms of action, as seen in the table below, which shows the meta-problem and the meta-solution.

The challenges of the three P's in a negotiation process			
	The usual	The ideal	The means
PERSON	Harsh Inflexible Autistic Self-referential Manipulative Desire to win Judgemental	Flexible Contained Empathetic Coherent Acknowledging errors Didactic Listener	Personal contact Creating minimal trust Inquisitive attitude Broadening the spectrum Considering one's own and others' fears Acknowledging the pain caused by the conflict Not wanting to inflict harm
PROBLEM	MY problem Grievances History I AM right Everyone is behind me	OUR problem WE are right	Making it understandable Putting them into perspective Clarifying the meta-conflict Teaching about our argumentation
PROCESS	Favourable to my thesis Adapted to my personality Zero-sum Looking to the past	Flexible Innovative Productive Win-win Looking to the future	Agreeing to neither win nor lose Looking for broad consensus Disarming the spoken word

The meta-problem: "Since we are clearly right, we are not going to try anything new, we are not going to listen to anyone, we are not going to get ready for new circumstances, we are not going to be hoodwinked by any new proposal they offer, and we are going to take refuge in the pain of the past, which is also ours and ours alone, as we alone have been the victims of it."

The meta-solution: "Since we are not the only ones who are right, we are going to try to take new steps, listen to the other side's arguments, get ready to seek sweeping consensus, share the errors we have all committed in the past, and do everything within our power to build a better future together."

Below is a series of educational tables on the world of negotiation and mediation. They have all been developed for training purposes, to help readers understand the basic elements of this art, which has no hard and fast rules, rather only recommendations and sound advice based on observing good practices.

Basic goals of the negotiation
• Changing the attitudes/positions about what the parties want (eliminating intransigency and constant defensiveness and seeking common ground)
• Understanding that no one will win everything, but that no one will lose everything either (ability to make concessions).
• Changing the personal relations (creating a minimum level of empathy, cooperation and trust that will help to change the perception of the adversary and lower negative stereotypes).
• Maintaining fluid, respectful communication that avoids verbal escalations and threats (disarming the spoken word).
• Creating ideas (new options, recommendations).
• Attaining results that generate trust in the process (joint proposals, shared diagnoses).

Errors to be avoided
• Seeking only one's own benefit.
• Seeking to self-perpetuate.
• Being opportunistic.
• Having a purely defensive attitude.
• Strategic ingenuity (stopping at a slogan).
• Simplifying complex realities.

The basic template of a negotiation process		
	Actor A	**Actor B**
Who does		
What		
Under what conditions		
With what guarantees		
Where		
In what timeframes		
How		
For what reason		
With whom		
For whom		
With what expectations		
With what capacities		
With what legitimacy		

The ABCs of pre-negotiation

- The goal is to discuss what we are going to discuss.
- It might be a long stage.
- It is an exploratory phase.
- It can be secret or at least very discreet.
- It entails generating tiny cells of trust.
- One of the parties may not be ready for this phase.
- It seeks to transform relations.
- It must try to clarify the nature of the conflict, the meta-conflict.
- It determines who the negotiators will be.
- It involves recognition of the adversary.
- The rules of the game are agreed to.
- The security of the participants must be guaranteed.
- The role that third parties, facilitators, may play must be analysed.

Reasons for embarking on negotiations

Weariness
Mutual stalemate (Cambodia, El Salvador)
Internal pressure
External pressure
sanctions
threats
ultimatums (George Mitchell and Good Friday; change in the Secretary General in El Salvador)
Weakness
because of military defeat
because of a lack of support
because of a loss in alliances
Appearance of incentives (the carrot)
economic (North Korean)
Windows of opportunity created by new events
-         to earn revenues
to engage in new dynamics
to create new frameworks
international changes (influence of the fall of the Berlin Wall in El Salvador)
changes in government (Cristiani in El Salvador, Rabin in Israel)
societal impacts (murder of the Jesuits in El Salvador, the market bomb in Sarajevo)
    Nature of the mediator
power
imposed (take it or leave it)
    Political and moral support (Clinton's visit to Northern Ireland and meeting with Gerry Adams)
       Role of civil institutions in favour of dialogue (cases of South Africa, Central Asia, etc.)

What should be taken into account by the actors in the negotiations

- Personal history
- Purposes of the struggle
- Political notions
- The deep-seated nature of their emotions, especially their fears
- Traumas
- Capacity to listen and empathise
- Tactical and strategic interests
- Relative power and level of authority
- Cumulative accomplishments in terms of the exercise of local, regional and national power
- Level of legitimacy
- Prospects for developing their political project

Human rights on the negotiating agenda

- Ceasefire
- Respect for International Humanitarian Law (IHL)
- Partial or total release of prisoners or people who have been arrested or kidnapped
- Amnesties
- Transitional justice
- Ad hoc commissions
- Truth commissions
- Return of the corpses of disappeared persons
- Creation of human rights commissions
- Demining
- Police reforms
- Reform of the armed forces
- Reform of the intelligence services
- Reform of the criminal justice system
- Judicial reform
- Return of refugees and displaced persons
- Return of lands
- Reconciliation measures
- Aid for victims
- Reparations for victims
- Processes of revealing the truth

Main reasons for crises in negotiations

Very frequent
  Mistrust or rejection of certain mediators
  Existence of parallel combats
  Split-offs and dissidences within the armed groups
  Tensions with neighbouring countries
  Fundamental divergences on the issues being discussed (pre-conditions)

Quite frequent
Non-compliance with previous agreements
Violations of the ceasefire
Difficulties in forming a coalition government
Terrorist lists
Internal political crisis
Previous demand for a ceasefire, cessation of hostilities or disarmament
Previous demand for amnesty by the armed groups
Intervention of foreign military forces
Arrest of one of the leaders or intermediaries from the armed groups

Other reasons
Difficulties in reconciling divided communities
Mistrust of the leaders or mission of a peacekeeping operation
Demand for direct negotiations, without external mediators or state interference
Partial demobilisation of an armed group
Disagreements over the role of the International Criminal Court
Lack of recognition of the armed group or the group's demand for its belligerent status
Absence of prominent leaders in the negotiations
Behaviour of multinational companies
Lack of recognition of the representativeness of certain negotiators
Disagreement or fraud in the election results or in the terms for holding elections

Emergence of new armed groups

Divergences on political power-sharing

Murder of leaders of the armed opposition

Withdrawal of the ceasefire observation missions

Fundamental decisions being taken unilaterally

Interferences by the judicial power

Delay in the launch of a peacekeeping operation

Too many mediators

Lack of security for the negotiators from the armed groups

Continuation of the practice of kidnapping or lack of releases

Presence of new paramilitary structures linked to drug trafficking

Disagreement as to the number of troops in the armed group

Disagreement as to whether the name of a political group might refer to the
ethnic group which it represents

Problems in the armed group's transition to a political group

Forced colonisation

Disagreement as to the composition of the observation missions

Lack of troops or resources in the peacekeeping operations

List of organisations categorised as terrorists by the EU			
Year	Groups	Entries	Total
2001	Continuity IRA (CIRA)	13	13
	ETA		
	GRAPO		
	Hamas-Izz al Din al-Qassem		
	Loyalist Volunteer Force (LVF)		
	Orange Volunteers		
	Palestinian Islamic Jihad (PIJ)		
	Real IRA		
	Red Hand Defenders (RDH)		
	Epanastakiti Pirines		
	Dekati Evdomi Noemvri		
	Epanastatikos Laikos Agonas		
	Ulster Defence Association (UDA/UFF)		

Year	Groups	Entries	Total
2002	Al-Takfir y al-Hijra	20	33
	New People's Army (NPA)		
	Abu Nidal Organisation (ANO)		
	Al-Aqsa Martyrs' Brigades		
	Aum Shinrikyo		
	Babbar Khalsa		
	Gama'a al Islamiyya		
	(Askatasuna) (as part of ETA)		
	Holy Land Foundation		
	International Sikh Youth Federation (ISYF)		
	Kahane Chai (Kaeh)		
	Communist Party of Kurdistan (PKK)		
	Lashkar-e-Taiba		
	Organización Muyahidines Jalk (until 2009)		
	Palestine Liberation Front (PLF)		
	FPLP-General Command		
	Revolutionary Armed Forces of Colombia (FARC)		
	DHKP/C		
	Sendero Luminoso		
	United Self-Defence Forces of Colombia(AUC)		
2003	(Batasuna) (as part of ETA)	0	33
2004	IBDA-C	3	36
	National Liberation Army (ELN)		
	Stichting Al Aqsa		
2005	(Communist Party of the Philippines) (as part of the NPA)	13	48
	Al-Aqsa e.V		
	Nuclei Territoriali Antiimperialisti (until 2007)		
	Cooperativa Artigiana Fuoco ed Affini		
	Nuclei Armati Comunismo		
	CCCCC		
	Solidaretà Internazionale		
	Brigate Rosse per la Costruzione del Partido Comunista Combattente		
	Brigata XX Luglio		
	Nucleo di Iniziativa Proletaria (until 2007)		
	Nucleo di Iniziativa Proletaria Rivoluzionaria (until 2007)		
	Federazione Anarchica Informale		
	Hizbul Mujahideen		
	Khalistan Zindabad Force		

2006	LTTE Hofstadgroep TAK	3	51
2007		0	48
2008		0	48
2009		0	47

Negotiating with armed groups, even if they are on terrorist lists

Report on the status and treatment of people and institutions who participate in talks or negotiations with armed groups in an effort to open up or consolidate a peace process

The information available internationally on the treatment or management of armed conflicts and conflicts which are officially not regarded as "armed" but where there is nonetheless violence reveals that **in three out of every four conflicts of this kind, there are exploratory talks, formal negotiations or consolidated peace process.** As a rule, therefore, the primary actors in conflicts (usually governments and armed groups)[11] As a rule, therefore, the primary actors in conflicts (usually governments and armed groups) seek a way of engaging in communication, either directly or indirectly (in the latter case, through their "political wings" or people or organisations with the ability to convey their messages), so that this communication enables negotiations that lead to a peace process to be started. If successful, this would mean the end of the armed or violent confrontation and the dissolution of the armed group.

In practice[12], the usual stages for reaching a peace agreement are the following, in chronological order: exploratory contacts

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10 It was removed in 2005 to join the UN's list of terrorist groups.

11 The category of "armed groups" includes a wide range of actors who, according to the circumstances, may be guerrillas, paramilitary groups, militias, armed gangs, mafias, etc.

12 School of Peace Culture, "2007 Yearbook on Peace Processes", Icaria Editorial, p. 9. The yearbook may be consulted on the website of the School of Peace Culture (www.escolapau.org).

(direct or indirect), direct contacts (formal or informal), talks (formal or informal) and direct, formal negotiations. In more than half the cases, external facilitators or mediators (usually from another country) take part in the process. They can be either individuals on their own behalf, ministries from another country, specialised organisations or international bodies, but they must always have the agreement of the clashing parties. The statistics also show that it is easier to reach an agreement when there is external facilitation.

The fact that an armed group appears on a terrorist list of the European Union or the United States, or that it has been unilaterally declared terrorist by the government in question, does not usually prove to be an impediment for the government to engage in negotiations with the group. For example, the Colombian government is holding negotiations with the United Self-defence Forces of Colombia (AUC) and the National Liberation Army (ELN) and is seeking exploratory pathways with the Revolutionary Armed Forces of Colombia (FARC), despite the fact that all three organisations appear on the lists of terrorist groups. Likewise, the British government held negotiations with Ireland's IRA, the Philippine government is holding talks with the New People's Army (NPA), the Palestine National Authority with Hamas and the government of Sri Lanka with the Liberation Tigers of Tamil Eelam (LTTE), just to cite a handful of examples.

In the exploratory or formal negotiations that have been held in the past two years, the government negotiators tend to be made up of teams led by senior state authorities. In the Ivory Coast, the negotiations with the Forces Nouvelles were led by the President and Prime Minister; in Senegal, the negotiations with the Movement of Democratic Forces of Casamance (MFDC) were conducted by the Minister of the Interior: the now concluded peace process between the government of Sudan and the Sudan People's Liberation Army (SPLA) was led by several civil servants from the presidential team; in the talks in Darfur with the Sudanese Liberation Army (SLA), the negotiation was conducted by the Peace Commissioner of the Sudanese government; in Burundi, the current negotiations with the Natio-

nal Liberation Forces (FNL) is being spearheaded by the President of the country; the negotiations in Chad with the United Front for Democratic Change (FUC) were conducted directly by the Minister of State, who is also charged with opening new negotiations with other armed groups in the country; in the Democratic Republic of the Congo, the negotiations with the rebel forces from the National Congress for People's Defence (CNDP) are being conducted by the Chief of Staff of the Congolese armed forces; in the Central African Republic, the negotiations with the Union des Forces Démocratiques pour le Rassemblement (UFDR) is being led by the Minister of Justice; in Uganda, the current negotiations with one of the most perverse groups in the world, the Lord's Resistance Army (LRA), made up mostly of child soldiers, are being conducted by the Minister of Internal Affairs; in Mali, the negotiations with the Democratic Alliance for Change are being conducted by the Minister for Territorial Administration; in Western Sahara, where a ceasefire has been in place for years, the negotiating team of the government of Morocco is led by the Minister of the Interior and the Minister Delegate of Foreign Affairs; in Angola, the negotiations with the Cabinda Forum for Dialogue are being led by the Minister of Territorial Administration; in Colombia, the negotiations with the AUC and the ELN are being led by the High Commissioner for Peace appointed by the President of the Republic; in India, the negotiations with the United Liberation Front of Assam (ULFA) are being led by the Prime Minister and the Minister of the Interior, while the negotiations with the National Socialist Council of Nagaland (NSCM) are being conducted by the Ministers of the Union, of the Interior and of State; in Nepal, whose peace process recently concluded, the governmental negotiator with the Maoist New People's Army was the Prime Minister, while the current negotiations with the MJF are being conducted by the Minister for Peace and Reconciliation; in Sri Lanka, the government team charged with negotiating with the LTTE is led by the Minister of Health; in the Philippines, the negotiations with the Moro Islamic Liberation Front (MILF), with the New People's Army (NPA) and with the Moro National Liberation Front (MNLF) are being led by the Presidential Commissioner for Peace; and finally,

in Indonesia, where the peace process with the Gerakin Aceh Merdeka (Free Aceh Movement, or GAM) recently ended, it had been conducted directly by the Vice President of the country with the assistance of the Minister of Justice.

In the majority of these negotiations with armed groups, in addition to the government teams, **external facilitators** have also participated, including: presidents from third countries (the President of Burkina Faso helped with the conflict in the Ivory Coast; the President of Libya helped in the conflicts in Chad and the Central African Republic), former presidents (the former President of Finland helped the process in Indonesia), vice ministers (the Vice Minister of Sudan helped in the conflict in Uganda), ministers (a minister from South Africa helped in the conflict in Burundi; one from Rwanda helped in the conflict in the Democratic Republic of the Congo; one from Mozambique helped in the conflict in Uganda; one from Norway in the Philippines), diplomats (from Norway, Switzerland, Indonesia, Malaysia, etc.), business leaders (in the conflicts in Senegal and Indonesia), writers (in several conflicts in India), special envoys or personal representatives of the UN Secretary General (in the conflicts in Sudan, the Democratic Republic of the Congo, Western Sahara, Myanmar, Colombia and Nepal) and special envoys from regional organisations such as the African Union, the European Union and the Organisation of the Islamic Conference (in Darfur, the Philippines and other countries in conflict).

On many occasions, particularly during the early stages, the governments tend to seek and accept letting the **initial explorations and dialogues** be conducted **through people or social or political groups** which, because they are considered **"political wings"** of the armed groups, because of ideological proximity, because they share some ultimate goals or simply because they have the capacity to influence or communicate with the groups, might exercise their "good offices" in order to open of pathways of dialogue that are solid and stable enough for the negotiation to later be taken over directly by the government negotiating teams. This role

as an intermediary is never penalised, inasmuch as it is understood that their purpose is not to prolong or aggravate the conflict or the violence implicit in it, rather to put an end to it.

In no case, without exception, has any of the aforementioned people who have participated in the exploratory stages, early dialogues or formal negotiations, either from government teams or facilitating bodies, been accused of collaboration with armed groups or gangs, or of performing illegal acts. To the contrary, these contacts are considered crucially important for laying down the conditions that will enable a negotiation to be opened that will end with weapons being laid down and the cessation of the practice of violence by these groups.

These contacts, dialogues, explorations and negotiations should be **endorsed by the diplomatic practices conducted by all countries, by diverse United Nations Security Council resolutions**[13] and by the very definition that this organisation uses of the concept of "establishing peace", which refers to *"the use of diplomatic means to persuade the conflicting parties to cease their hostilities and negotiate a peaceful solution to their disputes. Just like with preventative action, the United Nations can only act if the conflicting parties wish it to. Therefore, establishing peace excludes the use of force against one of the parties in order to end the hostilities, an activity which in the United Nations parlance is called 'imposing peace'.»*[14] Recently (6th of December 2007), the Under-Secretary General of the United Nations for Political Affairs, B. Lynn Pascoe, announced that his department would increase its current staff of 220 by 100 more people[15], with the goal of reinforcing its preventative diplomacy efforts, which largely consist of engaging in communication with armed and therefore illegal groups in order

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13 In particular, Resolutions 1625 (2005) and 1366 (2001) on strengthening the capacity to prevent conflicts, with emphasis on the role of good offices and peaceful solutions to controversies.

14 www.un.org/spanish/Depts/dpa/peacemak.htm

15 www.un.org/apps/news/printnews.asp?nid=24561

to facilitate the start of negotiations in the few conflicts where they are not already in place, and to reinforce the negotiations already underway.

Therefore, in conclusion, we can state that **encouraging the political and social actors in any country, regardless of their legal status, to get together and talk, as long as they have a minimal capacity to influence to end of armed clashes, diminish or end any kind of existing violence and to achieve, through this dialogue, an end any violent conflict or make headway towards this goal is a common, well-regarded practice internationally.**

Basic principles of mediation

- The mediator must be technically impartial.
- The parties must consent to the mediation and choose the mediator.
- The conflict cannot be resolved under pressure.
- The parties have to want the solution.
- The mediators cannot adopt punitive measures.
- Mediation is a specialised activity.

The Seven Deadly Sins of mediation

- Ignorance
- Arrogance
- Partiality
- Impotence
- Rushing
- Inflexibility
- False promises

In the majority of armed conflicts that enter or try to enter a negotiation process, in both the previous phases exploring the conditions for engaging in early contacts and in the negotiations themselves, non-governmental actors tend to intervene who play different roles, all aimed at supporting the process. Their role can involve generating ideas, exploring attitudes, verifying the parties' sincere desire to negotiate or pressuring the actors to not break off the negotiations.

We use the term **"citizen diplomacy"** to refer to any **actions conducted by non-governmental actors on their own behalf** that are not associated or coordinated with official diplomacy (the kind conducted by states through their ambassadors or specialised civil servants). These non-governmental actors can come from NGOs, academia, the business world, religious or artistic groups and the entire spectrum of social movements that are often organised into networks. Their job, which tends to focus on the first stage of probes to see whether the conditions are right to engage in negotiations, is limited and consists of making proposals that can be included on the negotiation agendas and, as mentioned above, to pressure the parties not to break off the process once it has gotten underway. This job must be silent and discreet in the early phases, or public when the goal is to make proposals and pressure the parties. However, under no circumstances should non-governmental actors be present at the formal negotiating table, even though the parties (some or all of them) may consult with them if they have won their trust.

We use the term **"parallel diplomacy"** to refer to **citizen diplomacy that acts in accordance with and parallel to official diplomacy**, but performing functions which states and international or regional bodies cannot perform at some given time. In contrast to the governments, the centres or individuals who conduct parallel diplomacy have more leeway inasmuch as they can take risks and even "burn themselves" without jeopardising states' future actions. Oftentimes, governments or armed groups ask specialised organisations to act as intermediaries in order to

sound out the other party's willingness to negotiate or the demands they would impose if negotiations got underway. It is also common that if these centres or individuals have managed to make headway in these efforts, they later shift their accomplishments to official diplomacy so that it may open up a formal negotiation process. In some cases, official and parallel diplomacy operate jointly, distributing jobs to reinforce the sound progress of the process. Sometimes even the parties who have acted in parallel diplomacy can be invited by the parties to attend the negotiation as witnesses or councillors. Examples of centres that practice this kind of diplomacy include the Centre for Humanitarian Dialogue, the Carter Center, the San Egidio Community (which practices both types of diplomacy) and the School of Peace Culture, among many other organisations.

Both citizen and parallel diplomacy are ways of helping to launch a negotiation process that will transform into a peace process. Many sectors can do it, but it always requires training, a capacity for discretion, neutrality, patience, time (the different steps and winning the trust of the actors can last several years) and rigour in the work performed. Finally, it is worth noting that this kind of diplomacy is incompatible with lobbying efforts and with criticism of any of the parties. For this reason, it is a necessary requisite for an organisation or person to choose one thing or the other, but not both at the same time.

The grassroots process of mediating in a conflict			
FACET	**FUNCTION**	**FORM**	**FORMULA**
1) Entry	Who and how: •Choosing the third party •Defining the process •Sharing expectations	•Individual – team •Mediate – arbitrate •Separately – face to face •Formal – informal	Skills •Building trust •Designing a process and problem-forum •Creating an atmosphere •Creating the role of the third party
2) Tell me	What happened •Expressing and venting •Being heard •Acknowledging truths, feelings, responsibilities, concerns	•Creating a forum •Talking in private – as a group •Listening •Probing •Digging	•Paraphrasing •Summarising •Asking open-ended questions •Getting on the same level as the other •Empathising •Neither playing nor solving
3) Situating ourselves	Where are we •Identifying the crux of the matter (person, process, problem) •Creating an advance framework	•Creating a shared framework •Sharing concerns •Creating a shared definition of the conflict	•Presenting the agenda •Shifting from "I/you" to "we" •Conciliatory language
4) Fixing	How do we emerge • Pathways of advancement • Embarking on relations •Solving issues	•Level of relationship (exploring the past, emotions, misunderstandings; exploring the future) •Level of content •Positions – interests •Broken down – global package	•Paraphrasing each other •Speaking in the first person (I) •Identifying key feelings •Restating issues from a different perspective •Brainstorming •Exchange/ assess solutions
5) Agreement	Who does what, when	•In writing •Informal	•Realistic questions •Future commitment

Based on the work of John Paul Lederach

Mayer's four basic analytical tools

1 – Understand the **relative power and authority** of the people involved in the conflict.
-Know who does what and should do what, when, where and how.
-Are there or might there be signs of change?

2 – Understand the nature and depth of each party's emotions.
-Which are socially acceptable? Under what conditions?
-Which groups are more capable of expressing their **emotions**?
-What emotions are being repressed?

3 –Understand the **layers or strata of the conflict** and reach the level where it is possible to begin to resolve it (guess the "entry level", the one that is neither the hardest nor the easiest).
-Do not begin with the most complicated; instead try to achieve small advances that generate trust in order to engage in more complicated issues later on.
-See the layers where the roots or history of the conflict emerge.

4 – Keep **communication clear**

Source: Bernard Mayer, *The Dynamics of Conflict Resolution,*
Jossey-Bass, San Francisco, 2000.

Techniques commonly used in conflict mediation

- Ask questions like, "What would happen if...?"
- Paraphrase, like, "In other words, what you're saying is..." or "Am I right if I summarise your idea as...?"
- Redefine the incompatibilities (reformulation).
- Do not let emotions get heated.
- Take breaks to let anger dissipate.
- Promote mutual acknowledgement of feelings.
- Let perceptions be expressed, but distinguish them from the underlying issues.

- Identify interests and needs.
- Accept the help and advice of outsiders.
- Break down the agenda when it is very complex.
- Hold discussions by specialised groups or sub-committees.
- Identify shared interests.
- Stress the positive.
- Encourage concessions
- Separate proposals from their authors and let the mediator present them.
- Focus more on the future than the past.
- Try to put yourself in the other side's shoes.
- Generate new ideas and depart from the usual conceptual framework.
- Refocus, reframe and recontextualise (enlarge the pie).
- Stimulate "brainstorming" without putting limits on the imagination.

Mediation as a process with several purposes in which several actors take part	
PURPOSE	
Exploration	Sound out the parties' willingness to engage in negotiations.
Convocation	Publically invite the parties to engage in negotiations and start talks.
Unification	Group the factions which have split off before the start of a negotiation process.
Preparation	Develop the skills of some of the parties so that they are in more symmetrical conditions for negotiating well.
Generation of ideas	Offer the parties new information, ideas, theories and options.
Guarantee	Guarantee that the parties will not be subjected to disproportionate costs just by engaging in a mediation process.
Facilitation	The visible face (usually called the mediator) presides over the meetings and facilitates the talks.

PURPOSE	
Providing incentives	Offer material or immaterial resources as incentives to ensure the successful course of the negotiations.
Verification	Make the parties accountable for compliance with what they agreed to.
Reconciliadora	Your job is long-term and consists of correcting the attitudes, stereotypes and negative images that tend to exist between adversaries.

Based on the works of Christopher Mitchell

Advice for intermediaries in conflicts

With whom
- People's participation is vital in peace-building processes.
- Take advantage of non-governmental actors' capacity to cross borders and engage in direct relations with the actors in the conflict.
- Always include the perspective of women.
- Always include the perspective of diasporas.

Where
- Analyse and act beyond the institutional and state frameworks.
- Interact both locally and internationally.
- Gauge the impact of the conflict on the community.
- Create spaces for dialogue and communication.
- Integrate peace-building into humanitarian and development projects.

How
- Be realistic and do not fool yourself. It is important to be pragmatic and recognise both your limitations and the distance between wishes and real possibilities.
- Do not fool yourself about the role that a person can, or cannot, play.
- Be humble, ask when you do not know something and clearly grasp that it is a collective endeavour.
- Be open to criticism, suggestions and contributions from others.
- Be bold, imaginative, compassionate and fair.
- Seek a balance between the inevitability of respecting the sovereignty of states, keeping your independence and forging direct relations with

non-state actors.

- Understand that many times there is tension between the roles and strategies of human rights workers and conflict resolution workers.
- Do not downplay the risks and difficulties in the post-conflict stage.
- Accept that this kind of work entails risks and determine the level of risk you are willing to take.
- Gauge the exact amount of time a job might take and try not to shorten timeframes.
- Do not create false expectations of others.
- Listen, listen, listen.
- Learn the context while respecting traditions and grassroots perspectives.
- Have tea or coffee with people often, as often as necessary.