

**Report on the status and treatment of persons and institutions participating in
talks or negotiations with armed groups with the goal of opening or
consolidating a peace process**

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The international data on the treatment or management of armed conflicts and conflicts which are academically not regarded as “armed”, yet in which violence is present, reveal that **there are exploratory talks, formal negotiations or consolidated peace processes in three out of every four conflicts of this type**. Thus, the norm is for the primary actors in these conflicts (usually governments and armed groups)¹ to seek a way to enter into communication, either directly or indirectly (in the latter, via their “political arms” or persons or organisations capable of conveying messages) so that this communication may pave the way for a negotiation that leads to a peace process, which in order to be successful must put an end to the armed or violent conflict and lead to self-dissolution of the armed group.

In practice,² the customary stages for reaching a peace agreement are the following, in chronological order: exploratory contacts (direct or indirect), direct contacts (formal or informal), talks (formal or informal) and formal direct negotiations. In more than half the cases, facilitators or external mediators take part (usually from another country) which may just as easily be individuals acting on their own behalf, foreign affairs delegations from other countries, specialised organisations and international bodies, but always with the acquiescence of the clashing parties. The statistics also show that a final agreement is more likely to be reached when there is external facilitation.

The fact that an armed group appears on the European Union’s or United States’ **terrorist lists**, or that it has been unilaterally declared a terrorist group by the government in question, does not tend to hinder this government from engaging in negotiations with the group. Thus, for example, the Colombian government is in negotiations with the United Self-Defence Forces of Colombia (AUC) and the National Liberation Army (ELN), and it is seeking exploratory routes with the Revolutionary

¹ A wide variety of actors are included in the category “armed groups”, which depending on the context may include guerrillas, paramilitary groups, armed gangs, mafias, etc.

² School of Peace Culture, “2007 Peace Process Yearbook”, Icaria Editorial, p. 9. The yearbook is also available at the website of the School of Peace Culture (www.escolapau.org).

Armed Forces of Colombia (FARC), even though all three organisations are on the lists of terrorist groups. Likewise, the British government has held negotiations with Ireland's IRA, the Philippine government has held talks with the New People's Army (NPA), the Palestinian National Authority with Hamas and the government of Sri Lanka with the Liberation Tigers of Tamil Eelam, just to mention a few examples.

In the exploratory or formal negotiations that have been held in the past two years, the **government negotiators tend to be teams led by high-level authorities in the state**. In the Ivory Coast, the negotiations with the *Forces Nouvelles* were spearheaded by the president and prime minister; in Senegal, the negotiations with the Movement of Democratic Forces in the Casamance (MFDC) were conducted by the Ministry of the Interior; the now-concluded peace process between the government of Sudan and the Sudan People's Liberation Army (SPLA) was conducted by several civil servants on the presidential team; in the talks held in Darfur with the Sudan Liberation Army (SLA), the negotiations were led by the Sudanese government's peace commissioner; in Burundi, the current negotiations with the National Liberation Forces (FNL) are being led by the president of the country; the negotiations in Chad with the Front for Democratic Change in Chad (FUCD) are being spearheaded directly by the Ministry of State, which is also in charge of opening up 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 the People's Defence (CNDP) are being led by the Chief of Staff of the Congolese armed forces; in the Central African Republic, the negotiations with the Union of Democratic Forces for Unity (UFDR) are being led by the Ministry of Justice; in Uganda, the current negotiations with one of the most perverse groups in the world, the Lord's Resistance Army (LRA), mainly made up of minors turned soldiers, are being conducted by the Ministry of internal Affairs; in Mali, the negotiations with the Alliance for Democratic Change is being led by the Ministry of Territorial Administration; in Western Sahara, where there has been a ceasefire for years now, the government of Morocco's negotiating team is headed by the Minister of the Interior and the Deputy Minister for Foreign Affairs; in Angola, the negotiations with the Cabinda Forum for Dialogue are being run by the Ministry 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 spearheaded by the Prime Minister and the Minister of the Interior, while the negotiations with the National Socialist Council of Nagaland (NSCM) are being led by the Ministers of the Union, Interior and State; in Nepal, where the peace process has

recently come to a close, the government negotiator with the Maoist New People's Army (NPA) was the Prime Minister, and the current negotiations with the MJF are being conducted by the Minister for Peace and Reconciliation; in Sri Lanka, the government team in charge of negotiating with the LTTE is headed by the Minister of Health; in the Philippines, the negotiations with the Moro Islamic Liberation Front (MILF), the New People's Army (NPA) and the Moro National Liberation Front (MNLF) are being led by the Presidential Peace Commissioner; and finally, in Indonesia, the recently-concluded peace process with the Free Aceh Movement (GAM) was directly conducted 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 of third countries (the president of Burkino Faso to help the conflict in Ivory Coast, the president of Libya to lend a hand in the conflicts in Chad and the Central African Republic), former presidents (the ex-president of Finland to facilitate the process in Indonesia), vice ministers of third countries (a vice minister from Sudan to aid in the conflict in Uganda), ministers of third countries (one minister from South Africa to help resolve the conflict in Burundi, one from Rwanda to aid in the conflict in the Democratic Republic of the Congo, one from Mozambique to lend a hand in the conflict in Uganda, and one from Norway to help pave the way for peace in the Philippines), diplomats from third countries (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 Secretary General of the UN (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, and especially in the early stages, the governments tend to seek out and allow **exploratory and initial talks** to be held **via social or political groups** which, although regarded as "political arms" of the armed groups due to their similar ideologies, shared final goals or simply because they have the ability to exert an influence on or communicate with these groups, can **perform "good offices"** to open up pathways of dialogue that are solid and stable enough so that the negotiations can later be taken up directly by the government negotiation teams. This function as an intermediary is never penalised inasmuch as it is taken for granted that the purpose is

not to extend or aggravate the conflict or violence implicit in this conflict, rather to put an end to it.

Never, with no exceptions whatsoever, have any of the persons mentioned above who have participated in these exploratory stages, early talks or formal negotiations, either from government teams or facilitating bodies, been accused of collaborating with armed groups or gangs, or of performing any illegal actions, rather to the contrary as these contacts are considered indispensable for creating the conditions needed to open up the negotiations that will end up with these groups laying down their arms and putting an end to the violence.

The need for these contacts, talks, explorations and negotiations is **backed by the diplomacy performed by all countries via numerous resolutions from the United Nations Security Council**³ and by the very definition this organisation gives to the concept of “establishing peace”, which refers to *“using diplomatic means to persuade the parties in a conflict to cease their hostilities and negotiate a peaceful resolution to their controversies. As occurs with preventative action, the United Nations may solely act if the parties in the conflict wish it to. Establishing peace thus excludes the use of force against one of the parties in order to put an end to the hostilities, an activity which in the language of the United Nations is called ‘imposing peace’.*”⁴ Recently (6th December 2007), the Under Secretary General of the United Nations for Political Affairs, B. Lynn Pascoe, announced that this department would increase its current civil servant staff of 220 by another one hundred people⁵ with the goal of strengthening its ability to exercise preventative diplomacy, which largely consists of entering into contact with the armed – and thus illegal – groups in order to facilitate the start-up of negotiations in the handful of conflicts where talks are not already underway, and to reinforce the negotiations that are currently in process.

In conclusion, then, we can state that **it is a common practise that is well-regarded internationally, that all the political and social stakeholders in a given country gather together, regardless of their legal status, if they have the least ability to influence the end of the armed clashes, to lower or end any type of violence existing, and through this dialogue to manage to put an end to any violent conflict or make headway towards this goal.**

³ Especially resolutions 1625 (2005) and 1366 (2001) on strengthening the capacity to prevent conflicts, with a stress on the role of good offices and the peaceful resolution of controversies.

⁴ www.un.org/spanish/Depts/dpa/peacemak.htm

⁵ www.un.org/apps/news/printnews.asp?nid=24561

