

# The design and architecture of peace processes: lessons learned in the wake of crises

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## ■ Executive summary

Of all the armed conflicts that have come to a peaceful end since the mid-1980s, 75% have done so via a negotiated settlement. Nowadays, some 80% of all negotiations seek the facilitation of third parties in order to reach an agreement. By looking at all of these negotiations, particularly those since the mid-2000s, the author is able to determine the most favourable conditions for commencing exploratory discussions, and the elements that need to be present during the "formal negotiations" stage, analysing in particular the numerous lessons learned with regard to issues that can precipitate a negotiation crisis. Recommendations are made on how to overcome these critical situations, which often require a complete redesign of the negotiation model in terms of both methodology and participants. Reference is made to numerous cases in which it has been possible to act in a preventative manner.

Although all conflicts, and therefore all negotiations, are different, substantial national and international experience in handling negotiations shows that there are common factors to be considered in all cases.

## Introduction

This study aims to propose frameworks and models for the initial stages of negotiations, and make suggestions for their redesign that take into account the most common crises that inevitably arise during the process. A range of variables will be used to analyse different methodologies and forms of mediation and facilitation, along with the kinds of actors that may be involved, resulting in some 120 recommendations. This work is based on the author's own experience both of monitoring peace processes of the last 15 years and of being actively involved in a number of them.

## 1 Common options in the initial design of negotiations

### Definitions and arrangements in peace processes

A negotiation is understood as being the process by which two or more opposing parties (either countries or internal actors within a country) decide to discuss their differences within an agreed framework in order to find a satisfactory solution to their demands. This negotiation may be direct or facilitated by third parties. Formal negotiations usually have a prior or exploratory phase during which the framework (format, place, conditions, guarantees, etc.) of the future negotiation is established. A peace process is understood as being the consolidation of a negotiation once

the thematic agenda (the list of substantive issues forming the object of negotiation), the procedures to be followed, the timetable and facilitation have been defined.

Negotiation is therefore just one stage in a peace process. There are also, albeit rarely, negotiations that take place without any “negotiating architecture”; in other words, when a conflict is approached via a number of different directions or actors and within what may be a more or less frequent timeframe, but without one single methodology or dialogue. This is how the conflict in Ukraine was handled in 2014 and 2015, for example, particularly in February 2015 by Germany and France.

A “ceasefire” is understood as being the military decision to stop any fighting or use of weapons for a specified period, whereas “cessation of hostilities” includes, in addition to a ceasefire, a commitment not to kidnap, harass civilians, threaten, etc.

Depending on the final objectives and the dynamic followed during the different stages of the negotiation, most peace processes can be categorised as one of the following five categories or models, although there are some examples of processes that combine more than one:

- a) Simple demobilisation and reintegration;
- b) Political, military or economic power sharing;
- c) Exchange (peace for democracy, peace for territories, peace for withdrawal, peace for recognition of rights, etc.);
- d) Confidence-building measures;
- e) Forms of self-government or “intermediary political architectures”.

The model normally depends on the kinds of demands being made and the capacity of the actors to exert pressure or to make those demands (extent of the military, political or social symmetry), although the accompaniment and facilitation, the exhaustion of the actors, the support they receive and other less rational factors linked to leaders’ pathologies, imaginaries or historical inertia may also have an influence. Occasionally, albeit rarely, and particularly if the process is long and drawn out, it may be that the process starts as one of the indicated categories (“a” for example), but the demands increase until the process turns into another, more complex, category. It is also important to recall that not all processes or their exploratory, dialogue and negotiation phases are conducted with true sincerity, as they often form part of a continuing strategy of war, for example to win time, to gain an international dimension and make their struggle more widely known, to re-arm or other reasons.

Finally, it should be noted that what we commonly call a “peace process” is in fact a “process to bring an end to the violence and armed struggle”. The signing of a ceasefire and the subsequent signing of a peace accord is no more than the start of the real “peace process”, which is linked to the “post-war rehabilitation” or “post-armed

conflict” stage. This stage is always difficult but it is where decisions will really be taken and where policies will be implemented which, if successful, will enable the violence (structural and cultural) to be overcome and people to truly speak of having “achieved peace”.

### The broad stages of a peace process

All peace processes require a great deal of time, as can be seen from the many years that often have to be devoted to initiating them and bringing them to fruition. In general, and with very few exceptions, they follow a pattern of fairly well-known stages, with the most time devoted to the negotiations. Peace processes commence with an initial exploratory phase, also known as the pre-negotiation or exploration phase, in which the people involved (“explorers”) gauge the conviction of the parties, i.e. if they truly wish to commence a process of negotiation in which they will have to cede something. This is a decisive moment, as negotiations can often take place without any real conviction on one side, whether a government or an armed group. If this is the case, the negotiations will be doomed to fail. It is during the exploratory phase that the complete and absolute security of the future negotiators must also be considered, as there have been cases of representatives being murdered or attacked. No one will venture to establish a dialogue without full and clearly defined guarantees of their security. Moreover, certain guarantees must be sought with regard to fulfilling the commitments made at this stage, which includes agreeing the timetable and methodology to be followed, establishing a pre-agenda or initial agenda and clarifying the conflictive aspects around which there is basic disagreement or fundamental incompatibilities (the meta-conflict). This stage, in short, seeks to create confidence in the process, agrees the role to be played by third parties, rejects the imposition of plans (which are the basis of the negotiation itself) and results in each party recognising their adversary and granting them the necessary legitimacy to negotiate. Once the exploratory work has been completed, an “agreement on what needs to be agreed” is reached and the process moves on to “how to do it”. The sum of all these steps forms what is sometimes known as a “road map” or initial framework of what needs to be done to bring the process to its successful conclusion. The road map is simply an outline of work, often with a diagram setting out the steps to be taken, that provides guidance during the process.

Once the formal negotiations have commenced, the parties need to make sure that the negotiators are valid, i.e. that they do indeed represent the main players with decision-making capacity. There is no room for minor players at the negotiating table and so it is always necessary to start by using an inclusive approach that gives a voice to actors whom the other party may not want to talk to but whom are key to resolving the conflict. There is clearly no point in inviting friendly, more accommodating actors to the table if they are not one’s true adversaries. The main purpose of

the negotiation is for opposing parties to sit down and talk with a view to achieving something of mutual benefit in a “win-win” scenario, foregoing zero-sum approaches in which there are winners and losers.

If the negotiations make satisfactory progress then the issues on the substantive agenda may be discussed (the procedure will already have been agreed in advance). As trust will have been created, personal relationships may also emerge that will enable agreements (even if only partial) and their protocols to be more easily achieved, thus enabling a final agreement to be reached. This will specify how the agreement will be implemented and by whom. This leads us, finally, to the implementation agreements, verification methods and ways of resolving the possible disagreements that may arise in the final stages.

In the usual scheme of progress, one starts with initial direct or indirect, formal or informal contacts. Exploratory steps with a little more content, whether formal or informal, can lead to the start of a more or less formal “dialogue”, or directly to a “formal negotiation”. The difference between “dialogue” and “negotiation” is very subtle, and these processes can sometimes be the same. It depends on the emphasis that one of the parties wishes to place on the process, as the public disclosure of the fact that a “negotiation” has been commenced with one’s “opponent” always has a political cost that the parties will need to gauge.

The normal sequence of contacts between parties to a conflict is as follows:

- Informal indirect **contact**
- Formal indirect **contact**
- Informal direct **contact**
- Formal direct **contact**
- Informal **explorations**
- Formal **explorations**
- Informal **dialogue**
- Formal **dialogue**
- Formal **negotiations** (formal process)

### The time needed for negotiations

One of the most hotly discussed issues at the start of a peace process and which, once negotiations are under way, may be a cause for crisis is the optimum duration of the negotiations. Government leaders often set conditions or take a firm stance with regard to achieving rapid negotiations that can be completed within their term of office. A comparative analysis of 13 completed negotiations shows, however, that it is not always possible to reach a rapid agreement. Periods ranging from 4 years (Nepal) to 21 years (Northern Ireland) are more usual, bearing in mind that a number of cycles or attempts are necessary in some cases. A classic example of this is the situation of Colombia and the Revolutionary Armed Forces of Colombia – People’s Army (FARC), where the president initially indicated that the negotiations had to be completed within a year, a statement that later had to be amended a number of times given the reality of the situation, for which a period of at least three years was more prudent.

Duration				
	Period of negotiation	Years	Mediating party	Main demand
Angola	1988–2002	14	Portugal, Russia, U.S.	Political power sharing
Burundi	1998–2008	10	Tanzania, South Africa	Political power sharing
El Salvador	1984–1994	10	UN	Democratisation of the country
Guatemala	1985–1996	11	UN	Democratisation of the country
Indonesia (Aceh)	2000–2005	5	HDC, Finland	Self-government
Liberia	1990–2003	13	ECOWAS	Political power sharing
Nepal	2002–2006	4	–	Democratisation of the country
Northern Ireland	1987–2008	21	–	Self-government
Philippines (MILF)	2001–2014	13	Malaysia	Self-government
Sierra Leone	1994–2002	8	UN	Political power sharing
South Africa	1989–1994	5	–	Democratisation of the country
South Sudan	1998–2005	7	IGAD	Self-government
Tajikistan	1992–1997	5	UN	Political power sharing

Source: Fisas, V. 2015. *Yearbook on Peace Processes*. Barcelona: School for a Culture of Peace, Autonomous University of Barcelona.  
 List of acronyms: UN, United Nations; ECOWAS, Economic Community of West African States; IGAD, Intergovernmental Authority on Development; HDC, Henry Dunant Centre for Humanitarian Dialogue; MILF, Moro Islamic Liberation Front.

The total time a negotiation takes normally depends on two factors: first, the number of cycles needed to reach an agreement (more than one cycle is needed if an agreement has not been reached at the end of the first cycle and a deep crisis ensues, forcing the process to begin again – possibly after a lengthy period of time and possibly even with a new methodology and new companions); and, second, the pace and frequency of the rounds of talks in a particular cycle.<sup>1</sup> A monthly frequency (as in the case of the FARC in Cuba or, at one point, the negotiations between Sudan and what was to become South Sudan) will always give better results than a frequency, for example, of every 11 months (as in the extreme case of the Philippine National Democratic Front (NDF), doomed to continual failure at such a dilatory pace), every 6 months (Senegal – Movement of Democratic Forces of Casamance (MFDC)) or every 3.7 months (the average in the last cycle for the

Western Sahara). This can be seen from the table that follows. It should be noted, however, that the complexity of the agenda and other circumstances (which we consider later) mean that some negotiations require almost 100 rounds (there were 80 rounds with the National Socialist Council of Nagaland Isak-Muivah (NSCN-IM)), while others may need just 10 or 20. It depends on many variables. The following table does not show negotiations that were previously conducted and then paused for a long period of time, breaking the cycle. The table thus refers only to the last cycle or attempt. In any case, the best thing to do is to agree on an intensive pace of talks (as previously mentioned, once a month is the best option) and to block out all external factors linked to the political and military confrontation. A round tends to last between 3 and 15 days, depending on the availability of the parties and the complexity of the agenda.

Intensity of rounds of talks				
Country	Armed group	Cycle of last negotiation analysed	Number of rounds	Average frequency of rounds
Armenia–Azerbaijan	Not an armed conflict	2014		<b>The two presidents met three times in three months</b>
Burma	UNFC	1/2013 to 12/2014	8	<b>Every 2.9 months</b>
Colombia	FARC	9/2012 to 12/2014	31	<b>Every 0.9 months</b>
Colombia	ELN	12/2005 to 8/2007	8	<b>Every 2.5 months</b>
Cyprus	Not an armed conflict	2014		<b>In May 2014, the two communities decided to meet every 15 days</b>
Georgia (Abkhazia and South Ossetia)	Not an armed conflict	2008–2014	30	<b>Every 2.4 months</b>
India (Nagaland)	NSCN-IM	1997 to 12/2014	80	<b>Every 2.5 months</b>
Mali	MNLA	12/2012 to 12/2014	(3 in November 2014)	<b>Irregular</b>
Moldova (Transnistria)	Not an armed conflict	12/2011 to 12/2014	8	<b>Every 4.5 months</b>
Philippines	MILF	12/2009 to 1/2014	29	<b>Every 1.7 months</b>
Philippines	NDF	2/2011 to 12/2014	4	<b>Every 11 months</b>
Senegal (Casamance)	MFDC	4/2012 to 12/2014, exploratory phase	5 (minimum)	<b>Every 6 months</b>
South Sudan	SPLA-IO	1/2014 to 12/2014	8	<b>Every 1.5 months</b>
Sudan (Darfur)	JEM (Bashar)	10/2012 to 10/2013	5 (minimum)	<b>Every 2 months</b>
Sudan (Darfur)	JEM (Ibrahim)	4/2014 to 12/2014	6 (minimum)	<b>Every 1.3 months</b>
Sudan (Kordofan and Blue Nile)	SPLM-N	12/2013 to 12/2014	4 (minimum)	<b>Every 3 months</b>
Sudan–South Sudan	–	9/2012 to 12/2014	8	<b>Every 2.6 months</b>
Thailand	BRN	3/2013 to 12/2014	7	<b>Every 3 months</b>
Western Sahara	Polisario Front	8/2009 to 9/2012	10	<b>Every 3.7 months</b>

List of acronyms: MNLA, National Movement for the Liberation of Azawad; JEM, Justice and Equality Movement; SPLM-N, Sudan People's Liberation Movement – North; SPLA-IO, Sudan People's Liberation Army in Opposition; ELN, National Liberation Army; UNFC, United Nationalities Federal Council; MILF, Moro Islamic Liberation Front; BRN, Barisan Revolusi Nasional.

<sup>1</sup> A "cycle" is a series of meetings or "rounds" that take place regularly. When the negotiations break down, a period of time needs to pass (possibly a number of years) before starting a new cycle, which will again consist of a number of meetings or rounds. For example, between 2005 and 2007, the Colombian National Liberation Army (ELN) held a "cycle" of meetings with the Colombian government, in Cuba, consisting of eight meetings or rounds. Each round lasted 2, 3 or 15 days. In 2007, the negotiations broke down and thus so did the cycle, and it was not until 2013 that further exploratory talks commenced which, if successful, will enable a new cycle to commence, with a particular number of rounds that is, as yet, unknown.

## Mediation

Of the negotiations taking place in 2014, 80% made use of external mediation, whether from neighbouring countries, countries with a long tradition of facilitation (Norway, for example), regional organisations (the African Union (AU) and the Organization for Security and Co-operation in Europe (OSCE), for example), specialist centres (the Community of Sant'Egidio, the Centre for Humanitarian Dialogue (HD Centre), Crisis Management Initiative (CMI), etc.), individual countries, a group of countries established as a "troika", "quartet" or "contact group", the United Nations (UN) or even remote countries that offer

some confidence to the armed group entering into negotiations.

As will be seen below, the correct choice of facilitating persons, countries or organisations is essential for a good start, although never an absolute guarantee that this facilitation will work for the whole process. Mistrust can often arise, along with accusations of bias, verbal disagreements, abandonment, proposals for sudden changes, etc., which call for a complete redesign of the negotiating framework and its companions. At the end of 2014, the situation was as shown in the table below:

Facilitation in 2014	
Country (area or movement)	Mediating party
Afghanistan	Qatar, China
Armenia–Azerbaijan	Minsk Group of the OSCE (France, Russia and U.S.)
Burma	–
Central African Republic	Gabon (Denis Sassou), International Contact Group, Kenya
Colombia (ELN)	Ecuador, Brazil, Norway (guarantors)
Colombia (FARC)	Norway, Cuba (guarantors)
Cyprus	UN (Alexander Downer, Espen Barth Eide)
Democratic Republic of the Congo (FDLR)	Uganda, Community of Sant'Egidio
Ethiopia (ONLF)	Kenya
Georgia	UN, OSCE, EU, Russia
India (Assam)	–
India (Manipur)	–
India (Nagaland)	–
India–Pakistan	–
Israel–Palestine	U.S., Egypt
Kosovo	Troika (Russia, U.S., EU), UN (L. Zannier)
Libya	UN (Bernardino León), Algeria, Sudan
Mali	Algeria
Moldova	OSCE (Radojko Bogojevic)
Pakistan (TTP)	Jamiat Ulema Islam-Sami, Janmaat-e-Islami
Philippines (MILF)	Malaysia
Philippines (MNLF)	Indonesia, OIC
Philippines (NDF/NPA)	Norway (Ture Lundh, Elisabeth Slåttum)
Senegal (Casamance)	Community of Sant'Egidio
Somalia	–
South Sudan	AU, IGAD (Seyoum Mesfin), Tanzania, CMI (Itonde Kahoma)
Sudan (Darfur)	AU, Chad, Berghof Foundation
Sudan (National Dialogue)	AU, troika (U.S., United Kingdom, Norway)
Sudan (South Kordofan and Blue Nile)	AU (Thabo Mbeki)
Sudan–South Sudan	AU (Thabo Mbeki), UN (Francis Mading Deng)
Thailand (south)	Malaysia (Aksara Kerdpol, Datuk Seri Ahmad Zamzamin Hashmin)
Turkey	–
Ukraine	OSCE (Heidi Tagliavini), contact group (Russia, OSCE, Ukraine), Germany, France, EU (Federica Mogherini)
Western Sahara	UN (Christopher Ross)

List of acronyms: ONLF, Ogaden National Liberation Front; IGAD, Intergovernmental Authority on Development; FDLR, Democratic Forces for the Liberation of Rwanda; ELN, National Liberation Army; TTP, Tehrik-i-Taliban Pakistan; MILF, Moro Islamic Liberation Front; MNLF, Moro National Liberation Front; OIC, Organisation of Islamic Cooperation; NPA, New People's Army.

## 2 Crisis situations in recent years

The annual monitoring conducted through its yearbooks by the Peace Process Programme of the School for a Culture of Peace has enabled a cumulative total of 116 reasons why crises occurred in peace talks during the 2010–2013 period (those for 2014, broken down by country, are given in the following section). Some of them are repeated across a number of years, indicating that there are recurrent problems and particular processes that create persistent difficulties. Crises are therefore not always fleeting but may be structural or due to an unresolved defect in the negotiation design. The following table lists these reasons,

without repeating cases that occurred more than once over the four-year period, highlighting those that are related to the design of the process and/or mediation, i.e. 41 cases, or 35.3% (a little more than one-third). This enables us to conclude that there is a high probability of risk in the early stages of the process, i.e. the design stage, which normally takes place during the exploratory phase. This table enables us to anticipate the kinds of problem that can arise in a negotiation process. It may therefore be useful, for a given situation, to consider in advance the possible crises that could arise during the process, thus enabling a preventative strategy to be designed with the aim of avoiding these situations.

### Reasons<sup>2</sup> for crisis in the exploratory phase of recent negotiations (2010–2013)

Imposition of preconditions
Differences between the subjects to be decided on in the initial phase
Disputes between countries in terms of leading the negotiations
Disagreement with the government negotiator
Declaration of one of the parties as "persona non grata" to the representative of the regional mediating body
Withdrawal of mediator
Criticism of mediator
Rejection or mistrust of facilitator or mediator
Unease at the mediation of a third country
Reduction or expansion of the frequency of rounds of talks
Criticism of the negotiating model
Rejection of a ceasefire at the start of negotiations
Imprisonment of members of the negotiating team or team of consultants
Non-recognition of the other party's representatives
Demand for an end to the violence or abandonment of armed struggle at the start of the negotiations
Disagreement over where to hold the meetings
Demand for international accompaniment
Ban on negotiators travelling
Refusal to have a dialogue with a government in exile
Overlap with a peace accord signed with another group in the region
Disagreement over the format of the negotiations and the countries to be involved
Infiltration of secret negotiations
Demand for greater involvement from a neighbouring country
Murder of a mediator
Prior requirement for clarification of political positions
Refusal of a country's armed groups to conduct separate negotiations <sup>1</sup>
Demands for freedom of movement for an armed group's negotiator
Rejection of external mediation
Refusal by one of the parties to hold a new round of talks
Refusal to grant a general amnesty to members of an armed group
Rejection of the mediating body or mediation format
Mediator's bias
Detention of lead negotiators from the armed opposition
Failure to release some lead negotiators from the armed opposition
Lack of trust
Refusal to share negotiations with other groups
Lack of valid spokesperson
Lack of freedom of movement for negotiators
Lack of guarantees of negotiators' safety
Requirement for the presence of mediators in the negotiations
One party in a coalition government disagreed with the negotiations

<sup>2</sup> Linked to the design of the process and/or mediation.

## Recommendations aimed at commencing the exploratory phase with a good negotiation process

Based on the above table, common sense shows that the parties<sup>3</sup> involved in agreeing the design of the negotiation process in the exploratory phase should bear the following aspects in mind:

- The primary and overall objective of an exploratory phase is to reach the compelling conclusion that both parties are fully prepared to put an end to the armed confrontation and to reach sufficient common positions in order to sign, in the final stage, a peace accord, on the premise that everyone will come out as a winner and no one will lose everything: the classic “win-win” scenario.<sup>4</sup>
- To reach this first conclusion on the sincere willingness of the parties, there is a need to observe and analyse the non-verbal communication and “underlying culture” of the actors, their fears, their dreams, their deep-rooted ideals, their basic needs, their age and sex, their family circumstances, their military and negotiating history, their concept of “peace”, their vision of systemic issues, their international relations, the importance of their support base, their social and community dimension, their level of popular acceptance, etc.
- As an exercise, it is interesting to take a look at photographs of how delegation members look at or act towards each other, whether they are smiling or serious and formal, whether they greet each other with affection and humanity or refuse to say hello, whether they eat together or separately, etc. These observations, which may change over the months or years of contact, can notably influence confidence building and whether or not risky steps are taken. The case of the FARC and Colombian government negotiators in Havana is a case in point.
- It is common for one of the parties to send out “smoke signals” (insinuations which may or may not be clear) of their willingness to commence an exploratory dialogue. Both parties need to be alert and assess the real meaning of these possible approaches.
- It is advisable to analyse the positive role that diasporas can play, as many leaders of armed groups are living in exile in another country and the first contact may be made from there.
- During the exploratory phase, it is often advisable to spend time clarifying the “meta-conflict”; in other words, each party’s concept and interpretation of the origins and development of the conflict. Reaching a minimum number of points of agreement (which is probably the most that can be expected at this stage) will help in sharing a minimum “meta-peace”, i.e. what each party understands as “peace”. In this regard, it should be recalled from the above that, in some negotiations, there are some governments which want no more than to disarm the armed group, possibly accompanied by a disarmament, demobilisation and reintegration (DDR) programme, but without addressing the structural causes of the conflict. It should, however, be noted that most armed groups currently in existence do not have a political programme that includes socioeconomic reforms and are content to participate in political, military and economic power sharing (sharing of the “booty”). Therefore, all government delegations and external facilitators need to know precisely what the armed group in question wants out of the process. Getting this wrong means immediate failure in the attempt to negotiate.
- The exploratory phase needs to be confidential and protected from internal and external pressure from people who may want to know “what’s going on”. This aspect must be addressed at the start of the exploratory phase. If confidentiality is agreed then the issue of avoiding any infiltration by one of the parties must be taken seriously because this always creates a great deal of “noise” and misinterpretation. Many armed groups would prefer more transparency in this phase, but this creates difficulties in terms of ensuring the flexibility of initial positions which, if made public, could be criticised by the parties’ support bases. One must not “play to the gallery” or send messages only of strength, toughness and immovability to one’s supporters, as this attitude runs counter to the very nature of the negotiation process, which involves making mutual concessions.
- An agreement needs to be reached on whether or not a party can place preconditions on commencing the exploratory phase. Ideally, there should be no preconditions at the start, although, as this phase proceeds, both parties may agree initial undertakings in order to build confidence and enter the next stage – that of the formal negotiations – with a greater degree of trust and less pressure.
- Many negotiations fail in their initial phase because one of the parties, normally the government, imposes a unilateral ceasefire or cessation of hostilities on the armed group as a precondition. Ideally, the ceasefire should be bilateral, whether from the start or middle of the process or in the final phase. This aspect needs to be clearly specified in the exploratory phase. It should also be noted that a ceasefire is often flouted and this serves as an excuse for breaking off negotiations, sometimes permanently, hence the importance of the negotiations being shielded from the course of the war from the start. It is desirable that the parties agree not to leave the table for whatever reason.
- The political level required of the negotiators needs to be clarified to ensure that they are able to take initial decisions, although both parties will need to consult either the head of state or government (in the case of the government delegation) or the highest political or military leader of the armed group on a number of occasions. If there is no valid representative, the

<sup>3</sup> This refers to the opposing parties (government and armed group) and not the facilitators, who can make suggestions, in some cases, but not take decisions.

<sup>4</sup> If one of the parties does not trust in the good intentions of the other, an agreement to begin negotiations will not be reached. If external facilitation has already been agreed in this exploratory phase, this third party can be of great help in establishing if there is a real will on the part of both parties to negotiate seriously.



process will fail. Very often, in the first and highly tentative stages of the exploratory phase, people of a lower level participate who are unable to take decisions and can only pass them on to their superiors. Later, however, high-ranking individuals need to be involved. An imbalance in the decision-making capacity of the two delegations, as in the initial meetings with the ELN in 2013, can temporarily paralyse the exploratory phase. In this regard, it is essential that both parties recognise each other as legitimate representatives in the dialogue from the start, however distant they may be politically and however terrifying their past may be.

- Very early on, the parties must come to an agreement on whether they want or need external mediation or, in contrast, if they prefer direct negotiations, without intermediaries, as in India's historical position with regard to the dispute over Kashmir with Pakistan, in which India has never accepted outside mediation. In the first case, when third-party facilitation is accepted, the parties need to carefully evaluate the pros and cons of choosing a particular country, regional or international organisation or particular person. "Forced facilitation" by a superpower, an organisation, or a country with great influence, must be avoided at all costs. Often, many offers to act as facilitator are received, some generous, others self-serving. It is highly inadvisable, given the experience of many different processes, to have "multiple facilitators" or an approach that involves many accompaniers, as this creates confusion with regard to the role each of them is to play. If it is agreed that a country or organisation will intervene as an official facilitator, then the capacity of the people allocated to the process by said countries or organisations also needs to be considered, because it will be these people and teams that have ultimate responsibility for professionally steering the negotiations in the right direction. In any case, it is important that the two parties strongly agree that the person chosen is the most appropriate at that time.
- External mediation, in whichever phase, must be neutral and impartial; it must not express preferences towards either party, even if it has them, and must fulfil its mission of helping the parties themselves to progress towards a consensus on the issues raised.
- A well-known and high-ranking person (a president or former president, for example), does not necessarily have the practical knowledge to handle negotiations. Experience in this field is of considerable value.
- If serious difficulties emerge with the person conducting the facilitation in the exploratory phase, the problem needs to be addressed with the utmost honesty and as soon as possible, in order to decide whether to change the person or the whole team. There have been situations in which one of the parties has ended up declaring the facilitator "persona non grata". There are also facilitators who lack patience and who give up on their task very early on, when patience is of the utmost importance. Being involved in an exploratory phase or a formal negotiation is not the same as attending a hospital emergency department – it is more like attending therapy. It is always best to change facilitators rather than to continue with a poor facilitator or with a person who does not enjoy the trust and respect of both parties. It is also clear that it is not at all constructive to keep changing facilitators, as this could suggest that the problem lies not with the facilitation but with the positions of the parties, which are often intransigent. The case of the Western Sahara is typical of a peace process in which no one wishes to take responsibility for the historical lack of progress made in the negotiations. It may be that the facilitators are not particularly capable, but the problem does not always lie with them.
- The time lag between meetings has been shown to increase in line with a sense of failure. It is therefore advisable that both parties agree to meet at a certain frequency. When this is not possible, for whatever reason, and the next round of meetings is postponed significantly (a silence of six months or a year, for example), it may be better to end the cycle and wait for a certain amount of time before starting again, perhaps with a new approach, a new methodology, new accompaniers or new rules of play. Breaking a cycle is serious and counterproductive and the parties need to be aware of the price they will pay for this.
- It is necessary, at whatever stage of the process, including the exploratory phase, to guarantee the security and physical integrity of all team members. There are numerous examples of captures, murders and disappearances of people, particularly from armed groups, involved in negotiations. The state must make a commitment, clearly and in writing, not to arrest any of the members of the negotiating team, and this means lifting arrest warrants and taking other, similar, actions. The members of a negotiating team must, at all stages, be able to travel freely to the agreed meeting places. There is, in this regard, the problem of groups affected by the existence of lists of terrorists, primarily in the European Union (EU) and the U.S., which explains why, in Europe, many of the negotiations with these groups can take place only in Norway or Switzerland, countries that are outside the EU.
- It has, on a number of occasions, been necessary to release people from prison so that they can form part of a negotiating team, whether on parole, under house arrest or by some other means. There are also just a few (albeit interesting) examples, such as the case of the ELN in Colombia, of a government allowing a "peace office" to be established inside a prison, so that the imprisoned leader or leaders of an armed group can participate in the exploratory phase or formal negotiations. Many initial contacts with an armed group begin in prison or in the country or countries in which one or more of their leaders are exiled.
- The country and place where the initial meetings are to take place will need to be agreed during the exploratory phase. Subsequently, and also by mutual agreement, the country and place of the formal negotiations will



need to be agreed, which may be different from that where the exploratory phase took place. They may take place in the country of origin of the facilitators (for example Norway, in the case of the negotiations with the Philippine NDF) or of the guarantors or observers (for example in the case of Cuba for the FARC, currently).

- At the formal stage of the negotiations – as opposed to the exploratory phase, which requires a simple outline – it is advisable to consider the accompaniment for the process. This aspect will be analysed later, with reference to the “toolkit”.
- During the exploratory phase, the broad components of the negotiation agenda are established, without going into detail. If one of the parties does not agree to the agenda then the negotiations cannot commence.
- In countries with more than one armed group, from the start consideration must be given to whether the talks initiated with one group might interfere with what has already been agreed with another (Moro Islamic Liberation Front (MILF) and Moro National Liberation Front (MNLF) in the Philippines, for example) or, in contrast, if what has already been agreed with one group (Colombian FARC, for example) will place conditions on the negotiating agenda with another (such as ELN, in the same country). It would seem advisable to consider what has already been agreed with one group to see if it would be fully or partly accepted by the other. In some countries, admittedly very few, various armed groups have wanted to negotiate at the same time and within the same framework (this is currently the case in Burma) rather than separately. This necessarily requires cross-referencing and unifying the agendas of the armed groups and creating an “umbrella” organisation to protect and represent all the

groups, with a view to ensuring a more viable negotiation. The opposite situation has also arisen, whereby armed groups have flatly refused to participate in joint negotiations with other groups, requiring a dispersion of teams, agendas and methodologies that is difficult to manage. During 2014, for example, the AU mediator in the peace process in the Sudanese regions of South Kordofan and Blue Nile, Thabo Mbeki, stated that “one process, with two paths” was taking place in Sudan, referring to the fact that parallel negotiations were being held in the Sudanese region of Darfur and that the two negotiations needed to be “synchronised”.

- During the exploratory phase, agreement needs to be reached on whether or not the principle of “nothing is agreed until everything is agreed” is to be followed or, in contrast, whether each point agreed will be valid on its own, and may even be implemented during the course of the negotiations. An intermediary position may be agreed whereby the former principle is adopted, but excluding humanitarian issues, such as a ceasefire, partial mine clearing, compliance with international humanitarian law or aspects related to human rights, as was the case in the El Salvador peace process.

### **Recommendations for controlling crises that may arise during formal negotiations**

We have already referred to the crisis factors that may arise in the exploratory phase, so we will now turn our attention to common crises that arise during the course of formal negotiations. Some of these may emerge during the exploratory phase if any controversial issues are discussed at that point. The following table lists 75 different crises that occurred over the 2010–2013 period.

**Crises arising during formal negotiations, 2010–2013**

Differences and disagreements between the substantive issues on the agendas of the parties  
 Intransigent positions  
 Negative influence of a neighbouring country, downplaying the importance of the negotiations  
 Guarantees of safety of a leader of the armed opposition  
 Refusal of an armed group to disarm  
 Temporary withdrawal of one or all of the parties from the negotiation process  
 Failure to release prisoners  
 Failure of armed groups to withdraw  
 Demand for a ceasefire or cessation of hostilities  
 Breakdown or violation of ceasefire  
 Slow implementation of peace agreement  
 Lack of financing to fulfil the peace agreement  
 Murder of leaders by members of a dissident group  
 Murder of leaders of the armed opposition  
 Discrepancies in the amnesty of leaders of an armed group  
 Confrontation between members of the state over the peace process  
 Unilateral decision-making  
 Kidnappings  
 Requirement to hold political negotiations before disarming  
 Arrest of leaders or consultants of an armed group  
 Armed clashes between the government and the armed opposition group  
 Government's economic crisis  
 Lack of democratic reforms  
 Refusal of one of the parties to participate in an incident prevention body  
 Lack of political dialogue  
 Distrust of the government or armed group's goodwill  
 Requirement to release imprisoned members  
 Situation of the prisoners of an armed group  
 Conducting of military exercises and operations  
 Failure to withdraw government troops from a zone controlled by an armed group  
 Refusal to withdraw heavy artillery from a buffer zone  
 Accusations that a third country is supporting dissidents from an armed group  
 Lack of agreement over prisoner exchanges  
 Solitary confinement in prison of the head of the armed group  
 Disagreement over whether a new constitution is needed  
 Requirement to recognise the constitution  
 Difficulties in obtaining support that would enable the constitution to be amended  
 Arms purchases during the negotiations  
 Human rights violations in the occupied territories  
 Internal divisions within an armed group  
 Marginalisation of one faction of the armed group  
 Differences over the status of a region  
 Increased military activity by the armed group  
 Military attacks by a third country  
 Calls for a referendum  
 Differences over the continuity of sanctions  
 Disagreement over commitments not to use force  
 Disagreement over the date for holding a referendum  
 Prohibition of an armed group  
 Refusal to accept cooperation between opposition groups pursuing a unity government  
 Refusal to release collaborators of an armed group  
 Refusal of an armed group to become a border guard  
 Plans by a third country to locate military facilities on disputed territory  
 Requirement to withdraw military troops from a region  
 Disagreements over territorial waters  
 Disagreement over the return of refugees  
 Insecurity in the country  
 Delays in implementing disarmament and reintegration programmes  
 Existence of terrorist lists  
 Promises of development and job creation unfulfilled  
 Coup d'état  
 Political power vacuum  
 Refusal to extend a truce to other regions  
 Arrest of opposition members  
 Failure of one of the parties to give an opinion on the peace proposal  
 Clashes with paramilitary groups  
 Border clashes  
 Occupation by foreign forces  
 Constitutional limitations  
 Court judgements  
 Overruling of electoral results  
 Ban on representative opposition parties  
 Settlement of occupied territories

The following recommendations can be drawn from this list of crisis factors, based not on mere speculation but on real conflicts that have emerged during the course of formal negotiations (where such negotiations have been made public), regardless of their level of transparency or lack thereof:

- On commencing the phase of formal negotiations, the parties need to ratify everything agreed in the exploratory phase, in order to avoid any doubt or new interpretations. Everything must be put in writing and, if possible, in the presence of observers/witnesses.
- The public announcement of the start of negotiations with an armed group may generate dissent and deep opposition on the part of some political, economic or military sectors, often because they have benefited from the existence and continuation of the armed conflict or simply because they do not believe it possible to achieve peace through negotiations, despite the fact that 80% of the conflicts that have ended since the mid-1980s have done so in this way. The government therefore needs to draw up an effective communication strategy on the advantages of ending the armed conflict. All third parties involved in the peace process should also make efforts to communicate these advantages. It is important in this regard to enjoy the cooperation of the media.
- A negotiation can quite easily last two electoral terms and so any new head of state will need to ratify what has been agreed by the previous government, to ensure that it remains valid during the second presidential mandate. It should be noted that partial agreements reached during the first presidential term do not have the status of law. They are simply commitments made by a particular government.
- Entering into negotiations, with all the risks this entails, means that the government should speak with just one voice and one rhetoric, favourable to the negotiations, avoiding the pitfall of some ministers (often the defence minister in particular) maintaining a contradictory position, for example to avoid upsetting the military. The message broadcast to the public must be clear and unified.
- Although the broad agenda points or “framework agreement for the negotiations” are normally agreed during the exploratory phase, it is during the negotiation phase that each of the sub-points or substantive issues on this agenda are made concrete, negotiated and approved. If any changes need to be made to the items on the agenda, adding an aspect, for example, or changing the order in which the issues are to be discussed, this must always be mutually agreed and not imposed.
- The preamble or recitals that precede the agenda points to be discussed must never replace or add to the substantive issues on the agenda. They are simple references that set the frame for the agenda, put it into context and give it some meaning, nothing more, as in any UN Security Council Resolution. This preamble has to be drafted by joint agreement between the parties but does not form part of the agenda.
- The discussion of the agenda is the central point of any negotiation. It is the section that requires most time and effort, and is also the weakest link in the process, because starting positions are normally very different, and concessions will need to be made throughout the negotiations until a point of mutual agreement is reached. Later in this report, we will consider negotiation structures that can help this discussion to take place in the most effective and least time-consuming way.
- Half of all armed conflicts are disputes over territorial control, with demands for independence or self-government. Experience shows that an armed group normally ends up renouncing independence for some form of advanced autonomy, i.e. with significant power. In these kinds of negotiations, the parties have to be able to consider different options for “intermediary political architectures” (autonomy, co-sovereignty, commonwealth, asymmetrical federalism, etc.), and this requires a widening of the viewpoint of both parties and the exercise of political realism. In any case, the final solution must enjoy all guarantees of being fully implemented.
- A requirement to disarm prior to commencing the negotiations makes no sense. Disarmament can be proposed only in the final stages of the negotiation process. Processes in which there is no negotiation of an agenda are different, as the only thing being agreed upon is the demobilisation and disappearance of a group, which is normally very small, in exchange for an amnesty, return to their places of origin and, in some cases, participation in a reintegration programme.
- Negotiations may take place in an internal context of great insecurity, with attacks, political or economic crises, democratic weakness, widespread corruption, repression, the presence of paramilitary groups, social protest, looming elections, a ban on opposition parties, etc., and this can affect the negotiations because of the demoralisation it causes. The parties need to sincerely consider whether they are in a position to continue to negotiate, or if it would be better to call a temporary halt until the environment improves. If this is the case, they may agree that the next cycle will continue at the point where they left off.
- The presence of an armed group on terrorist lists can be a disadvantage to making progress in a negotiation, insofar as it limits the mobility of the negotiators. It is advisable to propose their “delisting”, i.e. the conditions under which a group could be removed from terrorist lists.
- If an armed group in a ceasefire situation is not banned then consideration must be given to the effect that banning them in the middle of the process would have on the negotiations, with the likelihood that this would include the arrest of one or more of their leaders. In this case, the group may make continuation of the negotiations conditional on the freedom of these individuals.
- In negotiations between countries in particular, unnecessary provocation should be avoided, such as conducting military manoeuvres off the coast of one of the countries involved. Continued threats, of whatever

- kind, whether real or symbolic, are counterproductive to creating conditions favourable to the negotiations.
- There have been cases where, following many attempts to negotiate, neither of the parties has changed its initial position, and thus their positions become totally intransigent. This may even lead one of the parties to abandon the negotiations, or the facilitator to call a halt to the negotiating cycle. This has been the case, for example, in the Western Sahara. In these cases, once a number of years have passed with no progress (5, 10 or 15 years, for example), it is best to end the negotiations in their current format, as the process has clearly been inefficient, and not to recommence discussions until one of the parties places something new on the table that would justify resuming the talks. This would take place in a new cycle, probably with a new format and even with new mediation, where appropriate.
  - All observations made with regard to the necessary physical safety of the people involved in the negotiations during the exploratory phase are valid for the formal negotiations also, and these people need to have every opportunity to move and travel to the places of negotiation. Unfortunately, there have been cases of executions or kidnappings of negotiators.
  - At the start of or during a negotiation, factions of the armed group will often emerge that are opposed to the negotiations for whatever reason (culture of war, profits of war, inability to do anything else, fear of losing authority, etc.), and they become “spoilers” or saboteurs of the process. In this regard, and particularly when there are many dissenters, it is advisable to introduce a unifying figure: a person with responsibility for bringing the factions or marginalised groups back into the fold or, at least, attempting to reach a common agenda. This figure may be internal or external to the armed group. It will very often be a person who enjoys the trust and respect of all dissenters. This is not always possible to achieve, in which case a number of negotiations may end up taking place simultaneously. There is also a place for incentivising figures, normally countries with economic resources, or regional or international bodies with financial means. Should economic sanctions be in place or a group be on a terrorist list, the withdrawal of these restrictions may be an important trump card that can be played as an incentive.
  - Both in the exploratory phase and in the formal negotiations, the armed group’s negotiating team may include people currently being held in prison, and their release may be demanded. It may also be the case that, during the negotiations, members of the negotiating delegation are imprisoned, forcing the government to consider a number of options: firmly refuse to release these individuals, with the risk of boxing themselves into a corner; release certain prisoners solely for the purpose of attending the negotiations, after which they would return to prison; release certain individuals on parole, with a written commitment not to use arms in the future; or agree to house arrest. There are numerous examples of such cases.
  - One measure that favours a climate of negotiation is the government’s improving the prison conditions of prisoners from armed groups.
  - An interesting precedent was set with the Colombian ELN guerrilla force: consecutive governments have allowed some ELN guerrilla prisoners, acting as spokespersons or contacts, to set up a “peace office” in prison, with access to the Internet, a telephone, a meeting room and so on. This has enabled a prison space to be turned into a zone of negotiation or exploration.
  - When an armed group’s spokesperson is in prison, it is advisable to allow them visits from members of their group or similar, as this can help to consolidate any future negotiations. This facility depends on what progress is being made in the current talks. If they are going well, it is easier for a government to accept this recommendation. It is also important in terms of helping to ensure that the political wing and the armed wing have the same position. During 2014, for example, there were monthly meetings in Turkey between the leader of the Kurdistan Workers’ Party (PKK) guerrilla group, Abdullah Öcalan, and Kurdish deputies who were acting, in turn, as intermediaries between Öcalan and the highest Kurdish politico-military leaders with bases in northern Iraq. Öcalan had previously spent long periods in solitary confinement.
  - In some negotiations, the armed group has teams of consultants or advisors, who may be members or supporters of the armed group or simply representatives of centres specialising in handling negotiations, helping one or all parties to be realistic or giving advice on how to resolve any crises. The parties to the negotiation must be clear on the role of these teams, which may be very formal or, equally, totally informal. There are cases, such as in the Philippines with regard to the New People’s Army (NPA) and its negotiating team, the NDF, in which a number of these consultants were arrested and held in prison. Both parties must agree on the role these people will play and if they are to be released to participate in the rounds of talks, and they must renew this commitment at every cycle of negotiations.
  - As already mentioned, a recurrent cause of crisis is a government’s demand that the armed group should declare a unilateral ceasefire before commencing negotiations, a condition that is not normally accepted, as it places one of the parties in a situation of greater vulnerability. Ideally, the two parties should agree a bilateral ceasefire, if possible, at the start of the negotiations and, if not, part of the way through, when some trust has been built. This may be with or without internal or external verification, but should be with a real and sincere commitment not to take the agreed positions. It is always advisable that verification mechanisms are put in place, which may be joint. A joint verification team is responsible for analysing any complaints regarding violations of the ceasefire, and has the power to take decisions to resolve this situation.

- Given the possible difficulty of “selling” a bilateral ceasefire agreement to some sectors of public opinion, the possibility exists (which has, in fact, been tried and tested) that the parties could agree to a “de-escalation of the conflict”, with zero deaths, which would imply a “tacit bilateral ceasefire”.
- Whenever possible, depending on the geographical nature of the conflict and what control the parties have over specific areas, it is advisable to assess whether a “buffer zone” or a “separation zone” can be created, with a several kilometre-wide demilitarised area along the border in which there are no heavy weapons. In some cases, as a condition for continuing the negotiations, the armed group has demanded that the armed forces withdraw from their zone of influence, something that is difficult to fulfil until there has been a long ceasefire and the negotiations are at an advanced stage.
- In conflicts with a regional dimension, the support given to armed groups by neighbouring countries must be analysed and neutralised, as many armed groups use neighbouring countries as “refuges” to lie low in and from which to launch surprise attacks. Many negotiations require the active involvement of neighbouring countries in order to achieve peace.
- In many cases, the negotiations will be strengthened if the parties implement confidence-building measures (CBMs) such as prisoner exchanges, establishing humanitarian corridors, enabling communication between divided families, etc.
- Public opinion and governments always view an armed group’s unilateral decision to take measures in line with international humanitarian law positively. These can include conducting mine-clearing operations, for example, and refraining from kidnapping or harassing civilians, recruiting minors, sexually abusing women, etc. These measures generate a great deal of confidence and increase their legitimacy when proposing social, political and economic change.
- Given that it has been a cause of breakdown in a number of negotiations, it is not advisable for a government to demand the relocation of armed groups into localizable areas at any time, or to demand that the identities of members of the armed group be revealed. This requirement creates a great deal of mistrust and vulnerability, and is not necessary to implement a ceasefire or move forward in the negotiations. Such a demand led, for example, to the breakdown of the Colombian government’s negotiations with the ELN in 2007.
- All negotiations have an economic cost, and this increases in line with the time taken and the number of people involved. Very often, this cost is covered by the mediating countries or organisations, “friendly countries” or observer countries. The donors, however, need to be very careful in this regard, as there are numerous precedents in which negotiations have turned into big business for the participants. In the negotiations between Sudan and South Sudan in 2014, the negotiating teams were receiving \$2,000 a day per person plus the costs of a luxury hotel (\$320 a night), and visits to bars and nightclubs. Such malpractice needs to be avoided from the start.
- In the final stages of the negotiation, the parties will need to agree on the legal position of the people to be demobilised and other actors (soldiers in particular) accused of crimes during the period of conflict. Although it is common to declare an amnesty following the signing of a peace accord, the application of transitional or restorative justice has taken place in several countries and is becoming an established process. While the opinions of the victims must always be listened to and considered, it must ultimately be for the parties to the negotiation alone to decide how to resolve the dilemmas of the inevitable exercise of truth, justice and reparation (three areas that may not all require the same level of intensity) with the aim of getting the armed groups to put down their weapons.
- One recurrent theme of confrontation is whether, once the negotiations are at an end, the constitution should be amended or a new constitutional assembly be formed. The parties should not leave this issue to the end, but should not discuss it at the very beginning either, without knowing how the negotiations will go on the different agenda points. It is also common for a government to demand, as a precondition for negotiating with an armed group, that the constitution should not be changed. Experience shows, however, that it is best not to make this aspect a “red line” but to leave some room for manoeuvre, particularly when the armed groups date back to before the current constitution came into effect.
- There are cases (in the Philippines with the MILF, for example) of a constitutional court declaring a recently signed peace process inadmissible, thus forcing a rethink of the final phase in order to find a legal solution to the process.
- The parties must, during the negotiating phase, consider whether or not they will put the final agreement to public consideration, via a referendum. This is not usual, and to do so is not without risk of rejection, as in the case of Guatemala, but to do this and have the agreement accepted strengthens the transparency and democratic legitimacy of the agreement.
- Following a peace accord, there should always be a reform of the security apparatus, resulting in a significant reduction in the numbers and budget of the armed forces (the so-called “disarmament dividend”), the delinking of the police from military tasks and reforms to military legislation. Sectors of the armed forces often resist these reforms amid fears that they may lose their privileges, but defence and security policies need to change substantially following the end of an armed conflict. All of these issues have to be on the negotiation agenda, otherwise there will, in contrast, be a scaling-up of military activity following the peace accord, a possibility that must be ruled out at all costs.
- If the negotiations go well and a peace accord is reached, it is usual then to proceed to a DDR process, of which there are multiple variants for each of the three

aspects. In this regard, the parties must agree on the kind of DDR that will take place at the end of the process, along with all of the details, as many processes fail owing to this stage not having been sufficiently agreed upon or implemented, for political, military or economic reasons, and the agreed timetable not having been followed. All DDR processes must dignify the ex-combatants' return to civilian life (or partial reintegration into the armed forces or police, in some cases), and never demonise or stigmatise them. The state must, with all necessary internal and external support, ensure that this stage takes place correctly and within a reasonable timeframe, with the active involvement of the communities and places of origin of the demobilised individuals and of the socioeconomic fabric of the places where they are to be received, if they are to be settled in another area.

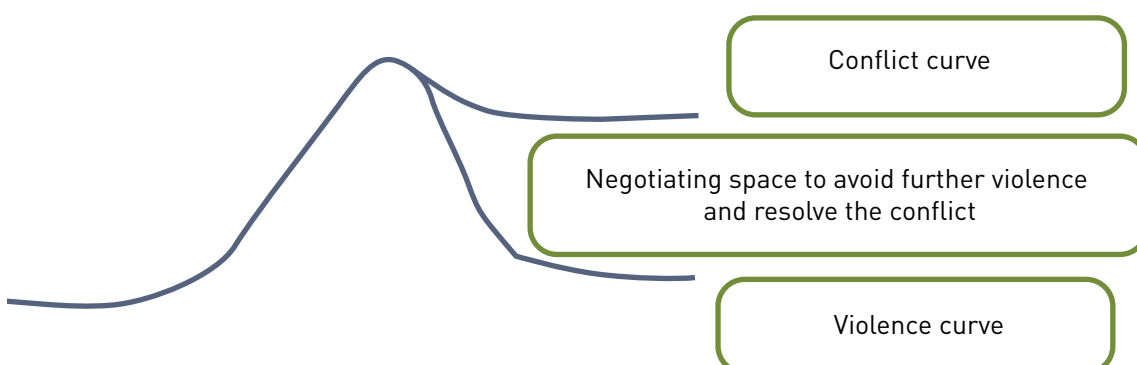
- During the stages of DDR, in some countries, such as Colombia, the expression “abandonment of arms” has been used by the armed group (the FARC in this case). This is an apparent subtle use of language that in actual fact conceals an intention not to hand arms over to the armed forces and government (which the group would consider a humiliating act), instead preferring to stop using the arms for a time and then hand them over to an international commission, without photographers or journalists. This was the situation in Northern Ireland. This possibility requires a bilateral ceasefire agreement, whether explicit or tacit. Military operations simply do not take place and the combatants remain in their barracks. Although this option may prove difficult for the government to accept, it is an option that should not be discounted, because the aim is for the arms, eventually, to be rendered inoperable, decommissioned and if possible, destroyed.
- Although the “post-armed conflict” phase is not formally included in the negotiations, given the enormous number of peace processes that have subsequently failed to implement what was agreed, or have done so only partly or with great delay, it is advisable during the negotiation phase to agree on the mechanisms for verifying compliance with the agreements signed, whether internal, external or joint. If not, there is a risk that further violence, more closely linked to organised crime, will erupt. Very often, particularly in peace processes that involve structural change, political, economic or military pressure groups can emerge after

the signing of the accord that reject or hinder fulfilment of the agreements because there are no national or international verification mechanisms.

- Implementation of the negotiated agreement may come at a high economic price. In this regard, before requesting external support or calling a donors' pledging conference, an analysis needs to be made of what the direct and indirect actors in the conflict can contribute financially. It should be recalled that the end of an armed conflict, in most cases, enables the release of a sum of money previously devoted to military aims and which, in some countries, may be as much as 2% of gross domestic product (GDP), an amount that should be channelled fully into implementing the peace accords. In the Colombian case, for example, the guerrillas' assets should first be quantified, along with the value of the lands taken by the guerrillas and paramilitaries, the contributions of national and multinational companies to the paramilitary groups, what the state could contribute through “peace funds” and the abovementioned “disarmament dividend”, etc.
- Following on from the above, it is not justifiable for the government, either at an advanced stage in the negotiations with an armed group or after signing a peace accord, to invest significant sums in heavy weapons (as was the case of Colombia in 2015), thus preventing military expenditure from being reduced in times of peace.

### 3 Crisis situations in 2014

This section provides an overview of the main crises that occurred during 2014 in 29 different contexts, both open armed conflicts and other currently unarmed conflicts that were armed in the past and for which negotiations aimed at reaching a peace agreement have not been completed. This mix of conflicts is a warning that a ceasefire or a de-escalation of military activity is not always synonymous with achieving peace, the completion of a peace process or the final resolution of the conflict, which may extend over time until the negotiations come to a satisfactory conclusion. The decline or even disappearance of physical and armed violence therefore does not necessarily mean that the conflict is at an end, as can be seen from the following diagram, valid for processes such as those undertaken in the Western Sahara, Moldova (Transnistria) and Cyprus.





Listing the crises for just one year by country sheds light on the enormous number of factors that can negatively influence the way negotiations develop, along with the idiosyncrasies of each case. In addition to factors more commonly found in all negotiation contexts, processes may be affected by very specific factors. Given that there are often models or reference points for many negotiation processes, i.e. other peace processes that demonstrate

similarities in terms of the nature of the conflict or the kind of actor or methodology chosen, these can be drawn upon (not merely imitated) and their useful aspects adapted to the situation at hand. These methodological aspects will be considered in another section. The following table shows, by country, the kinds of crises that occurred in 2014, as indicated in the previous section.

Main crises in 2014	
Afghanistan	<ul style="list-style-type: none"> <li>• Divisions within the Taliban.</li> <li>• Government disagreement with unilateral decision-making on the part of the U.S..</li> <li>• Arrest of a Taliban leader who was acting as an intermediary.</li> <li>• Enormously volatile political context, with difficulties in forming a government.</li> <li>• Insecurity.</li> </ul> <p>Final outcome: Unresolved but with possible new mediation in 2015.</p>
Armenia–Azerbaijan	<ul style="list-style-type: none"> <li>• Increased incidents and fighting along the ceasefire line.</li> <li>• Increased rearmament and militarisation of both countries.</li> </ul> <p>Final outcome: de-escalation of tensions.</p>
Burma	<ul style="list-style-type: none"> <li>• Demand by armed groups that the political dialogue should run parallel to the ceasefire.</li> <li>• Initial disagreement with the formation of new inclusive armed forces.</li> <li>• Government’s refusal to accept a more inclusive agreement, as it did not recognise the small armed groups.</li> <li>• Armed forces attack on a Kachin Independence Army (KIA) training centre.</li> <li>• Differences over the issue of federalism.</li> </ul> <p>Final outcome: possible agreement at the start of 2015.</p>
Central African Republic (CAR)	<ul style="list-style-type: none"> <li>• Low level of the armed group’s representatives.</li> <li>• Internal struggles to represent the armed groups.</li> <li>• Divisions in civil society.</li> <li>• Divisions over whether the national dialogue should be conducted in the country or outside.</li> <li>• Condition made by one armed group that negotiations will be undertaken only if the country is divided.</li> <li>• Internal divisions within the armed group.</li> <li>• Doubts over the efficacy of peacekeeping operations.</li> <li>• Change of mediation, with diplomatic crisis at the last minute between CAR and Kenya due to the holding of meetings with opposing militia in the Kenyan capital without informing the CAR government in advance.</li> </ul> <p>Final outcome: Change of mediation not agreed, uncertainty concerning the immediate future.</p>
Colombia	<ul style="list-style-type: none"> <li>• Government’s refusal to sign a bilateral ceasefire with the FARC.</li> <li>• Suspicions that, in the future, the police would no longer report to the Ministry of Defence.</li> <li>• Statements by the president that there would be no reform of the forces of law and order as a result of the negotiations with the guerrillas.</li> <li>• Doubts over the FARC’s interpretation of “surrender of arms” and whether they would agree to commence a classic DDR process.</li> <li>• Party political accusations over the possible secret signing of agreements.</li> <li>• Threats against human rights defenders, union members and demobilised combatants.</li> <li>• Interception of the communications of the negotiating delegations.</li> <li>• Chance capture by the FARC of a general, with a discussion on whether they were “holding” him or had “kidnapped” him, which led to a temporary suspension of the negotiations.</li> <li>• Warning from the International Criminal Court on the application of transitional justice.</li> <li>• Government’s rejection of international oversight of the ceasefire and hostilities unilaterally decreed by the FARC.</li> <li>• Excessive duration of the exploratory phase with the ELN and excessive length of time in initial meetings.</li> <li>• Differences over the agenda and concepts of “peace” and “social participation” between the government and the ELN.</li> <li>• Differences between the ELN and the government regarding “methodological criteria” for the initial talks.</li> <li>• Capture by the army of a member of the ELN’s negotiating team.</li> </ul> <p>Final outcome: unilateral steps by the FARC to consolidate the negotiations and clarification of the progress made in the exploratory phase with the ELN.</p>
Cyprus	<ul style="list-style-type: none"> <li>• Influence of Cyprus’s economic crisis on the negotiations.</li> <li>• Temporary breakdown in the negotiations owing to differences over oil exploitation rights in the area.</li> </ul> <p>Final outcome: possible resumption of negotiations at start of 2015.</p>

Main crises in 2014	
Democratic Republic of the Congo	<ul style="list-style-type: none"> <li>• Mistrust owing to the death in mysterious circumstances of the leader of an armed group.</li> <li>• Doubts over the real willingness of an armed group to disarm.</li> <li>• Requirement on the part of a government that an armed group should not demand a political negotiation to disarm.</li> <li>• Ban on the leader of an armed group attending negotiations abroad.</li> </ul> <p>Final outcome: unresolved.</p>
Ethiopia (Ogaden)	<ul style="list-style-type: none"> <li>• Arrest of two negotiators in the mediating country.</li> </ul> <p>Final outcome: unresolved</p>
Georgia (Abkhazia and South Ossetia)	<ul style="list-style-type: none"> <li>• Violations of air space.</li> <li>• Social and political crisis in Abkhazia.</li> <li>• Demand by Abkhazia and South Ossetia for the issue of displaced persons to be kept off the negotiation agenda.</li> <li>• Abkhazia's request to change the format of and agenda for the negotiations.</li> <li>• Disagreements between Abkhazia and the EU with regard to the mechanism for preventing and responding to incidents.</li> <li>• Mistrust between Georgia and Russia over Russia's signing of a treaty with Abkhazia, which increased the latter's dependence.</li> <li>• Russian refusal to sign an undertaking not to use force.</li> </ul> <p>Final outcome: unresolved.</p>
India (Nagaland)	<ul style="list-style-type: none"> <li>• Resignation of a government spokesperson.</li> <li>• Hostilities between Naga factions.</li> <li>• Government's refusal to allow Naga leaders to attend a unification meeting.</li> <li>• Government's refusal to negotiate with all groups simultaneously.</li> </ul> <p>Final outcome: Negotiations only with the NSCN-IM.</p>
India–Pakistan (Kashmir)	<ul style="list-style-type: none"> <li>• Violations of the ceasefire.</li> <li>• Deep unease on the part of the Indian government after a Kashmiri separatist leader was received by the Pakistan government.</li> <li>• Attack in the Indian zone of Kashmir.</li> </ul> <p>Final outcome: Unresolved.</p>
Israel–Palestine	<ul style="list-style-type: none"> <li>• Recognition of Israel as a Jewish state.</li> <li>• Hamas' rejection of the possible presence of NATO troops on Palestinian territory.</li> <li>• Israel's policy of building settlements in the West Bank and East Jerusalem.</li> <li>• Israel's opposition to Palestinian membership of various international treaties.</li> <li>• Failure to release Palestinian prisoners held in Israeli prisons.</li> <li>• Israel's refusal to negotiate with Palestine.</li> <li>• Escalating conflict in the Gaza Strip.</li> <li>• Presentation to the UN Security Council of a draft resolution on behalf of Palestine to revive the negotiations with Israel. The Security Council did not approve the proposal.</li> <li>• Threats against Palestine for gaining membership of the International Criminal Court.</li> </ul> <p>Final outcome: unresolved.</p>
Kosovo	<ul style="list-style-type: none"> <li>• Internal tensions led to the holding of early elections.</li> <li>• Delays in forming a new government.</li> </ul> <p>Final outcome: unresolved.</p>
Libya	<ul style="list-style-type: none"> <li>• Lack of dialogue between the two governments and parliaments existing in the country.</li> <li>• Very low turnout for the parliamentary elections.</li> <li>• Rivalry between countries willing to provide facilitation.</li> <li>• Military combat in the middle of the negotiations.</li> <li>• Inclusion of some armed groups on the UN list of terrorist groups.</li> <li>• Decision of the Constitutional Court to declare the parliamentary elections illegitimate.</li> <li>• Attack on a UN representative by an armed group.</li> <li>• Constant cancellation of talks organised by the UN.</li> </ul> <p>Final outcome: unresolved.</p>

Main crises in 2014	
Mali	<ul style="list-style-type: none"> <li>• Existence of multiple armed actors.</li> <li>• Disagreement concerning other groups participating in the negotiations.</li> <li>• Government not keeping its commitment to release prisoners.</li> <li>• Lack of coordination and overlapping attempts at external facilitation.</li> <li>• Escalation of violent clashes.</li> <li>• Pressure from third countries.</li> <li>• Request from an armed group to hold negotiations outside the country.</li> <li>• Non-participation of some armed groups in the negotiations.</li> <li>• Federalism versus decentralisation.</li> <li>• Risk of wanting to reach a hasty agreement.</li> </ul> <p>Final outcome: first framework agreement to resolve the conflict in 2015.</p>
Moldova (Transnistria)	<ul style="list-style-type: none"> <li>• Impact of the conflict in Ukraine, and deterioration in the relations between Russia and the West.</li> <li>• Pressure on schools in Transnistria that were providing education in the Moldavian language.</li> <li>• Delays in the rounds of talks.</li> <li>• Criticism from Moldova for not having been informed of the Russian representative’s visit to Transnistria.</li> <li>• Russian reprisals following the EU/Moldova Association Agreement.</li> <li>• Possibility that the U.S. may establish a base near the Romanian capital.</li> <li>• Fear of a loss of Moldova’s neutrality.</li> <li>• Fear of the unification of Moldova with Romania.</li> </ul> <p>Final outcome: unresolved.</p>
Pakistan (Waziristan)	<ul style="list-style-type: none"> <li>• Murder of kidnapped soldiers.</li> <li>• Differences between Taliban factions.</li> <li>• End of ceasefire.</li> <li>• Terrorist attack on school.</li> </ul> <p>Final outcome: unresolved.</p>
Philippines	<ul style="list-style-type: none"> <li>• Delays in the government’s approval of the Fundamental Law of Bangsamoro.</li> <li>• In the middle of the year, the President’s Office presented various amendments to the law, resulting in the MILF’s disagreement.</li> <li>• Possible existence of a MILF faction opposed to disarmament.</li> <li>• The government ended the “special path” for negotiations with the NDF.</li> <li>• The government accused the NDF of making proposals through the media and not directly to the government negotiating team.</li> <li>• The NDF stated that it was impossible to reach a peace agreement with the current government, as it considered it too conservative.</li> <li>• Internal divisions and struggles for leadership of the MNLF.</li> <li>• MNLF criticism of the government for having ignored it during negotiations with the MILF.</li> <li>• Differences between the MNLF’s and the MILF’s approaches.</li> </ul> <p>Final outcome: possible new negotiations with the NDF in February 2015, and difficulties in negotiating with the MNLF.</p>
Senegal	<ul style="list-style-type: none"> <li>• Divisions within the armed group.</li> <li>• Multiplication of internal intermediaries.</li> <li>• Request by one faction of the armed group to hold negotiations outside the country.</li> </ul> <p>Final outcome: no significant change.</p>
Somalia	<ul style="list-style-type: none"> <li>• Virtual paralysis of the Somali government.</li> <li>• Constant disputes between the prime minister and president.</li> <li>• Internal tensions within al-Shabaab (the armed group).</li> </ul> <p>Final outcome: Unresolved</p>

Main crises in 2014	
South Sudan	<ul style="list-style-type: none"> <li>• Violations of the ceasefire.</li> <li>• Disagreement over the release of prisoners.</li> <li>• Arrest of senior commanders of the armed group.</li> <li>• Differences between leaders of the armed group and the Intergovernmental Authority on Development's (IGAD) mediating team.</li> <li>• Requirement to withdraw foreign troops.</li> <li>• Escalation of the violence.</li> <li>• Differences over the creation of a federal system of government and constitutional reforms.</li> <li>• Insulting remark made by IGAD mediator to the government and armed group.</li> <li>• Threats of sanctions by the facilitator.</li> <li>• The Government of South Sudan criticised the three countries of the troika (U.S., United Kingdom and Norway) for wanting regime change.</li> <li>• Change of host country for the mediation (Tanzania replaced Ethiopia) and strengthened mediation through Finland and CMI.</li> <li>• Accusations between the armed groups of not wanting peace.</li> </ul> <p>Final outcome: change of mediation.</p>
Sudan (Darfur)	<ul style="list-style-type: none"> <li>• At the meeting between the government and Gabriel Ibrahim's Justice and Equality Movement (JEM), at the end of the year, the government delegation only wanted to discuss security issues, while the JEM had a longer agenda.</li> <li>• Insufficient capacity of the AU negotiating team.</li> </ul> <p>Final outcome: unresolved.</p>
Sudan (national dialogue)	<ul style="list-style-type: none"> <li>• Multiple armed actors and politicians in the dialogue.</li> <li>• Arrest of opposition leaders.</li> <li>• Government's desire not to delay the elections.</li> <li>• Criticism of the government for not wanting a government of national transition.</li> <li>• Government's demand that the "National Dialogue" last no more than three months.</li> <li>• Delay in signing a cessation of hostilities owing to the partisan needs of the government.</li> <li>• Possible government ploys to divide the opposition.</li> </ul> <p>Final outcome: unresolved, but with possible progress in 2015.</p>
Sudan (South Kordofan and Blue Nile)	<ul style="list-style-type: none"> <li>• Accusations that the government did not want to stop the humanitarian crisis or resolve the political crisis.</li> <li>• Accusations from the government that the armed group was bringing up issues unrelated to the war.</li> <li>• Government mistrust of the AU's mediation.</li> <li>• Differences with the government over whether a ceasefire should be reached in the regions before holding the "National Dialogue".</li> <li>• The government was in favour of finding partial solutions while the Sudan People's Liberation Movement – North (SPLM-N) wanted a general agreement.</li> <li>• The SPLM-N wanted a peace agreement to be reached in Darfur as well before participating in the National Dialogue.</li> <li>• The SPLM-N criticised the government for wanting them to hand over their arms before a political agreement had been reached.</li> </ul> <p>Final outcome: unresolved.</p>
Sudan–South Sudan	<ul style="list-style-type: none"> <li>• Proliferation of small arms.</li> <li>• South Sudan's protest at the decision that the Abyei region should be included in the 2015 elections.</li> <li>• Lack of local government and public order.</li> </ul> <p>Final outcome: unresolved.</p>
Thailand (south)	<ul style="list-style-type: none"> <li>• Military strategy of encouraging desertions.</li> <li>• Lack of unification of armed groups' demands.</li> </ul> <p>Final outcome: military control of the negotiations, which has created mistrust.</p>
Turkey (PKK)	<ul style="list-style-type: none"> <li>• Delaying tactics on the part of the government with regard to the negotiation.</li> <li>• Interference from Turkish elections in summer 2015.</li> <li>• Impact of the delicate situation of the Kurds in Syria.</li> <li>• Accusations from PKK of Turkey's alleged support of the Islamic State of Iraq and Syria (ISIS).</li> <li>• Law and order problems.</li> <li>• Lack of negotiating experience on both sides.</li> </ul> <p>Final outcome: possibility of commencing formal negotiations, with new methodology.</p>

Main crises in 2014	
Ukraine	<ul style="list-style-type: none"> <li>• Struggles for political and economic power.</li> <li>• Rivalry between regional political and economic institutions.</li> <li>• Russian occupation of Crimea owing to its military/strategic value.</li> <li>• Opposition to Russia’s aspiration to create a Russian-speaking space.</li> <li>• Ukrainian government’s desire to join the North Atlantic Treaty Organization (NATO).</li> <li>• Early militarisation of the conflict, despite diplomatic initiatives.</li> <li>• Presence of mercenaries and irregular forces.</li> <li>• Sanctions against Russia and Crimea.</li> <li>• Military manoeuvres on both sides.</li> <li>• Return to language and threats from the Cold War era.</li> <li>• Insecurity in the supply of Russian gas.</li> <li>• Rejection of federalism by the Ukrainian government.</li> <li>• Refusal to recognise the elections held in eastern Ukraine.</li> <li>• Cancellation by the Ukrainian government of concessions and commitments previously made for the east of the country.</li> <li>• Russia’s concealed provision of arms to rebels in the east.</li> <li>• Mutual accusations of a failure to respect the ceasefire.</li> <li>• Ukraine’s abandonment of its status of neutrality.</li> <li>• President Putin signed a new military doctrine that considered the advance of NATO to be one of the main dangers to national security.</li> </ul> <p>Final outcome: unresolved.</p>
Western Sahara	<ul style="list-style-type: none"> <li>• Possible disillusionment of one of the parties with regard to UN mediation.</li> </ul> <p>Final outcome: unresolved.</p>

Source: Fisas, V. 2015. *Yearbook on Peace Processes*. Barcelona: School for a Culture of Peace, Autonomous University of Barcelona.

#### 4 Proposals for a redesign of both methodology and actors in the wake of crises

The serious nature of some of the crises that occur during negotiations, or sometimes the mere fact that the very dynamic of the negotiations requires unanticipated action to be taken, often means the initial format needs to be redesigned so it can be adapted to changing needs, and this should always be done by mutual agreement between the parties. In the negotiations with the FARC in 2014, for example, disarmament and gender sub-commissions had to be created in the form of parallel working groups which, on finishing their work, presented their conclusions to the plenum (the formal negotiation meeting). This helped save time, particularly on highly complex issues related to disarmament or the “abandonment of arms”. Civil society participated in various ways, in addition to the actions already planned at the start (for example the creation of an interactive website), such as regional working committees and the International Victims’ Forum.

By calculating the probability of a crisis arising, it is possible to consider in advance some corrections to the initial work plan that may prove necessary, so that they can be initiated as soon as they are needed. As previously noted, if many years of fruitless work under the same format call for a totally new design, this decision has to be made, although it will never be completely risk-free. The following are some actions that can be taken:

- Owing to oversight or initial difficulties, some of the actions specific to the exploratory phase may not be

discussed until the formal negotiations stage. In this case, where recommendations on some issues were not made during the initial stage, this has to be done subsequently.

- Introduce the concept of a facilitator, if there has not previously been one and it is thought that this may help to improve the negotiation’s chances of success.
- Change the status of “guarantor” or “observer” to “facilitator in times of crisis”, as was the case at the end of 2014 with Norway and Cuba, which were guarantors in the negotiations with the FARC. Faced with a crisis caused by the capture of a general, the parties decided that these two countries would change their status in times of crisis.
- Forgo the mediation of third countries, if the experience has been highly negative in this regard and the parties prefer direct dialogue.
- Change the mediating country or person if the final assessment of their handling of the process over a number of years is not positive, even if it is not their fault. In this case, care needs to be taken that there is not a proliferation of candidates wishing to take the lead in the mediations, as was the case in Libya in 2014–2015.
- Change one or more individuals within the negotiating teams of the two parties if their behaviour, character or rhetoric is perceived as hostile by the other party.
- Increase or reduce the number of members of each negotiating team, depending on the backlog of work and size of the agenda.
- Create the status of “friendly countries” in the peace process, with a detailed explanation of their tasks. It is

not advisable for these countries to have any clear public proximity to or economic or geopolitical interest in either of the parties, as this would prevent them from enjoying the necessary impartiality.

- Create “parallel working groups” through which to move the most complex issues forward.
- Change the country in which the negotiations are taking place if this might create new, positive expectations and act as an incentive to all parties.
- Invite independent people and experts on particular issues on the agenda to make recommendations that could help find common ground.
- Organise meetings with the armed groups, in another country, to strengthen their negotiating capacity. For example, in 2014, the Berghof Foundation held a meeting in Berlin with the different leaders of the armed groups in Sudan forming part of the Sudan Revolutionary Front (SRF) coalition, who agreed to participate in any political process that would lead to peace in the country.
- Leave the issues that are blocking the negotiations to the end.
- In times of crisis, armed groups have to assess the importance of taking unilateral steps to build greater confidence in the process and, at the same time, increase their legitimacy. In this regard, they may take steps related to complying with international humanitarian law (releasing kidnap victims, handing over child soldiers, mine clearing, etc.). This also includes the possibility of declaring a temporary ceasefire and/or cessation of hostilities.
- In extreme circumstances, although it is not at all desirable, the negotiation cycle may be halted (while maintaining close contact with all parties and neighbouring countries, either directly or indirectly) if none of the parties is willing to bring anything new to the table and the negotiations have been stalled for a number of years. For example, following the last round of visits to the Western Sahara region, in October 2013, the UN special envoy stated that a new session of formal meetings between the parties would not be organised until there were expectations that the dialogue would move forward.
- When a cycle of negotiations breaks down, in the case of two countries in conflict, the negotiations can temporarily be replaced with other diplomatic measures, such as trade, culture, sports, music and art, etc., with the aim of keeping the channels of communication open and avoiding the political temptation to paint the other party as the enemy.
- Returning to the case of the Western Sahara, during a breakdown in the cycle of negotiations, it can be useful to temporarily replace the rounds of talks with a written exercise of questions and answers completed by the parties on the issues at the root of the conflict. In January 2014, the UN Secretary General’s personal envoy met with working groups recently formed by the parties in Rabat and Tindouf to confidentially submit questions formulated specifically for each of them.

The questions were deliberately difficult; the aim as to get the parties to venture beyond the easier issues, helping them to start different conversations and encouraging them to show flexibility as they began to consider alternatives to their initial positions and seek a solution with elements of compromise. After a few months, the Polisario Front stated that it was not in agreement with this exercise. Something similar was conducted by the School for a Culture of Peace over the 2000–2003 period, in complete confidence, with all parliamentary groups of the Basque Country (from the Popular Party to Batasuna), with good results. The exercise came to a halt when Batasuna was banned and placed on the EU list of terrorist groups.

- Simplify the framework of participating actors if this is causing confusion about the tasks to be carried out by each one, although this is no guarantee that the process will improve. The case of the Sahara is proof of this. The outline of this process is a simple one: sole mediation of the UN, and different alliances between the two actors – Morocco, with the support of three permanent members of the Security Council (U.S., France and the United Kingdom), and the Polisario Front, with the support of Algeria. However, this is often not the case. There are situations where the following occur all at the same time and in relation to the same conflict: proliferation of special envoys (from the UN, EU, AU, other important countries, etc.), countries offering themselves as new facilitators or hosts for a further phase of negotiations, organisations holding seminars or meetings to help improve the negotiations, etc. It is always good for the process to be accompanied, but only as far as is necessary.
- There is a completely different stakeholder table, with a great profusion of actors of all kinds. This framework is also not a positive one because it creates confusion and there are serious difficulties in getting all actors to sit down at the same table. This is the current case in Libya, where there is competition among various countries to lead the peace process. At the start of 2015, there were two possible mediation teams in Afghanistan. One was a troika formed of China, Afghanistan and Pakistan; the other was a group of countries from the region, known as the “6+1” and formed of the U.S., Russia, China, India, Pakistan, Iran and Afghanistan. This group has already met twice.
- Clarify who the government facilitators are and what their decision-making capacity is. In Senegal, in 2014, there was a great deal of confusion in this regard.
- Create pauses in the negotiations in order to refocus on what has been achieved so far and start afresh.
- Do not forget the positive impact of including women in the negotiating teams or as facilitators, as they tend to have a greater capacity for empathy and for de-escalating tension.
- Talk to former leaders of other armed groups who have successfully signed a peace accord in order to exchange experiences.
- Promote, albeit confidentially, a direct meeting between



the highest authorities of the country and the leader of an armed group. Getting to know each other personally and being able to directly express their points of view may help to reduce the initial “preconditions” of the parties and make their positions more flexible. In 2014, a meeting took place in Hiroshima, Japan, between the President of the Philippines, Benigno Aquino, and the leader of the MILF, Murad Ebrahim.

- Release, if only on parole, prisoners who carry political weight within an armed group, so that they can participate in the negotiations.
- Agree on the creation of a truth commission, if this has not already been done.
- Encourage government investment in areas controlled by the armed group as a confidence-building measure and an incentive to negotiate, with the knowledge and approval of the armed group.
- Invite the main regional and international bodies, particularly the UN, to express their satisfaction at the commencement of or good progress in negotiations. This is also a good incentive and enhances the self-esteem and international recognition of those participating in the process.
- Assess the positive impact that a political amnesty might have on the course of the negotiations.
- In border disputes, the mediating body can propose co-sovereignty over or the neutrality of a particular geographic area. In October 2014, for example, the UN Secretary General’s special envoy Francis Mading Deng proposed a new agreement for Abyei, an oil-rich border town between Sudan and South Sudan, which was to be declared a neutral region, warning of the need for each of the affected countries to resolve their internal conflicts and giving guarantees to the Misseiriya community.
- Create a fund for the full reparation of the victims of the conflict, once they are known. In Colombia in 2014, the FARC proposed that this fund should be set at 3% of GDP. The difficulty here lies in establishing responsibility for contributing to this.
- Create a special commission to study the situation of political prisoners, as a confidence-building measure for the armed group.

- Agree on whether the final peace accord should be submitted to a referendum or not. This is a hot topic of discussion in the negotiations with the FARC in Colombia. In the Philippines, in 2014, it was agreed that a referendum would be held for the areas affected by the agreement with the MILF.

## 5 The actors’ “toolkit”: situation in 2014

As already mentioned, there are extremely simple models with which to initiate negotiations, but there are also other, much more complex, ones, as different actors get involved. This is particularly the case in conflicts of long duration. No model is able to guarantee anything, however, and it is always a challenge to ascertain and build a “specific” process at any given time, especially as particular circumstances arise that require the model to be reviewed. The number of negotiations taking place, and their wide variety of structures, means we can produce a kind of “toolkit” in which actors can find the advice they need at any given time. The challenge is not to make a carbon copy of a model that may or may not function well for a given conflict but to find the model that is most suitable and appropriate for the case at hand. It is a matter of building a “unique jigsaw” for a specific negotiation in the knowledge that there are more pieces that can be added to the initial layout. It should also be recalled that not all solutions to the crises that may arise in a negotiation process will necessarily be found in the “toolkit”. Occasionally, we have to use our imagination or rely on “serendipity” to propose new approaches, carefully adapted to the specific conflict in question. One recent example can be seen in the failed attempts to find a solution to the conflict in Ukraine in 2014. Initial responsibility lay with the EU High Representative for Foreign Policy and the OSCE special envoy, but the process was stalled until the highest level of Franco-German diplomacy took conflict resolution into their own hands, resulting in an agreement on February 12th 2015. Let us return, however, to considering the different options that have been used in terms of players involved, as listed in the following table.

Elements	Examples
<b>Government structures</b>	
Presidents or prime ministers involved	South Sudan, CAR, Afghanistan, Turkey (PKK), India (with regard to Pakistan), Pakistan (with regard to India), Pakistan (Waziristan), Cyprus, Ukraine, Armenia, Azerbaijan, Moldova, Georgia (Abkhazia and South Ossetia), Israel, Palestine
Peace commissioners/advisors/special envoys	Senegal (Casamance), Colombia, Afghanistan, Pakistan (with regard to India), India (with regard to Pakistan), Philippines, Azerbaijan (for the conflict of Nagorno Karabakh with Armenia), Israel, Palestine
Other official negotiators	Sudan (South Kordofan), South Sudan, Afghanistan, India, Burma, Philippines (a person with a team for every armed group), Thailand, Cyprus, Serbia–Kosovo, Transnistria, Turkey (PKK), Georgia, Palestine
Ministers for reconciliation/union/reintegration/conflict resolution	Mali, India, Moldova, Georgia
Other ministers	Thailand, Israel
Regional governors	Sudan (South Kordofan), India (Assam, Nagaland)
Other government representatives	Mali
Intelligence services	Thailand, Turkey (PKK)
Peace agreement monitoring offices	Sudan
Other government or state structures	Senegal (ANRAC), Morocco-Sahara (Economic, Social and Environmental Council (CESE), Consultative Commission for Regionalisation (CCR)), Burma (Myanmar Peace Centre, Nationwide Ceasefire Coordination Team), Moldova-Transnistria (expert committees), Pakistan (Parliamentary Committee)
Academic centres	Sudan (Future Studies Centre, with regard to the conflict with South Sudan), South Sudan (Centre for Strategic Studies)
<b>Armed groups' structures linked to the negotiation</b>	
Coordinating bodies	Mali, Sudan (Darfur), Burma, Thailand (south)
Group leaders	Senegal (Casamance), Ethiopia (Ogaden), Sudan (Darfur), Sudan (South Kordofan and Blue Nile), South Sudan (SPLA/AIO), CAR, Rwanda (FDLR), Libya, Afghanistan (Taliban), India, Pakistan (TTP), Turkey (PKK), Ukraine (east)
Formal negotiators	South Sudan (SPLM/AIO), Western Sahara (Polisario Front), Colombia (FARC, ELN), Philippines (NDF, MILF, MNLF)
Active diasporas/exiles	Senegal (Casamance), Ethiopia (Ogaden), Rwanda (FDLR), Western Sahara (Polisario Front), Colombia (FARC, ELN), Philippines (NDF), Turkey (PKK)
Allied countries	Nearly all have these
<b>The mediation space</b>	
UN mediation (personal envoys or special representatives)	Sudan–South Sudan (SESG, UNISFA), Libya (SRSG), Western Sahara (PESG, SRSG), Cyprus (Special Advisor)
Regional mediating bodies	AU (Sudan, Sudan/Darfur, Sudan/South Kordofan and Blue Nile, Sudan–South Sudan) AU–UN (Sudan/Darfur) IGAD (Somalia, South Sudan) OSCE (Moldova, Ukraine, Armenia–Azerbaijan, Georgia (Abkhazia, South Ossetia)) EU (Ukraine)
Mediation of groups of countries	Sudan (troika: U.S., United Kingdom, Norway), CAR (International Contact Group), Moldova (5+2 Format: Moldova, Transnistria, OSCE, Russia, Ukraine + U.S., EU), Armenia–Azerbaijan (Minsk Group: U.S., France, Russia), Georgia (Geneva Process: UN, OSCE, EU, Georgia, South Ossetia, Abkhazia and Russia)

Elements	Examples
<b>Government structures</b>	
Mediation of countries (including Colombia's guarantors)	Germany (Ukraine) Algeria (Mali, Libya) Brazil (Colombia) Cuba (Colombia) China (Afghanistan) Ecuador (Colombia) Egypt (Israel–Palestine) U.S. (Israel–Palestine) France (Ukraine) Gabon (CAR) Kenya (Ethiopia, CAR) Malaysia (Philippines, Thailand-south) Norway (Colombia, Philippines) Qatar (Afghanistan) Russia (Ukraine) Sudan (Libya) Uganda (DR Congo)
Mediation of specialist centres	HD Centre Community Sant'Egidio (Mali, Senegal, Rwanda/DR Congo) CMI (South Sudan)
Peacekeeping missions or similar	UN: Mali (MINUSMA), Somalia (UNPOS, UNSOM), South Sudan (UNMISS), Sudan–South Sudan (UNISFA), CAR (MINUSCA), DR Congo (MONUSCO), Libya (UNMIL), Western Sahara (MINURSO), Afghanistan (UNAMA), India–Pakistan (UNMOGIP), Cyprus (UNFICYP), Kosovo (UNMIK) AU: Somalia (AMISOM), CAR (MISCA) EU: CAR (EUFOR-CAR), Kosovo (EULEX) Others: Moldova (Joint Peacekeeping Forces: Russia, Moldova, Transnistria)
UN accompaniment	Somalia (SRSG), South Sudan, DR Congo (SESG, SRSG), Colombia (UNDP), Burma (observer, SESG), Kosovo (SRSG), Israel–Palestine (UNSCO)
Accompaniment of regional bodies	AU (Mali, South Sudan, Libya, Western Sahara) EU (Mali, Somalia, Philippines, Kosovo, Armenia–Azerbaijan) ECOWAS (Mali) OIC (Mali, Philippines, Thailand-south) ECCAS (CAR) Arab League (Libya, Israel–Palestine) OAS (Colombia) ASEAN (Burma) OSCE (Kosovo) NATO (Kosovo) European Parliament: (Turkey/PKK)
Accompaniment of groups of countries	Somalia (International High-Level Partnership Forum on Somalia), South Sudan (troika: U.S., Norway, United Kingdom), DR Congo (International Conference on the Great Lakes Region), Western Sahara (Group of Friends: U.S., France, Spain, United Kingdom and Russia), Philippines (Third-Party Monitoring Team), Kosovo (troika: U.S., EU, Russia), Georgia (Incident Prevention and Response Mechanism: Georgia, Abkhazia, Russia and EU), Israel–Palestine (Diplomatic Quartet: UN, EU, U.S., Russia)
Accompaniment of groups of countries, government bodies and civil society	Somalia (High-Level Task Force), Philippines (International Support Group to the Negotiation Process: Japan, United Kingdom, Turkey, HD Centre, the Asia Foundation, Muhammadiyah, Conciliation Resources, Community of Sant'Egidio), Kosovo (diplomatic academies in Kosovo and Vienna)

Elements	Examples
<b>Government structures</b>	
Accompaniment of countries	<p>Germany (Sudan, Sudan/Darfur, Afghanistan, Armenia–Azerbaijan)            Saudi Arabia (Afghanistan, Philippines, Israel–Palestine)            Belgium (Sudan/Darfur)            Brunei (Philippines)            Congo (CAR)            Cuba (Colombia)            Chad (Mali, Sudan/Darfur)            Chile (Colombia)            China (South Sudan, Sudan–South Sudan, Burma)            Denmark (Somalia)            Dubai (Afghanistan)            Spain (Libya)            U.S. (Senegal, Sudan–South Sudan, India–Pakistan)            Ethiopia (South Sudan, Sudan–South Sudan)            Finland (Burma)            France (Sudan/Darfur, Israel–Palestine)            Gambia (Senegal)            India (Afghanistan)            Indonesia (Philippines, Thailand-south)            Iran (Afghanistan)            Italy (Libya)            Japan (Burma, Philippines)            Kenya (Sudan–South Sudan)            Malta (Libya)            Mauritania (Mali)            Niger (Mali)            Norway (Philippines)            Netherlands (Philippines)            Qatar (Sudan/Darfur, Libya, Philippines)            United Kingdom (Afghanistan)            Russia (Afghanistan)            South Africa (South Sudan)            Sweden (Thailand-south)            Switzerland (Western Sahara, Israel–Palestine)            Tanzania (South Sudan, DR Congo)            Turkey (Somalia, Libya, Philippines, Armenia–Azerbaijan)            Venezuela (Colombia)</p>
Accompaniment of academic centres	<p>Asia Foundation (Philippines)            Berghof Foundation (Sudan, Sudan/Darfur)            Beyond Borders (Turkey/PKK)            Carter Center (Sudan–South Sudan, Israel–Palestine)            Centre for Conflict Studies and Cultural Diversity (Thailand-south)            HD Centre (Burma, Philippines, Thailand-south)            Centro de Pensamiento y Seguimiento al Diálogo de Paz (Centre for Thought and Peace Dialogue Monitoring) (Colombia)            Community of Sant'Egidio (Philippines)            Conciliation Resources (Philippines, Armenia–Azerbaijan)            CMI (Afghanistan, Moldova, Ukraine, Armenia–Azerbaijan)            Eurasia Foundation (Armenia–Azerbaijan)            Fondation pour la Recherche Stratégique (Foundation for Strategic Research) (Afghanistan)            International Alert (Armenia–Azerbaijan)            International Centre on Conflict and Negotiation (Georgia)            International Peace Research Institute (Turkey/PKK)            Muhammadiyah (Philippines)            Pax Christi (Armenia–Azerbaijan)            Payap University's Institute of Religion, Culture and Peace (Thailand-south)            UNDP (Colombia)            Saferworld (Armenia–Azerbaijan)            USIP (Armenia–Azerbaijan)</p>

Elements	Examples
<b>Government structures</b>	
Accompaniment of non-governmental organisations and other structures	Senegal (Council of Elders for Peace in Casamance, Mon Ku Mon), Sudan (Democracy First Group), Colombia (Consejo Nacional de Paz/National Peace Council), India-Assam (All Bodo Peace Forum), India-Nagaland (Forum for Naga Reconciliation), Turkey (Group of Wise Men, Abant Platform)
Accompaniment of political groups	India–Pakistan (APHC Coalition), Pakistan-Waziristan (Jamiat Ulema Islam-Sami, Janmaat-e-Islami), Turkey/Kurds (HDP, DTP)
Accompaniment of churches	Senegal (Bishop of Ziguinchor), India–Pakistan (OIC), Philippines (Philippine Ecumenical Peace Platform), Thailand-south (The Inter-religious Council for Peace)
Accompaniment of women’s groups	Senegal
Accompaniment of businessmen, financial bodies and donors	Senegal (CRAES), India–Pakistan (World Bank), Burma (Peace Talk Creation Group), Burma (Peace Donor Support Group: Norway, United Kingdom, EU, Japan, Switzerland, U.S., Australia)
Accompaniment of individuals	Burma (Aung San Suu Kyi)

List of acronyms: CAR, Central African Republic; ANRAC, l'Agence nationale pour la relance des activités économiques et sociales en Casamance; SPLA/IO, Sudan People's Liberation Army in Opposition; FDLR, Democratic Forces for the Liberation of Rwanda; TTP, Tehrik-i-Taliban Pakistan; SPLM/AIO, Sudan People's Liberation Movement/Army in Opposition; SESG, Special Envoy of the Secretary General; UNISFA, United Nations Interim Security Force for Abyei; SRS6, Special Representative of the Secretary General; PESG, Personal Envoy of the Secretary General; IGAD, Intergovernmental Authority on Development; DR Congo, Democratic Republic of the Congo; MINUSMA, United Nations Multidimensional Integrated Stabilization Mission in Mali; UNPOS, United Nations Political Office for Somalia; UNSOM, United Nations Assistance Mission in Somalia; UNMISS, United Nations Mission in the Republic of South Sudan; MINUSCA, United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic; MONUSCO, United Nations Organization Stabilization Mission in the Democratic Republic of the Congo; UNMIL, United Nations Mission in Liberia; MINURSO, United Nations Mission for the Referendum in Western Sahara; UNAMA, United Nations Assistance Mission in Afghanistan; UNMOGIP, United Nations Military Observer Group in India and Pakistan; UNFICYP, United Nations Peacekeeping Force in Cyprus; UNMIK, United Nations Interim Administration Mission in Kosovo; AMISOM, African Union Mission in Somalia; MISCA, Mission internationale de soutien à la Centrafrique sous conduite africaine; EUFOR-CAR, European Union Force in the Central African Republic; EULEX, EU Rule of Law Mission; UNDP, United Nations Development Programme; UNSCO, Office of the United Nations Special Coordinator for the Middle East Peace Process; ECOWAS, Economic Community of West African States; OIC, Organization of the Islamic Cooperation; ECCAS, Economic Community of Central African States; OAS, Organization of American States; ASEAN, Association of Southeast Asian States; USIP, United States Institute of Peace; APHC, All-Parties Hurriyat Conference; HDP, Halkların Demokratik Partisi (Eng.: People's Democratic Party); DTP, Demokratik Toplum Partisi (Eng.: Democratic Society Party); CRAES, Conseil de la République pour les affaires économiques et sociales.

On the basis of the above, we can draw the following conclusions:

- At government level, many negotiations rely on the leadership of a country’s president or prime minister, who directs the negotiation process in a highly personal manner. There are now few cases where peace commissioners or advisors lead the negotiations, with the president’s blessing, unlike 10 years ago or so when there were more than 15 examples. In these cases, the commissioners (or people in similar posts of responsibility) always tend to have a negotiating team, although with highly varied profiles in terms of their decision-making capacity.
- If a country has a number of armed groups at the negotiation stage, it is normal to have a different negotiating team for each group, although ultimate responsibility rests with just one person appointed by the country’s president.
- On some occasions, the person responsible for the negotiations may be a minister, a governor (particularly in regional conflicts) or other public official.
- With the exception of the Philippines, the vast majority of people responsible for government negotiations are men.
- There are scarcely any official organisations or bodies monitoring the peace accords, which considerably weakens the level of guarantees that can be made and the confidence that can be had that the agreements will be fulfilled. The most sensible thing would be to have such an organisation, if possible with the involvement of regional or international bodies.
- With regard to the negotiating structures of the armed groups, there are at least three countries in which the groups have joined together in a coordinated body in order to negotiate. This is a good example of the need to simplify and link agendas, in order to facilitate negotiations.
- The most common situation, as in government structures, is that the leaders of the armed groups are the ones who participate directly in the negotiations. It is less common for these groups to have a negotiating team that does not include their highest leaders.
- The negotiations with the FARC of Colombia, in Cuba, is a less common but probably quite sensible example whereby the level of political and military leadership within the delegation from the armed group increases as the negotiations progress and new issues are addressed that require the presence and opinions of new people.
- We must not forget the positive role that diasporas can play, in terms of making exploratory contact with exiles who have decision-making capacity over some groups or, at least, influence within them.
- The countries allied to a government or armed group in conflict may be wide ranging but it is important to know who they are in order to be able to sound out their possible involvement in the first approaches or to consolidate an already advanced process. An ally does not always behave as a spoiler in the process, although there is a risk of them behaving as such. Nonetheless, these influential countries may be an advantage during the negotiations in terms of ensuring their continuity and good implementation.

- In terms of the mediation space, this offers multiple opportunities for a great diversity of actors who can help in the initial stages and in ensuring the good progress of the negotiations.
- The United Nations takes part in few negotiations formally, although it tends to be very active in terms of its good offices. Where it does lead negotiations, this is through personal envoys or special representatives of the Secretary General. The overall results have not been particularly positive in recent years.
- In terms of the involvement of regional bodies, the AU is the most active, due to its involvement in the different Sudanese conflicts, while the EU rarely steps in to lead a negotiation.
- The OSCE has had a difficult role to play as a mediating body, as it is responsible for a number of processes that have been at a standstill for some years.
- There are various cases where the negotiations have been in the hands of a group of countries: via “troikas”, “quartets”, “contact groups”, etc. The experience is not positive when one or more of the member countries is not impartial and is, instead, allied to one of the parties, particularly in conflicts between countries. These groups of countries are most active as “accompaniers” to a process, not leading it.
- In 2014, around 17 countries were participating as facilitators or guarantors in public negotiations. This is therefore the most commonly used method. There are countries, such as Norway or Switzerland, that intervene discreetly in some processes.
- Mediation through specialist centres (the HD Centre, CMI, Community of Sant’Egidio, etc.) is often confidential, and so the statistics in the table are not complete.
- There are quite a few peacekeeping operations that provide support for negotiations, or take responsibility for the final phase but never take charge of the actual facilitation. Most of these operations are under the mandate of the UN, which provides political accompaniment to some peace processes.
- There is a wide range of regional bodies accompanying negotiations.
- The Philippine negotiations with the MILF enabled cooperation between countries and non-governmental organisations as accompaniers of a negotiation process to be put to the test. It is an experience that will need to be evaluated in 2015, in order to draw conclusions and see if this model may be of use in other processes.
- Around 40 countries have accompanied ongoing negotiations in some way, with different degrees of intensity. Most noteworthy in 2014 were the cases of Germany and Turkey. It is advisable to specify the kind of cooperation that these countries can provide.
- A minimum of 20 academic or specialist centres have participated publicly, accompanying some of the stages of negotiation processes. The HD Centre (Switzerland) and CMI (Finland) are the most active. These and other centres have also provided their services confidentially. They can play an important role at times when there is a need to re-channel the process due to a serious crisis, by generating new ideas, considering a particular matter on the agenda in more depth, conducting comparative studies or gathering proposals from society.
- There are also organisations linked to civil society, churches, businessmen or donor countries that can help create a favourable environment for negotiations or help in the post-armed conflict stage.
- Finally, on a very few occasions, prestigious public figures get involved, acting in a personal or individual capacity to accompany a negotiation or provide their good offices.

## 6 – Final recommendations

- Although there is no “perfect model” for negotiating the end to an armed conflict or conflict that had an armed phase in the past, the methodologies and designs used in numerous negotiations over the last few years, along with their subsequent moments of crisis, enable a number of recommendations to be made, both to prevent these crises and to resolve them, either fully or partly.
- All negotiations need to take many different but possibly well-known factors into consideration in their design. As every conflict is different from the last, each negotiation process also has its own character. The people involved in the initial design must consider all these factors, including the involvement of all parties to the conflict.
- The most notable aspect required before work can begin on a negotiation process is the need to be fully assured that all parties believe the time has come to negotiate, knowing that flexibility and mutual concessions will be required.
- There are enough examples to suggest an optimal frequency of rounds of talks, as well as the kind of facilitation or accompaniment best suited to these negotiations.
- The initial framework must have the flexibility to be redesigned, should the need arise, without necessarily departing from the basic principles of a good negotiation.
- Given that an unsuitable negotiating model or facilitator represent often the main reasons for a crisis, it is advisable to reaffirm every so often whether the negotiating model and its facilitators are appropriate or if they need to be reconsidered. Faith in the abilities, reliability and professionalism of the mediating body is essential.
- It is worth remembering that the negotiation phase is only one stage in a peace process, and that this also includes a final stage in which the agreements are implemented, and which is often a cause of failure. To prevent this, the final agreements need to be realistic, viable and achievable.



## ■ THE AUTHOR

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