

Berghof Project

“Resistance/Liberation Movements and Transitions to Politics:
Building a Network of Experience” (2006-2008)

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Negotiating conflict settlements:

Lessons learnt and challenges

Roundtable Meeting Report

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1. Introduction

1. Summary

The purpose of this report is to present the content of the discussions and main lessons-learned from an international roundtable meeting organised in Berlin on March 7-9, 2008, on the role of a key set of actors in peace negotiations and agreement implementation: resistance and liberation movements.

It is addressed to a wide range of audiences, including members of resistance/liberation movements and their interlocutors, such as governmental, non-governmental and international actors (e.g. policy-makers, donors, academics, governments and intermediaries) interested in constructive conflict transformation support.

- Besides the groups which were represented at the conference (ANC, CPN-Maoist, GAM, LTTE, M-19, Sinn Fein, SPLM/A, URNG), it is hoped that other resistance/liberation movements which find themselves in negotiation or post-negotiation situations might gain some ideas and inspiration for their own settings. The purpose of this report is not to design a universal set of rules for successful peace negotiations, agreements and implementation, nor to ‘teach lessons’ on what to do in each participant’s context, but rather to present some self-reflections on successes and failures in peacemaking and peacebuilding across various settings, by key conflict stakeholders, which might inspire their peers in other contexts. As argued by one of the participants, “hearing about comparable experiences elsewhere might help to become more objective about one’s own context”.
- The conflict transformation community might also gain a lot of insights from this report, by better understanding the processes and challenges of preparing and conducting peace negotiations and implementing peace accords from the perspective of national insurgency movements.

The conference participants also drew some specific recommendations for national and international policy-makers, which are highlighted in separate boxes in each section. These lessons-learned were either explicitly suggested by the participants, or inferred from the discussion and subsequently reformulated by the author of this report.

The report starts with a short description of the overall project within which the Berlin conference took place, the meeting’s specific purposes, and its format. It then describes three sets of lessons-learned and open questions on the dynamics of conflict transformation, namely:

- **Coming to the negotiation table.** All the invited groups have had some direct experience of peace talks, and they offered some self-reflections on the key factors which allowed them to move forward towards negotiation, such as: a willingness to take

risks and initiatives, building alliances with civil society and other political forces to pressure the government into dialogue, mobilising international support, and engaging in pre-negotiation “talks about talks” and other confidence-building measures.

- **Rules of engagement during peace negotiations:** Acknowledging that the course of peace processes is often extremely long and chaotic, the conference participants discussed a number of key factors for successful negotiations, such as inclusivity, internal cohesion and consultation, power parity at the table, unconditional dialogue, multi-track channels of engagement, and constructive, non-directive third-party facilitation.
- **Negotiating the implementation of peace agreements:** All participating groups (with the exception of the LTTE) presently find themselves in post-agreement phases of peace implementation, with many state- and peace-building issues still unresolved. They called for stronger international support to monitor, guarantee and enforce the implementation of signed agreements, especially in the domains of security management (e.g. reintegration and security sector reform), political capacity-building, or reconciliation and dealing with the past.

2. Background information

The conference “Negotiating Conflict Settlements: Lessons Learnt and Challenges” took place within the framework of the Berghof project “Resistance/liberation movements and transition to politics”.

This project aims to gather, analyse and make available to others the experience of political groups which have emerged within armed resistance or liberation struggles and engaged in a conflict transformation process to acquire political power in post-war societies. It does so (a) by building a network of people representing such experience, who engage in information-exchange and peer-advice; and (b) by disseminating the results of that engagement as both academic analysis and policy advice.

It is managed by the *Berghof Research Center for Constructive Conflict Management* (BRC) and the *Berghof Foundation for Peace Support* (BFPS) in Berlin, Germany, in co-operation with the *Institute for Justice and Reconciliation* (IJR) in Cape Town, South Africa. Funding currently comes from the *International Development Research Center* (IDRC), Ottawa, Canada, and – until March 2008 – by the Ford Foundation, New York City, USA.

In a first research phase (January-December 2007), this project aimed to document the experience of war-to-politics transitions by resistance/liberation movements, by assisting local research teams, made up of leading members from these groups, in some cases assisted by a local researcher, to produce a case study of their movement’s experience (see Annex 2 for the publications list). The following movements were involved in this information-gathering process: the *African National Congress* (ANC, South Africa), the

Communist Party of Nepal-Maoist (CPN-M, Nepal), the *Free Aceh Movement* (Gerakan Aceh Merdeka, GAM, Aceh), the *Liberation Tigers of Tamil Eelam* (LTTE, Sri Lanka), the *Movimiento 19 de Abril* (M-19, Colombia), and *Sinn Fein* (Ireland). Most project participants were brought together in August 2007 for a first roundtable meeting in Cape Town, South Africa, to exchange information and experience, based on the case study findings.

3. Meeting purposes

The purpose of the Berlin international roundtable meeting was three-fold:

1. To **facilitate peer-advice and sharing of lessons-learnt** on one cross-cutting issue arising from the case study reports and previous roundtable discussions: negotiating conflict settlements.
2. To **widen the network of experience** by inviting, along with participants from earlier rounds of exchange, new representatives with relevant expertise and interest, from Sudan (*Sudan People Liberation Movement/Army*, SPLM/A) and Guatemala (*Unidad Revolucionaria Nacional Guatemalteca*, URNG).
3. To **disseminate the discussion outcomes** by publishing a report drawing relevant policy recommendations.

For armed resistance/liberation movements, political transition necessarily involves an engagement with state representatives or other political players through dialogue or other forms of inter-party bargaining. All the organisations involved in this project have had some direct experience of this challenging process. Therefore, in the light of the case study reports produced by the project participants, as well as the discussion and feedback rounds during the August 2007 meeting, the overall theme selected for this second roundtable meeting was the challenge of peace negotiation, both during peace processes and in the implementation of signed agreements: first, how to design good negotiation processes, and second, how to deal with the challenges of implementing what has been negotiated.

The various movements represented at the meeting find themselves in very different stages of military/political engagement. Therefore some of the participants were more interested in sharing lessons from their own involvement in peace negotiations. Others were more interested in learning from other contexts how to better prepare for, design and conduct successful negotiations, how to ensure their implementation, and how to maintain intra-party cohesion throughout fragile peace processes.

4. Meeting format

The roundtable meeting took place over the course of 2.5 days, with a dual format:

- **Plenary sessions** with individual presentations on negotiation followed by questions and comments from the floor:

- by participants from resistance/liberation movements not covered during the previous round of exchange (SPLM/A and URNG),
- also by two speakers representing alternative perspectives: the former UN Special Representative for Afghanistan Tom Koenig spoke about negotiating with the Taliban from the international community's point of view, and Roelf Meyer presented some general lessons on peace negotiations from his direct experience as South African government chief negotiator and as a third-party advisor in other contexts.
- **Working group sessions**, offering a space for the participants to 'brainstorm' on some of the issues which they found most relevant to their conflict:
 - the first group, "Coming to the negotiations table", provided a platform for informal exchange on the timing and format of inter-party peace negotiations,
 - the second group, "Post-agreement negotiations", turned its attention to the implementation challenges which follow the signature of peace accords.

Some of the movements sent representatives to both working groups while others preferred to focus their attention on the group most relevant to their current challenges. The sessions were moderated by two internationally renowned practitioners: the Lebanese-American conflict resolution professional Randa M. Slim (Vice President of the *International Institute for Sustained Dialogue*, Dayton, USA), and Roelf Meyer (see above).

This report documents the content of the discussions, as well as the main lessons-learnt for policy engagement by or with resistance/liberation movements.

2. Coming to the negotiation table

What compels conflict parties (both governments and resistance/liberation movements) to shift from a military mindset to a compromise mindset and decide to open the negotiations track? Several possible factors enhancing ‘negotiation ripeness’ were discussed during the meeting.

1. Parties’ willingness to explore negotiated alternatives to conflict

- **Accepting the limits of military strategies**
 - In most conflict contexts represented at the meeting, both the government and insurgency forces appear to have reached that conclusion around the same time, allowing them to move forward towards negotiations.
 - However, general assumptions around ‘hurting stalemates’, when both sides realise that the costs for continuing the conflict are too high, were strongly challenged for their inadequacy. For instance, they fail to account for the fact that national insurgencies “have time on their side”: most participants argued that at the time when they decided to engage in peace talks, their forces were strong, united and in a very good position to continue the armed struggle for several more years, if not indefinitely.
 - If they dismissed the elements of ‘war fatigue’ as enabling factors for negotiations, some participants nevertheless agreed that in their social bases, there might have been a sense of exhaustion and desire for alternative strategies. This was especially the case where the state used the civilian population as a target for their counter-insurgency policies.

- **Taking the initiative**
 - The decision by resistance/liberation movements to opt for negotiations is based on more positive, dynamic factors than a realisation of the limits of armed struggle.
 - Participants reframed it as a willingness to take bold initiatives and engage proactively. It requires indeed a lot of courage to make decisions which might be perceived as a sign of weakness by the adversary, but it can also be interpreted as a sign of ambitious and proactive leadership. This was the case, for instance, for both Mandela and De Klerk in South Africa, who realised that negotiations were inevitable and that their proactive engagement would enable them to lead this process.

- This factor highlights the role of leaders in conflict transformation. The opening of inter-party dialogue resulted in many cases from an individual strategic decision, based on a shrewd assessment of current power relationships: this was particularly the case in Colombia where the decision to open negotiations with the government by M-19 leader Pizarro was described as a personal “step of political audacity”. Leadership change was also mentioned as a possible enabling factor for negotiations (especially on the governmental side).
- **Paradigm shifts**
 - On the governmental side, entering negotiations with opposition forces requires a recognition that the status-quo is not sustainable and that a peace agreement will necessarily entail some structural reforms to accommodate some of the insurgents’ demands. Therefore, the opening of peace talks is sometimes preconditioned by a ‘paradigm shift’ on the part of the elite, leading to their acceptance of regime change, power-sharing or secession.
 - In particular, when policy changes are operated by leaders perceived as conservatives or hardliners within their own camp, it facilitates the rallying of extremist forces (this was the case for instance for Paisley in the North of Ireland or De Klerk in South Africa).
 - ‘Paradigm shifts’ might not necessarily happen before the start of negotiations, but only later on (or they might not occur at all): in this case, leaders act more out of pragmatism than through a change of convictions.

2. Windows of opportunity arising from the internal and international environment

“What can resistance/liberation movements do when the government is not ready to accept that it cannot win the war?” This question, raised by one participant, gave the impetus for a discussion on the different ways to entice the adversary to turn to negotiations, or to raise the legitimacy of the insurgency group to the point where the ruling party becomes obliged to engage with them. This was also framed as “altering the power balance”, which can be pursued both internally (e.g. on the battlefield and in the political arena) and externally (e.g. through international political and economic sanctions against the government).

- **Alliance-building with civil society and other political forces**
 - Several participants stressed the role of civil society actors and diaspora organisations who mobilised to pressure the government into talks with resistance/liberation movements, for instance by highlighting human rights abuses by the regime and its security forces.

- The role of the business community was also highlighted for its useful scenario-planning role, anticipating the disastrous economic effects of continuous warfare.
 - Other political forces, such as conventional opposition parties, also helped by providing a platform for parties who could not (yet) negotiate to present their views. In Nepal, the CPN-M seized the opportunity offered by an alteration of the internal political environment (a coup d'Etat by King Gyanendra in February 2005) to reach out to the democratic parliamentary parties and sign a historic alliance which significantly altered the balance of power between the monarchy and oppositional forces.
 - By acting on “multiple fighting fronts” and supporting societal activism (by political parties, trade unions, solidarity committees, human rights groups) in parallel to their armed struggle, insurgency movements succeeded in reaching power parity with the state.
- **Mobilising international support**
 - Conflict parties must also be able to seize windows of opportunity created by the regional/international environment to enter negotiations at the most opportune moment. The regional balance of power became more favourable for the URNG to open dialogue with the Guatemalan government in the late 1980s, all the more so as the Esquipulas peace accord in Central America created a favourable climate for negotiations. The September 11, 2001 attacks in the US and the subsequent “war on terror” were also important triggers for negotiations in Sri Lanka, Sudan and Nepal.
 - Resistance/liberation movements can also actively contribute to mobilising international public opinion and foreign governments against repressive state policies, thus paving the way for the government’s acceptance of a negotiated solution. The role of foreign diplomatic missions was mentioned by both the SPLM and the ANC. US President Clinton’s decision to grant Sinn Fein leader Gerry Adams a visa to meet the Irish diaspora was also described as an important step in the development of a peace strategy by the Irish Republicans.

3. Importance of pre-negotiation “talks about talks”

- As highlighted above, entering negotiations represents a very big step for conflict parties, neither side knowing what will come out of the process. There need to be some preliminary confidence-building measures in order to reassure each party that the other side will not use negotiations as a pretext to continue the war by other means, and that the outcome of the bargaining process will meet their needs and grievances.

- Such legitimate fears can be addressed through pre-negotiation inter-party engagement, in the form of informal, secret talks where parties can identify negotiation issues and prepare the agenda to be put on the table. These “talks about talks” were very important in Guatemala, as well as in the North of Ireland, where the Irish government served as a back-channel between the Republicans and the British government.
- Such informal forms of engagement also helped to increase inter-party trust ahead of the official peace process by forging personal relationships between would-be negotiators.

⇒ **Lessons-learnt for national and international policy-makers:**

- The discussion highlighted the fact that state actors always tend to brand leaders from resistance/liberation movements as illegitimate interlocutors. On the contrary, they should accept that they cannot choose who they want to talk to: they will necessarily have to negotiate with their enemy.
- Likewise, international policy-makers need to look more closely at the structural roots and political causes behind national insurgencies, rather than applying uniform categories of “terrorist organisations” requiring military forms of engagement. Most insurgency movements cannot be defeated by force, and must be included as primary stakeholders in any negotiation or state-building process.
- The conference participants strongly criticised simplistic approaches to negotiation ‘ripeness’, and invited prospective third-party interveners to look more closely into the complex set of variables which lead conflict parties to enter negotiations, including the role of leaders and their proactive sense of initiative. Such actors should also become more aware of the high levels of risk and uncertainty entailed in the decision to start peace talks, and the prospective role of hardliners in rallying extremist forces to the negotiation table.
- Power parity is another crucial factor in enhancing insurgency movements’ readiness to enter negotiations. Given the current international legal system favouring state actors over non-state armed groups in internal conflicts, the international community should strive to treat all conflict parties even-handedly, and even raise the legitimacy of resistance/liberation movements to compel governments to treat them as equal negotiation partners. This is the only way to ensure fair outcomes in peace processes.
- Finally, the insistence on pre-negotiation back channels by conference participants suggests that potential negotiation sponsors should also reassert the importance of informal talks-about-talks and other preliminary confidence-building measures.

3. Rules of engagement during peace negotiations

The range of conflicts and negotiation experiences represented at the meeting highlighted one basic fact: the course of most peace processes is extremely long, arduous and non-linear, often interrupted by periods of renewed violence. It took ten years of dialogue and negotiations for the URNG and Guatemalan government to come to a final peace agreement, and the SPLM/A had been conducting peace talks with successive Sudanese governments since 1994 until the 2005 signature of a Comprehensive Peace Agreement. In fact, in both cases, only in the last few months of negotiations did the parties reach a mental ‘point of no-return’ or ‘stage of irreversibility’ when they realised that no turning back was possible, and that reaching a joint agreement on the major conflict issues was the only way forward.

While insisting that every conflict situation is unique, the meeting participants identified and discussed a number of factors for successful negotiations which were relevant in their own contexts, and might be usefully transferred to other groups currently contemplating or engaged in peace talks with governments or other pro status-quo forces.

1. Ensuring an inclusive process

- Participants stressed the need to invite the widest possible spectrum of parties to the negotiation table, in order to enable all conflict stakeholders to become part of the solution, and bring their respective constituencies with them. In South Africa, the multi-party format adopted for the constitutional negotiation process allowed smaller political groupings to voice their perspectives and help shape agreements. This increased their sense of ownership of the process, thereby promoting long-term stability.
- However, it was also argued that not all relevant parties should necessarily be involved at once, and that some situations might require incremental and step-by-step negotiation strategies. The assertion that negotiation settings should be as inclusive as possible was also contested, as one participant pointed that “offering marginal groups parity at the negotiation table where they couldn’t get it through the ballot box” might turn out to be both anti-democratic and inefficient (by slowing down the pace of the peace process).

2. Maintaining internal cohesion through broad-based consultation

- Intra-party unity should be preserved at all stages of the negotiations, in order to prevent internal contestation of the outcomes or even the formation of dissident, rejectionist factions who might later on disrupt the peacebuilding and reconstruction process.

- Internal cohesion can be best ensured by maintaining constant dialogue and consultation between the negotiating team and the rest of the movement, between and during negotiation rounds, by organising various briefings and caucus meetings at the various echelons of decision-making. In Guatemala, some major compromises which the URNG conceded in the human rights and socio-economic sectors (i.e. on land and agrarian reform issues) were highly contested within its social base, which partly explains the subsequent popular rejection of the implementation of the peace accords through referendum.
- Consulting the broader public and keeping the media informed at all stages of the peace process might also help to build a national consensus in favour of the peace agreements, although some participants also argued that an excessive degree of transparency might harm peace processes and that the most sensitive decisions need to be taken behind closed doors.

3. Achieving power parity at the bargaining table

- It is generally assumed that peace agreements reflect the state of power relationships between the signatory parties, and that negotiation outcomes are more sustainable if there is relative power parity around the table. Otherwise, the imbalance is likely to continue and even increase during the implementation phase, and the dominant party will not feel obliged to abide by its commitments.
- Although resistance/liberation movements often come to the negotiation table with fewer material or structural resources than the government, they compensate this asymmetric situation with other forms of power, such as skilful negotiators and advisors, greater continuity in leadership, better preparation for the talks, technical and logistical backup from the diaspora, external sources of support, or the strength of their commitment and proactive initiatives. Therefore, none of the participants felt that they had been in a situation of strategic or technical imbalance with the governmental side during the negotiations.

4. Keeping armed forces on alert

- All too often, the leaders of resistance/liberation movements felt that governments had been using negotiations for deceptive purposes, either as a delaying tactic to prepare a new military offensive, or as a divide and rule tactic to weaken them. Therefore, participants agreed that when a party comes to the negotiation table, it needs to keep its armed forces mobilised in the event of military attacks.
- However, such arguments also raised the following question: is it possible to negotiate in good faith while continuing the armed struggle? In Sudan, the SPLM/A made the decision not to agree on any ceasefire until there were enough power-sharing guarantees agreed during the negotiation process. In Guatemala also, the

ceasefire accord was only agreed during the last few weeks of the decade-long peace process.

- Although state leaders often go into negotiations to buy time and continue the war by other means, during the course of the peace process they might change their views to endorse a genuinely conflict resolution-oriented mindset.

5. Unconditionality of engagement

- The absence of prerequisites on each side, and seriousness in the will to engage in dialogue, were also described as crucial conditions for successful negotiations. During the talks, the parties need to be open-minded and ready to discuss all possible scenarios and negotiation outcomes. In South Africa, all options could be proposed and put on the table, as long as they met “sufficient consensus”, vaguely defined as “decisions which do not prevent the process from continuing”.
- However, in Aceh, the Indonesian government only agreed to open peace talks with the GAM movement because the mediating party, the Finnish NGO Crisis Management Initiative (CMI), had set some negotiation boundaries, restricted to discussing “autonomy as a starting point”. For GAM, this was also an acceptable condition, as long as “everything was open until finally agreed”. But other meeting participants argued that they would have deemed such a precondition as intolerable. In fact, most resistance/liberation movements originally accept to enter negotiations because they think the outcome will be favourable to them.

6. Multi-track negotiation channels

- Peace processes generally operate simultaneously on multiple, complementary levels. Besides direct (or mediated) official negotiations between the top party leaders, which might in fact only occur during the last few weeks preceding peace agreements, there are many other arenas of bi- or multilateral engagement.
- These parallel dialogue tracks might take the form of informal talks and political platforms to formulate, prepare and bring issues to the actual negotiation table where the official teams would eventually have to deal with them.
- During periods of lull or breakdown in the official negotiations and renewed military or popular offensives, these informal channels of inter-party engagement help to maintain a continuous line of direct communication, and contribute to the confidence-building process by forging personal relationships between the respective back-up teams of ‘technicians’.

7. Constructive forms of third-party facilitation

- How to ensure that external intervention in conflict areas does not become “part of the problem” instead of “part of the solution”? To this end, various forms of constructive third-party assistance during negotiations were discussed and analysed by the meeting participants.
- Firstly, they insisted on the principle of ownership of the peace process by the primary parties, which can be enforced by declining international involvement as much as possible, setting their own timeframes, prioritising joint decision-making and a spirit of problem-solving. In South Africa, Colombia and Nepal, peace negotiations were primarily internally-led and organic processes.
- In cases where third-party facilitation is required, there are no generic rules regarding the most appropriate and constructive form of assistance and each situation is different. For instance, in Guatemala, negotiations were first mediated through the soft-handed approach of an internal facilitator from the Catholic Church, and later on by a UN Special Representative carrying enough power and resources to persuade the parties to address the substantive conflict issues. In Sudan, regional mediation by a Kenyan General played a catalysing role, as well as the pressure exerted by the US Congress and administration against the Khartoum regime. However, it was felt that in Sri Lanka, the ‘international community’ had gone beyond its mandate, by trying to force the outcome of negotiations between the LTTE and the government, and applying sanctions and incentives one-sidedly. On the contrary, the EU policy of conditional assistance for reconstruction and development in the North of Ireland was applied fairly and even-handedly.
- Finally, in second-track diplomacy, non-official external actors, individuals and NGOs might also play a useful complementary role through smaller-scale but targeted assistance in areas where the official international community cannot/will not intervene.

⇒ **Lessons-learnt for national and international policy-makers:**

- The participants argued that “divide and rule” strategies which are often adopted by governments to foster internal splits within liberation movements are detrimental to successful negotiation outcomes: their effectiveness is conditional on intra-party unity and cohesion.
- They furthermore suggested that international actors (e.g. UN, its member-states or non-state agencies) can support peace processes by facilitating talks or offering material and financial assistance, but negotiations should be run and led by the conflict parties themselves. Conflict resolution must come primarily from within, and the crucial question for foreign brokers should be how to support this organic process.

- The following rules of engagement for external interveners were spelt out: as a prelude to their peace support interventions, such actors should first ask what the conflict parties want, and where their assistance is most needed. Once they agree to get involved, they must accept their part of responsibility and abide by it, but they should not go beyond their mandate of process facilitation to try and force an outcome. Finally, third-party facilitators must exit the negotiation process as soon as the parties take ownership of it
- Finally, given that bargaining outcomes are influenced by the power relations between the parties, third-parties could also assist the formulation of sustainable and just solutions by offering technical assistance (e.g. training, capacity development) to conflict actors during negotiations.

4. Negotiating the implementation of peace agreements

Peace and justice do not automatically arise from the signature of peace agreements, and as pointed out by one participant, “the devil is in [their] implementation”. Most movements which were represented at the conference find themselves in post-agreement transitional phases of peace- and democracy-building, with many political, security, structural and internal issues still unresolved. Here are the main themes and recommendations which arose from the discussion on peace implementation challenges:

1. Monitoring mechanisms and guarantees for implementation

- **Why?** Peace agreements create great expectations for parties seeking to transform their country, but they are often used by pro status-quo forces as tactical means to end violence. The meeting participants therefore strongly insisted on the need for binding mechanisms to guarantee the enforcement of peace agreements, monitor the parties’ compliance with their signed engagements, address implementation violations and settle disputes in the post-agreement phases. In Sudan, once the content of the Comprehensive Peace Agreement had been agreed by the SPLM and the government, it took them six further months to negotiate its implementation modalities, because they were conscious of the challenges awaiting them in the post-settlement phase of peace- and democracy-building.
- **By whom?** Monitoring peace implementation must be performed by an independent body, with enough capacity to impose sanctions against agreement violations or non-compliance – moral authority is not enough. Although some possible support roles for the international community were suggested (see below), it was also stressed that peace implementation must be made accountable to home-grown guarantees and monitoring mechanisms, with democratic foundations (jointly agreed by the parties), and with important civil society involvement. In Guatemala for instance, these functions were performed by a multiparty Peace Accords Accompaniment Commission made up of the government, the URNG, members of civil society and the UN (MINUGUA). In Sudan, this role is also partly performed by the “two armies in one country” framework (national army and SPLA), which acts as a deterrent force encouraging CPA compliance. The ultimate guarantee mechanism for any implementation process is also democratic legitimacy through free and fair elections, as well as an independent judiciary.
- **When?** Participants from Aceh deplored the lack of comprehensive follow-up verification and enforcement mechanisms for implementing the 2005 Memorandum of Understanding, beyond the EU-led Aceh Monitoring Mission (AMM), which ran until December 2006. Therefore, it was suggested to design longer-term frameworks divided into two main phases: a transitional stage with appropriate transitional

mechanisms, in which the parties play a central role, but also supported by international involvement in situations of deep inter-party mistrust; and a consolidation stage with further monitoring carried out by a joint body, or a constitutionally-created permanent mechanism (as in South Africa) to ensure long-term stability and a just peace.

2. Reframing the debate on security management

This topic was given a special emphasis during the meeting, as it was stressed that in most contemporary post-war situations the issues of disarmament, demobilisation and reintegration (DDR) and security sector reform have still not been addressed successfully, even fifteen years after peace agreements like in Colombia and South Africa. The participants insisted that if security management is not given serious enough consideration in peace agreements and in the immediate post-war period, they could become a future time bomb. The following questions and proposals were put forward:

- **Sequencing and timeframe:** Should political and security peacebuilding processes be pursued simultaneously or sequentially, and if so in which order? Are security arrangements a precondition or backbone to building trust? How can DDR processes be implemented, e.g. by demobilising the insurgency troops, when the key strategic questions have still not been solved (as is the case in Sudan)? No real conclusions were reached on these points. It was argued, in the case of South Africa, that restructuring the army only after the 1994 election, and having generals of the old regime's army swear in to President Mandela, was a strong symbolic gesture in the transitional state-building period. The need for precise DDR timeframes, regular reassessment and possible renegotiations was also highlighted.
- **Security is political:** It is too artificial to separate these two spheres, as they are closely interconnected and mutually dependent. Security management is not merely a military mechanism but also a political process, as its application is often highly politicised: for instance, the Nepali Army still refuses to integrate Maoist People's Liberation Army units as stipulated by the peace accords. Moreover, establishing statutory forces is not enough to deal with the reintegration of ex-combatants; it must be accompanied by legal reforms, economic measures and other complementary processes to address the root causes of the conflict. In the North of Ireland for instance, DDR mechanisms include reforming policing structures or the ongoing criminal justice review.
- **Increasing the ownership of DDR processes:** Demobilising war veterans and building state capacities requires a lot of training and a supportive economic environment, and the international community can play a very useful role in both of these spheres. However, here again, it was reiterated that peacebuilding processes must be primarily led and owned by internal actors, including former insurgency forces. The statement made by the IRA in 2005, announcing the end of the armed Irish Republican struggle and asking its militants to move forward by peaceful

means, provided a strong message in this direction: it indicated that its supporters still had important roles to play in running their country and furthering their movement's objectives, albeit by peaceful means.

⇒ **Lessons-learnt for national and international policy-makers:**

- The participants strongly denounced the fact that “foreign actors don't give you any more money once you have reached an agreement”, and asserted that international actors can and should support peace implementation, especially during the early stages of post-settlement reconstruction and security management.
- They suggested that international organisations and foreign states might play a constructive role as record-keepers, endorsers and guarantors of peace agreements. For instance, a special UN department could be created where such agreements can be deposited and stored.
- It was also stressed that international actors should assist implementation enforcement by offering economic or diplomatic incentives for those who comply with the agreement, or imposing targeted sanctions against implementation violations.
- Finally, it appeared from the discussion that more international resources should be invested into state-building and security sector reform processes, for instance by offering training and technical resources to the new administrative apparatus and police force.

3. Open questions

A number of other peacebuilding challenges for resistance/liberation movements were mentioned during the meeting as requiring further analysis and concrete proposals, since they remain stumbling blocks to long-term peace and democracy consolidation in many post-war situations.

- **Building political capacity:** Some of the groups represented at the meeting are still facing crucial internal challenges in their transformation from armed movement to political party. Their ability to run the newly democratic country and implement the necessary structural reforms is dependent on their successful management of the transition from the battleground to the electoral arena. It was argued for instance that the effectiveness of the URNG in carrying out its “struggle for a full implementation of the peace accords” is impeded by the marginal political role that this party plays in contemporary Guatemala. Such movements also run a danger of being co-opted if they do not succeed in forming a strong and independent post-war political party.

- **Maintaining internal cohesion:** If the peace agreement has not realised the resistance/liberation movement's primary objective(s), there might be a risk of internal disputes and eventual split, weakening the movement and resulting in conflict re-escalation. A return to violence in the post-agreement phase might also be induced by the appearance of new contentious issues or new conflict stakeholders (e.g. Madeshi ethnic minorities in Nepal).
- **Maintaining strong political will:** Once peace agreements have been signed, all signatory parties must maintain strong political will to overcome oppositional forces, especially in view of frequent leadership changes: the new state leaders might not feel committed to implementing agreements signed by their predecessors. This was the case in Aceh, and also in Guatemala, where many structural reforms have not been carried out due to a combined lack of political will by the government, weakness of civil society leaders, political parties and the URNG, and firm opposition by determined pro status-quo groups (oligarchy and army).
- **Reconciliation and dealing with the past:** The challenges of building an inclusive society as well as dealing with rectifications for past human rights abuses (regarding both perpetrators and victims/survivors) were stressed by some of the participants. Moreover, in countries like Colombia, where some insurgency movements (most prominently the M-19) have signed peace agreements while others continued to fight, it would be particularly interesting to explore ways to build a culture of peace in the midst of an ongoing conflict.

Annex 1: List of participants

- *Aceh (Indonesia):*

Tgk. Nashiruddin Ahmad is a member of Gerakan Aceh Merdeka (Free Aceh Movement – GAM). He was part of the negotiation team during the 2002 peace process with the Indonesian government, leading to a ‘Cessation of Hostilities Agreement’ (CoHA). Following the 2005 Memorandum of Understanding, he was a GAM candidate for the post of governor in the 2006 elections. In 2007, he worked for the organisation Interpeace, and founded his own NGO, ‘Aceh Society Development’, involved in community economic development.

July Zulkarnain (aka Dolly) is a member of Gerakan Aceh Merdeka (Free Aceh Movement – GAM). Originally from the north of Aceh, he worked on security-related issues for the Henry Dunant Centre during the early stages of the peace process (2000-1), and later on as an interpreter for international journalists visiting the rebel-controlled areas. In 2005-6 he worked for the EU-led Aceh Monitoring Mission as GAM Representative in North Aceh, Lhokseumawe. He is currently working for its local follow-up mechanism, the Communication and Coordination Forum for Peace in Aceh (Forum Komunikasi dan Koordinasi Damai Aceh, FKK).

Aguswandi [case study researcher] is a human rights and peace activist in Banda Aceh. He studied constitutional law in Banda Aceh, and has an M.A. in international relations from London Metropolitan University. As a leading student activist during the 1990s, he went on hunger strike to demand the end of martial law in Aceh. In 1998, he spearheaded a campaign to boycott the Indonesian general elections, and co-organised massive nonviolent demonstrations in August 1999. He was declared enemy of the state in 1999. From 2000 to 2001, he coordinated the Aceh office of the nation-wide Commission for Disappearances and Victims of Aceh (Kontras Aceh). He is currently working as a consultant and senior program officer for the Aceh Peace Resource Center, an USAID-funded project to support the Aceh Reintegration Board (BRA). He is also the founder of the Aceh’s People Party (PRA), the first local political party in Aceh.

- *Colombia:*

Otty Patiño, an architect with an MA in political science, was a co-founder of M-19 in 1972, one of its commanders, and negotiator with the Colombian government of the peace agreement and the reintegration process. He was a member of the Constituent Assembly which drafted the new constitution of the country in 1991. He has also been a member of the NGO ‘Observatory for Peace’, and a columnist for the main Colombian newspaper, El Tiempo. He is currently working with the mayor of Bogota on cultural issues.

Vera Grabe, anthropologist and PhD candidate in Peace Studies at the University of Granada, was a co-founder commander of the M-19 until 1990. She was subsequently elected as a member of the Colombian Congress (1990/1994). Then, and until 1998, she was a diplomatic official in the Colombian Embassy in Madrid (Spain). From 1998 onwards she has been working with the Observatory for Peace, teaching peace education in communities and at the university level. She is also an activist of the nonviolent movement in Colombia.

Mauricio García-Durán [case study researcher] is a Jesuit priest and holds a PhD in Peace Studies from Bradford University. He has spent the last 18 years researching peace processes and social mobilisation for peace in Colombia. He has published 3 books and more than 40 articles on peace issues, including being issue editor of *Accord 14: Alternatives to War – Colombia's peace processes*. Currently he is the director of the Center for Research and Popular Education – CINEP in Bogota.

- **Guatemala:**

Miguel Ángel Reyes Illescas was a member of the Unidad Revolucionaria Nacional Guatemalteca (URNG). He took part in the negotiation team with the government for the 1996 peace accords. During Portillo's government (1990-94), he was sub-secretary for the Peace Secretariat and secretary for strategic analysis. He is now working as a university lecturer and as a consultant for an EU-funded project promoting local popular participation. He has a PhD in development administration from Birmingham University (UK), and an M.A. in political science from Freiburg University (Germany). His most recent publication is *La Guatemala Imposible: Bases Para un Estrategia Nacional de Seguridad 2002-2025* (Guatemala: Flacso, 2004).

- **Ireland:**

Bairbre de Brun is a Sinn Féin Member of the European Parliament for the North of Ireland, Born in Dublin, she lives in Belfast. She is a teacher by profession and taught in the sector of Irish medium education. Bairbre was a member of the National Committee against the H-Blocks and Armagh Gaol before and during the hunger strikes in the early 1980s. She worked in the Women's Department and was head of both the Cultural and International Departments. She was a member of the Sinn Féin negotiating team during the talks that led to the Good Friday Agreement. She has travelled extensively both in Ireland and abroad to promote the peace process. Elected as a Sinn Féin Assembly member for West Belfast in 1998, Bairbre served as Minister for Health, Social Services and Public Safety in the first power-sharing government in the North of Ireland (1999-2002).

Raymond McCartney has been a Sinn Féin Member of the Legislative Assembly of Northern Ireland since May 2004. As an early civil rights activist in Derry, he took part in the Bloody Sunday march in 1972, in the course of which his cousin Jim Wray was killed. As a political

prisoner, he served two life sentences, both of which were quashed by the Court of Appeal in February 2007. He participated in the first hunger strike in 1980, on which he stayed for 53 days. During the course of his prison sentence, which lasted until 1994, he also served as the Officer Commanding of IRA prisoners in the H-Blocks/Long Kesh Prison. Since his release, he has been active with support groups for ex-IRA prisoners across Ireland, and he is currently serving as the Chairperson of Coiste na n-Irchimi (ex-prisoners association). He has played a central role in the development of the Sinn Féin Peace Strategy.

Séanna Walsh is a Sinn Féin member, living in Belfast. As a result of his early involvement in the Irish Republican struggle, he spent 21 years in jail, and was one of the leaders of the late 1970s 'blanket protests'. After the death of hunger striker Bobby Sands in 1981, he became Officer Commanding of IRA prisoners in the H-Blocks prison. Since his release under the 1998 Good Friday agreement, he has been working for Sinn Féin. He was asked to read out the IRA's video statement ending their armed struggle in 2005 – conveying the organisation's declaration that it would commit itself to democratic and peaceful programmes.

- **Nepal:**

Amrita Thapa is a member of the Communist Party Nepal (Maoist), member of the Interim Legislature of Nepal and General Secretary of the All Nepal Women Association (Revolutionary). She is also a former Brigade commissar of the Maoist People's Liberation Army and former member of CPN-M's Central Committee.

Kiyoko Ogura [case study researcher] is a Japanese journalist, based in Nepal since 1993. She has done intense research and media covering on the Maoists' People's War in Nepal since 2001, including some extensive fieldwork in the Maoist stronghold district of Rolpa. She is the author of numerous publications on Nepalese politics in English, Japanese and Nepali languages, including *Kathmandu Spring: People's Movement of 1990* (Himal Books, Kathmandu, 2001), and *Nepal Ousei Kaitai [Dissolving the Nepali Monarchy]* (NHK Books, Japan, 2007).

- **Sri Lanka:**

Gajan Ponnambalam is a member of the Tamil National Alliance (TNA), which is an alliance of the four largest Tamil political parties that work within the Sri Lankan state system. He was elected as a Member of Parliament in 2001. He is also the General Secretary of the All Ceylon Tamil Congress, which is the oldest Tamil political party in Sri Lanka. The TNA works closely with the Liberation Tigers of Tamil Eelam (LTTE) on all political issues. He is also an attorney by profession.

Visuvanathan Rudrakumaran is a practicing attorney in New York City (USA). He participated in the 2002-2006 Norwegian-sponsored peace process as Legal Adviser to the LTTE

delegation. He has written extensively on the conflict in Sri Lanka, including “*Asymmetries in the Peace Process: The Liberation Tigers of Tamil Eelam*”, Accord, June 2005, “*Criteria for a Solution: Conflict in Sri Lanka and International Response*”, International Secretariat LTTE London, 1996, “*International Law, Tamil Separatism and Claim for Secession in the Aland Islands During World War I*”, Canadian Review of Studies in Nationalism, 1994, and “*The Requirement of Plebiscite in Territorial Rapprochement*”, Houston International Law Journal, Vol. 12, No. 1, Fall 1989.

- **South Africa:**

Mac Maharaj is a veteran of the ANC resistance struggle against apartheid South Africa. He was arrested in 1964 while working underground and sentenced to 12 years in prison on Robben Island. After his liberation, he escaped into exile and served on the National Executive Council of the ANC, before clandestinely re-entering South Africa to serve as overall commander of the politico-military project, Operation Vula, from 1988 to 1990. After 1990, Maharaj was a lead negotiator for the ANC in talks with the National Party government and joint secretary of the Transitional Executive Council, overseeing South Africa’s transition to democracy. Mandela appointed him minister of transport upon becoming president in 1994; he also served in Parliament until 1999. In 2005, he was appointed chair of the Democracy Project at Bennington College in Vermont, USA, where he teaches part-time. In 2001 he edited and published a collection of essays entitled *Reflections in Prison* published by Zebra, Cape Town. His biography, entitled *Shades of Difference: Mac Maharaj and the Struggle for South Africa* by Pdraig O’Malley, was published in 2007 by Viking, New York.

- **Sudan:**

Abdel Aziz Adam el Hilu has been a member of the Sudan People’s Liberation Movement (SPLM) since 1985. He is a member of the party’s interim political bureau and Deputy Secretary General for Organisational Affairs. Since January 2008, he is also the SPLM’s special envoy on Darfur, and chairperson of the Darfur taskforce (he comes from the Nuba Mountains but has roots in Darfur). In 2001, he became governor and SPLA commander of Nuba Mountains and represented the Nuba Mountains during the 2002-2005 peace negotiations.

Yasir Saiid Arman is a member of the Sudan People’s Liberation Movement (SPLM), which he joined in 1986. He is a member of the party’s interim political bureau and National Council, and Deputy General Secretary for the Northern Sector. In 2006-2007, he headed the SPLM parliamentary bloc in Khartoum. He was the party spokesperson for 8 years, including during the 2002-2005 peace process. He is also a former Commander of the SPLA.

- **Guest speaker:**

Tom Koenigs, a German politician, was the UN Special Representative for Afghanistan from 2006 to January 2008. He has many years of experience in the sphere of human rights policy in the United Nations, as Deputy Special Representative of the UN Secretary-General in Kosovo (responsible for the general civil administration) in 1999-2002, and head of the United Nations Verification Mission in Guatemala (MINUGUA) in 2002-2005. Prior to taking up employment in the United Nations, Mr. Koenigs was active in German politics with the Green party, first at the municipal level in Frankfurt am Main (e.g. as city councillor, Head of the Department for the Environment, Treasurer and Deputy Mayor), and more recently as Germany's Federal Government Commissioner for Human Rights Policy and Humanitarian Aid at the Federal Foreign Office in Gerard Schroeder's government (2005-2006).

- **Moderators:**

Randa Slim is the vice president of the International Institute for Sustained Dialogue (Dayton, Ohio, US). She has worked with a number of international and US governmental and private sector organizations. Some of the projects she has developed and managed include among others: a government-NGO collaborative strategy in Lebanon; training seminars in conflict management for senior officials in Turkey; training workshops in citizen participation methodologies for NGOs in Egypt; a dialogue and post-conflict peace-building project in Tajikistan; an unofficial trilateral dialogue initiative involving Arab, European and American unofficial leaders, and an Iraqi dialogue project focusing on national reconciliation. She earned her MA degree at the American University of Beirut and her PhD at the University of North Carolina. She has been a visiting adjunct professor at Royal Roads University in Canada, and the American University of Beirut in Lebanon. Her publications include: "*Small state mediation in international relations*" in *Mediation in International Relations* (Bercovitch & Rubin, Eds.), and "*Tajikistan: From civil war to peacebuilding*" (with Faredun Hodizoda) in *Searching for Peace in Europe and Eurasia* (van Tongeren, van de Veen, and Verhoeven, Eds.).

Roelf Meyer was the government Chief Negotiator during the South African peace process. Born in the Eastern Cape, he practised as a lawyer in Pretoria and Johannesburg before entering politics as a Member of Parliament in 1979. During this period he served as Deputy Minister of Law and Order and Deputy Minister of Constitutional Development (1986-1991), and subsequently as Minister of Defence and Minister of Constitutional Affairs (1991-1996). As chief negotiator for the National Party government, he was intimately involved in the negotiations on the settlement of the South African conflict which ended the apartheid. After the 1994 first democratic elections, he continued in the portfolio of Constitutional Affairs in the cabinet of former President Nelson Mandela. He resigned from active politics at the end of January 2000, and is currently a businessperson and acts as a consultant on peace processes. In this capacity he became involved in various countries around the globe – Northern Ireland, Sri Lanka, Rwanda, Burundi, Kosovo, Bolivia, the Basque country, and the Middle East. He serves on the Advisory Board of the Project on Justice in Times of

Transition in Boston and held the Tip O'Neill Chair in peace studies at the University of Ulster, Northern Ireland, in 2001.

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Annex 2: Publications produced within the project “Resistance/Liberation Movements and Transitions to Politics”

Mauricio García Durán, Vera Grabe Loewenherz, Otty Patiño Hormaza: *M-19's Journey from Armed Struggle to Democratic Politics: Striving to Keep the Revolution Connected to the People.* Berghof Transitions No. 1 (January 2008).

Mac Maharaj: *The ANC and South Africa's Negotiated Transition to Democracy and Peace.* Berghof Transitions No. 2 (January 2008).

Kiyoko Ogura: *Seeking State Power - The Communist Party of Nepal (Maoist).* Berghof Transitions No. 3 (March 2008).

Suthaharan Nadarajah, Luxshi Vimalarajah: *The politics of Transformation: The LTTE and the 2002-2006 peace process in Sri Lanka.* Berghof Transitions No. 4 (April 2008).

Aguswandi, Wolfram Zunzer: *The Successful Transition of the Gerakan Aceh Merdeka (Free Aceh Movement - GAM) From Politics to Arms to Politics Again.* Berghof Transitions No. 5 (forthcoming).

Bairbre de Brún, Seanna Walsh: *The Road to Peace in Ireland.* Berghof Transitions No. 6 (forthcoming).