

Engaging non-state armed groups in disarmament

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The connection between disarmament and peace negotiations is dynamic, complex and constantly shaping and reshaping the course of both peace and war. No peace agreement is complete, viable or "applicable" without dealing with disarmament. But how? When? And where do you deal with disarmament? How should it be introduced, addressed, and ultimately achieved?

Unfortunately, our understanding of the peace negotiation–disarmament relationship is fragmentary, chiefly because three different schools of thought—military specialists, disarmament, demobilization and reintegration (DDR) specialists and conflict resolution specialists—offer three different and sometimes antagonistic perspectives on the relationship. Military experts tend to focus on the technical aspects of peace negotiations, while mediators will look mainly at political aspects. Some DDR experts may believe that mediators' focus on achieving peace can pose an obstacle to disarmament. Mediators in turn may criticize military approaches as short-sighted, and defend their approach as more pragmatic—mediators look to the person behind the gun, and ensure that the reason for taking up arms is addressed. But the different perspectives do not have to be contradictory; with improved communication, specialists in each field should be able to allow each other the space to enable everyone to fulfil their tasks, and ultimately create a more stable peace.

The aim of this paper is not to downplay the importance of the *content* of a total ceasefire or DDR programme; it is rather to explain how disarmament is dealt with in the different phases of negotiation with non-state armed groups (NSAGs). Why NSAGs? Because today they are the main feature of violent conflicts, both within states and at a regional level. Their prominence in violent conflict has introduced a whole new universe to conflict resolution—a universe demanding an in-depth knowledge of mediation skills.

Often, it is hard to find a sponsor (either a state or an organization) to back a mediation initiative. Sometimes the diaspora, through lobbying and activity within a host country, can create the interest required for a state to want to help address the issue. It is critical to establish contact, build confidence and discuss issues with NSAGs before beginning even to discuss negotiations. Contact is crucial because if NSAGs become isolated they become more difficult to deal with. This is, without exception, the one common denominator shared by all NSAGs, be they in Africa, America, Asia or Europe.

The mediator's main objective is to try and ameliorate the situation on the ground, even if the fighting cannot be stopped. This is a slow and time-consuming process. Conventional mediation techniques do not always help at this early stage of trying to start a process or trying to convince

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adversary parties to negotiate. The need to establish contact, exchange thoughts, explain positions, and try to close gaps that may exist between a NSAG and the outside world is more a task of pre-mediation, or preparatory work for future negotiations, and it requires much patience, understanding and a will to listen—which may not be reciprocated. A mediator cannot force events, but he or she must be able to understand the group's cause and measure changes in the content of discussions, or in guerilla tactics, as they come about.

Conventional mediation will come later. The world of mediation has become so complex and specialized that mediators are now called in to fulfil certain tasks, sometimes just one precise mission within one phase of negotiation. Then they must drop out. Those that began the process, establishing contact and working with the NSAG for years, must step out once the pre-negotiations terminate, as they will not be seen as neutral by the adversary.

What do mediators have to be careful about when negotiating with NSAGs? Which can be delicate issues? And how can the parties be made to respect their engagements? With reflections based on personal experience, this paper also tries very briefly to explain why it is so difficult to deal with disarmament within the preparatory stage of peace negotiations with NSAGs.

Acknowledging the difficulties of dealing with disarmament in no way means that disarmament is a secondary topic. It is of very first importance. But its very importance makes it all the more crucial to get the approach right, to introduce disarmament in a way that will do more good than harm, and especially in a way that makes sure it can be implemented.

The universe of non-state armed groups

NSAGs have existed for a long time, but today most conflicts deal with NSAGs. More and more groups are tending to take up arms and fight the state if they cannot otherwise obtain change. States retaliate by first attempting to delegitimize the NSAG—and today this will most likely involve trying to get the group onto a terrorist list. Once on a list, the state's fight is legitimated and all means can be used to destroy the group; the group also becomes the object of the international community's hostility and in some cases can feel condemned without having been heard. This can entrench the group and make it more violent. It also makes the mediator's job much harder.

Over time, different organizations have developed different strategies to engage armed groups on questions related to disarmament. Major debates have been taking place on how to engage with NSAGs, what to expect from them and how to go about negotiating with them. How can facilitators and mediators, at a multi-track level,¹ best address these groups and help neutralize their negative effects (such as the murder of civilians, rape, torture, plunder)? Much research has been carried out, mainly by non-governmental organizations, on the way NSAGs are to be dealt with and how particular issues should be addressed *before* NSAGs decide to come to the negotiating table, while conflict is still ongoing.² However, very little research has been done on how to convince NSAGs to come to the negotiating table or how to begin negotiating to ascertain peace.

What is clear is that NSAGs are a specific type of actor, and this has implications for those confronted with them in attempting negotiation. Many NSAGs involved in conflict have spent years in the bush. They have become accustomed to a military life and in some cases do not realize the range of issues—normal to civilian life—that they will have to address in negotiations. Life in the bush has not allowed group members to develop the skills required to negotiate, either. Perhaps most significantly, NSAGs live in the short term. It is very difficult for them to accept a middle-term or long-term perspective, which is crucial for peace negotiations—no group will be able to gain everything immediately.

Of course, just as damaging as not fully recognizing that NSAGs represent a distinct type of actor has been the discussion on making a distinction between NSAGs and terrorist groups. Not to mention the new school of thought among some mediators, who believe that you do not negotiate with or for the "bad, bad boys" (they just don't deserve it). The refusal to address certain groups or deal with them once they have been labelled as terrorist is not helpful. Negotiations are not a premium; they are a means to achieve an end to a conflict so that people can get on with their lives, and so that those who have committed major crimes will have to answer for their acts.³

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THE EVOLUTION OF NON-STATE ARMED GROUPS

NSAGs have changed significantly since research on them first began. Within the last 40 years, they have doubled their life expectancy. In the 1960s and 1970s, an average rebel force in Africa could either obtain its objectives or decide to negotiate within a life span of roughly six years. Today, most NSAGs on the African continent have either existed or fought for 12–16 years.⁴

The fact that the struggle lasts longer means that known commanders or leaders are more likely to get killed either in combat or because of internal struggles. Relations and trust that mediators may have spent years building can be destroyed, meaning the work must begin again, even as far as renegotiating principles that had already been agreed.

These longer-lived armed groups have also spread geographically, and their combatants have become more diverse. Groups have more interests, which can extend beyond a state's borders, therefore involving numerous governments and regional actors. This diversity also means that the group can end up simply fighting for survival; in many cases, combat becomes a way of life and there is little for fighters to go home to.

What does disarmament mean when dealing with NSAGs?

Disarmament means reducing or depriving combatants of weaponry. When negotiating, disarmament refers to a systematic schedule and plan for reducing weapon systems and preparations for war. It can be contrasted with arms control, which essentially refers to the act of controlling rather than eliminating or reducing arms.

Disarmament and arms control negotiations pursue a common objective and usually share a common aim within any negotiation process: to define how arms can be neutralized through negotiation, with the hope of bringing about some form of peace. But it is primordial, though not easy, to try and sequence disarmament and arms control. In some cases arms control negotiations can precede disarmament while in other cases it is the other way around. The idea is for arms control negotiations to be held in good faith on effective measures relating to the cessation of an arms escalation, so that a general and complete disarmament under strict and effective (possibility international) control can then be agreed. At first, certain types of arms (heavy weaponry) can be withdrawn from certain areas, while light weaponry stays in the possession of adversaries. The prevention of escalation measures are being combined with partial disarmament to show goodwill.

To say that disarmament is very distinct from arms control would therefore be untrue. Especially in a setting where the title or the global aspect of a topic is rarely referred to, but where it is instead more common to address the key issues without naming them. Indeed, disarmament is rarely, if ever, negotiated specifically, or as a distinct topic.

This is in part because disarmament is a particularly sensitive topic for NSAGs, as giving up their arms amounts to giving up everything. These groups need their arms to subsist, and they are often unsure that promises made in return for disarmament will be fulfilled. So disarmament is approached with great care. It is often addressed through other topics, and in parts, to avoid drawing attention to the fact that disarmament is under discussion. This approach can also be partly explained because of the overwhelming urgencies of a conflict. Those that can be tackled immediately are taken up first, with the hope of obtaining a drop in violence, while the more thorny, core issues are left until later. When engaging with NSAGs, disarmament does not mean immediate and complete destruction of all weapons. It comes in stages, and the degree and speed at which it comes may vary.

Ensuring disarmament is negotiated

Initially at least, disarmament can appear to cover a vast area and it can mean either just about everything, or very little. Some people will go into long details about what a disarmament process should look like: what the disarmament agreement should contain, what it cannot and how it should be implemented. In my experience, there is no "one size fits all" solution to negotiating disarmament. Nonetheless, there are three factors that must be dealt with for a disarmament process to be viable.

The most important factor is to draw up a process that covers all the issues involved. A mediator must understand the conflict—the cause the NSAGs are fighting for, the logic of the struggle. A mediator is not supposed to get caught in the debate on whether a conflict is religious, ethnic or political, but the way a conflict is described is already a form of engagement. Conflicts often have more causes than the fighting parties admit: including not just religious, ethnic or political issues, but also linguistic, regional, colonial or economic elements. So mediators must consider what the parties are insisting are the key issues, as well as what they are less vocal about (either because they cannot or do not want these issues resolved). It may even be that once the issues are fully understood, the process will call for different forms of attempt to solve the conflict or stop the violence, such as bringing other actors on board, who are not directly involved in the conflict.

Second, disarmament negotiations call for a range of other questions to be dealt with. About fifteen years ago, a mediator could be called upon to negotiate a ceasefire and there was hope that, if the violence could be stopped, a disarmament process could then be put in place and society could be brought out of its conflict. Today, such a strategy is simply a no go. Conflicting parties want a "total vision" of their future before they are willing to drop their arms. Not only will the fighting forces be looking for a military agreement, with some DDR for ex-combatants, they will also want to see power-sharing mechanisms and economic redistribution spelled out. One could say that the parties need an idea of what their future together—with each side's survival guaranteed—will look like.

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A third aspect is less well understood. Peace agreements represent the areas of agreement among the parties that negotiated them. In effect, a peace agreement is an initial understanding between conflicting parties on how and what has to be done to be able to *start* living together. They are therefore rarely perfect documents. They will contain some elements on disarmament, probably some basic rights and obligations, and some basic principles on security. But in no case is a peace agreement complete, detailed on every aspect, and always to the point.

Lack of trust, and the fact that parties are testing how far they can trust each other, means that primordial elements can either be deferred to later in the peace process, or not referred to as an outsider would expect them to be. Disarmament will often fall into this category, perhaps because it is such a sensitive topic, and can cause divisions between the commanders of a movement and the rank

and file. The latter can feel sold out as they watch their commanders buying into the deal and gaining something, while they themselves do not see a gain, rather they begin to fear for their future. It is the mediator's task to prevent such important issues from being neglected in negotiation; to ensure that all actors are reassured, but that disarmament is nonetheless addressed.

Phases of a peace agreement negotiation

To understand how to deal with disarmament within peace agreements, it is necessary to grasp, at least schematically, how the peace process works. It is not enough simply to ask people to come to the venue, sit down and talk. There is a series of phases to follow. The conventional three-phase approach consists of the pre-negotiations (talks about the talks), followed by the substantive negotiations or framework, and finally the implementation phase. (Although, in reality, these phases are less distinct and might overlap.) However, when dealing with NSAGs, a supplementary phase, which quite often precedes the pre-negotiations, is particularly apparent. We can call this the "pre-pre-negotiations".

DISARMAMENT IN THE PRE-PRE-NEGOTIATION PHASE

No group will negotiate properly until the time is right, when adversaries conclude that the cost of conflict is unbearable and a solution has to be found. But when this moment does occur, parties must be able to reach out and knock on the right door, so that the negotiations can start as early as possible.

This is particularly important to NSAGs as, living and fighting in the bush, they have little contact with the outside world. Groups tend to imagine that the society they left behind is unchanging, and interpret events according to the hostile environment in which they find themselves. They then feed on their own logic; NSAGs do not allow for much debate or discussion, and they rarely encounter contradictory interpretations, so their positions are hardened.

When it comes to negotiating, then, NSAGs are particularly distrustful of others. They feel at a disadvantage, fearing that they do not have the political skills necessary for negotiations, and suspicious of other parties (even neutral or perhaps sympathetic parties) because they live in such a different world. By establishing contact with a group at a very early stage, long before it is even ready to consider negotiation, the mediator can present the members of the group with a more objective viewpoint. The mediator can also begin to understand the group and in turn explain what could be expected from it if it decides to negotiate, so that it begins to understand the process and feels more confident when the time for negotiation arrives.

The mediator first makes contact with various circles that gravitate around the armed group, be they members of the diaspora, intellectuals known to be close to the group, or family members. The aim is to gradually gain confidence and be introduced into the combatant circles. This can take years and is not always successful.

On the other hand, a peace process can begin. Or if not a peace process, gaining the confidence of the NSAG can allow mediators to bring up the topic of disarmament and perhaps obtain some input on a disarmament plan. A NSAG may agree to apply some initial disarmament or humanitarian principles.

The aim is to try and convince NSAGs to use restrained force and to respect the civilian population. By beginning to deal with disarmament early on, while the conflict is still ongoing, violence can be reduced more rapidly, improving the situation on the ground. Dealing with disarmament during the conflict also encourages NSAGs to begin to think differently. Instead of a confrontational logic, they

move toward an argumentative logic, and this is vital for negotiations. Discussing issues with mediators at this early stage helps NSAGs to feel more at ease with debate and exchange. Disarmament can be the perfect topic for initial discussions because it affects them directly, it deals with their daily life, and it has a concrete impact on the ground. One issue that can often be addressed at this stage is the use of landmines. Humanitarian questions are another "entry point" for discussions, such as respect of civilians, humanitarian corridors, respect of prisoners, no summary executions and a total refusal of torture and rape.

Equally, it is within this pre-pre-negotiation phase that a general debate about disarmament is important. At this stage, mediators are looking for the right moment and the best persons to talk to about disarmament; they must try to introduce discussion of what disarmament means and attempt to ensure that some form of thought is put into implementation, even at this early stage. How the topic is raised is as important as how the concepts are dealt with. These concepts can then be taken out of a global framework and discussed according to the specificities of the conflict and the kinds of violations perpetrated.

These initial principles take a long time to discuss and are rarely accepted by all. There is a range of excuses: the adversary does not behave much better, or the change in attitude will be seen as a weakness and the combatants will no longer be feared. There are also those who argue that such principles are not universal, that they come from a Western world and should not (or cannot) be imposed on others. Discussions will be strongly influenced by the confidence the mediator has acquired with the NSAG and by the group's belief that there is something to gain by starting to think about giving up its weapons.

One is never sure of what to expect when it comes to discussing disarmament in the midst of a conflict with desperate combatants. In some cases NSAGs might desperately need a way out of the conflict, but they are not sure that they can go back to normal life. They do not know if they will be accepted, or if they will be held accountable for past crimes. A NSAG may decide to "behave" and at the same time to start to think about looking for a solution to the conflict, but it may also be looking for retribution. Or a group may agree upon some initial principles, but may then violate them. They are then likely to try to hide the violation for fear of sanctions. If ever there is a possibility of wanting to negotiate the end to a conflict, parties will be haunted by the idea that they could be indicted for violations. So a mediator must tread very carefully, working slowly and gradually.

Introducing the subject of the international community, and of the NSAG's need to gain its respect and understanding, can be useful at this stage. It can encourage the NSAG to apply some humanitarian or disarmament principles. Again, it is a very sensitive topic. NSAGs are often very distrustful of the international community, as it is a world of which they are usually ignorant, and groups often assume that it will act on the behalf of those of its member states that are the NSAG's enemies. Mediators must build confidence to avoid misunderstandings. They need to explain the ways of the international community to NSAGs and encourage the NSAGs to explain their case and their viewpoint. Ultimately, NSAGs need to accept that monitoring of any peace agreement may involve the international community, and perhaps not themselves.

DISARMAMENT WITHIN THE PRE-NEGOTIATION PHASE

In the pre-negotiation phase the mediator or facilitator is getting to know the NSAGs under a new aspect: that of a negotiating partner. Schematically, the facilitator or mediator tries to limit discussions to very practical aspects. Where to meet? What to discuss? How to discuss the content? What is the intent of the negotiations? And who will sit at the negotiating table? The idea is to try to create an inclusive process. Inclusive not referring just to participation (by all parties), but also to content.

The parties will always have prerequisites. These are specific demands that parties put forward, which condition the possibility of whether they will or will not accept to negotiate. There are always human rights and disarmament elements among the prerequisites. In some cases, a party will want guarantees that it will obtain a blanket amnesty for coming to the table. Another party will want guarantees of better conditions for, or the liberation of, some of its imprisoned colleagues. A third group will probably want to make sure that the past is not addressed. While yet another party might try to limit the role of non-governmental organizations or civil society—parties with an interest in defending disarmament—in the process. Sometimes, one party will demand that the other parties' disarmament starts before its own. Their aim is to obtain a form of victory that will justify their coming to the table. There is also hope that this will strengthen their bargaining position.

Parties are likely to try to bargain throughout the process, around any form of disarmament: "we are willing to help implement some form of disarmament under the condition that you get this or that for us". And this is more likely if parties perceive that the mediator is desperate for some sort of success in arms control. Getting caught in such a dynamic, where every issue must be bargained over, creates a negative process that leads to more harm than good. Why does this happen? Because negotiation is not the only reason for coming to the table. The primary aim can be "to test the water", to see what the universe of negotiations is made of. Parties also hope to test their enemies: can they be trusted? Are they willing to make concessions? In some cases, parties wish to be seen to be engaging, or want to use the recess in combat to build up their forces or prepare for the next stage of fighting. It is up to the facilitation or mediation team to try to keep the parties talking.

Among mediators, prerequisites are an eternal topic of debate. Some refuse to discuss them, calling them preconditions. Others will discuss prerequisites, but not in this initial phase. Mediators may be tempted to use creative ambiguity to get over these hurdles, but they must be careful not to jeopardize the whole process just for an initial victory, which could tie their hands and handicap them in the substantive phase. If the prerequisites seem to have been accepted but are then left unfulfilled, trust will be broken. Parties will have an excuse neither to engage nor to leave the table.

To avoid discussing such prerequisites within the pre-negotiations, the parties must be convinced to place them on the future agenda of the talks. It is necessary to insist that only the party itself can convince an adversary of the need of making concessions, so it is best to discuss these issues when the parties are at the table together. For example, the liberation of prisoners is a standard prerequisite. However, this issue often proves far more complex than the parties think—fighters missing in action may in fact have been executed—and can only be dealt with directly, at the actual negotiations.

So should disarmament be discussed at this stage? I would probably say "no"; disarmament can prove an obstacle to the peace process here. During my training to become a mediator about fifteen years ago, the students were told to be very careful regarding the way in which any debate on disarmament was initiated. We were told that by discussing disarmament too soon, or at the wrong moment, when parties have no confidence in each other, and perhaps even less in the mediators, the topic could become a deal breaker. I have certainly participated in one or two negotiations where trying to tackle disarmament at the wrong moment prompted some parties to walk out.

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It is nonetheless important to recognize that at every initial stage of disarmament agreements will be violated. The parties, nervous of the peace process and seeking an excuse to leave the table, use the violations as just such an excuse. This stage could be called "appeals for ditching disarmament". While the violations cannot be ignored, the mediator's primary objective is to set the process in motion. Therefore, the mediator must strive to keep the parties at the table, while ensuring that

violations will be taken into account later. Disarmament should not be swept under the carpet, but, like all other areas that must be negotiated within a process, it does have to be introduced gradually and at the right time. Some mediators would say that the right time is when the negotiations have reached a point of no return, when the parties have invested enough in the process that they will think twice before walking away.

DISARMAMENT WITHIN THE SUBSTANTIVE PHASE

It is at the substantive phase that work often begins on the disarmament plan, without necessarily labelling it as such. Disarmament activities could be called reconciliation mechanisms, coalition techniques or standard peace procedures. What is crucial is that the parties understand their importance. What is hoped is that the more the parties discuss disarmament measures, the better they are accepted and the less they will be perceived as a threat.

The best method for dealing with disarmament is to embed disarmament measures within the total content of the process without necessarily addressing them as military issues. Ingredients of disarmament can be gradually introduced while discussing various topics. Parties should not see disarmament as an individual discipline, standing alone and open to separate negotiation, but consider it as it is, as part of a larger picture.

DISARMAMENT WITHIN THE IMPLEMENTATION PHASE

Disarmament takes a special place within the implementation phase, because it is not enough simply to state disarmament measures in an agreement, they must be introduced and applied. Disarmament is not only in the interest of the government. It must therefore play an important role within civil society and be one of the entry points for the involvement of civil society in implementation. The topic of civil society's role in disarmament, however, is beyond the scope of this paper.

The unclassifiable world of peace negotiations

Peace agreements are vague, incomplete, contradictory documents. They are all unique, and cannot be grouped into a common framework. Nevertheless, there is a tacit agreement that certain principles cannot be violated or ignored. No mediator in the field today can afford or would accept to ignore disarmament. If a peace agreement were signed today and did not contain measures to disarm the parties involved, most countries would refuse to witness the agreement, civil society would be furious and victims, or victims' families, would be looking for revenge. In short, peace would be unlikely.

Disarmament must, however, be addressed with great care. It is not an easy topic to deal with, as disarming fighters, especially in countries where bearing a personal arm is a tradition, demands time, patience and creativity. Trying to prepare by working with NSAGs in the shadow of conflict is vital. In contrast to governments, who have been to seminars, learned about negotiation, know the international community, and are at ease sitting at a table, NSAGs may have been in isolation for years, feeding on their own perceptions and rarely in contact with the communities they are fighting. This means their positions are hardened and they are not willing to consider compromise. Building a peace with a NSAG requires a slow uphill struggle of building trust, familiarizing the group with discussion, acquainting it with the skills involved in negotiations, and very slowly accustoming it to the idea that negotiations might provide the way out.

Even with this extra support, does a society emerging from a deeply embedded conflict have the tools or the will to handle disarmament? If the state cannot be counted on to protect its citizens,

is there a need first to create a moratorium under which institutional stability is consolidated before certain action is taken? This is, without doubt, the question Somalia will soon have to deal with, if the resolutions discussed within the Reconciliation Conference can be put on track. If a group's wellbeing depends on what it can deprive the other of, disarmament can mean death. This is why successfully negotiating disarmament with NSAGs is one of the major challenges for peace in the twenty-first century.

Notes

1. Multi-track refers to the technique of shaping negotiations according to the participants. Government members are not dealt with in the same way as rebel groups, and each kind of actor (and type of negotiation) is considered a different track. See Louise Diamond and John McDonald, 1996, *Multi-Track Diplomacy: A Systems Approach to Peace*, Bloomfield, CT, Kumarian Press.
2. See, for example, the work of International Crisis Group (www.crisisgroup.org), Conciliation Resources (www.c-r.org) or Concordis International (www.concordis-international.org).
3. For more on defining and labelling non-state armed groups, see the article by Nicolas Florquin and Elisabeth Decrey Warner in this issue of *Disarmament Forum*.
4. Christopher Clapham (ed.), 1998, *African Guerrillas*, Oxford, James Currey.

