Negotiating Disarmament

Lessons learnt from Colombia, Nepal, the Philippines, South Sudan, Sri Lanka

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1. Introduction

During the 1990s and 2000s an ‘orthodoxy’ was developed in which DDR programmes – encompassing the disarmament, demobilization and reintegration of former combatants – were seen as a normal part of international interventions aimed at building peace in post-accord countries.\(^1\) Examples include: Afghanistan, Bosnia Herzegovina, Burundi, Central African Republic, and Sierra Leone. Even when there wasn’t a complete DDR programme involving demobilization and reintegration, disarmament by non-state groups has still been an integral component of many peace processes (including Northern Ireland and Liberia). Disarmament of non-state groups, in many different forms, is an integral feature of post-accord peacebuilding. Despite this, our understanding of how or whether disarmament actually affects peace or conflict remains limited. Moreover, we know little about why parties agree (or not) to disarm.\(^2\) The notion that non-state actors’ disarmament is a necessary pre-condition for peace, the re-establishment of the rule of law, and the state monopoly over legitimate violence has become a guiding principle of international peacemaking and peacebuilding. However, the assumption that disarmament is a necessary condition for peace is eroded by examples (such as Mozambique, Tajikistan and Aceh in Indonesia) where a rebel group failed to give up a significant proportion of its weapons, yet the conflict did not recur for many years.\(^3\) It appears that a political commitment to cease fighting was sufficient, and the group did not have to hand over its weapons (which were instead hidden in caches).

What is the relationship between disarmament and peace? To answer this question, previous research has relied on what is readily observable, i.e.: the implementation of disarmament provisions contained in peace agreements. We take a step back and argue that to understand what happened on the ground (implementation), first we need to understand what conflict parties agreed on in the first place (negotiation). Thus, to move a step closer to uncovering the possible links between disarmament and peace, we examine how disarmament was negotiated in five peace processes. We examine and compare the following conflicts and peace processes: Colombia (FARC), Nepal (CPN-M), the Philippines (MILF), South Sudan (SPLM/A), and Sri Lanka (LTTE). We focus on the following factors in each case: sequencing, command and control, verification, inclusion of women, multilateral sanctions, illicit arms acquisition, local spoilers, and the symbolism of disarmament. We collected data from primary and secondary sources and interviews with mediators and others involved in the negotiations.


This report is divided into two main sections. The first main section provides an overview of our results. This section starts with an executive summary of our findings. It is followed by a longer synthesis of the results of our case studies. Here, we focus on the degree to which the negotiations on the disarmament process were exclusionary or inclusionary, the technical and symbolic aspects of disarmament, and the different role of external actors. The second section presents the five detailed case studies. Here, we start by providing an overview of our research design, case selection, data and methods. This is followed by our five case studies, where we offer a structured comparison of the negotiations on disarmament concerning Colombia (FARC), Nepal (CPN-M), the Philippines (MILF), South Sudan (SPLM/A), and Sri Lanka (LTTE).
2. Executive Summary

Disarmament is often assumed to be a necessary condition for peace. The prevailing assumption is that if a peace agreement is to succeed, a rebel group must permanently renounce violence, and it does that by disarming. Nevertheless, this report reveals a much more complicated relationship between peace and disarmament. In this executive summary we examine and provide answers for the following three questions:

- Why do some peace agreements not include comprehensive disarmament of the armed group?
- Why do some parties prefer to limit international assistance for disarmament?
- Why is there variation in the extent to which women and women’s organizations are allowed to be included in disarmament negotiations?

Disarmament infrequently involves government forces, and in most cases the non-state group disarms. Most attention to disarmament as part of peace accords has understandably focused upon how disarmament is implemented (especially when it is combined with demobilization and reintegration of ex-combatants in DDR programmes). Instead, in this report we find answers to the above three research questions by examining how disarmament is negotiated. In this report, our aim is not to evaluate whether a particular disarmament process ‘failed’ or was ‘successful’, indeed, research has found establishing such criteria problematic, but to understand how disarmament negotiations affected specific disarmament outcomes. Talks on the laying down of weapons are usually carried out behind closed doors amongst a select few. Disarmament is a sensitive, almost always heavily masculinized issue which is closely connected to power and influence. Yet, without knowledge of the positions, motivations, and interests of parties involved in disarmament negotiations, our understanding of particular disarmament outcomes (such as the number of weapons handed in, the presence or absence of monitoring missions) remains incomplete.

We investigate the above three questions by examining five different peace processes: Colombia (FARC), Nepal (CPN-M), the Philippines (MILF), South Sudan (SPLM/A), and Sri Lanka (LTTE). When analysing disarmament negotiations, we focused on factors that previous research identified as being important in disarmament and were common to some or all of the five cases: sequencing, command and control, local spoilers, illicit arms acquisitions, the symbolism of disarmament, inclusion of women, verification, and multilateral sanctions. When it comes to the question of inclusion/exclusion, we recognize that talks on disarmament in most cases exclude...
multiple constituencies, such as conflict-affected populations, women, ethnic and religious minorities, and civil society actors. We acknowledge the importance of all these groups for sustainable peace to prevail. In this report we are concerned with women and women’s organizations, and the barriers to their inclusion in disarmament talks. We collected data from primary and secondary sources and conducted interviews with mediators and other individuals who had intimate knowledge of the five peace processes. We elaborate on the method, case selection, and each of the eight examined factors in the methods and case study chapters.

To summarize briefly, we find that:

1. In some cases, peace agreements allow an armed group to retain some or all of its weapons. This can happen for two reasons:
   a. The elite bargain between the state and the leadership of a group involves the latter retaining some or all of its arms as it retains some control over local populations.
   b. Disarmament has a symbolic aspect which is often more important for conflict parties and people affected by violence than the technical task of collecting and disposing of weapons. Symbolic disarmament does not require that every weapon is handed in. For a peace process, a strong message that a group has renounced violent means is more important than the number of weapons handed in.

2. Some parties in peace processes limit or even reject international assistance for disarmament. This is because they wish to avoid outside interference and the negative symbolism of a deployment of UN peacekeepers, or other forms of third-party presence, such as ceasefire monitoring.

3. Peace processes exclude women, women’s organizations and other civil society organizations because some conflict parties want to retain control over the negotiations. In order to play an active role in the negotiations on disarmament, women and women’s organizations have to organize and mobilize, something that may benefit from external support. Inclusion of a wide variety of national stakeholders proved to lead to more sustainable peace agreements.

The connections between the research questions, the eight factors we examine in the case studies, and the links between the findings are shown in Table 1. For people working as negotiators and facilitators, we affirm the following recommendations:

- Help the parties to understand that disarmament should not be a pre-condition but an outcome of peace negotiations.
- It is important to negotiate confidence-building measures, which need to be agreed upon and implemented before disarmament (which usually occurs at the end of the process).
- The most important short-term goal is to provide space for previously marginalized groups
to influence questions related to arms and improved community safety. Ending the use and display of weapons is more important than whether or not they have been surrendered.

- To be inclusive, negotiations on disarmament should involve not just the ones who use weapons, but the broadest possible coalition of conflict-affected parties, with specific efforts made to create safe spaces for civil society (women's organizations, youth groups, journalists, groups of war-disabled individuals, religious communities etc.).

- Understand the symbolic importance of weapons in society, and the often-negative symbolism associated with aspects of disarmament. Explore with the conflict parties how to achieve disarmament that is not perceived as surrender.

- Understand local organizations’ level of interest in disarmament, violence prevention methods, training, funding, and capacity needs, and relationships between these organizations.

The remainder of this report consists of two parts. In the next section, we synthetize the findings from our five case studies. In the second section of the report, we present the five case studies.

<table>
<thead>
<tr>
<th>Research Questions</th>
<th>Factors examined in the case study to answer the RQ</th>
<th>Findings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Why do some peace agreements not include comprehensive disarmament?</td>
<td>The symbolism of disarmament, local spoilers, command and control</td>
<td>Disarmament negotiations vary in terms of the included and excluded parties. If some armed groups are excluded then the result is an elite bargain that can allow for weapons to be retained by the non-state actor. In other cases, such symbolic measures as some weapons being put beyond use, the re-opening of roads and markets, and an end to openly carrying weapons were more important for locals’ security than comprehensive disarmament.</td>
</tr>
<tr>
<td>Why do some parties prefer to limit international assistance for disarmament?</td>
<td>Verification, sequencing, the symbolism of disarmament, multilateral sanctions, illicit arms acquisitions</td>
<td>Governments might reject external assistance or the assistance of specific external actors because they seek to avoid third-party interference in order not to appear as a failed state.</td>
</tr>
<tr>
<td>Why is there variation in the extent to which women and women’s organizations are allowed to be included in disarmament negotiations?</td>
<td>Inclusion of women, command and control, verification</td>
<td>Women are excluded from disarmament negotiations because of the masculinized nature of peace talks as well as talks on weapons. Conflict parties are interested in limiting the number of parties present at peace negotiations. Often, however, women might not form a bloc, or women from different sides of the conflict might have acrimonious relationships. These issues might further hinder women’s inclusion in negotiations.</td>
</tr>
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</table>

Table 1: Links between the research questions, the factors examined in the case studies and the findings
3. Findings

3.1. Why focus on how disarmament was negotiated?

The 2014 peace agreement between the Moro Islamic Liberation Front (MILF) and the Government of the Philippines was based upon the bargain that the MILF would decommission its arms in phases, which were tied to the implementation of an autonomous region, something the MILF had fought for. The picture appears much more complicated when one considers that the MILF only gave up a proportion of its weapons and its fighters remained within their communities and did not have to give up weapons they carried. Despite disarmament only being partial, that peace process is often regarded as having made some notable achievements.\(^6\) This example illustrates that we know little about how, by whom, and with what consequences disarmament was negotiated in peace processes.\(^7\)

Research on disarmament usually examines the implementation of disarmament provisions that have already been negotiated and only a handful of comparative studies analyse how disarmament was negotiated in the first place.\(^8\) For example, the UN’s *Integrated Disarmament, Demobilization, and Reintegration Standards* (IDDRS) is the most comprehensive guide produced for DDR practitioners. While Module 3 on ‘National Institutions for DDR’ lists national ownership, inclusivity, and transparency as guiding principles of UN-supported DDR, it does not provide specific recommendations on how to realize these guiding principles during peace negotiations. Ultimately, the negotiations define what is to be implemented. As is shown in the remainder of this report, peace negotiations are different and this variety is reflected in the agreements that later need to be implemented. In many ways, the conditions which affect particular disarmament outcomes are a consequence of the preceding negotiations.

Mediators who often facilitate the conclusion of peace agreements and DDR processes also lack guidance on how to negotiate disarmament. Material on disarmament is absent from mediation handbooks and guidance produced by the six main international and regional organizations that

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7. In this report, we focus on disarmament (as opposed to DDR). Disarmament is the collection, documentation, control and disposal of arms, ammunition and other military equipment from armed groups, or from individual fighters belonging to them. As is outlined in the remainder of this report, peace agreements often use different terminology when referring to disarmament. We will consider disarmament that has been agreed upon in a negotiated peace accord. Where appropriate, we also focus on disarmament of armed groups that were not parties to the peace accord. Disarmament rarely concerns state forces, though they may go through a separate security sector reform process and the end of the conflict may lead to the government reducing the number of personnel.

are active mediators (the African Union (AU), the Economic Community of West African States (ECOWAS), the Organization for Security and Co-operation in Europe (OSCE), the United Nations Development Programme (UNDP), The United Nations Institute for Training and Research (UNITAR), and within the United Nations the UN Mediation Support Unit and the UN Department of Political Affairs. Four of these organizations do not mention disarmament in their current mediation handbooks. In the handbooks of two of the organizations, disarmament is only mentioned in passing. Specifically, UNITAR’s *Manual for UN Mediators* emphasizes the politically sensitive nature of disarmament and advises mediators to reframe it as ‘the definitive end of hostilities’. The UNDP’s *Guidance on Gender Inclusive Mediation Strategies* advises mediators to consult women on the design of disarmament provisions in peace agreements but does not suggest the best way to do this. The aim of our study was to address these gaps by providing a typology on negotiating disarmament.

To avoid repetition, the findings and conclusions presented below are not comprehensively referenced. For sources for all the points made, please see the individual case studies.

In the following section we focus on the three research questions listed in the executive summary:

1. Why do some peace agreements not include comprehensive disarmament?
2. Why do some parties prefer to limit international assistance for disarmament?
3. Why is there variation in the extent to which women and women’s organizations are allowed to be included in disarmament negotiations?

These three questions are answered by examining findings from our five cases. To answer them, we present the framework shown in Figure 1, which highlights three key aspects. First, negotiations on disarmament can be inclusive processes, or they can exclude significant actors or constituencies, such as other armed groups, women’s organizations, or civil society actors. This aspect is relevant to questions 1 and 2. An exclusionary elite-focused process may involve agreements that a party can retain some weapons, and will also exclude women and their organizations. Second, we highlight the role of external parties who can exert influence and have interests of their own. This aspect is relevant to question 2, as well as to question 3, as external parties can encourage the inclusion of women. Third, we look at the degree to which the disarmament has been negotiated as a symbolic or a technical undertaking. This aspect is relevant to question 1, as a symbolic undertaking may not involve all weapons being collected.

### 3.2. Exclusionary versus inclusive processes

As we noted in the executive summary, negotiations on disarmament are usually between members of male-dominated government and military elites. Indirect influence on the negotiations is
often exerted by external parties such as powerful states (see below on how they have leverage) and commercial interests involved in industries such as resource extraction or the arms trade.9 Talks on war-to-peace transitions entail the renegotiation of pre-existing power relations, the redistribution of political offices and access to resources and wealth, and the allocation of core positions (such as in the defence and interior ministries). Negotiating parties are often interested in limiting the number of actors who can have a say in who is getting what. When it comes to disarmament, talks on weapons are in most cases highly masculinized. Disarmament is presented as covering topics that require substantial technological knowledge and specific skills that are at the disposal of military commanders, who are usually men. Figure 2 illustrates how, depending on participation, negotiating disarmament can be exclusionary or inclusive. Importantly, Figure 2 is a simplification of the participation dynamics of disarmament negotiations, as most peace processes have a varying degree of inclusivity.

The first step in negotiating disarmament is to bring two or more conflict parties to the table. Importantly, these parties do not negotiate from the same position of strength. Governments in all our five cases (and in general) were stronger than the non-state group they negotiated with. Despite this imbalance, the armed group negotiating with the government needs to secure some concessions before it will hand in some or all of its weapons. Negotiations often exclude other armed groups (as was the case in Colombia, the Philippines, and South Sudan) who may be involved in fighting. Negotiations often also exclude other, non-armed actors who are nevertheless affected by the use of weapons, especially women and women’s organizations (such as in Sri Lanka or Nepal), or civil society organizations (South Sudan). Importantly, the exclusion of armed groups and non-armed groups happens for different reasons (as we examine in the next section).

9. Interview 05.10.20.
3.2.1. Exclusion of other armed groups

Exclusionary disarmament negotiations occur because most peace processes are elite bargains.10 In the case of South Sudan, disarmament was used by domestic political elites to further their narrow political and economic interests. The 2005 Comprehensive Peace Agreement (CPA) between the Government of Sudan and the SPLM/A did not mandate the disarmament of either party and the peace talks mainly concerned a distribution of oil resources between the government and the SPLM/A. External parties that did have an influence included those involved in the oil industries and arms suppliers.11 The CPA mandated that other armed groups not party to the peace negotiations should be disarmed. The result was that the SPLM/A launched a coercive disarmament campaign intended to increase its control over southern Sudan which resulted in thousands of deaths.12

Similar to South Sudan, in the Philippines and Sri Lanka, peace agreements (a ceasefire in the case of Sri Lanka) included disarmament of other groups that were not at the negotiating table and were intended to facilitate greater control over people and territory. External parties that

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10. We define elites as those with decision-making power and policy implementation capacities and whose actions impact a wider population. Elites can hold formal positions or control informal structures and exercise authority over a group. For more information, see: Christine Cheng; Jonathan Goodhand & Patrick Meehan (2018) ‘Elite Bargains and Political Deals Project’, Stabilization Unit, 87.

11. Interview 23.06.20.

facilitate negotiations, such as Norway, Japan or Chile, should approach elite bargains with caution. DDR programmes often involve considerable external funding; once DDR is discussed in the negotiations, the parties have a direct financial and political interest. Parties frequently overstate the numbers of combatants, or they may try to recruit more people in order to maximize the numbers who receive DDR benefits. Use of community rather than individual benefits was suggested by an interviewee as a way to reduce the incentive to inflate numbers. External actors may be asked to support and lend legitimacy to elite interests in contexts where they may not fully understand the consequences of doing so. In South Sudan, the SPLM/A claimed to represent other armed groups and their interests during the negotiations, which was far from reality. More on the dilemmas of international intervention can be found in the following section on external parties. Elite interest can manifest in other ways too. In the Philippines, weapons that were handed in were not to be traced, something that has been explained as a desire on the part of the government not to draw attention to the capture of arms from the Philippine security forces.

3.2.2. Exclusion of women

Talks on disarmament in most cases exclude multiple constituencies, such as conflict-affected populations, women, ethnic and religious minorities, and local business owners. We acknowledge the importance of all these groups for sustainable peace to prevail. In this report we are concerned with women and the barriers to their inclusion in disarmament talks. Motives and opportunities surrounding disarmament are profoundly gendered. The people to be disarmed are usually members of (sometimes informal) armed forces, which are the most direct site in which masculinities are constructed, deployed and reproduced – something not significantly changed by the recruitment of women. These aspects are also present in the peacekeeping forces which often manage disarmament programmes. The weapons held by individuals are often an important component of masculine identities and the use of those arms have gendered impacts. Violence and weapons are masculinized topics and discussions on these issues traditionally exclude women or portray them as agency-less victims of conflict. Conflict and disarmament impacts

13. Interview 05.10.20.
women differently and female ex-combatants tend to receive little attention or specific programming, as for example was the case with Maoist female ex-combatants in Nepal.

Women from both sides of the negotiations are often excluded (as was the case in Nepal, South Sudan, and Sri Lanka). This exclusion took place despite the presence of a large number of female combatants in Nepal. At the same time, even when present, women may have a limited role if they have little time to prepare and are expected to follow the party line. Women might not form a bloc, and women from different sides of the conflict may have an acrimonious relationship (as occurred in South Sudan). These issues might further hinder women’s inclusion in negotiations and may be a useful subject for further research. In other cases, however, the peace process provided a fertile ground for the strengthening of women’s groups, as occurred in the Philippines and in Colombia. In both cases, women’s groups were already active in Track 1.5 and 2 processes and had important mobilization experiences. These groups sometimes successfully sought training and funding from external third parties, who can, through capacity-building and by pressuring the negotiating parties, contribute to meaningful inclusion. Importantly, however, more needs to be done by the international community to promote the meaningful inclusion of women, especially since research showed that women’s participation in peace negotiations leads to higher quality agreements, higher implementation rates, and increased durability of peace.

All peace agreements are likely to have some form of elite bargain element. At the same time, inclusive processes meaningfully include a larger segment of society, both in the talks and in the provisions of the agreement. When it comes to disarmament, an inclusive process includes communities that are impacted by weapons and addresses the needs of those constituencies. Inclusive disarmament negotiation processes are more likely to have some transformative effects than exclusionary processes. Due to the larger constituency of inclusive agreements, they are more likely to be sustainable, whereas elite bargains might break down easily given that a number of other actors’ grievances remain unaddressed, as was the case in South Sudan in 2005.

Even in cases where inclusion takes place, it is useful to reflect on the horizontal and vertical


20. Inclusion is multifaceted and barriers to it have a demand and supply side. On the demand side, negotiating parties often have attitudes that are opposed to inclusion, or simply do not think that it matters. From a supply perspective, specific skills which are required to fulfil a role might be lacking and thus actors are in need of training or in other cases there is a lack of organized groups who can demand inclusion. Cultural traditions might introduce additional challenges, as was the case in the Philippines where it can be expected that women and men do not argue.


aspects of inclusion. In vertical inclusion, members of the non-state group, including lower-ranking officials, can influence the negotiations. This was the case in Colombia, where the FARC sent different members (male commanders) of the group to the peace talks in a rotating system. This set-up ensured that information flowed relatively freely amongst the members and thus lowered the chances of the disarmament process breaking down due to problems with command and control within the FARC. Horizontal inclusion, on the other hand, entails the involvement of other constituencies, such as women’s groups or civil society groups, in the negotiations. These actors often experience the use of weapons. Colombia again is a case in point. During the negotiations, a specific Gender Sub-Commission was established. Members of the sub-commission were drawn from the two parties (including the Colombian armed forces) along with some external gender specialists. Some of the members also participated in the Technical Sub-Commission on the End of the Conflict, in which the laying down of arms and other related issues were discussed. In the Philippines, the MILF was pressured to include women in their team because the government also had a female negotiator. On the government side, the head of the technical working group on normalization was a woman, and she was a deputy head of the National Security Council. Although the MILF’s inclusion of women was an improvement from earlier peace talks, women remained a minority in the negotiations. In Nepal, however, the peace process was negotiated without the involvement of women – who compromised around 20% of the Maoist army – civil society organizations, or religious groups.

3.3. What was negotiated? Disarmament as a symbolic and a technical process

Negotiations surrounding disarmament are concerned with both technical and symbolic elements of laying down of weapons. Figure 3 depicts these two aspects. Notably, one can undermine the other (as shown in the remainder of this section). Technical aspects of disarmament include the modalities of weapons collection and their safe storage and disposal. Symbolic elements are wide-ranging and can encompass the reasons why arms were taken up by non-state actors in the first place, questions related to recognition and identity, the language used to describe disarmament, the identity of the actor(s) who monitor the process, and what happens to the weapons that have been handed over (e.g. destruction, transformation into a piece of art). In this section, first we examine the symbolic aspects of disarmament followed by the technical issues surrounding it.

Technical discussions often focus upon how weapons and explosives can be safely handed in and disposed of, and how to verify that a group has given up all the arms specified in a peace agreement. Nevertheless, in different ways, the Colombia, Nepal and Philippines case studies offer an apparent paradox. In those three cases, negotiations on disarmament used much time and effort, but nevertheless, none of the parties appeared to be concerned about whether the groups might still retain some weapons. In Colombia, significant quantities of arms weren’t handed in. In Nepal and the Philippines, verification was hindered by there being an unclear distinction
between arms possessed by the rebel group and weapons which were in the personal possession of individual fighters. In the Philippines (as in many other conflicts), fighters lived among their communities and also engaged in non-military activities. They weren’t demobilized at specific cantonment areas where their arms could be registered.

Furthermore, the technical aspects of disarmament could have been undermined by the existence of well-developed arms trafficking networks which could have been used if a group wished to acquire new weapons to replace those it had handed in. It was notable that the governments in all five cases showed remarkably little concern about such rearmament. In Sri Lanka, the government turned a blind eye to the LTTE’s continued arms acquisition during the talks, and in Colombia FARC assurances that it had stopped acquiring arms were taken at face value. Overall, we did not note any attempts to negotiate a technical means of ensuring that a group did not rearm while it was disarming. Somewhat paradoxically, there were lengthy negotiations over the technical means to ensure that disarmament was verified and conducted safely, but neither party appeared to be concerned about whether a group would have actually given up all its weapons by the end of the process.

The answer to the paradox of why disarmament is seen to be important but doesn’t need to be comprehensive is that it has a powerful symbolic role in a peace process. Parties may negotiate at length the symbolism associated with giving up weapons, and disarmament as a symbol of the end of hostilities may be as important as actually putting weapons beyond use. At the same time, peace can be threatening to generations of men who have few skills other than fighting, so it is important that their dignity is taken into account during the disarmament process. For example,

23. Arms trafficking was much less of an issue in Nepal, where illicit supply was much less developed than the other cases.
not doing so can increase resentment and anger in men, which in turn can constitute a threat to women’s security and the post-conflict environment can see an increase in sexual violence.\textsuperscript{24} For the local population, a combination of some arms being put beyond use and not hearing gunfire or seeing weapons being carried on the streets may be a strong enough sign that the fighting is over.\textsuperscript{25} Finally, the discussions themselves may help to build trust between the parties – the destination being less important than the journey.

The most striking aspect of this symbolic importance is that, in three of the cases, the term ‘disarmament’ was specifically rejected. It is apparent that, to be sustainable, the peace process needed to both safely collect and dispose of weapons and preserve the dignity of the people being disarmed. In some contexts the term ‘disarmament’ is associated with defeat, and so it was important to avoid using concepts like ‘disarmament’ that had already been rejected by the guerrillas.\textsuperscript{26} In Colombia, the term \textit{dejación de armas} or the ‘abandonment’ or ‘laying down’ of arms was preferred. The negotiators in the Philippines agreed upon the terms ‘normalization’ and ‘decommissioning’ (which were inspired by the Northern Ireland peace process). In Nepal, the parties labelled the process the ‘management of arms and armies’.

Negotiations also covered the symbolic end to the weapons that had been handed in. Again, to avoid a party appearing to have been defeated, functioning weapons were not to be retained by the government or simply destroyed. In the Philippines it was agreed that the arms should be kept intact but rendered inoperable. In Colombia, weapons were to be turned into peace monuments (both rendering them inoperable and allowing them to perform a new function). Symbolism was similarly important for state authorities. Most importantly, in the Colombia, Nepal and Philippines cases, governments and other parties rejected disarmament being overseen by a UN peacekeeping force as it would be associated with a breach of sovereignty or state failure.\textsuperscript{27} Instead, an unarmed UN observer mission was chosen in Colombia and \textit{ad hoc} coalitions of supporting states or organizations were used in Nepal and the Philippines.


\textsuperscript{25} Other important signs of relative peace for the local population can be non-weapon-related issues, such the freedom of movement or renewed economic activity.

\textsuperscript{26} Notably, they also rejected the term ‘demobilization’. In Colombia and Nepal it was asserted that the groups hadn’t demobilized, and that they would continue using non-violent means. In the Philippines, the MILF didn’t demobilize in practice as personnel remained within their communities. The Government of Colombia also rejected the term ‘security sector reform’, as it was associated with dictatorships.

As well as its symbolic aspects, disarmament is also a technical process. It is still necessary to safely collect and dispose of weapons and explosives and verify that weapons have not been illicitly diverted. The members of armed groups need to be protected from attack while they are disarming. In Nepal and Colombia, personnel were placed in cantonment sites where weapons could be safely handed in and disposed of properly. Verification was an element of the negotiations in the Colombia, Nepal, Philippines and South Sudan cases. The role of verification wasn’t to ensure that all of an armed group’s weapons had been given up. Instead, the monitors had three other roles. Firstly, to verify that an armed group had kept its side of the bargain and had given up all the arms it had agreed to. Secondly, as was observed in South Sudan, to provide information to external parties on the implementation of the peace agreement. Finally, the presence of external observers at cantonment sites helped to build trust and allay fears that personnel would be attacked while disarming.

Importantly, there may be tensions between the practical and the symbolic aspects of disarmament. Technical aspects of collecting or decommissioning arms may have a negative effect on the symbolic aspects of disarmament. In particular, external actors should avoid suggesting particular disarmament processes and concepts if they lack the cultural and contextual knowledge needed to avoid inadvertently antagonizing parties at the negotiations.

3.4. External actors may encourage or hinder negotiations on disarmament

External actors such as the UN or donor states can provide support to the negotiations and commit to funding implementation. Nevertheless, parties in Colombia, Nepal and the Philippines limited the role played by the UN and other external actors. In Nepal, for some national leaders, the lack of external involvement was a matter of pride. Conversely, in South Sudan, where external parties had an extensive role, the activities of these parties were criticized and may have been counter-productive. The role of external parties is complex and their involvement may not always be welcome. Figure 4 depicts some of the specific ways through which external actors can affect disarmament negotiations.

The most important positive role played by external parties in all the case studies was to facilitate the negotiations by providing mediation teams, funding, expertise and other resources. External parties also committed to assisting implementation tasks such as monitoring, verification, collection and destruction. External actors are also able to help bring attention to a peace process, though parties in Nepal were said to prefer the assistance of discrete mediators. Overall, external actors that have a long-term presence in a country may be in the best position to help build trust between the conflict parties.

External actors were able to persuade some of the parties to drop positions that held up progress. After it had ‘consultations with the international community’, the Government of the Philippines ended its stance that disarmament should be a precondition for talks. External actors were also
able to encourage greater inclusivity in Colombia and Sri Lanka. In particular, concerning Colombia, a UN Security Council resolution called for the inclusion of women in the peace negotiations, and meetings were held between the negotiators and personnel from UN Women and with the UN Special Representative of the Secretary-General on Sexual Violence in Conflict.

The provision of external support is a form of leverage (as that support could be withdrawn). Another potential form of leverage which was relevant to the Colombia, South Sudan and Sri Lanka cases is the imposition of sanctions. The threat of sanctions was relevant in the South Sudan case, while the FARC and LTTE in Colombia and Sri Lanka wished that their international status as terrorist actors be removed. In general, sanctions have a greater effect on governments than non-state armed groups (the latter usually operate outside the law anyway). Using these forms of leverage comes with the risk that doing so may generate resentment. For example, concerning Sri Lanka, sanctions directed against the LTTE prevented the group from travelling to negotiations and donor conferences, limiting the group’s ability to engage with external actors.
Several specific problems with external involvement were highlighted in the South Sudan case. In general, external states and international organizations were criticized for having unrealistic expectations about what disarmament could achieve as a way to promote human security. The SPLM/A and the Government of Sudan wanted to use some of the funds that would be allocated for disarmament. The external actors used this leverage to direct the disarmament aspects of the peace negotiations, but in doing so they failed to understand the motives and interests of the parties and the overall conditions in the region. Specifically, the UN was criticized for pushing the parties to include ‘standard language’ on disarmament in the peace agreement text. While this ensured that the text accorded with some international best practices, it was also apparent that the parties at the negotiating table had little ‘buy in’ to the text that was included in the peace agreement. External donors supported the monitoring process. However, one interviewee stated that the monitoring process has been set up with external actors’ interests in mind (to provide them with information which was already known to the SPLM/A and the Government of Sudan).

Importantly, disarmament negotiations are influenced by certain structural issues, such as the global arms trade and the financial as well as political power of arms trade corporations. For example, the UN Security Council’s five permanent members (China, France, Russia, the United Kingdom, and the United States) are tasked with maintaining international security and peace, and as such are frequently involved in conflict mediation. At the same time, the P5 members are also among the world’s largest arms exporters, accounting for some three quarters of the global arms trade. This duality of roles (mediator and arms exporter) often makes it challenging to adhere to such mediation principles as neutrality and impartiality. Companies representing the military-industrial complex often have substantial leverage over governments that are present at peace negotiations. These wider supply chain dynamics and financial interests are present in the everyday realities of disarmament negotiations, even if individuals who are leading or participating in the talks are not affiliated with corporations specializing in arms production and/or transfer. The financial interests that are inherent to arms sales can also provide a structural explanation for the exclusion of women. Women are rarely represented in or lead such corporations.

In general, it is preferable if the parties directly negotiating disarmament own the agreement and implement it themselves (as happened to the greatest extent in Nepal). Assistance may be needed to overcome a lack of trust, expertise or resources. A key issue is the capacity of the state to be able to deal with and control weapons. It is a problem if any of the parties take on obligations but do not have the capacity to fulfil such commitments (perhaps because they do not wish to admit to the lack of capacity). A role for a mediator is to clearly explain what the obligations mean. A central task is to establish trust in the government, and there is very little trust among those who have been fighting against it. For example, the disarmament process in Colombia, which was conducted with the support of the UN observers, was in effect a confidence-building

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28. Interview 05.10.20.
measure which created trust between the parties. Even when assistance is needed, it is still impor-
tant that the negotiating parties own the process and are not pushed into accepting positions that they are not interested in.
4. Case Studies

4.1. Data and methodology

In the subsequent section we examine the negotiations that surrounded disarmament in the following five cases: Colombia (FARC), Nepal (CPN-M), the Philippines (MILF), South Sudan (SPLM/A), and Sri Lanka (LTTE). We focus upon factors that previous research has identified as being important and were common to some or all of the five cases: sequencing, command and control, verification, inclusion of women, multilateral sanctions, illicit arms acquisition, local spoilers, and the symbolism of disarmament. Additional factors were included in specific cases. We start this section with a brief overview on methods and case selection, and the remainder of the study presents the five case studies.

This report relies on data from primary and secondary sources, and interviews with mediators and other individuals who had intimate knowledge of the five peace processes we analysed. Primary sources included the texts of peace agreements and reports by international organizations such as the UN or World Bank on the peace process. Secondary sources included accounts by people involved in peace negotiations, academic research, and news reporting. For the interviews, we relied on a semi-structured interview format which lasted on average 60 minutes. We contacted 29 individuals, amongst whom six rejected the interview and eight did not respond to our requests. On average, we waited one week before contacting the potential interviewees a second time to see if they would consent to be interviewed. We interviewed 14 people (seven women and seven men). 12 out of the 14 interviews were conducted online via Skype, Zoom, or Teams. The interviews were conducted between June and December 2020. All participants received adequate information regarding the purpose and method of the study and all interviewees gave their written informed consent to be interviewed. We contacted our interviewees again prior to publication to secure their consent before using direct quotations.

As we were interested in interviewees’ perspectives on negotiating disarmament, we relied on a purposive selection method. Initially, interviewees were identified by using the researchers’ existing contacts and by identifying mediators from primary and secondary sources. We relied on the snow-ball technique to contact additional interviewees. The project method and the interview guide were approved by the Norwegian Centre for Research Data (NSD) (Norsk senter for forskningsdata). For each country case we developed different interview guides that reflected the specificity of each peace process and the role of disarmament. For example, we asked interviewees to reflect on the role of external parties in conducting the disarmament negotiations or the role of women and the challenges they faced in talks about weapons. The Appendix contains the general interview guide that we adapted to each case as well as additional details on the interviews.

29. We did not collect personal data and we followed NSD’s policies regarding data protection and ethical considerations. All interviews were anonymized, coded, and stored securely.
While we were able to obtain unique data from our interviewees, our sample was biased towards men and Track-1 negotiators. We counterbalanced these biases as much as possible by gathering additional evidence on Track-2 processes and purposefully selecting secondary publications that evaluated women’s role in each peace process.

We applied a purposive case selection strategy which was aimed at ensuring variation in the outcome variable. We selected cases where disarmament did not happen and was not negotiated (Sri Lanka), where disarmament was negotiated, but largely failed (South Sudan), and where disarmament was negotiated and parties were able to implement it (Nepal, Colombia, the Philippines). The differences in outcome variables allowed us to illustrate the variety of ways through which discussions on disarmament unfolded during peace negotiations.

We applied a mixture of deductive and inductive processes to identify variables that influence peace talks on disarmament. Prior to commencing the research, based on the review of relevant literature, we identified seven variables (deductive part): sequencing, command and control, verification, inclusion of women, multilateral sanctions, illicit arms acquisition, and local spoilers. This initial list provided a framework for our interview guide, but as the data collection process evolved, we expanded and limited our list of variables (inductive part). The additional factor we identified was the symbolism of disarmament. Case specific factors were also included in three case studies.

Our aim was not to formulate a theory of disarmament (the small sample size does not allow us to generalize), but to provide a typology on negotiating disarmament. This aim is consistent with the exploratory aim of this study. Table 2 provides an overview of key characteristics of the five cases. The column on ‘Conflict type’ refers to the issue over which the conflict was fought. In government conflicts, the non-state group aimed to replace the government. In the case of conflicts concerning territory, the non-state group was fighting for an independent state.

The case studies follow a uniform structure: We start by providing an executive summary, which is followed by a brief background to the conflict and to the peace process(es). We then present the case-specific factors that influenced the negotiations on disarmament.
5. Colombia

5.1. Summary

- Disarmament was an outcome of the peace negotiations. The FARC’s weapons holdings were used as a bargaining chip in the negotiations and they needed to obtain adequate commitments from the government. There is a history in Colombia of members of political parties being attacked and so personal safety while disarmament took place was one of the FARC’s central demands.

- As well as being conducted safely, it was important that the disarmament process took account of the identity of the people being disarmed. As ‘disarmament’ carried connotations of surrender, alternative terms were used, particularly ‘dejación de armas’ or the ‘abandonment’ or ‘laying down’ of arms in Colombia.

- Not all weapons were surrendered, and a large pool of illicit arms in Colombia meant that it would be relatively easy to obtain new guns. Nevertheless, these factors didn’t derail the peace process. It appears that the symbolic aspect of disarmament is at least as important as permanently giving up the tools of violence.

- The process in Colombia was more inclusive than in the other case studies. Concerning gender, women’s groups were mobilized and gender inclusion gradually improved. There was a specific commission on gender, and overall women played a meaningful role in the negotiations. There were also visits to the negotiations by representatives of specific constituencies (such as LGBTI persons).

- Inclusion of women and women’s organizations was supported by outside actors. Facilitators encouraged the inclusion of women, and a UNSC resolution mandated the inclusion of women, which had a positive effect. Negotiators also met with personnel from UN Women and experts on sexual and gender-based violence.

- External facilitation in the negotiation was important but limited. Facilitators provided support such as funding and expertise. Nevertheless, the government wouldn’t allow a UN peacekeeping force as it had negative connotations, nor would the government countenance a security sector reform (SSR) initiative. In the event, monitoring and verification of disarmament was carried out by a UN observer mission made up of personnel from Latin America.

5.2. Conflict and peace process background

Contemporary violent conflict involving the Revolutionary Armed Forces of Colombia (FARC) dates back to 1964, and that fighting had its antecedents in an earlier wave of violence which
took place during the 1940s and 1950s. Since the mid-1960s, the conflict has involved, at various
times, the Government of Colombia, right-wing paramilitary groups such as the United Self-De-
fence Forces of Colombia (AUC), criminal organizations, and left-wing guerrilla groups such as
the National Liberation Army (ELN) and the Popular Liberation Army (EPL). The Government of
Colombia (GoC) received billions of dollars’ worth of military aid from the United States. At vari-
ous times the FARC fought against the GoC, AUC and ELN. The Colombian Observatorio de Me-
moria y Conflicto has documented 266,988 fatalities attributed to the conflict, the great majority
of them civilians.\(^{30}\) It also found that up to 5.7 million people had been displaced. It is the longest
running conflict in the Americas.

The FARC was the largest left-wing, armed anti-government group. It operated in many of Co-
lombia’s 32 departments and at the time of the peace agreement was estimated to have about
8,000 guerrilla personnel. During the conflict it followed a Marxist-Leninist ideology and aimed
to overthrow the Government of Colombia. Via the Patriotic Union (UP) political party, which the
FARC co-founded, it stood for land reform, better medical care and education for the poor, and na-
tionalization of businesses, banks, and transportation systems.\(^ {31}\) The FARC raised revenue from
kidnapping, extortion and taxing economic activity in areas it controlled (including narcotics).\(^ {32}\)

In November 2016, the FARC and the Government of Colombia signed a peace accord which
ended the conflict between them. That accord marked the culmination of negotiations that began
in earnest in Oslo in 2012, even though at that time the FARC hadn’t declared a ceasefire. The
negotiation process in subsequent years was not smooth. In particular, the talks were halted in
2015 after a FARC attack on government troops. Diplomatic intervention by the four states that
facilitated the negotiations, Chile, Cuba, Norway and Venezuela, ensured that this incident didn’t
precipitate a wider eruption of fighting. Talks restarted later in the year after the FARC declared a
ceasefire.

In October 2016 the terms of the peace agreement were narrowly voted down in a referendum
which had a majority of 50.2 per cent. A renegotiated agreement was passed by Colombia’s Sen-
ate by the end of November 2016 (a second referendum was not held). One can question the
extent to which the peace agreement ended the conflict in Colombia, or whether it was just trans-
formed and became more diffuse and less easy to identify.\(^ {33}\)

\(^{30}\) Observatorio de Memoria y Conflicto (Undated) ‘El Conflicto Armado en Cifras’, accessed from: micrositios.centrodememoria-
historica.gov.co/observatorio/portal-de-datos/el-conflicto-en-cifras, (4 January 2021). The Observatorio starts counting earlier, in
1958.


2021).

\(^{33}\) Interview 23.06.20.
The peace agreement included several land reform commitments, including the creation of a land fund and formalization of property titles. Government commitments on political participation included the transformation of the FARC into a political party. Both sides agreed to a bilateral definite ceasefire, which began on 29 August 2016. For its part, the FARC agreed to transfer its personnel to 23 transitory rural settlement normalization zones (Zonas Veredales Transitorias de Normalización, ZVTN), whose purpose would be to manage disarmament and assist the reincorporation of FARC into civilian life. A tripartite Monitoring and Verification Mechanism (MM&V) was tasked with monitoring the implementation of the agreement and compliance with the ceasefire and decommissioning of FARC weapons. By the end of August 2017, UN observers had received and removed over 8,000 weapons which had been handed over by the FARC (either directly or through providing the location of caches). In total, the UN observers catalogued: 8,112 guns, 1.3 million rounds of ammunition, 22 tons of explosives, 3,000 grenades and 1,000 landmines.34

5.3. Negotiating disarmament in Colombia

5.3.1. Sequencing

From the outset President Uribe did not insist upon disarmament as a precondition for negotiations; instead, he suggested that the disarmament should be a consequence of the negotiations.35 Disagreements over disarmament led to negotiations being stalled for six months.36 The Government of Colombia demanded rapid disarmament with a timetable, whereas the FARC insisted on a more gradual, open-ended process in up to 70 different zones.37 For the FARC, a reluctance to disarm quickly reflected its political weakness and reliance upon its arms holdings as a bargaining chip. A breakthrough in the negotiations occurred when the GoC agreed to a phased approach and the creation of secure demilitarized zones where FARC personnel could assemble prior to disarming38 and be protected by GoC security forces.39 The FARC needed to be protected against attacks from other armed groups. Cantonment in the secure zones would still involve a large concession from the FARC even before it disarmed. Doing so would be to give up mobility and territorial control, two key military attributes.40

38. Levin, ‘For Colombia’s peace process, disarmament was a sticking point. Here’s why’.
39. Interview 02.10.20.
In return for disarmament, the FARC wanted to ensure that GoC commitments had been met concerning the provisions that: the FARC would not be treated as if it had been defeated; while disarming, its personnel would be secure; and sufficient progress had been made on the implementation of other commitments made in the peace agreement.41 Interviewees stated that, for the FARC, the most important concern was that its members would not be attacked once they had handed over their weapons.42 Similarly, it was important that there would be a legal amnesty and FARC members would not later be prosecuted.43 A closely linked provision in the peace process was the security of communities that were located in areas where the FARC had operated.44 There was a concern that they could be at risk from other armed groups.

Facilitators provided information on other peace processes and were able to invite two experts (including one on DDR) to the negotiations.45 Unlike other peace processes in the Americas (e.g. Guatemala), in Colombia, it was not a condition that the GoC must embark on security sector

42. Interview 02.10.20; Interview 08.12.20.
43. Interview 02.10.20.
44. Interview 02.10.20.
45. Interview 08.12.20.
reform for the FARC to lay down its arms (the FARC decided to relinquish its demand to include security sector reform in the negotiations).\textsuperscript{46} In contrast to other peace processes, the GoC viewed itself, and its security forces, as holding democratic legitimacy and so there was no need for reform.\textsuperscript{47} The Colombian armed forces were unwilling to undertake actions they associated with Cold War Latin American dictatorships.\textsuperscript{48}

The GoC was unwilling to agree to a mutual general ceasefire as it wanted its forces to be free to counter all the other armed groups.\textsuperscript{49} Starting the negotiations in the middle of an active conflict was probably the best way forward given the history of failed peace initiatives.\textsuperscript{50} What was agreed was a ‘separation of forces’ in 26 zones where the FARC personnel could congregate and ultimately disarm. The two parties jointly decided on the location of the zones and it was agreed that the concentration of FARC members in the zones would not affect state authority over the territory of Colombia.\textsuperscript{51}

The GoC and the FARC agreed upon a detailed timeline for the different phases of the cantonment and disarmament process.\textsuperscript{52} Issues included number, location, size and composition of cantonment areas; the role of civilians attached to FARC combatants (such as children and other family members); and the means by which the arms would be brought to the point where they were to be handed in, and the method for their disposal.

Discussions in the technical subcommittee to end the conflict fluctuated between the political and the technical.\textsuperscript{53} By 2015, the negotiators wanted to learn from prior processes, which included: Guatemala, Nicaragua, El Salvador, Somalia, Bosnia-Herzegovina, South Africa, Northern Ireland, Afghanistan, Nepal, and Sri Lanka.\textsuperscript{54} It was agreed that the disarmament process should be synchronized with the implementation of legal and security commitments made to FARC members.\textsuperscript{55} The example of Northern Ireland was thought by the FARC leadership to be too lengthy.\textsuperscript{56}

\textsuperscript{46} Interview 08.12.20; Omar Cortés & Juanita Millán (2019) The role of the Armed Forces in the Colombian peace process, Oslo: NOREF, 4.  
\textsuperscript{47} Interview 08.12.20.  
\textsuperscript{48} Interview 08.12.20.  
\textsuperscript{50} Interview 02.10.20.  
\textsuperscript{51} Institute for Integrated Transitions (Barcelona), The Colombian Peace Talks Practical Lessons for Negotiators Worldwide, 20.  
\textsuperscript{52} Ortiz & Herrera, Lecciones del fin del conflicto en Colombia: dejación de armas y tránsito a la legalidad de las Farc, 51–54.  
\textsuperscript{53} Ibid., 49.  
\textsuperscript{54} Ibid., 50.  
\textsuperscript{55} Ibid., 54–55.  
\textsuperscript{56} Ibid., 51.
Despite these agreements, one interviewee noted that they believed that the FARC personnel did not fully trust the GoC throughout the process.\textsuperscript{57}

\textbf{5.3.2. Command and control}

The FARC was a hierarchical organization featuring strict disciplinary measures and whose leadership had effective control over its structures.\textsuperscript{58} Reports indicate that the FARC was divided into seven regional blocs which were made up of 67 fighting groups.\textsuperscript{59} FARC commanders and members did implement the 2012–2013 ceasefire, suggesting that they were willing to follow the instructions of the leadership.\textsuperscript{60}

Nevertheless, during the talks there were concerns about whether the leaders located in Havana would be able to bring with them the mid-level commanders and rank and file members.\textsuperscript{61} Instead of taking part in the demobilization process, it was feared that members and commanders may defect and join other armed groups involved in narcotics or illicit mining.\textsuperscript{62}

The FARC leadership took active steps to address these potential problems. FARC local commanders and foot soldiers were transported to Havana so that they could have direct contact with the negotiators.\textsuperscript{63} Local commanders also engaged in ‘peace pedagogy’ and explained the peace process to rank and file members.\textsuperscript{64}

It was well known that the FARC had a network of arms caches, which were often located in remote and inaccessible locations. Since there had been fighting for five decades, the FARC leadership did not know the location of some of the caches.\textsuperscript{65} However, the lack of comprehensive knowledge of the caches wasn’t a problem in the negotiations.\textsuperscript{66} What was needed was for the FARC to start mapping the locations of the caches, and for the GoC to be involved in securing explosives and other dangerous materials in the caches.

\textsuperscript{57} Interview 08.12.20.
\textsuperscript{58} International Crisis Group (Brussels), \textit{The Day after Tomorrow: Colombia’s FARC and the End of the Conflict}, 4.
\textsuperscript{60} Jorge Battaglino & Germán Lodola (2013) \textit{Negotiations and possible spoilers in the Colombian peace process}. Oslo: NOREF, 2.
\textsuperscript{61} Beittel, \textit{Colombia’s Peace Process Through 2016}. R42982; Centre for Security Governance, \textit{Backgrounder: the security sector dimension of Colombia’s peace talks}.
\textsuperscript{62} Battaglino & Lodola, \textit{Negotiations and possible spoilers in the Colombian peace process}, 2. Centre for Security Governance, \textit{Backgrounder: the security sector dimension of Colombia’s peace talks}.
\textsuperscript{63} Interview 08.12.20.
\textsuperscript{64} Interview 08.12.20.
\textsuperscript{65} Interview 22.06.20.
\textsuperscript{66} Interview 22.06.20.
5.3.3. Local spoilers

There is a history in Colombia of leftists being killed after they disarm and demobilize. For example, in the early 2000s members of the UP (Unión Patriótica) party, which was linked to the FARC, were attacked and killed by paramilitaries. In the 2010s, it was feared that paramilitary successor groups known as Bacrim may try to violently take over the FARC’s interests in mining and narcotics. There was a risk of violence between the FARC and ELN (something considered unlikely but not impossible). For these reasons, for the FARC it was essential that they received security guarantees covering the period in which their personnel were cantoned and giving up their arms.

A particular form of spoiler were parties that argued that Colombian citizens should vote against the peace agreement in the 2016 referendum. Some argued that members of the FARC should be punished rather than be allowed to be demobilized into liberty. In particular, they attacked the gender elements in the peace agreement, something which was a surprise to facilitators as they believed that the peace agreement didn’t go beyond what was already covered by Colombian law. As a consequence of this opposition, some references to LGBTI people were removed from the peace agreement.

5.3.4. Illicit arms acquisition

In 2015, the leader of the FARC, Rodrigo Londoño Echeverri (known as Timochenko), stated that the group would stop acquiring weapons. This move was presented by him as showing the FARC’s commitment to de-escalating the conflict with the GoC. During the negotiations the GoC did not fear that the FARC were rearming, and rearmament was not something that the GoC emphasized as something which would jeopardize the peace process. This was in spite of the FARC taking advantage of a lull in fighting during an early 2000s peace process to acquire more weapons.

70. International Crisis Group (Brussels), The Day after Tomorrow: Colombia’s FARC and the End of the Conflict, 5–8.
71. Interview 08.12.20.
72. Interview 08.12.20.
73. Interview 08.12.20.
75. Interview 22.06.20; 02.10.20.
76. Interview 21.10.20.
5.3.5. The symbolism of disarmament

Early in the process, the negotiators agreed to use the phrase ‘dejación de armas’ or the ‘abandonment’ or ‘laying down’ of arms to refer to disarmament.77 For the FARC, an important condition for talks was that laying down weapons would not be perceived as a defeat or surrender.78 The term ‘dejación’ expressed a voluntary decision to transform a guerrilla group into a political party.79 The GoC was less concerned about terminology (and more concerned about scheduling).80

‘[L]anguage matters. Convincing FARC to end the conflict is likely to be much easier without anchoring the effort in experiences and concepts that the guerrillas reject.’81

A major sticking point revolved around the destination of the arms. It was agreed that some should be melted down and used to create peace monuments, at locations like the UN headquarters in New York, in Cuba and in Colombia.82

The FARC disliked the term ‘demobilization’ as they wished to remain mobilized and fight for social change, but use non-violent methods.83

5.3.6. Inclusion of women

At the outset of the talks there was not a consensus that the peace agreement should include reference to gender or the inclusion of women.84 Inclusion of gender was a gradual process.85 The sub-commission on gender was created in September 2014 and was led by one woman each from the GoC and FARC.86 Members of the Gender Sub-Commission were drawn from the two parties (including the Colombian armed forces) and some of them participated in the Technical Sub-Commission on the End of the Conflict, in which the laying down of arms and other related issues were discussed by representatives of the Colombian armed forces.

77. Interview 08.12.20; Institute for Integrated Transitions (Barcelona), The Colombian Peace Talks Practical Lessons for Negotiators Worldwide, 21; International Crisis Group (Brussels), The Day after Tomorrow: Colombia’s FARC and the End of the Conflict, 1–2; Levin, ‘For Colombia’s peace process, disarmament was a sticking point. Here’s why’.
78. Interview 08.12.20. Ortiz & Herrera, Lecciones del fin del conflicto en Colombia: dejación de armas y tránsito a la legalidad de las Farc, 46–47.
80. Ibid., 21.
83. Interview 02.10.20.
84. Interview 08.12.20.
85. Interview 08.12.20.
86. Segura & Mechoulan, Made in Havana: How Colombia and the FARC Decided to End the War, 16.
and FARC commanders. An interviewee stated that it was important that members of the Gender Sub-Commission took an active role in discussions on laying down of arms and security guarantees. In 2016, twenty-five per cent of the sub-commission’s members were women, which included three of 10 FARC members and two of the 10 government members.

In addition to the role of the sub-commission on gender, there were visits to the main negotiations by groups representing women and LGBTI persons. The negotiators also met with female ex-combatants from other conflicts, and participants in the meeting shared their experiences of the conflicts in which they had fought.

The most important factor working for the inclusion of gender was the mobilization of Colombian women. In general, women involved in the peace process possessed key skills (such as being a lawyer) and provided technical support and new ideas. Concerning disarmament, the 14 members of the Technical Sub-Commission on the End of the Conflict included some women, but those women did not play an important role.

The UNSC resolutions on the Colombian peace process mandated participation by women, and the integration of gender perspectives in the design and implementation of activities, including disarmament. The resolutions had a positive effect on efforts to ensure that gender would be included in the final agreement. Other forms of UN involvement included meetings with personnel from UN Women and the Women’s International League for Peace and Freedom (WILPF), and with the special representative on sexual and gender-based violence (SGBV). In addition, Norway and other facilitators also encouraged the inclusion of women and discussion of gender issues.

5.3.7. Verification

In 2016, the parties agreed upon a three-part verification body, composed of representatives from

88. Interview 08.12.20.
90. Interview 08.12.20.
91. Interview 08.12.20.
92. Interview 22.06.20; 02.10.20.
94. Interview 08.12.20.
95. Interview 08.12.20.
the GoC, FARC and a UN observer mission. Agreement that verification would be a team effort was an innovation. The FARC had preferred joint monitoring and verification bodies, whereas the GoC preferred that each party should be responsible for fulfilling its own obligations. A new aspect of the negotiations was the direct involvement of members of the Colombian security forces in discussions on disarmament. Receiving, storing and destroying arms requires personnel with technical knowledge. Members of the Colombian security forces thus needed to be present to discuss how decommissioning was to take place in practice.

By 2014 both parties had declared their support for third party involvement in verification (with the FARC being more open to a role for third parties). UN officials presented options for the mission to GoC officials during meetings in New York, and there were extensive interactions between UN headquarters and the GoC. Models that were considered included a small political mission, a larger peacekeeping operation, a joint mission by the UN and a regional organization, or a regional mission supported by the UN. However, the deployment of an armed UN peacekeeping force would not be acceptable to the GoC, nor to much of the Colombian population. The GoC was concerned about the implications for Colombia’s sovereignty, and UN peacekeepers were associated with collapsed states and so not compatible with Colombia’s ambitions to be taken seriously as a developed state. By 2016, the parties had agreed upon an unarmed political mission composed of observers from the Community of Latin American and Caribbean States (CELAC). The GoC did though wish to avoid the participation of members of the Venezuelan security forces. The mission was not integrated with other UN bodies such as the OHCHR, as the GoC wished for it to focus upon verification.

The verification role for the UN was first initiated in January 2016 when the GoC and the FARC issued a joint communiqué, and the GoC requested that the UN Security Council
establish an unarmed political mission composed of observers from the region. A Security Council resolution established the UN mission, which was mandated with monitoring and verifying the laying down of arms (and of the cease-fire and cessation of hostilities). The mandate was agreed before the final peace agreement had been signed, something which meant that work could quickly be started on arranging funding and staffing. Members of the observer mission were already working in Colombia when the referendum took place.

The agreed upon framework respected the dignity of the FARC, while also providing guarantees to the GoC that arms would be collected and destroyed without mishaps. The monitoring and verification process carried out by the FARC and the GoC with the support of the UN observers was in effect a confidence-building measure which created trust between the parties. In general the UN was trusted, in part due to the long-term presence of UN agencies in Colombia. The cantonment of FARC members helped to solve monitoring and verification problems found in peace processes elsewhere. It was beneficial that cantonment occurred at the end of successful negotiations.

A tripartite mechanism was created, which included government forces, members of the FARC, and representatives of a UN Mission of unarmed observers. The UN observers received and certified the weapons, and placed them in safe storage.

It was important to prioritize collecting large calibre weapons and explosives. For reasons of safety, it was necessary that the armed forces play a role in the disposal of explosives (and in some cases large calibre weapons). Overall, large quantities of arms were collected within a year (which included 6,177 assault rifles, 268 mortars and 1,765,862 rounds of ammunition).

As well as disposing of arms carried by the FARC to cantonment sites, the tripartite body received

106. Segura & Mechoulan, Made in Havana: How Colombia and the FARC Decided to End the War, 21.
107. Ibid., 23
108. Ibid., 23
110. Interview 02.10.20.
111. Interview 02.10.20.
113. Ibid., 21.
115. Interview 22.06.20.
116. Interview 22.06.20.
information on the location of 1,027 arms caches and ‘neutralized’ 750 of them (with information provided to the government on the remainder). One interviewee believed that the tripartite body, and later the GoC armed forces, were able to locate about 80–85% of the FARC caches.118

Colombia has strict firearms laws, and individual ex-fighters would find it hard to legally own or purchase arms.119 The GoC has some capacity to prevent illicit arms flows, so the situation was different to that in South Sudan.120

5.3.8. Multilateral Sanctions

The United States and European Council had included the FARC in their lists of terrorist organizations. Removing the associated sanctions was an important priority for the FARC leadership.121 One interviewee stated that the FARC’s designation as a terrorist organization limited the ability of external parties to talk with the FARC; however, another interviewee reported that it wasn’t a problem.122

118. Interview 02.10.20.
119. Interview 22.06.20.
120. Interview 22.06.20.
121. Interview 08.12.20.
122. Interview 22.06.20; Interview 08.12.20.
6. Nepal

6.1. Summary

- The disarmament of Maoist rebels in Nepal is categorized as a successful process insofar as the former guerrilla group transformed into a political party and large-scale violence did not recur. Both the Comprehensive Peace Agreement (CPA) and the Agreement on the Monitoring of the Management of Arms and Armies contained detailed, albeit sometimes vague and contradictory, provisions about the process.

- Disarmament in Nepal took place with minimal external intervention, with the exception of India. The Maoists refused to use the terms DDR and SSR. Disarmament is referred to as the ‘management of arms’ and the main activity under SSR was the democratic restructuring of the Nepalese Army, which did not materialize due to political deadlocks.

- The 2006 peace agreement allowed the Maoists to retain their weapons until the elections, but the Maoist army was only disbanded in 2012.

- The Nepalese military was also required to make concessions and to move to barracks, as a symbolic act.

- Nepal did not have a large number of weapons or multiple armed groups; thus, the peace agreement was less prone to spoiler activity than other conflicts with a large number of armed non-state actors.

- Despite the fact that more than 20% of the Maoist combatants were women, they were neither visible nor influential during the negotiations.

6.2. Conflict and peace process background

The conflict between the Government of Nepal (GoN) and the Communist Party of Nepal (Samyukta Jana Morcha, Maoist, CPN-M) started in 1996 and officially ended with the 2006 Comprehensive Peace Agreement (CPA). The CPN-M was established in 1994 by Pushpa Kamal Dahal (more commonly known as Prachanda). The conflict originates from 1990 in a largely failed transition from absolute monarchist rule to a multi-party democratic system, as well as from widespread poverty and inequality. The CPN-M launched its fight, the so-called ‘People’s War’, as a response to the above factors in early 1996.123

As a first step, the Maoists submitted a 40-point demand to the Nepali Congress (NC)

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government which was left unanswered. The group embraced a Maoist ideology, fought against wide-spread inequality and exclusion, and demanded the end of monarchy and the installation of a communist government. The CPN-M was divided into two wings: the military (People’s Liberation Army - PLA), and the political wing (United People’s Front - UPF). Throughout their fight, the Maoists gained territorial control in the mid-western part of the country, which was home to different indigenous groups that had been discriminated against on the basis of their culture and language. The Maoists recruited from these rural groups and established their own parallel system of governance in these areas.

In the early years of the insurgency, the GoN did not deploy the army, but only the police. This changed in 2001 – after a marked escalation of violence due to the killing of the royal family (which was not perpetrated by the Maoists) – when the government declared a state of emergency and deployed the army against the Maoists. The new king, Gyanendra Shah, strengthened the army and began the centralization of power. In 2003, the US designated the Maoists as a terrorist organization and increased its military and security cooperation with the government. During this period the government received support from the United Kingdom, the United States, and India, as part of these countries’ war on terror campaign. During the conflict, the CPN-M expanded its area of control and set up ‘people’s governments’ in rural districts. The group’s weapons consisted mostly of AK-47s, light machine guns, grenades, and other light weaponry, most of which was looted from the Nepalese Army and police. The 10-year conflict resulted in more than 13,000 deaths, 1,300 missing persons and the displacement of over 100,000 people.

Nepal’s peace process is typically homegrown, with minimum presence of external actors, with the notable exception of India. The major parties refused the 2003 offer of the UN Secretary-General (UNSG) to facilitate negotiations under UN auspices, repeatedly emphasizing the endogenous nature of the process. Baechler (2008) adds that ‘UNMIN was not mandated to mediate or to set up a huge mission. India, as a big and dominant neighbour, played a crucial role which,
however, was often neither clear nor visible’.\(^{132}\) The conflict ended with the 2006 Comprehensive Peace Agreement (CPA). After the conclusion of the CPA, Nepal was peacefully transformed into a federal democratic republic and the April 2008 Constituent Assembly (CA) elections resulted in Maoist victory with former rebel leader Pushpa Kamal Dahal (Prachanda) as the Prime Minister.\(^{133}\) The CA was considered as a provisional governing body (including the Maoists) whose main task was the writing of the constitution.\(^{134}\) The CPA was the product of an intensely locally-owned process, with minimal international engagement.

Two failed peace attempts (in 2001 and 2003) were recorded. In 2001, the conflict parties agreed to a ceasefire and three rounds of peace talks were held between the parties, but the Maoists unilaterally withdrew from the talks because the government did not accommodate their demands. After the Maoist withdrawal from the peace process, violence reached record levels and the government labelled the Maoists a terrorist organization.\(^{135}\) In 2003, the Maoists announced a ceasefire and a 22-point code of conduct was signed between the parties. Three rounds of talks were held and in August 2003 the Maoists withdrew from the process, broke the ceasefire, and violence escalated again.\(^{136}\)

In 2005 Nepal experienced a royal coup, during which King Gyanendra dissolved the parliament, seized power, and arrested democratic leaders. This coup led to a considerable escalation in violence. Domestic developments were widely condemned by the international community. In September 2005, the Maoists declared a unilateral ceasefire and began talks with the political parties, but the King did not reciprocate the truce. The seven major political parties formed the Seven Party Alliance (SPA) coalition. In response to the unfolding domestic events, the SPA and the Maoists – former enemies – established an alliance against the King. One of the most important outcomes of the SPA-Maoist cooperation against the monarchy was the 12-point agreement on mutual goals and cooperation between the SPA and the Maoists which was signed in 2005. The King refused to negotiate with the rebels until they lay down their arms.\(^{137}\) The SPA-Maoist cooperation culminated in the second People’s Movement (also known as Jana Andolan II), which staged protests in April 2006. The peaceful demonstrations were joined by a large number of people and forced the King to step down and to reinstate the parliament.\(^{138}\)

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\(^{133}\) They formed a government with the Communist Party of Nepal–Unified Marxist-Leninist (UML).


\(^{136}\) Ibid.


\(^{138}\) Ibid.
organizations had an important role in the second People’s Movement. In May 2006, the CPN-M and the government agreed to a new ceasefire (the previous one expired in January 2006 and was not extended by the Maoists) regulated by a 25-point code of conduct. Negotiations eventually led to the signing of the Comprehensive Peace Agreement (CPA) on 21 November 2006, which ended the conflict between the Government of Nepal and the Maoists.

The CPA stipulated a ceasefire, the management of arms and armies (both the Nepalese Army and the Maoists’ army, the PLA), the democratic restructuring of the Nepalese Army, a monitoring and verification process by the United Nations, and the comprehensive political, social, and economic restructuring of the country. The CPA also called for the election of the Constituent Assembly (CA), which was tasked with drafting a new constitution for Nepal. The bargain that made the CPA possible was that the Maoists could retain their army during the elections but that constraints would be imposed on both armies in the run-up to the elections in order to ensure that they did not engage in violence. Section 4 of the CPA required that PLA combatants be confined to cantonments (7 main cantonments and 21 sub-cantonments) which were to be monitored and verified by the UN. The Nepalese Army was required to be confined to their barracks, and arms and ammunition of both sides were required to be securely stored and locked within the cantonments and the key should be with the concerned

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Following the signing of the CPA, the Maoists and the SPA members agreed to invite the UN to support and monitor the peace process. In 2007, the UN Security Council passed resolution 1740 to mandate a small, non-military political mission, the United Mission in Nepal (UNMIN). UNMIN was mandated to monitor the management of arms and armed personnel of both sides through a Joint Monitoring Coordinating Committee and provide for the subsequent election process.

Following the peace agreement, the GoN and the CPN-M also signed the Agreement on Monitoring of the Management of Arms and Armies (AMMAA) in 2006. This agreement details the modalities of the UN’s monitoring activities, prohibits the redeployment of forces, calls the parties to cooperate in controlling the illicit trafficking of arms, prohibits the recruitment of child soldiers, and defines the tasks and composition of the Joint Monitoring Coordination Committee (JMCC) as well as the Joint Monitoring Teams (JMTs). The agreement also provides detailed provisions about the Maoists’ cantonment, the barracking of the Nepalese Army, and weapons storage and control, and details prohibited and permitted activities of both parties. The Nepali case exhibits detailed provisions and timetables for disarmament (unlike in South Sudan for example). At the same time, secondary sources highlight that agreements were often consciously vague and contradictory, especially provisions related to the fate of the ex-combatants.\(^{141}\) The following key primary sources contain provisions on the issue of disarmament: The Comprehensive Peace Agreement; the Agreement on Monitoring of the Management of Arms and Armies; and the Interim Constitution of Nepal.\(^{142}\) Some analysts described the results of the CPA as a ‘one country two armies’ situation, which officially ended only in 2012 when more than 1,450 former Maoist fighters were integrated into the Nepalese Army, the cantonments were closed down, and the ex-combatants’ weapons (over 3,000) were placed under government control.\(^{143}\) The 1,450 combatants however were only a small fraction of the total Maoist army (more than 19,000 were verified by the UN as combatants), and the lengthy (more than five years) cantonment process had devastating consequences for ex-combatants. The cantonment process in general was heavily politicized, both by the Maoist political leadership and the SPA.


\(^{142}\) Section 4 of the CPA addresses the ‘Management of Army and Arms’ while the AMMAA details the technical provisions. Both the CPA and the AMMAA were integrated into the Interim Constitution (Thapa et al., 2017). Padma Khatiwada (2014) The Nepalese Peace Process: Faster Changes, Slower Progress. Berlin: Berghof Foundation.

\(^{143}\) Prashant Jha (2012) “‘One country two armies’ situation ends in Nepal”, The Hindu, 2 October.
6.3. Negotiating disarmament in Nepal

6.3.1. Sequencing

The most pertinent challenges related to sequencing in disarmament emerged in connection with the election. In May 2006, CPN-M and the GoN agreed to a ceasefire regulated by a 25-point code of conduct. Relating to arms, this agreement contains provisions that restrain conflict parties’ mobilization, mining activities, ambushes, and recruitment, and notes that the management of arms and armies will be decided on a consensual basis. This agreement and subsequent negotiations led to the signing of the Comprehensive Peace Agreement (CPA) on 21 November 2006. The conflict parties agreed to a compromise which meant that the combatants of the Maoist armed forces, the People’s Liberation Army (PLA), were to be placed in cantonments, where they eventually stayed for more than five years, and they could retain their arms until and during the elections. The Nepalese Army was required to go into barracks and constraints were imposed on both armies in order to ensure that they did not engage in violence.  

The fact that the Maoists could retain their weapons served as a guarantee for the group against being politically sidelined by the SPA, indicating distrust between the two parties. Nevertheless, political deadlock ensued between the parties and mutual distrust was one of the main drivers of the lengthy cantonment process. This compromise also meant that the Maoists could influence the outcome of the election by engaging in voter intimidation or other violent acts. As one interviewee put it, ‘during the election, people were told that if you don’t vote for the Maoist, they might punish you because they still have arms (...) and peace in fact was not there. Maoist could come out any time to kill the people’. Both interviewees and secondary sources indicate that the period between the conclusion of the CPA and the election did not experience violent incidents between the parties. This indicates commitment to the implementation of the peace agreement as well as strong command and control structures in both armies. Implementation was further ensured by the Agreement on Monitoring of the Management of Arms and Armies, which requires the parties to design – in cooperation with the UN – an awareness programme that ensures that both locals and members of the respective conflict parties understand the UN’s mandate as well as the parties’ obligations.

144. The parties requested that the UN deploy a peace operation to oversee the CPA’s implementation and create an atmosphere for democratic elections, but this process was characterized by mutual suspicion. Prime Minister Koirala initially sent the letter of request without first getting the Maoist leader Prachanda’s consent, and included a request for the UN to oversee the decommissioning of Maoist weapons rather than just their monitoring, which was unacceptable to the Maoists and caused a major backlash (Westendorf 2018: 235). Westendorf, ‘Challenges of Local Ownership: Understanding the Outcomes of the International Community’s “Light Footprint” Approach to the Nepal Peace Process’, 235; Suhrke ‘UN support for peacebuilding: Nepal as the exceptional case’, 31.


146. Interview 30.10.20.


148. Ibid., 2.
The Maoists were eventually disarmed in 2012. According to Bhandari (2017), one key concern was the fate of ex-combatants regarding the issues of the integration of the PLA into the Nepalese Army, the handover of weapons, and the mode of rehabilitation.\textsuperscript{149}

6.3.2. Command and control

The Maoists exhibited strong command and control structures and thus neither the cantonment, nor the disarmament process experienced any major violations.\textsuperscript{150} The 2006 AMMAA agreement also contained detailed provisions on the roles and responsibilities of commanders (both for the Maoists and for the Nepalese Army).

6.3.3. Local spoilers

Nepal’s disarmament process did not experience any major spoiling activity, but reports indicate that the Nepalese Army was considered a potential spoiler because it did not view the Maoists as a legitimate entity and was against the integration of Maoists into the army.\textsuperscript{151} It is important to note that the Nepalese Army had to execute the decisions of the SPA government, yet it was not answerable for it.\textsuperscript{152} The army was reluctant to move the integration process forward, as well as the security sector reform, and it did not consider itself defeated or in need of restructuring.\textsuperscript{153} The potential spoiler problem was resolved by a leadership change in the army, which resulted in more openness towards the Maoists’ integration.\textsuperscript{154} One major concern however emerged after the election, due to the proliferation of youth military organizations such as the Young Communist League (YCL). In mid-November 2008, three further parties formed new youth groups: the TMDP, RPP(N) and Chure Bhawar Rastriya Ekata Party.\textsuperscript{155} Although the YCL was sometimes described as the ‘new Maoist army’ no major incident happened between these groups.

6.3.4. Illicit arms acquisition

Illegal arms acquisition was not an issue in the Nepali peace process because of the geography of Nepal (landlocked country), the lack of ‘weapon culture’, and the negative social sanctioning

\textsuperscript{150} Interview 30.10.20.
\textsuperscript{152} International Crisis Group (Brussels), \textit{Nepal’s Faltering Peace Process}.
\textsuperscript{153} Ibid.
\textsuperscript{154} von Einsiedel & Salih, \textit{Conflict Prevention in Nepal}.
\textsuperscript{155} International Crisis Group (Brussels), \textit{Nepal’s Faltering Peace Process}, 3.
processes associated with legal punishment due to arms ownership. These context specific characteristics have important implications for other factors related to disarmament negotiations. The lack of excess guns makes verification more feasible because differentiating between combatants and civilians is more straightforward (for a counter example, see South Sudan and/or the Philippines). In addition, the relatively low number of weapons also decreases the likelihood of armed spoilers hijacking the disarmament as well as the peace process. As one of our interviewees explained: ‘Even when I was talking to Maoist commanders they agreed that it is difficult to get their arms from outside and whatever they had, they either had to loot it or get it from the Nepal Army or Nepal police. Furthermore, arms have not been part of the culture either. Third, owning small arms is illegal, so you go to jail for so many years. And there is an issue related to prestige. If they arrest you then your prestige is hurt. So all the bad things considered illegal by law, people in Nepal didn’t do it in the past.’\[156\]
6.3.5. The symbolism of disarmament

Conflict parties in Nepal refused to use the concept of disarmament. Instead, they labelled the process the ‘management of arms and armies’. One interviewee explained this process as conflict parties’ recognition that they ‘knew the problem and the DDR might be relevant in other contexts, but in our case it was not. We (Nepal) need to do state restructuring. We need to democratize the Nepal Army.’ The selection of these terms also indicated that the Maoists were not willing to appear as a defeated force. They believed that the ‘democratic struggle is a continuation of the people’s war with different means’.

6.3.6. Inclusion of women

As discussed earlier, although the Nepalese peace process was locally driven it was not inclusive, but a top-down process. At a first glance, this is surprising given the Maoists’ communist ideology, which was centred on the issue of social inclusion. It is especially surprising when it comes to inclusion of women since the Maoists had a significant number of women soldiers (UN sources indicated 20%, more than 3,800 out of the 19,600 combatants), yet women from both sides were absent from the formal negotiations. Furthermore, Nepal had a number of well-organized and experienced women’s organizations that were key actors in demanding the end of the monarchy and played a crucial role in both the first and second People’s Movement. In the case of the Maoists, although women were significantly represented in the rank and file, the leadership was composed only of men, similarly to the LTTE in Sri Lanka. One interviewee who asked the Maoist leadership about the reasons for the absence of women recalls that rebel group members argued that ‘war is normally fought by men, so war issues are negotiated between men’. The government also failed to adopt an inclusive approach and did not involve any women in the peace negotiations. Another interviewee highlighted that the exclusion of women is not only ‘morally reprehensible, but if we’re going to talk about sustainability, that’s an unhappy group of

157. Interview 30.10.20.
162. Interview 30.10.20.
163. Importantly however the CPA has a number of gender references and elements that are aimed at ending discrimination based on sex, ethnicity, and caste, and it includes a specific point dedicated to the rights of women and children. Ariño, ‘Nepal: A Gender View of the Armed Conflict and the Peace Process’, 18.
people’. Besides the lack of inclusion in the peace process, women ex-combatants have faced severe challenges in the post-war transition, as demobilization mechanisms have largely failed to cater for their specific needs regarding rehabilitation and reintegration.

### 6.3.7. Verification

Following the signing of the CPA, the CPN-M and the SPA members agreed to invite the UN to support and monitor the peace process. In January 2007, the UN Security Council passed resolution 1740 to mandate a small, non-military political mission, the United Nations Mission in Nepal (UNMIN). The Security Council authorized UNMIN’s deployment, mandating it to be a ‘focused mission of limited duration’ (S/Res/1740 2007). Many UNMIN personnel were drawn from the UN’s existing presence in Nepal, which meant that the UN staff had relevant knowledge of and experience in the country. UNMIN was tasked with monitoring the management of arms and combatants of both sides through a Joint Monitoring Coordinating Committee (JMCC) and provided technical support and monitoring for the election.

As indicated earlier, a key component of the CPA was that the Maoists could retain their weapons until the election, which served as a security guarantee for the Maoists in case they lost the elections or were sidelined by other political parties. At the same time, the continued presence of a coercive force in the hands of the Maoists was ‘unacceptable’ for the political parties and thus UN monitoring became the security guarantee that made the political compromise possible and acceptable to both parties. The CPA stipulated that the two armies have the keys to their respective arms depots and these sites were remotely surveyed by the UNMIN. The JMCC consisted of representatives from the Maoists, the Nepalese Army, and the UNMIN. A similar tripartite monitoring and verification mission was set up in Colombia. The JMCC’s main task was to investigate complaints and engage in dispute resolution. Following the peace agreement, the government and the CPN-M also signed the Agreement on Monitoring of the Management of Arms and Armies (AMMAA) in 2006. In 2011, upon UNMIN’s exit, the responsibility of monitoring of weapons and armies shifted to the Army Integration Special Committee (AISC), which was responsible for the rehabilitation and reintegration part of the process.

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164. Interview 26.10.20.
168. Ibid.
One key task of UNMIN was to monitor the cantonment process. As in many other disarmament processes, initially the Maoists tried to inflate the number of their combatants. At the beginning of the peace process, 32,250 combatants entered into cantonments and 23,610 went through the verification process. By 2007, UNMIN had verified 19,602 Maoists (15,756 male and 3,846 female combatants) in seven cantonments and 21 sub-cantonments. 4,008 individuals were verified as being under-age or having joined the Maoist army after the ceasefire began. Based on the provisions of the AMMAA, these individuals were not eligible for inclusion in the Maoist army and were not permitted to remain in the cantonments. These ex-fighters were discharged from the cantonments in early 2010.

When the peace agreement was signed in 2006, the PLA had an estimated 9,500 small arms and light weapons. The Maoists turned in some weapons in 2007, but they have not fully declared their inventory, leaving much unknown. By the end of the process a total of 3,475 weapons were verified. Small Arms Survey estimates that some 6,000 small arms probably remain with former guerrillas. Even though the storage of the Nepalese Army’s weapons was only symbolic, since they had far more weapons still in the open, this proved to be a source of conflict with the military. The cantonment process turned out to be substantially longer than originally envisaged: as one interviewee put it, ‘the 22 cantonments were initially for six month and nobody thought that they would be going for another 6 years’. This delay was caused by the internal disputes among the Maoists and the SPA because they failed to reach a political consensus on government leadership and the constitution drafting. Furthermore, the extraordinarily slow process of demobilization could be traced back to the Maoists’ fear of losing their bargaining power (and the threat of returning to conflict), while the political parties feared that the Maoist ex-fighters could pre-empt the democratization process. These two simultaneous processes led to a political stalemate, eventually preventing any progress on the fate of Maoist combatants for years. Another interviewee defined cantonment as a ‘key moment’

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170. In May 2009, a video surfaced in which Prachanda admits that the Maoists had inflated the number of soldiers from 7,000–8,000 to 30,000 just prior to the verification process (Human Rights Watch, 2010).


172. More than 8,600 individuals who were required to be registered by the UN were absent. As Robins & Bhandari (2016) describe it, ‘The departure of these presumed combatants has been called “self-integration”: their fate and destination remain largely unknown.’ Simon Robins & Ram Kumar Bhandari (2016) Reintegration Challenges of Ex-Maoist Combatants in Nepal. York, UK: The Centre for Applied Human Rights (CAHR), the University of York & Berghof Foundation, 76.


175. Bhandari, ‘People’s Liberation Army Post-2006: Integration, Rehabilitation or Retirement?’.


178. Interview 30.10.20.


which signalled ‘a strategic victory for the government’ because the Maoist movement’s strength was derived from its connection with the people. Furthermore, over the years, thousands of Maoists left the cantonment sites because of lack of services, an uncertain future, and poor camp management.

6.3.8. Case specific factor: Local ownership

Nepal’s peace process is typically homegrown, with minimum presence of external actors, with the notable exception of India. As one interviewee argued, ‘Nepali political leaders were proud saying that the peace process was led by Nepali people’. The major parties refused the 2003 offer of the UN Secretary-General (UNSG) to facilitate negotiations under UN auspices, emphasizing the homegrown nature of the process. In addition, the government was also opposed to a strong UN presence, because traditionally Nepal is a sender of peacekeepers and not a receiver. The presence of peacekeepers was associated with state failure. India however hosted and facilitated the 12-point agreement between the Maoists and the SPA. Baechler (2008) adds that India was also the force behind the refusal of a more comprehensive UN mission or a formal mediation through a third party other than India. Secondary sources agree on the important role of India in shaping the domestic political landscape of Nepal. One interviewee, however, added that there was an important difference between Western mediators and India: ‘Western countries come and tell you in the media what they want, but India never said what they want, they used to do it from behind the scenes.’ Another interviewee however highlighted that one should not consider the lack of external involvement as being equal to local ownership. Although the peace process in Nepal was local, it was not by any means inclusive. In the interviewee’s words, the Nepalese peace process was ‘done between some Nepalese’ and the international community did not have any room to incentivize or to pressure parties to include more voices in the

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181. Interview 26.10.20.
184. Interview 30.10.20.
186. Interview 30.10.20.
187. Suhrke (2011) explains that one possible reason behind India’s opposition to a large UN mission in Nepal was that the ‘Indian governments were also concerned that a robust UN peace mission in Nepal could set a precedent and encourage demands for international mediators or monitors in the increasingly turbulent Indian controlled part of Jammu and Kashmir’ (Suhrke 2011: 40). Baechler, ‘“Emerging Archetypes”: A Comparison of Patterns of the Peace Processes in Sri Lanka and Nepal’, 9.
188. Suhrke, ‘UN Support for Peacebuilding; Nepal as the Exceptional Case’.
189. Interview 30.10.20.
process. The top-down and elite-dominated nature of the peace process has been noted and criticized elsewhere.

Local ownership was also illustrated by certain government strategies in the reintegration process that were not always supported by the international community. In 2011, parties reached the so-called Seven-Point Agreement, which stipulated that up to 6,500 Maoist ex-combatants would be integrated into the Nepalese Army and proposed three options for ex-combatants: integration into the Nepalese Army; rehabilitation; or voluntary retirement. Eventually, only 1,422 ex-combatants (104 of whom were women) were integrated into the army, while more than 15,000 were reintegrated into society. Former combatants who were not integrated into the army were given financial compensation (in the form of voluntary retirement) rather than training, which is the international norm in reintegration processes. The government provided

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190. Interview 26.10.20.
193. Bhandari, ‘People’s Liberation Army Post-2006: Integration, Rehabilitation or Retirement?’. 
between five and eight thousand dollars to each combatant, depending on their rank and time served in the Maoist army.\textsuperscript{194}

The international community was not without any role. For example, the Nepal Peace Trust Fund (NPTF) was established in January 2007 to support the implementation of the CPA. The NPTF is a joint initiative of the Government of Nepal and a group of donors consisting of Denmark, the European Union, Finland, Germany, Norway, Switzerland, the United Kingdom, and the United States. NPTF’s main activities have been in the management of cantonments and the integration/rehabilitation of combatants; providing support to individuals and communities affected by the conflict; enhancing security and transitional justice mechanisms through actions such as rebuilding police stations and clearing mines; and conducting peacebuilding initiatives nationally and locally.\textsuperscript{195} Furthermore, Norway and the rest of the donor community in Nepal provided extensive support for the preparation and execution of the election in November 2013. Norway has supported the Election Commission of Nepal (ECN) for several years through a multi-donor fund administered by UNDP.\textsuperscript{196}

7. Philippines

7.1. Summary

- The MILF needed to be sure of concessions before agreeing to disarm. Disarmament was phased in coordination with the implementation by the government of reforms. It was important that members and supporters of the MILF could see what they were getting in exchange for giving up weapons. Overall, the disarmament that occurred was an outcome of the negotiations.

- There were important symbolic aspects of disarmament. For many, weapons symbolized protection for the community from the government. The preferred term in Mindanao is ‘normalization’ rather than ‘disarmament’ (which has negative connotations). It was important that the process meant that MILF personnel retained their dignity. The ultimate fate of arms that were given up was an important consideration. The weapons were put beyond use but not destroyed, as destruction would have symbolized surrender. Reducing the visibility of arms helped to create a sense of security.

- The peace agreement included disarmament by armed groups which were not parties to the negotiations. In this way, the MILF played the role of a stabilization force in the region.

- External parties played an important but limited role. Facilitators and other supporters provided funding, personnel and expertise for the independent decommissioning body. The UN was not invited to play a verification role (instead, an ad hoc group of states was employed). International actors successfully encouraged the government to drop disarmament as a precondition for talks.

- Not all weapons held by the MILF were surrendered. In particular, there was a grey area concerning weapons owned by members of the MILF. Personnel lived with their communities and were not separated into cantonment sites for disarmament. They were allowed to possess their own guns. In addition, well developed weapons trafficking networks meant that it would not be difficult to obtain new firearms.

- The peace process became more inclusive over time. The government included women in its negotiating panel. This successfully encouraged the MILF to include women. The process spurred the coordination at a national level of women’s networks and organizations whose purpose was to influence the talks.

7.2. Conflict and peace process background

The Moro Islamic Liberation Front (MILF) and its armed wing the Bangsamoro Islamic Armed Forces (BIAF) were formed in 1977. Since then they have been involved in a sporadic insurgency
against the Government of the Philippines (GoP) and have been in conflict with other groups.

The MILF was initially a splinter group from the Moro National Liberation Front (MNLF), which fought the GoP from 1969 until a 1976 peace agreement between the GoP and MNLF. The MILF rejected the peace agreement and opted to continue fighting. The aims of the MILF were initially the independence of an Islamic state for the Moro people (located in the Bangsamoro region on the east of the island of Mindanao).

The island of Mindanao is the location of a complex armed conflict which is estimated to have involved at least 100,000 deaths since 1971. As well as the MILF, anti-government forces included the MNLF, the Abu Sayyaf Group (another splinter from the MNLF), the Bangsamoro Islamic Freedom Movement/Fighters (BIFM/BIFF) which splintered from the MILF in 2010, Jemaah Islamiyah (JI) which has links to Al Qaeda, Khalifa Islamiyah Mindanao (KIM), and the Maute Group or Islamic State in Lanao which was founded in 2013 and is aligned with the Islamic State. In addition to the complex picture of Islamist groups, Bangsamoro also contained numerous private armed groups organized by local businesses or political leaders, and criminal organizations.

A peace process between the GoP and MILF was first initiated in 1996. An agreement of a general cessation of hostilities was signed in 1997, and formal talks commenced the following year. The talks ended after the President of the Philippines declared an all-out war against the MILF, which in turn declared a jihad against the GoP. Peace talks were revived again in 2001; however, they remained deadlocked.

The peace talks were resumed in 2011 after the MILF announced that they were seeking an autonomous region rather than secession from the Philippines. In 2012 the GoP and MILF negotiated a framework for the peace negotiations. The final peace agreement, the Comprehensive Agreement on the Bangsamoro, was signed in Manila in March 2014. The agreement includes government commitments to create a new Bangsamoro autonomous region, and reduce troop deployments and disband private armies in the region. In return, the MILF would deactivate weapons by handing them over to a mutually agreed upon third party.

The peace process was facilitated by Malaysia and an International Contact Group (ICG) comprising four states – Japan, Saudi Arabia, Turkey, and the United Kingdom – and five international non-governmental organizations – the Centre for Humanitarian Dialogue; Conciliation Resources; Muhammadiyah; the Community of Sant’Egidio; and The Asia Foundation. An International Monitoring Team comprised Brunei, the European Union (EU), Indonesia, Japan, Libya, and

Norway and its Civilian Protection Component (CPC) was composed of the Mindanao Human Rights Action Center, the Mindanao People’s Caucus, the Moslem Organization of Government Officials and Professionals, and the Nonviolent Peaceforce.198

7.3. Negotiating disarmament in the Philippines

7.3.1. Sequencing

In 2008, President Arroyo’s minister stated that a disarmament, demobilization and reintegration (DDR) process was a precondition for resumption of talks.199 Such a condition was not acceptable to the MILF leadership. The GoP had a poor track record in implementing peace agreements and the MILF didn’t want to give up some of its firepower too soon.200 Members of the negotiating panels examined other processes and decided that disarmament didn’t need to come first, as such a requirement had failed elsewhere.201

After ‘consultations with the international community’, which included input from NGOs, in 2009 the GoP dropped disarmament as a precondition for talks.202 Ultimately, the peace agreement included partial disarmament as an outcome of the negotiations. It was agreed that disarmament was to take place in four phases which were tied in with the enactment of the Bangsamoro Basic Law (BBL), which would create an autonomous Bangsamoro region.203 The MILF would not complete the decommissioning of their arms without a political settlement.204

The negotiations on the normalization annex (which contained commitments regarding decommissioning) were completed last. The MILF wanted to first see what they were getting (especially concerning power sharing and wealth sharing) before committing to lay down their weapons.205

The disarmament process was phased, so that the MILF fighters could see that there was progress before they handed in weapons.206 In the first phase, a token quantity of 75 firearms were

201. Interview 06.10.20.
202. Interview 15.10.20; Boada, Past, present and future in Mindanao: Analysis of the MNLF and MILF peace and reintegration processes.
205. Interview 17.11.20.
206. Interview 15.10.20.
returned by 145 MILF combatants. The second phase began in September 2019 and involved decommissioning the weapons of about 30 per cent of the MILF fighters.\textsuperscript{207} By January 2020, 1,542 firearms had been handed in.\textsuperscript{208} The final two phases, involving the remainder of the fighters, are intended to be completed by the end of the transition authority’s term in 2022.\textsuperscript{209} MILF personnel are not cantoned during the disarmament phase.\textsuperscript{210} Rather than being based in remote locations (as is the case with some other rebel groups), MILF fighters have been living at home in their communities. This meant that the term ‘Disarmament Demobilization and Reintegration’ wasn’t appropriate because the MILF didn’t need to be demobilized or reintegrated as they were already integrated within their society.\textsuperscript{211}

### 7.3.2. Command and control

One MILF commander, Ustadz Ameril Umbra Kato, launched ‘unauthorized’ attacks until 2011


\textsuperscript{210} Interview 17.11.20.

\textsuperscript{211} Interview 15.10.20.
and later broke away and formed the Bangsamoro Islamic Freedom Fighters (BIFF). Another splinter group that originates from former MILF fighters is the Maute Group which was formed in 2013 (see below). It was reported that many MILF commanders were disillusioned with the protracted peace talks, something which provided an imperative for the MILF to reach an agreement. In this way, command and control problems provided an incentive to reach an agreement (the GoP may well have also been motivated to ensure that the MILF didn’t splinter into groups which would be harder to manage). After the agreement, commanders continued to assess implementation.

There is a blurred distinction between civilians and combatants. Many fighters only occasionally took up arms with the MILF, and at other times they lived civilian lives. There was also overlapping membership between members of the MILF and other armed groups not party to the peace agreement (such as the BIFF). It was difficult for the bodies monitoring the ceasefire and disarmament to distinguish between MILF members and members of other armed groups.

It is relatively easy for individuals to own firearms for personal protection. Individual MILF members could opt to attempt to lawfully possess multiple firearms. In practice, decommissioning meant transferring firearms from the MILF to personal ownership.

### 7.3.3. Local spoilers

There are several rival Islamist insurgent groups in Mindanao, namely: Bangsamoro Islamic Freedom Fighters (BIFF), which splintered from the MILF; Abu Sayyaf Group (ASG); Bangsamoro Justice Movement (BJM); the Filipino branch or Jemaah Islamiyah (JI); and the Maute Group, which are aligned with Islamic State. The communist New People’s Army (NPA) also operates in Mindanao, though not mainly in the Bangsamoro area. The GoP wanted a peace agreement

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214. Interview 15.10.20.
216. Åkebo, “‘Coexistence Ceasefire’ in Mindanao”, 482.
220. Åkebo, “‘Coexistence Ceasefire’ in Mindanao”, 487.
with the MILF so that it could focus upon fighting these groups. Security cooperation between the GoP and MILF went beyond that needed to prevent armed clashes between the two parties.

One feature of Mindanao is local militias set up by politicians (something permitted under the laws governing reservists and executive order 546). In 2016, the Philippine National Police (PNP) said it was monitoring at least 76 private armed groups who were seen as being a potential source of electoral violence. In practice, these groups can be used as private armies. There is also a problem with armed criminal groups. All these groups take advantage of ‘loose’ gun control in the Philippines. It is difficult to try to disarm one group without disarming them all if only one or some groups are disarmed, the security of those groups will be under threat. In Mindanao it was important that the peace process also addressed private armed groups. The lack of general disarmament had hampered an earlier peace process with the Moro National Liberation Front, and this lesson was taken into account in the negotiations with the MILF. One option has been to ‘regularize’ private armed groups by turning them into authorized security guards.

During the peace talks the MILF and the GoP agreed upon a joint programme to identify and dismantle these ‘private’ armed groups. Disarmament in the peace process also meant a process by which the MILF could consolidate its control over Bangsamoro. An interviewee described the MILF as having a stabilizing role in the region.

During the negotiations, the MILF requested that it should be allowed to retain possession of heavier weapons such as rocket-propelled grenades (RPGs) and 50-calibre guns for a set period, as these weapons were needed to protect it from other armed groups.

221. Ibid., 486.
222. Ibid., 487.
225. Interview 17.11.20.
226. Interview 17.11.20.
227. Interview 17.11.20.
228. Interview 17.11.20.
229. Interview 17.11.20.
232. Interview 06.10.20.
'Normalization' in Mindanao was presented as being part of attempts to deal with a national problem of small arms proliferation, and there were concurrent small arms control programmes in the Bangsamoro as well.234

7.3.4. Illicit arms acquisition

The issue of arms acquisition was avoided during the negotiations. Trafficking and production of weapons are widespread in the Philippines. Making arms acquisition an issue would have ‘opened up a can of worms’.235 The security forces are a significant source of illicit arms.236 Weapons are flowing into the Philippines from many sources.237 The state has very limited capacity to control or prevent these flows.238

7.3.5. The symbolism of disarmament

The preferred term for disarmament in Mindanao is ‘normalization’, which refers to the GoP and the MILF working to arrive at a normal relationship.239 It is however important to note that while the peace agreement only specifies partial disarmament of the MILF, holding arms wasn’t ‘normal’ before the conflict.240 A key consideration was to ensure that the MILF personnel retained their dignity.241 Fighters felt that they had given up their lives for the cause and they therefore needed to feel that they hadn’t surrendered, and had obtained something (such as better opportunities for their children).242 It was important that the weapons that were handed in were not destroyed. The arms were decommissioned by being put beyond use, but symbolically remained intact.243 It was argued that the Quran states that someone is not allowed to destroy something that has value.244 The key aspect of the peace process was the need for acceptance that the population of the Bangsamoro would not ‘surrender’ their arms. To surrender weapons would be like surrendering identity.245

235. Interview 06.10.20.
236. Interview 17.11.20.
237. Interview 17.11.20.
238. Interview 17.11.20.
239. Interview 06.10.20; Interview 17.11.20.
240. Interview 06.10.20.
241. Interview 15.10.20.
242. Interview 15.10.20.
243. Interview 06.10.20.
244. Interview 15.10.20.
245. Interview 06.10.20.
The term disarmament has negative connotations for MILF’s armed wing, the Bangsamoro Islamic Armed Forces (BIAF), as it implies the surrender of MILF to the government.246 People are aware of the history of the region, and that it was annexed by the GoP, so arms are perceived as being something that protects the population.247 They were afraid of disarmament as they perceived it as leaving them vulnerable to other armed actors.248 The concept of decommissioning is viewed as being different from disarmament, with the former being more balanced.249 The term ‘decommissioning’ was inspired by the Northern Ireland peace process.250 The Annex in the peace agreement emphasizes partnership.251 It was significant that the arms were turned over to an independent body, as doing so did not suggest surrender. That arrangement helped persuade individual MILF members to hand over weapons.252 The terms ‘DDR’ and ‘surrendering weapons’ were avoided.253 The term DDR was not liked by either the MILF or the GoP.254 The terminology of DDR could have been an obstacle, as DDR had been interpreted by the MILF to be an attempt to dismantle it.255 Making an agreement on decommissioning built confidence between the MILF and the GoP.256 An argument for decommissioning was community safety, and that improperly stored arms and ammunition were a danger, especially if arms were stored in or near the home.257

7.3.6. Inclusion of women

In general, there are three potential barriers to participation by women. Firstly, there is a conceptual barrier: the notion that women shouldn’t or don’t need to play an active role in the negotiations. Secondly, there is a technical barrier, regarding whether women have the necessary skills and knowledge (for example in legal drafting). Thirdly, there is a political barrier, concerning whether there are women in leadership positions in the society. In Mindanao, women were able to surmount all three barriers.258

246. Interview 15.10.20.
247. Interview 06.10.20.
248. Interview 06.10.20; Interview 17.11.20.
250. Interview 17.11.20.
255. Boada, Past, present and future in Mindanao: Analysis of the MNLF and MILF peace and reintegration processes.
256. Interview 15.10.20.
257. Interview 15.10.20.
Miriam Coronel-Ferrer, head of the government negotiating panel, was first female chief negotiator in the world to sign a final peace accord with a rebel group. She later wrote: ‘Just three of the 12 signatories are women. Still, it’s a big leap: nearly all past negotiations were exclusively done by men.’

Women had not been included in earlier peace negotiations on the Bangsamoro. Two prior agreements (the 1976 Tripoli Agreement and the 1996 Jakarta Peace Accords) had been negotiated entirely by men. The first female negotiator was appointed on the GoP panel in 1997. The GoP was the first to include women in negotiating panels, secretariat and technical working groups, and in 2010 it appointed Professor Coronel-Ferrer to be the first woman to be Chair of the negotiating panel. The head of the technical working group on normalization was a woman, and she was a deputy head of the National Security Council.

The MILF felt under pressure to follow suit, and the first woman was appointed to the MILF panel in 2011. That woman, Raissa Jajurie, played an active role on the MILF panel, especially concerning gender issues. Jajurie is a lawyer and had experience working on women’s and social issues, and her skills were valued by the other MILF negotiators. It was claimed that men in the MILF negotiating panel had to manage cultural traditions that suggested that men and women shouldn’t argue with each other. In general, women provided the MILF with much needed technical knowledge, they were trusted by communities and their participation helped to make the peace process sustainable. In general, civil society provided both panels with technical knowledge and assistance.

Academics, government personnel and NGO staff working in Manilla dismissed the ability of women in Mindanao to play an active role in Track 1 mediation. They were assumed to be competent at local peacebuilding, but not at Track 1 negotiations. Those Manilla-based personnel

259. Ibid., 3.
260. Ibid., 8.
261. Ibid., 8.
262. Interview 15.10.20.
263. Interview 17.11.20.
264. Interview 06.10.20.
266. Interview 06.10.20.
269. Interview 17.11.20.
270. Interview 06.10.20.
271. Interview 06.10.20.
also assumed that Mindanao was too conservative for women to play an active role in the negotiations. In contrast, people interviewed in Mindanao in 2011 did say that they believed that women could play a valuable role in the negotiations. Women in the peace process played an important role in establishing links between Tracks 1, 1.5, 2, and 3, and acted as a conduit of information from society to the negotiation panels, as well as passing information from the panels back to the community. Participation by women was a step forward; however, a majority of people at the negotiations were male, and they still dominated the processes.

A key outcome of the inclusion of women is that the 2012 Framework Agreement and the 2014 Comprehensive Agreement on the Bangsamoro contain gender provisions throughout the texts: ‘the dual forces of having women at the peace table and external pressure from women’s networks influenced the language, agenda, and format of the power-sharing agreement.’ Though, of course, to achieve results, presence at the negotiations needed to be followed up during the implementation phase. The participation of women in the Mindanao peace process also contributed to a sense that women can participate directly in political processes. As Professor Coronel-Ferrer noted: ‘There was a complete change in attitude. Like from feeling they cannot do much or they do not see any role that they can play, to one that is very positive.’

The peace process was an environment that fostered the creation of women’s groups. Women wanted to influence the peace process and so created strong networks. Women’s networks were successful in lobbying for the creation of new legislation. However, the roles of women’s groups and networks have not been publicized.

7.3.7. Verification

The key verification body is the Independent Decommissioning Body (IDB), which is tasked with verifying and registering combatants, producing an arms inventory, collecting and storing weapons and, finally, putting them beyond use. The IDB was agreed to be composed of four local...
experts and three external experts from abroad. All the members would be jointly nominated by both parties. As of 2019, the IDB has 90 personnel, which include local staff, representatives of the GoP and the MILF, and international experts from Norway, Turkey and Brunei. Turkey was invited to be a member of the IDB as it was preferable to hand over arms to a Muslim actor. Norway provided technical expertise. Norway’s four experts are deployed from NORDEM (the Norwegian Resource Bank for Democracy and Human Rights), which is part of the Norwegian body NORCAP, and in 2019 the Norwegian Terje Skjølsvik served as the IDB’s chief of staff.

There are doubts as to whether the MILF will provide an accurate inventory of its weapons, which would be needed to monitor the decommissioning process. It has been claimed that there were only 6–7,000 weapons owned by the MILF, a figure that may well not include all the arms used by its fighters. In particular, ownership of some weapons is unclear. Many arms are owned by individual fighters or by their families and these individuals may be reluctant to give up weapons (see above concerning Command and Control). As well as a weapon’s intrinsic financial value, arms are also seen as necessary to provide security as there are many armed groups and privately held firearms in Mindanao. Similarly, MILF commanders may be unwilling to give up arms that are perceived as necessary for security. While it was assumed that one fighter possessed one weapon, in practice many possessed two or more, and only handed in one. Such private gun possession occurs in a context in which there are high levels of violence in the region and individuals are unwilling to give up arms perceived to be needed for personal protection.

None of the parties wanted the UN to play a prominent role in verification. The UN did not get involved early on in the formal peace process and inviting them later in the process was impractical. There wasn’t a long history of UN involvement in the process, and the IDB included the countries that had been involved for a long period.

Tracing wasn’t included in the decommissioning process, something which was deliberately left out in order to avoid examination of where the MILF obtained its weapons from (the

289. Ibid., 11.
290. Interview 06.10.20.
291. Interview 15.10.20.
Philippine armed forces being the most common source).  

Instead of concentrating MILF personnel in cantonment areas, they stayed with their communities. Centres were set up to register people and enter their details into databases, and to receive weapons. Fighters were attracted by transitory cash assistance worth PhP 100,000 (USD 2,000).


293. Interview 17.11.20.

294. Interview 17.11.20.

8. South Sudan

8.1. Summary

- The peace agreement and associated disarmament was just a temporary deal to suspend the fighting. It didn’t represent a long-term commitment to peace.

- The peace agreement and disarmament in southern Sudan was a continuation of a long series of similar cycles that had occurred in the past.

- In contrast to some of the other case studies, the parties adopted the term ‘disarmament’ and concepts developed by the UN. One criticism of the process was that the UN and other external parties imposed the terms of a Disarmament, Demobilization and Reintegration process and failed to account for the conditions found in southern Sudan. External parties had unrealistic expectations about the extent to which disarmament could improve human security.

- The peace agreement included disarmament of groups that weren’t parties to the negotiations. Disarmament was a means for the SPLM/A to exert control over others and extend its control over southern Sudan. It was impossible to distinguish between arms possessed by individuals or those possessed by armed groups.

- The peace agreement was not inclusive. It was based upon an elite bargain in which resources were distributed between the government and the SPLM/A and did not include consideration of other constituencies. In general, women from both sides were excluded from the negotiations. On the limited occasions in which they were present, they had little time to prepare and were expected to follow the party line.

8.2. Conflict and peace process background

After decades of civil war, in 2011 South Sudan seceded from Sudan. The first civil war in southern Sudan lasted from 1955 to 1972. Fighting between the Sudan People’s Liberation Movement/Army (SPLM/A) and the Government of Sudan (GoS) started in 1983 and continued until 2005. Fighting in southern Sudan was complex, and involved groups that splintered from the SPLM/A, local defence forces, and ‘Popular Defence Forces (PDF)’, which were GoS-backed militias. At times allegiances shifted and various groups were allied or opposed to the SPLM/A or the GoS.296 Groups from other countries also operated in southern Sudan, most notably the Ugandan Lord’s Resistance Army, and Eritrean opposition groups. Overall, conflict in southern Sudan is assumed to have caused up to 1.9 million fatalities, the great majority civilians.297


The causes of the war concern the concentration of power and resources among an elite drawn from peoples who inhabited the northern Nile valley. Other groups, especially in the periphery, were excluded and disadvantaged, especially as these groups also had different ethnicities or religions. Initially the SPLM/A fought for a united, democratic and secular Sudan, and its leader John Garang championed the cause of marginalized peoples in the north of Sudan. Later, and particularly after the death of John Garang, the aims of the SPLM/A shifted to succession for southern Sudan.

Several ceasefires, agreements, and peace talks took place during the 1990s and the early 2000s but were not successful. Finally, in 2002, the SPLM/A and the GoS agreed to the Machakos Protocol, which paved the way for high-level peace talks involving formal international involvement. Peace negotiations were supported by the regional organization the Intergovernmental Authority on Development (IGAD), and by the United Kingdom, Norway and the United States.

The Comprehensive Peace Agreement (CPA) was signed on 9 January 2005 by the Sudanese National Congress Party (NCP) and the Sudan People’s Liberation Movement/Army (SPLM/A). The CPA was strictly limited to the conflict between these two parties and didn’t cover other groups in southern Sudan, or conflicts in other parts of Sudan. Many deadlines were missed until the UN Security Council set the end of 2004 as the final deadline. Negotiations on the CPA were concluded on 31 December, and the agreement was signed in Nairobi by the parties on 9 January 2005.

Most notably, the CPA included a six-year interim period, after which southern Sudan had a right to secede. The agreement also included a permanent internationally monitored ceasefire and arrangements for power sharing, access to oil resources, and autonomy for the south during the interim period. The SPLM/A set up the Government of Southern Sudan and retained its military forces. The CPA included provisions for Disarmament, Demobilization and Reintegration, which should take place within ‘a comprehensive process of national reconciliation and healing throughout the country’, however such conditions were not defined.

Notably, an important element of the CPA was to restrict the designation of ‘legitimate’ forces to those of the SPLM/A and the Sudan Armed Forces (SAF), with a consequent requirement that all other armed groups should align with or be absorbed into one or other of the two armies. During 2004, the negotiating parties had negotiated how these elements were to be implemented. With external support the parties formed a sub-committee for security which agreed upon the Agreement on Permanent Ceasefire and Security Arrangements. The last part of this agreement concerned DDR. At four pages, it was the shortest part of the agreement, and it set out the

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299. Ibid., 22–24.
institutional framework for DDR. As mentioned above, the main targets for DDR were not forces of the GoS or the SPLM/A, but members of other armed groups operating in the region.

In the event, collection and disposal of SPLM/A and Sudanese armed forces’ weapons under the auspices of the CPA didn’t take place. Ex-combatants to be demobilized and reintegrated handed in weapons which were kept under the control of each army. Instead, other groups were coercively disarmed; for example, at least 3,300 weapons were collected by the SPLM/A in Jonglei province during 2005–6.

8.3. Negotiating disarmament in Sudan and South Sudan

8.3.1. Sequencing

Initially, the GoS was in favour of integration of the Sudan Armed Forces and the SPLM/A. However, during 2003, that option was rejected by the SPLM/A. The GoS accepted the SPLM/A position and the CPA resulted in the unusual situation of one state with two armies.

A ceasefire wasn’t a precondition for peace negotiations to begin. The attitude of the SPLM/A leadership was that a ceasefire should be an outcome of the peace process, and that military action was a way to exert leverage on the Government of Sudan. Specifically, their bargaining power at the negotiations was based upon their military force, and their position would be weakened if they agreed to a ceasefire or to disarmament. The first breakthroughs in the negotiations occurred while the parties were still fighting against each other.

After the SPLM/A capture of Torit in 2002 it was clear that the talks couldn’t continue while the two sides were fighting. While one party might perceive an advantage from a battlefield victory, the defeated party would be less likely to compromise. A key task of the mediators was to persuade both or one of the parties to implement a ceasefire. An agreement to suspend hostilities

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303. Interview 05.10.20.
305. Interview 05.10.20.
306. Interview 05.10.20.
307. Interview 05.10.20.
308. Interview 05.10.20.
was reached under the auspices of IGAD in 2002. Initially, there was no verification and military attacks continued. External pressure led to the parties agreeing to pull back their armed forces and accept an international Verification and Monitoring Team.309

The CPA only specified that they should begin ‘negotiations on proportionate downsizing’ after the two armies had redeployed (intended to be by mid-2007).310 This clause reflected the desire by both parties to keep their armed forces intact.

8.3.2. Command and control

In general, in southern Sudan there was a complete absence of any agency that could enforce the rule of law in many parts of the region.311 Both the GoS and the SPLM/A had contested internal political and military power.312 The SPLM/A leadership had never been elected, and its structure resembled a ‘coalition of local militia groups, bound together by ties of patronage and kinship’.313 Neither the GoS nor the SPLM/A could claim effective control over their hinterlands and the people who lived there.314 Both parties saw a peace agreement as a means to assert control over their hinterlands, and disarmament would be a means to accomplish that aim.315 The parties that were supposed to disarm were the other armed groups or movements.316

8.3.3. Local spoilers

A key desired outcome of the peace process for the SPLM/A was to consolidate its control over South Sudan.317 In 2005 there were at least 18 other armed groups (OAGS) in the South which were not parties to the peace agreement.318 The SPLM/A attempted to achieve this aim via a combination of patronage, increased military spending and disarmament of other groups.319 The large numbers of southern fighters who were outside SPLM/A control were given a choice

309. Rogier, No more hills ahead? The Sudan’s tortuous ascent to heights of peace, 73.
313. Ibid., 182.
314. Ibid., 182.
315. Ibid., 182.
between moving to Sudan, being invited to join the SPLM/A, disarming, or fighting against the SPLM/A. The SPLM/A embarked upon forcible disarmament campaigns, the largest of which in Jonglei resulted in about 2,000 deaths. The CPA didn’t clearly distinguish between weapons held by armed groups and civilian arms possession (and in practice, doing so in regions with high levels of civilian possession was very difficult); similarly, ‘armed groups’ included those that were aligned with or opposed to the SPLM/A, and community protection groups. The result was that the disarmament campaigns resembled counter-insurgency operations directed against local armed groups (such as pastoralists who owned weapons to protect their livestock). The communities that had been disarmed were vulnerable from attack by other groups and acquired new weapons.

8.3.4. Illicit arms acquisition

The porous borders in the region meant that it was assumed to be impossible to prevent arms flowing into southern Sudan. For example, after South Sudan became independent, arms flowed in from several countries, and opposition groups were found to be in possession of weapons manufactured in Bulgaria, China, Ethiopia, Israel and Sudan.

8.3.5. Multilateral sanctions

The US’s 2002 Sudan Peace Act invoked four types of sanctions (concerning international financing, US diplomatic relations, oil prices and an arms embargo). However, the threats are described as being largely symbolic. For example, the US was not an important arms supplier to the GoS and so a meaningful arms embargo would have needed to be based upon a UN Security Council resolution, which would at the least have required the support of Russia, China and other states. In the event, US presidential assessments of the peace process were positive and the US pursuing a UN arms embargo was not seriously threatened.

323. Interview 23.10.2020; Lokuji, Overview of the Challenges to the Comprehensive Peace Agreement, 19.
325. Interview 22.06.2020.
327. Rogier, No more hills ahead? The Sudan’s tortuous ascent to heights of peace, 85.
One issue for the mediators was that they operated under the auspices of IGAD, but the threat of sanctions came from the US or the UNSC. Thus, mediators couldn’t deliver on any offer to have sanctions reduced.

8.3.6. Inclusion of women

The peace talks were based upon a distribution of resources between the SPLM/A and the GoS, and did not include considerations of other people and constituencies, which would have been needed if a just and sustainable peace were to have been implemented.\textsuperscript{328} It was assumed that the GoS and the SPLM/A would speak for other groups and constituencies not at the table, though this may not have worked.\textsuperscript{329} It was easier to negotiate with fewer parties at the table.\textsuperscript{330}

There was minimal involvement of women on both sides.\textsuperscript{331} Women were not included among the people who negotiated DDR in South Sudan.\textsuperscript{332} The role of women in peacebuilding and rebuilding communities was underestimated by the parties, who tended to see them as passive victims of warfare.\textsuperscript{333} Women and women’s groups worked to reverse their exclusion and tried to work outside the party structures which had excluded them.\textsuperscript{334}

The SPLM/A leadership did nominate a small number of female members of the delegation to the negotiations. However, those women were often invited at short notice and had little opportunity to consult and develop a shared agenda.\textsuperscript{335} They were expected to follow the overall party agenda, and were always in a minority. Unsurprisingly, their ability to influence the negotiations was limited.\textsuperscript{336}

South Sudanese women’s groups included the Sudanese Women’s Voice for Peace, the New Sudan Women’s Federation, New Sudan Women’s Association, and Coalition of Women Leaders of


\textsuperscript{329} Interview 05.10.20.

\textsuperscript{330} Interview 05.10.20.

\textsuperscript{331} Interview 05.10.20.

\textsuperscript{332} Interview 23.06.20.

\textsuperscript{333} Interview 05.10.20.

\textsuperscript{334} Interview 23.06.20.


\textsuperscript{336} Interview 05.10.20.
Sudan. Notably, all of them were involved in lobbying external parties to apply pressure on the SPLM/A and the GoS to end the fighting. Some of these groups were involved in meetings between women from northern and southern Sudan that attempted to define a common agenda. In some cases, meetings between women from the north and south of Sudan were particularly acrimonious. An interviewee described how the acrimony was due to women in the region being at the heart of identity-based conflicts, but these women had lacked the prior opportunities afforded to the men to meet with their counterparts from other parties to the conflict. Overall, attempts by external NGOs to improve inclusion of women’s organizations and other civil society actors in the peace process were not successful.

Kenyan General Lazaro Sumbeiywo conducted extensive discussions with Sudanese people and produced the 2003 ‘Nakuru document’, which was a draft peace agreement. Despite being

338. Westendorf, ‘Peace negotiations in the political marketplace: the implications of women’s exclusion in the Sudan-South Sudan peace process’, 441.
339. Interview 23.10.20.
340. Interview 23.10.20
341. Interview 23.10.20
endorsed by international actors, the document was rejected by the Khartoum authorities.342

8.3.7. Verification

As the negotiations progressed, both the GoS and the SPLM/A realized that they couldn’t manage the agreement themselves.343 They had been concerned about bringing in other parties that they didn’t trust.344 Each side wished to hide from each other the size of their forces and the level of armament.345

Attempts to encourage disarmament were undermined by external parties that exploited opportunities to sell arms to the parties.346

Three different monitoring bodies were set up. The Joint Monitoring Mission/Joint Military Commission (JMM/JMC) was established in the Nuba Mountains in 2002 as a result of an initiative of US Senator John Danforth. Its role was to monitor compliance with the ceasefire and assist in the disengagement and re-deployment of combatants.347 It usually involved mixed patrols including an international, a GoS and an SPLA monitor.

The Civilian Protection Monitoring Team (CPMT) was set up in 2002 by, and remained under the control of, the US Department of State. It consisted of US personnel provided by a private company. The CPMT investigated cases of human rights violations.348

The Verification Monitoring Team (VMT) was placed under the authority of IGAD and was mandated to investigate complaints reported by either party.349 The VMT was intended to draw upon the personnel and resources of the CPMT. This cost-saving measure led to suspicion by the GoS that the two bodies had blurred their mandates.350

International scrutiny was slowly taken seriously by the GoS and the SPLM/A.351 Mixed national

343. Interview 05.10.20.
344. Interview 05.10.20.
345. Interview 23.06.20
346. Interview 23.06.20
347. Rogier, No more hills ahead? The Sudan’s tortuous ascent to heights of peace, 74.
348. Ibid., 76.
349. Ibid., 77.
350. Ibid., 77.
351. Ibid., 79.
and international monitoring helped create a sense of ownership.\textsuperscript{352} Despite the active role of monitors, there was no enforcement mechanism (save for the possibility of external sanctions). Perhaps because of that, monitoring did not prevent fighting and attacks on civilians.\textsuperscript{353} Disarmament of communities and armed groups by the SPLM/A was conducted under the auspices of the OAG mechanisms in the CPA. Nevertheless, it mainly took place independently of the Northern and Southern Sudan DDR Commissions (the NSDDRC and the SSDDRC) and UN agencies.\textsuperscript{354}

The verification missions were more useful to the external parties than to the GoS and the SPLM/A as the missions provided information on what was happening in the region.\textsuperscript{355} The SPLM/A and the GoS weren’t very interested in such information.\textsuperscript{356}

\textbf{8.3.8. Case specific factor: Engagement in disarmament by the parties}

In the event, in South Sudan, DDR packages were manipulated in many ways which confounded the aim of removing weapons from circulation.\textsuperscript{357} The SPLM/A used DDR programmes as a means to remove from their ranks child soldiers and people who were older, affected by disability, and other veterans.\textsuperscript{358} Similarly, old and rusty weapons were handed in.\textsuperscript{359} These activities were part of an upgrade of SPLM/A military as it, facilitated with a significant increase in defence spending, concurrently recruited new personnel, absorbed armed groups, and acquired new equipment.\textsuperscript{360}

The SPLM/A ambition was for an independent state, and the potential for this was included in the CPA.\textsuperscript{361} That ambition informed their approach to disarmament.\textsuperscript{362} The two parties’ security forces would not be integrated, and they would be separately trained and equipped.\textsuperscript{363}

Overall, the CPA was a temporary deal to stop the fighting.\textsuperscript{364} The GoS and the SPLM/A were under

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352. Ibid., 79.
353. Ibid., 88.
355. Interview 23.10.20.
356. Interview 23.10.20.
357. Interview 23.10.20.
358. Interview 23.10.20.
359. Interview 23.10.20.
360. Interview 23.10.20.
361. Interview 05.10.20.
362. Interview 05.10.20.
363. Interview 05.10.20.
364. Interview 23.10.20.
external pressure for a peace agreement, so they delivered. However, the CPA didn’t represent a long-term commitment to peace. During the negotiations the SPLM/A and the GoS had little interest in the DDR element of the CPA. The mediators also had little incentive to emphasize DDR as they wished to avoid the talks stalling or collapsing. In the event, the DDR elements of the CPA were agreed upon quickly, but used ‘standard language’ which was simple and vague and so lacked details on agreed outcomes, terminology, phases, roles, and modalities. The Sudanese parties only adopted externally provided templates insofar as they expected external financial support for implementation. They weren’t interested in DDR so long as funding was not offered or wanted.

Overall, one strategy that didn’t work was external parties attempting to push templates (e.g. for disarmament or inclusion) that had been developed elsewhere. Disarmament shouldn’t be seen as a technocratic exercise in which parties need to be persuaded to adopt the correct policy. The parties need to create the conditions for disarmament themselves (though of course it is important to provide them with examples and options).

A consequence was that, during the negotiations, there were no serious discussions about the nature of security in Sudan after the CPA had been agreed. From late 2004 onwards, negotiation on DDR was carried out by second ranked ‘technical’ personnel. Principal negotiators didn’t regard it as being a very important issue. Final agreement was deferred until well into the implementation of the CPA (Issues deemed to be more important by principals included wealth and power-sharing). Despite attempts by technical advisory teams on DDR to suggest language on disarmament and security, the CPA did not include detailed DDR provisions.

As an attempt to establish national ownership, a National DDR Coordination Council (NDDRCC), Northern and Southern Sudan DDR Commissions (NSDDRC and SSDDRC), and State DDR commissions were created. The national commissions were set up in 2005 and 2006. However, the South Sudan Commission severely lacked resources and as late as 2007 state

365. Interview 23.10.20.
367. Ibid., 20.
369. Interview 23.10.20.
370. Interview 23.10.20.
372. Ibid., 21.
373. Ibid., 21.
374. Brewer, Disarmament in South Sudan, 6.
DDR commissions barely functioned. 376

The SPLM/A was reported to have had very little involvement in the DDR commissions. It had little involvement in technical planning and implementation, and failed to sensitize participants who were part of the DDR process. 377 One reason why the SPLM/A was suspicious of DDR was that it was conceived in accord with the ‘one country, two systems’ principle found in the CPA, which meant that DDR structures, policy and funding were directed from UN institutions based in Khartoum. 378

Within the CPA, DDR took place in an interim period prior to a referendum on the future of South Sudan. Both the GoS and the SPLM/A were keenly aware that there might be a resort to armed force and neither were unwilling to give up their military forces. 379 The CPA produced one state with two separate armies, an outcome which reflected the acceptance by both the SPLM/A and the GoS that fighting may resume. 380 The peace process was ‘an opportunity for the two parties to consolidate their own military infrastructures’ during the six-year interim period. 381

External parties, especially the United Nations Mission in Sudan (UNMIS) and the UNDP, understood the DDR process as being what would potentially be an important means to bring human security to southern Sudan. 382 However, their expectations were unrealistic and such a conceptualization of DDR was not based upon the actual security situation found in southern Sudan. 383 The UN is said to have drafted the DDR programme without sufficient input from the GoS or the SPLM/A. 384 External donors also had high hopes for DRR, but channelled support via the UN. 385 Despite calling for and acknowledging the need for local ownership, the UN and donor governments imposed the terms of the DDR processes from afar and failed to account for the conditions found in southern Sudan. 386

Overall, DDR following the CPA tended to be designed and implemented by UN bodies using

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376. Ibid., 6.
379. Interview 23.10.20.
381. Interview 23.10.20.
382. Interview 23.10.20; Munive, ‘Context Matters: The Conventional DDR Template is Challenged in South Sudan’, 593.
383. Interview 23.10.20; Ibid., 594.
384. Interview 23.10.20; Ibid., 594.
385. Interview 23.10.20; Ibid., 594.
386. Interview 23.10.20; Ibid., 594.
already written generic standards and procedures.387 This approach foundered because the SPLM/A had very different objectives to what the international donors assumed, it was very hard to distinguish between civilians and combatants who were to be disarmed, and politics of patronage were central to qualifying to become a recipient of the programme.388 The DDR element of the CPA was under designed, and a lack of interest by the principals was compensated for by the process being designed and implemented by external parties (who nonetheless did not create a DDR process that took account of the actual situation in southern Sudan).

387. Interview 23.10.20; Ibid., 594.
388. Interview 23.10.20; Ibid., 594.
9. Sri Lanka

9.1. Summary

- Sri Lanka did not experience disarmament as a peace process outcome, but the LTTE was defeated and forcibly disarmed by the government.

- The 2002 ceasefire agreement did not stipulate the disarmament of the LTTE, yet it required other Tamil groups to disarm. This provision was a security guarantee for the LTTE who did not only fight against the government but also against various other, often government-supported, paramilitary groups.

- The ceasefire negotiations were not aimed at finding a comprehensive solution to the conflict and thus the process was not ripe enough to raise the issue of LTTE’s disarmament.

- The LTTE continued to smuggle weapons during the ceasefire. Interviewees were sceptical about the feasibility of verifying an eventual LTTE disarmament, but they did not doubt the ability of LTTE to effectively command its soldiers to do so.

9.2. Conflict and peace process background

The conflict between the Sinhalese-dominated Government of Sri Lanka (GoSL) and the Liberation Tigers of Tamil Eelam (LTTE) started in 1983 and ended in 2009 with the GoSL’s decisive military victory and the killing of LTTE leader Velupillai Prabhakaran. The conflict was rooted in discriminatory legislation in the wake of Sri Lanka’s independence from British rule. The ethno-political differences between the Sinhalese majority and the Tamil minority was further aggregated by caste and class divisions. The LTTE fought for a separate Tamil state and employed a combination of conventional warfare and terrorist tactics, such as the use of suicide bombers, perpetrated by the so-called ‘Black Tigers’. LTTE was infamous for recruiting child soldiers. Throughout the conflict the LTTE evolved to one of the most sophisticated insurgent groups in history. The group had a conventional army, a navy with speedboats, submarine capabilities, and a rudimentary airforce, and it raised funds from the Tamil diaspora to purchase weapons. At its peak, between the mid-1990s and 2006, the LTTE controlled nearly one-quarter of Sri Lanka’s territory.

389. Sri Lanka (formerly known as Ceylon) became independent from British rule in 1948. Tamils had a privileged position under colonial rule but became increasingly marginalized upon independence. The majority of Sinhalese are Buddhist, while Tamils are Hindu (including a small Christian minority).


Uppsala Conflict Data Program (UCDP) estimates that more than 60,000 people have lost their lives in the conflict and hundreds of thousands were displaced.392

LTTE was formed in 1976 under the leadership of Velupillai Prabhakaran, who called for an independent Tamil state in the northern and eastern parts of Sri Lanka. Although a number of different Tamil groups existed at the time, the LTTE monopolized the Tamil cause. Violence began to escalate in the 1970s and was ongoing – albeit with varying intensity – until 2009. The conflict is divided into four periods: Eelam I (from 1983 to 1987), Eelam II (from 1990 to 1994), Eelam III (from 1995 to 2001), and Eelam IV (from 2006 to 2009).393 During the 1980s, India provided support for the Tamil demand for self-determination, and the 1987 Indo-Sri Lankan accord stipulated the establishment of a regional provincial council in the Tamil areas and the disarmament of the Tamils. Importantly, LTTE was not a signatory to the agreement.394 In 1987, India sent a peacekeeping force (IPKF) to ensure the implementation of the agreement. The IPKF’s tasks were to supervise the ceasefire and to disarm the LTTE. This mission was forced to depart in 1990 due to resistance from both the LTTE and the government.395 The LTTE subsequently captured much of the IPKF’s territory as well as armament.396 Although the goal to oust the IPKF united the GoSL and the LTTE, this alliance of convenience was short-lived and IPKF’s departure was followed by a significant escalation of violence. In 1994, Chandrika Kumaratunga became president and three rounds of peace talks were initiated with the LTTE, but the process broke down when the LTTE withdrew. This episode was followed by the so-called ‘war for peace’ strategy, which was aimed at pushing the LTTE to the negotiating table through offensive attacks.397 In the same period, the LTTE had significantly improved its capabilities and was able to inflict considerable harm on the Sri Lankan Army. The LTTE captured a large number of weapons from the government and it was also able to purchase weapons from elsewhere due to diaspora funding.398

The Norway-led peace process started after the December 2001 election (although preliminary talks and contact was established earlier) when Ranil Wickremesinghe, member of the opposition United National Party (UNP), became Prime Minister.399 The UNP campaign heavily relied

398. Ibid.
on the promise to find a negotiated settlement to the conflict. In 2001, the government and
the LTTE announced unilateral ceasefires and in 2002 they agreed to a mutual ceasefire agree-
ment.\textsuperscript{400} Norway was invited to mediate the conflict by President Chandrika Kumaratunga. The
President had envisaged only a facilitative role for the Norwegians. After initial talks, LTTE lead-
er Velupillai Prabhakaran and Prime Minister Ranil Wickremasinghe signed a memorandum of
Cessation of Hostilities on 22 February 2002. It is important to note that President Kumaratunge
did not sign the Ceasefire Agreement (CFA) and was excluded from the peace process. The CFA
was aimed at achieving normalization and stipulated that the parties abstain from any ‘offensive
military operations’, banned the recruitment of child soldiers, separated the forces, and created
buffer zones between government and rebel-controlled territories. Other Tamil paramilitary
groups that had been working together with the Sri Lankan government were to disarm. The
CFA set up a small Nordic monitoring team, the Sri Lanka Monitoring Mission (SLMM).\textsuperscript{401}

Importantly, the ceasefire did not prohibit additional weapons purchases and recruitment, thus
both parties increased their military capabilities during the ceasefire.\textsuperscript{402} Nevertheless, the cease-
fire led to immediate improvements in the security and humanitarian situation: roads reopened,
trade activity increased, and violence decreased. However, these gains were short lived. From the
declaration of the ceasefire in 2002 until 2003, six rounds of peace talks were held. However, in
2003 the LTTE suspended its participation, resulting in a deadlock.

In 2004, Vinayagamoorthy Muralitharan – more widely known as Colonel Karuna Amman – the
leader of the eastern faction of the LTTE and right-hand man of LTTE leader Prabhakaran, broke
away from the LTTE and a devastating tsunami took place, which led to a considerable weaken-
ing of the LTTE.\textsuperscript{403} In the 2005 national elections, candidate Ranil Wickremasinghe lost narrowly
to anti-LTTE hard-liner Mahinda Rajapaksa. In August 2005, the assassination of Sri Lanka’s
foreign minister, Lakshman Kadirgamar, led to a renewal of the conflict. For the next two years,
both the government and the rebels repeatedly violated the ceasefire agreement. In 2008, the Sri
Lankan government formally withdrew from the ceasefire and Nordic monitors left the country.
In May 2009, Mahinda Rajapaksa declared an end to the civil war and announced the defeat of
the LTTE.\textsuperscript{404}

Oslo: NORAD, Norwegian Agency for Development Cooperation.
\textsuperscript{401} Ibid.
\textsuperscript{403} Kristine Höglund & Camilla Orjuela (2011) ‘Winning the Peace: Conflict Prevention after a Victor’s Peace in Sri Lanka’, \textit{Contem-
\textsuperscript{404} Sørbe, \textit{Pawns of Peace}.
9.3. The non-negotiation of disarmament in Sri Lanka

9.3.1. Sequencing

Although disarmament did not feature in the ceasefire agreement, it came up in 2003, during the negotiation and the implementation of the Agreement on High Security Zones (HSZs). The HSZs were set up by the Sri Lankan military to protect military instalments in Jaffna peninsula from potential LTTE attacks.405 There were in total 18 HSZs in the peninsula and although they served protection functions, these instalments occupied public and private property and led to the displacement of more than 100,000 people, many of whom were later recruited by the LTTE.406 The HSZs were discussed during the 2003 talks in the Sub-Committee on De-escalation and Normalisation (SDN).407 Then-Commander of Jaffna, Major-General Fonseka, proposed a de-escalation plan, according to which the LTTE was required to disarm and to decommission its long range weapons before the resettlement of internally displaced persons (IDPs) inside the HSZs.408 But the LTTE insisted that disarmament at that stage of the process was non-negotiable.409 As one mediator described this period: ‘the LTTE obviously saw the high security zones as a tool of continued oppression and a barrier to establishing normalcy.’410 The Fonseka plan did not materialize and only a limited number of IDPs were resettled.

9.3.2. Command and control

The LTTE was a well-disciplined group and it is safe to assume that they would have been able to carry out disarmament. The LTTE’s governance rested on a mixture of coercive and legitimization strategies, including service provision in the fields of education, health care, and policing.411

9.3.3. Local spoilers

Although the LTTE was the strongest and most well-equipped non-state actor in Sri Lanka, a number of other armed groups existed. As indicated earlier, the ceasefire agreement did not require the LTTE to disarm, but it did stipulate that other Tamil paramilitary groups were to be

406. Ibid.
407. The SDN was established in 2002 and became defunct in 2003. The Committee was comprised of government and LTTE representatives (Sørbo, 2011).
408. Sørbo, Pawns of Peace, 41.
410. Interview 02.11.20.
This provision can be interpreted as a security guarantee (and a spoiler management tool) for the LTTE, who, in the words of a lead mediator ‘didn’t want to move on anything unless they got the assurance from the government that they would get these groups under control.’ However, soon after these groups disarmed, the LTTE increased its attacks on these disarmed groups, leading to an upsurge of violence between 2002 and 2005.  

Despite the security guarantees in the ceasefire, the most prominent spoiler came from within the LTTE. In 2004, the eastern faction of the LTTE, led by Colonel Karuna Amman, split from the LTTE with thousands of other members under his command. The split led to an upsurge of attacks by the LTTE which forced Karuna to disband his forces and to escape. In 2004, the breakaway faction formed the Tamil Makkal Viduthalai Pulikal (TMVP) political party. One interviewee noted that the new faction was seen by the government as a ‘very useful pawn in the game’ and secondary sources indicate that intelligence from the Karuna faction on LTTE’s military strategy was a valuable source for the government. The split weakened the LTTE both in terms of manpower and in terms of influence over the eastern part of Sri Lanka. The Karuna group eventually disarmed, contributed to the LTTE’s defeat in the East, and became integrated into Sri Lankan politics.

9.3.4. Illicit arms acquisition

Illegal arms acquisition took place during the ceasefire. The LTTE evolved from a paramilitary group to a uniquely strong rebel group, ‘capable at one stage of becoming a conventional force equal almost in size and shape to the Sri Lankan Army’. Between 1990 and 2006, the LTTE controlled almost one quarter of Sri Lanka and had a conventional army of approximately 20,000 people, a capable naval force, a rudimentary air force, and seagoing ships that were sometimes used to smuggle arms.

412. See section I.8 of the CFA: ‘Tamil paramilitary groups shall be disarmed by the GOSL by D-day + 30 days at the latest. The GOSL shall offer to integrate individuals in these units under the command and disciplinary structure of the GOSL armed forces for service away from the Northern and Eastern Province’.
413. Interview 02.11.20.
414. These groups include Eelam People’s Democratic Party (EPDP), Eelam People’s Revolutionary Liberation Front (Varathar) EPRLF(V), and People’s Liberation Organisation of Tamil Eelam (PLOTE). Höglund, ‘Violence and the Peace Process in Sri Lanka’.
415. Secondary sources indicated that the reason for the split largely remained unclear, but one potential explanation is that eastern Tamils were discriminated against in the LTTE hierarchy. See for example: Human Rights Watch, 2007; Höglund, 2005.
417. Interview 02.11.20.
The LTTE acquired its weapons from multiple sources, including abandoned military stockpiles and the black market.\textsuperscript{422} The LTTE also had a significant international network that enabled the group to financially sustain its war fighting through donations from the Sri Lankan Tamil diaspora, which in 2002 was estimated to consist of approximately half a million people worldwide and to constitute an affluent expatriate community.\textsuperscript{423}

Arms acquisition continued during the ceasefire, both by the government and by the LTTE. A 2009 report from the Stockholm International Peace Institute (SIPRI) notes that between 2000 and 2007, the government purchased several warships, small patrol boats, and various surveillance systems from India, Israel, and the US to upgrade its capabilities against LTTE smugglers.\textsuperscript{424} The government also expanded its armed forces by purchasing combat aircraft and stocks of ammunition from China, Pakistan, and Ukraine. The Sri Lankan Army reported that by 2009 it had captured 100,000 small arms from the LTTE, including Chinese rifles used by the military, indicating that they might have been previously captured by the LTTE. The main source of weapons supply for the LTTE has been in South East Asia, and to a lesser extent Eastern Europe and Africa.\textsuperscript{425}

One important site for illegal arms acquisition concerns the naval dimension of the conflict. The LTTE’s elite force, the ‘Sea Tigers’, evolved to a considerable force and conducted attacks on the Sri Lankan Navy.\textsuperscript{426} Despite the ceasefire, the Sri Lankan Navy claimed to have intercepted weapons smuggled to the LTTE.\textsuperscript{427} For example, in 2003, Nordic monitors discovered an arms shipment on an LTTE ship and the LTTE responded by committing a suicide attack that detonated the ship. Later that year, the navy intercepted and sunk an LTTE merchant ship on the grounds that it was transporting weapons, which would have constituted a breach of the ceasefire. These incidents were followed by LTTE attacks carried out on a Chinese trawler and a troop transport ship.\textsuperscript{428} However, these incidents did not result in renewed fighting between the parties.\textsuperscript{429} In 2006, law enforcement agencies twice discovered attempts by LTTE members to purchase weapons, including anti-aircraft weapons, in the US.\textsuperscript{430}


\textsuperscript{425} Ibid., 318.

\textsuperscript{426} Sørbo, Pawns of Peace.

\textsuperscript{427} Wezeman, ‘Conflicts and Transfers of Small Arms’, 38.

\textsuperscript{428} Sørbo, Pawns of Peace, 42.


Illegal arms acquisition did not lead to the breakdown of the ceasefire because both conflict parties were interested in the continuation of the peace process. Our interviewees disagreed over the nature of the government’s response – or the lack of thereof – when arms came in for the LTTE. One interviewee claimed that the government and navy ‘would just look another way. They would not intercept. They never stated that publicly because that would create political difficulties. This was most likely an informal agreement between the parties.’\textsuperscript{431} At the same time, another interviewee did not see it as a ‘sort of shadow deal’, but more as a policy by ‘corrupt public officials to enable’ arms acquisition by the LTTE.\textsuperscript{432} As indicated earlier, secondary sources did not discuss or raise the potential complicity of government forces in the LTTE’s weapons acquisition.

\textbf{9.3.5. Inclusion of women}

Women’s groups in Sri Lanka had been active in campaigning for peace for decades. Despite this history of activism and political engagement, the formal peace negotiations largely excluded women, with the exception of Adele Balasingham, the LTTE chief negotiator’s wife,
who was present at all meetings, though she did not represent any women’s groups. Secondary sources indicate that the percentage of female combatants in the LTTE varied between 15 and 20 per cent and that women in the LTTE were empowered and gained equal footing with men. Some women were recruited forcibly, and some joined voluntarily. In 1983 for example, the LTTE established the Women’s Front of the Liberation Tigers. Female fighters of the LTTE, known as ‘Birds of Freedom’, undertook a variety of roles in the political and military as well as in the suicide unit of the LTTE. Nevertheless, the LTTE’s leadership remained patriarchal.

While none of the previous attempts at formal peacemaking in Sri Lanka allowed women any role in the negotiating process, the 2002 peace talks established a formal space for their engagement by creating a Sub-Committee on Gender Issues (SGI) to report directly to the plenary of the peace talks. This initiative received substantial support from Norway. The SGI was facilitated by a senior Norwegian politician (Dr. Astrid Heiberg) and was composed of 10 appointees, five each from the GoSL and the LTTE. The SGI was able to meet twice and they put forward a seven-point common agenda. Importantly, however, the delegates were not allowed to take up issues in relation to the Prevention of Terrorism Act and the High Security Zones, which at the time were being discussed at the level of the plenary talks. None of the sub-committees established prior to the SGI, such as the Sub-Committee on De-escalation and Normalisation (SDN) and the Sub-Committee on Political Matters, had women appointed to them. Reviews on the peace process indicate that the influence of the SGI was questionable, in part due to members’ limited interaction with the formal peace process. Issues were also raised about the ethnic and class composition of the SGI, which did not include any women representatives from the conflict zone. Interviewees painted a similarly bleak picture of women’s inclusion in the peace process. Since the defeat of the LTTE in 2009, the reintegration of ex-female combatants into society remains unfinished.

436. Dissanayake, ‘Women in the Tamil Tigers’.
440. Ibid.
441. Interview 02.11.20; Interview 01.06.20, Oslo.
9.3.6. Multilateral sanctions

Designating the LTTE as a terrorist organization impacted the evolution of the conflict because it denied international legitimacy for the group and hindered effective conflict resolution. The LTTE was designated as a terrorist group by a number of countries such as India, Malaysia, Canada, the UK, Australia, the EU, Sri Lanka, and the US. The American and global response to the 9/11 terrorist attacks impacted the LTTE’s room for manoeuvre, especially when it came to travel. In September 2002, the ban on the LTTE in Sri Lanka under the Prevention of Terrorism Act (PTA) was removed. This was ahead of the first formal talks in Thailand (September 2002). However, in 2003, the LTTE could not attend the Washington conference due to US anti-terrorism legislation. This episode later resulted in Balasingham announcing the suspension (but not the complete withdrawal) of the LTTE’s participation in the peace talks. Our interviewees agreed that international sanctions and especially anti-terrorist legislation negatively influenced the peace talks, and were mostly ‘a political tool which made contact and the political process more difficult, but did not prevent the LTTE from acquiring weapons, so it was the worst of both worlds.’

9.3.7. Case specific factor: Ripeness

The Sri Lankan case reveals important insights about the sensitivity of various aspects of disarmament, such as the timing of including discussions on disarmament in peace talks. The ceasefire agreement was considered to be an important first step towards a more comprehensive peace agreement. As such, it was considered too early to include the question of disarmament into the agenda, as it was seen as an issue that could potentially halt progress. As one mediator put it: ‘it was basically agreed that at that stage of the peace process there was no decision on disarmament and the parties should try to behave and try not to bring in too many new weapons, and the Navy would look the other way. It was needed to move the peace process forward.’ The secondary sources that we reviewed did not discuss whether the government and the navy were turning a blind-eye to incoming weapons from the LTTE or not.

The case of Sri Lanka points to the importance of trust-building and concession-making in negotiating disarmament. The literature on civil conflict settlement argues that one of the main challenges in implementing disarmament stems from mistrust between the parties, which can be

446. Interview 01.06.20, Oslo.
447. Interview 01.06.20, Oslo.
mitigated either by third-party security guarantees or by effective power-sharing. Yet, it is important to remember that the 2002 agreement was a ceasefire and not a peace process, and thus mistrust could not be fully mitigated at the stage of the ceasefire. External actors also understood that the process was not ripe enough to introduce talks on the LTTE’s weapons. As one mediator explained: ‘If you want a peace process, you’ll have to put that issue on the back burner until we get a political process going. And the reality was you had quite a good level of understanding, even in Washington, and remember this immediately post 9/11. We [Norwegian mediators] never experienced any problem with demands for disarmament to be put on the table.’ When asked to reflect on the potential challenges of the disarmament of the LTTE, a Norwegian mediator was sceptical as ‘it would eventually have become very difficult to get a credible monitoring and verification presence.’


449. Interview 02.11.20.

450. Interview 02.11.20.
10. Conclusion

This report examined the relationship between peace and disarmament by focusing on how the disarmament of non-state actors was negotiated in Colombia (FARC), Nepal (CPN-M), the Philippines (MILF), South Sudan (SPLM/A), and Sri Lanka (LTTE). We focused on the following factors in each case: sequencing, command and control, verification, inclusion of women, multilateral sanctions, illicit arms acquisition, local spoilers and the symbolism of disarmament.

We showed that disarmament often does not result in the handover of all weapons. When explaining why disarmament has been incomplete previous research has focused upon inadequate implementation. Instead, we focus upon negotiations as an elite bargain in which the non-state group is not supposed to comprehensively disarm (as happened in South Sudan). We found that, during the negotiations, the symbolic elements associated with disarmament were more important for the de-escalation of the conflict than the actual handing in of all weapons (as shown by the case of MILF in the Philippines). We also found that international assistance is a double-edged sword. It might help to move parties closer to a peace agreement by providing funding, training, and mediation, as in Colombia, or it can be rejected by conflict parties because they equate the presence of robust external presence (for example, peacekeeping forces) with state failure. Finally, we show that despite the landmark UNSC 1325 Resolution on Women, Peace, and Security, which was passed in the year 2000, women are still routinely excluded from negotiations on weapons and disarmament and have to struggle to be allowed to participate.

Our results are synthetized from the five case studies, yet they can be applied in other settings. The added benefit of our approach was that we did not try to apply a pre-determined theoretical framework on how disarmament should be negotiated, but instead took stock of past experiences and drew lessons from them. This inductive approach, applied to an area that has received little attention from scholars, has produced new insights about the nature of negotiations and what is valued by those who are doing the negotiating. We hope that this report can encourage new research on negotiations on disarmament and how they affect peace processes.
11. Appendix

11.1. Interview protocol

The consent form and the interview guide for this project were approved by the Norwegian Social Science Data Services (NSD). Throughout the project, the research team adhered to NSD’s ethical standards. NSD assessed that the processing of personal data in this project was in accordance with data protection legislation (the General Data Protection Regulation and Personal Data Act). The research team identified interviewees and contacted them over e-mail. All interviewees were required to read and sign the consent form, which detailed their rights as interviewees. With the exception of two interviews, all interviews were conducted remotely, over Skype, Teams, or Zoom. We recorded the interviews, stored them in a secure place, transcribed them, and destroyed the recordings after the analysis. Table 3 provides an overview of the case for which we interviewed a particular individual, the gender of the interviewee, and the date of the interview.

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Table 3: Interviews conducted

11.2. Interview guide

*Negotiating Disarmament Interview Guide, June 2020: General Guide*

We would like to ask a few questions regarding your experiences/views related to the question of disarmament in peace processes. In this project we do not focus on the implementation of
disarmament (e.g. DDR or SSR processes), but we are interested in how conflict parties get to the point where they agreed to disarm, the role of disarmament in unsuccessful negotiations, and the experiences of individuals involved in peace processes regarding disarmament negotiations.

**Understanding the context**

The question of disarmament is conflict specific. It requires knowledge from the mediators about the amount, type, and potentially the sources of weapons.

- In your experience what is the role of disarmament in peace negotiations?
- What are the main challenges when negotiating disarmament?
- In your experience what were the buy-in strategies that worked and did not work in disarmament negotiations? (e.g. Offering specific guarantees, voluntary weapon turn-in or buy-back programmes).
- Have you ever been involved in negotiations that were intended to but did not result in an agreement on disarmament?
- If yes, please explain what happened and what were the conflict parties’ disagreements about?
- From what sources do you gain access to information of the conflict environment before the actual talks commence with the parties?

**Sequencing**

- In your experience when in the negotiations process (earlier, later, after some concessions have been achieved) should the question of disarmament take place?

**Multilateral sanctions**

- What is the role of multilateral sanctions in negotiating disarmament? Do sanctions that include provisions related to arms facilitate or hinder talks on disarmament?

**Verification**

- In your experience is the question of verification handled simultaneously with the question of disarmament, or are these separate processes (for example discussions on verification should take place after parties have concluded an agreement to disarm?)
• What are your experiences regarding conflict parties’ views of verification of disarmament? (e.g. who is conducting the verification, for how long).

Command and control

Some armed groups are dispersed across large swaths of territory and have a loose command and control structure. This might mean that disarmament is more difficult to carry out.

• In your experience what impacts conflict parties’ capacity to disarm? (e.g. knowledge of the whereabouts and type of arms).

• What are your views of micro-disarmament?

Inclusion of women

• In your experience what is the role of women in negotiating disarmament?

• Are women consulted or included in talks about weapons?

• If yes, do they bring different perspectives to the table and what are these?

Illicit arms acquisition

• In your experience are conflict parties prone to cheating?

• Have you experienced any instances where despite agreeing to disarmament, conflict parties continued to acquire weapons?

• If yes, how do you address these issues (sanctioning parties, naming and shaming) and how do instances of cheating impact the disarmament process?

Local spoilers

Many conflicts involve multiple armed groups who often fight not just against the government, but also against each other. A peace process may include only one of these actors, excluding others with a significant number of weapons.

• Do you address the presence of spoilers, if yes how?

• In your experience, how do conflict parties view spoilers?
• Do you discuss the presence and role of other armed groups (that are not present at the negotiating table) during negotiations?

Disadvantages of surrendering weapons

• In your experience, what are the disadvantages of disarmament for non-state actors?

• Are there any disadvantages of disarmament for locals? If yes, please elaborate.

Other

• Do you have anything else in mind that you think is important in negotiating disarmament? If yes, please elaborate.
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Disarmament is often characterized as a necessary condition for peace to prevail in the aftermath of civil conflicts. Yet implementation is contingent on what has been negotiated behind closed doors, a process that so far has received little attention. Without knowledge of the positions, motivations, and interests of parties involved in disarmament negotiations, our understanding of particular disarmament outcomes remains incomplete. To fill this gap, we examined negotiations on disarmament in Colombia, Nepal, the Philippines, South Sudan, and Sri Lanka. Our findings focus on the degree of inclusivity in the negotiations, the symbolic relevance of disarmament, and the various roles of external parties in disarmament negotiations.

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