



APPEL DE GENÈVE GENEVA CALL

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Engaging Non-State Actors in the Fight Against Landmines: A Key to Negotiating Peace in Colombia

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Introduction

Today, one of the populations in the world that suffers the most from landmine use by armed non-state actors (NSAs) is the population of Colombia. Since 2003, Geneva Call, a humanitarian, independent and neutral international organisation dedicated to engaging NSAs in a total ban against anti-personnel landmines, has established a line of communication with Colombian armed groups. With the support of the national government and the collaboration of the Colombian Campaign Against Landmines - a partner organisation - representatives of Geneva Call have met with members of the government, non-governmental organisations (NGOs) operating in Colombia, other local and indigenous organisations, as well as members of the National Liberation Army (Ejército de Liberación Nacional [ELN]) with a goal of finding a common solution to the problems posed by NSA landmine use.

In June 2004, in the context of an international forum on landmines and humanitarian agreements, the ELN declared its willingness to engage in a humanitarian dialogue on the question of landmines in the wider context of negotiating peace with the government of Colombia. This significant event confirmed the usefulness of adopting an inclusive approach to implementing humanitarian obligations as well as the relevance of taking progressive and incremental steps toward the ultimate objective of achieving a total ban on mine use.

Background on Geneva Call

Geneva Call was created shortly after the negotiation of the 1997 Anti-personnel Mine Ban Treaty (MBT). As with other international treaties and conventions, the MBT excludes NSAs from adhering to or participating in a process that is reserved for states. Yet the majority of contemporary armed conflicts occur within the borders of states, involving regular armed forces against NSAs or involving two or more NSAs against one another. Indeed, it is estimated that today landmines are a means of warfare that is predominantly used by armed NSAs. Not only do NSAs contribute to the landmine problem by manufacturing, stockpiling and using mines, but they also, at times, control mined land that is inhabited by civilians. People who live in such affected areas face serious risks and often find themselves without proper access to humanitarian assistance since they are beyond the reach of the national government. Also noteworthy is the fact that NSA mine use impacts the mine policy of states. Some governments cite the activities of armed groups in their territory as a reason for not acceding to the MBT or for not being able to fulfil their obligations as States Parties.

As these aspects of the landmine problem have gained recognition, it has become necessary to devise ways in which to involve NSAs in the solution, a solution that must involve NSAs adopting the anti-personnel mine ban norm as well as implementing mine action programs, such as mine risk education, demining, stockpile destruction and victim assistance, targeting specifically the populations that they claim to represent or that they control. The creation of Geneva Call was in direct response to these imperatives.

Geneva Call provides NSAs with an opportunity to publicly commit to the landmine ban. This is done through a mechanism called the "Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action" (Deed of Commitment) whereby NSAs commit the following:

- To adhere to a total prohibition on the use, production, acquisition, transfer and stockpiling of anti-personnel mines and other victim-activated explosive devices, under any circumstances.
- To undertake, to cooperate in or to facilitate programs to destroy stockpiles, to clear contaminated areas, to provide assistance to victims, and to promote awareness programmes.
- To allow and to cooperate in the monitoring and verification of their commitments by Geneva Call.

- To issue the necessary orders to commanders and to the rank and file for the implementation and enforcement of their commitments.
- To treat their commitment as one step or part of a broader commitment in principle to the ideal of humanitarian norms.

NSAs that agree to be bound by the Deed of Commitment are invited to Geneva, where a ceremony is held to mark the event. The custodian of the signed documents is the government of the Republic and Canton of Geneva. As of 26 September 2004, armed groups from the Philippines, Sudan, Iraq, Somalia, Burma, India and Burundi, have signed the Deed of Commitment, and in certain regions, mine action programs are being launched as a result of this gesture.

At the outset, the work of Geneva Call faced challenges. Numerous states expressed their concern that the mechanism it proposed would confer legitimacy or certain recognition to the targeted groups. However, such concerns have been replaced by growing acceptance of the process among states and international organisations. Indeed, a number of recent resolutions and statements emanating from the European Union Parliament, the Organisation for the Security and Cooperation in Europe, and agencies of the United Nations refer to the work done by Geneva Call and express the importance of providing political and financial support to this organisation.

Geneva Call in Colombia

Colombia is the only country in South America where landmines are still being laid. The civil war that has been raging for 40 years is vastly complex due to the variety of actors involved in the conflict; NSAs with different allegiances and goals confront each other as well as paramilitary groups and the regular armed forces of the government. Colombia is a signatory to the MBT and at present, it no longer uses anti-personnel mines. However, the other actors in the conflict are regular users of this weapon because it is low-cost and easy to acquire as well as to assemble. The population of Colombia is therefore severely affected by landmines. Current statistics reveal that anti-personnel mines are responsible for a conservative average of two victims a day in this country alone. According to the government's Mine Observatory, anti-personnel mines claimed at least 602 victims - half of them civilians - in 2002. (note: 1)

Among the NSAs that are active in Colombia, two have been approached by Geneva Call with the help of the Colombian Campaign Against Mines: the ELN, and the Fuerzas Armadas Revolucionarias de Colombia (FARC). While only indirect contact has been established with the latter, considerable progress has been made with the ELN, with whom Geneva Call is in direct communication.

One of the guiding principles of Geneva Call's work is transparency. What this means is that any time the organisation initiates contact with an armed group, it makes sure that the authorities of the state in which the group operates are informed and similarly, it publicises its action to the local communities involved. The government of Colombia supports Geneva Call's inclusive approach to the landmine ban and it has taken steps to facilitate contacts between the organisation and the NSAs that are active on its territory. In the last year, the authorities authorised a delegation to meet directly with two spokespersons of the ELN, detained in the high-security Itagui prison in Medellin. From that time on, regular exchanges have taken place and a dialogue with the leadership of the group became possible. In and of itself, this represented significant progress. At the time of its first meeting with Geneva Call, the ELN had lost faith in the possibility of renewing the peace process that had broken down in May 2002 and was refusing the path of a negotiated settlement to peace.

Confronting a Rejection of the Mine Ban

Early on, it became apparent to Geneva Call that the ELN was not willing to discuss the possibility of renouncing the use of landmines at the time. This weapon was deemed essential in the armed struggle that it waged against the government. For Geneva Call, this was a first: previous negotiations with NSAs in other parts of the world had been long and arduous, but never had a group categorically refused the notion of a total ban on anti-personnel mines. The ELN showed no signs of bending on the issue. At such a juncture, what was Geneva Call to do? Should the dialogue be interrupted until the ELN chose a more reasonable position? It was decided that to do so would be abandoning the humanitarian cause of the people in the region. If even a slight possibility existed that continued dialogue might yield a positive outcome for potential victims, then this possibility had to be pursued.

Imagining an Acceptable First Step

So the dialogue continued and the idea of creating a mine-free pilot zone was imagined. This idea, which has been accepted in principle and is currently being developed, concerns a zone in which the ELN will carry out an initiative on the following three fronts:

- Progressively allowing the implementation of mine-risk education programs
- Mapping and marking mined land
- Enabling an eventual demining of zones destined to civilian use

June 2004: Linking the Landmine Ban to the Peace Process

On 4 and 5 June 2004, Geneva Call, again in collaboration with the Colombian Campaign Against Mines, organised the "First International Forum on Landmines, Non-State Actors and Humanitarian Agreements" in the room of the Senate of Colombia in Bogotá. Upon learning of this planned event, the ELN voiced its concern that the forum would provide an opportunity for all but itself to be heard (NGOs, international organisations, indigenous peoples, representatives of the Colombian military, etc.). This prompted the government of Colombia to come forward with a significant proposal that signalled its willingness to endorse the renewal of the peace process. Francisco Galan, leader of the ELN and spokesperson of the group, was released from prison for a few hours in order to make a declaration in front of the forum participants.

On 4 June, in a live broadcast from the Senate room, Galan read a statement on behalf of the ELN, which proposed that peace negotiations be reopened around the following three themes:

- A humanitarian agreement that includes a commitment to limiting the use of anti-personnel mines
- A general amnesty for ELN political detainees and prisoners of war
- A temporary bilateral cease-fire agreement

Referring to the first of these themes, the ELN leader expressed the wish that "Geneva Call and the Colombian Campaign Against Mines ... accompany [the ELN] in the process of building this humanitarian agreement." (note: 2)
This attested to the successful confidence-building process of the previous year.

The Colombian authorities immediately responded positively, voicing the government's willingness to reopen negotiations with the ELN and emphasising the need to prioritise the fight against landmines. Moreover, Dr. Francisco Santos, vice president of the Republic of Colombia, publicly authorised Geneva Call to hold discussions with the guerrillas on this issue. Through the organisation of a forum on landmines, a path to peace was reopened in Colombia.

Positive Spin-offs

Since June 2004, work has continued with Geneva Call and the Colombian Campaign Against Mines to organise other regional meetings and new actors becoming interested in the question of NSAs and landmine use in Colombia. Most notably, the governor of Antioquia has taken the initiative of creating a Humanitarian Commission with a goal of finding regional solutions to the humanitarian crisis provoked by civil war in the region he governs. Indeed, Antioquia is one of the regions that suffer the most from landmines. A number of its villages have been completely deserted by its inhabitants due to the presence of such deadly weapons in the ground. Geneva Call was invited to become a member of the Humanitarian Commission, which will endeavour to negotiate agreements with guerrilla groups in order to demine affected zones and enable the safe return of internally displaced persons. To date, Geneva Call has visited communities from three of the most affected towns in the Antioquia region - San Carlos, San Francisco and Argelia - where the proposed negotiation of humanitarian agreements with NSAs on the question of landmines has been positively received.

In August, the first meeting of indigenous and Afro-Colombian communities on the questions of NSAs, humanitarian agreements, anti-personnel mines and unexploded ordnance took place in Bogotá. During this meeting, the assembled participants drafted a declaration that highlighted the importance of jointly implementing the obligations incumbent upon the government of Colombia under the MBT as well as the mechanism proposed to NSAs by Geneva Call. (note: 3)

Conclusion: Lessons Learned

Even if the ultimate objective of a total ban on anti-personnel mines currently seems out of reach, there is space for improving the lives of populations that face the threat of landmines on a daily basis. One rebel recently stated that it is not necessary to have peace in order to save lives. This valuable statement is particularly relevant to the situation in Colombia.

By way of conclusion, let us recall the following lessons learned from Geneva Call's involvement in Colombia:

- Discussing a concrete and tangible topic such as landmines can open up new possibilities of dialogue and bring actors who would otherwise refuse to speak to each other together because the acute need for solutions to the humanitarian issue posed by mines is uncontested.
- The involvement of the national government is indispensable. However, an NGO such as Geneva Call can assume a role that governments can rarely afford to play, especially in a complex political reality such as the one in Colombia.
- By raising awareness of the problem of landmines, it is possible to find common ground for negotiating regional humanitarian agreements. This approach, which begins locally and expands regionally, has been the key to achieving peace in Colombia.
- The fight against landmines, approached inclusively through the parallel engagement of state and non-state actors,

has proven to be central to reopening peace talks between the government of Colombia and the ELN.

References

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- Quoted in Geneva Call Newsletter, NSA News Special Colombia, June 2004.
- For the next of the Declaration, see press release drafted by the Colombian Campaign Against Landmines, 19 August 2004. www.colombiasinminas.org.

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