

The struggle against landmines

an opening for peace talks in Colombia

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In December 1997, the Ottawa Convention or Mine Ban Treaty (MBT) was signed by 144 states. As with other international treaties and conventions, the MBT can only be acceded to by states. It does not contain any provisions dealing with armed non-state actors, nor does it provide them with the opportunity to express their commitment to the ban. Seeking to complement the state-centric process, Geneva Call launched a new tool to engage armed groups in a landmine ban: the *Deed of Commitment*.

Geneva Call seeks to establish humanitarian dialogue with these groups and obtain from them a sustainable commitment to the mine ban, as well as respect for the norms of International Humanitarian Law (IHL) more broadly. The *Deed of Commitment* by which the armed groups can commit to the ban is a unique process based on an inclusive rather than exclusive or repressive approach towards these actors.

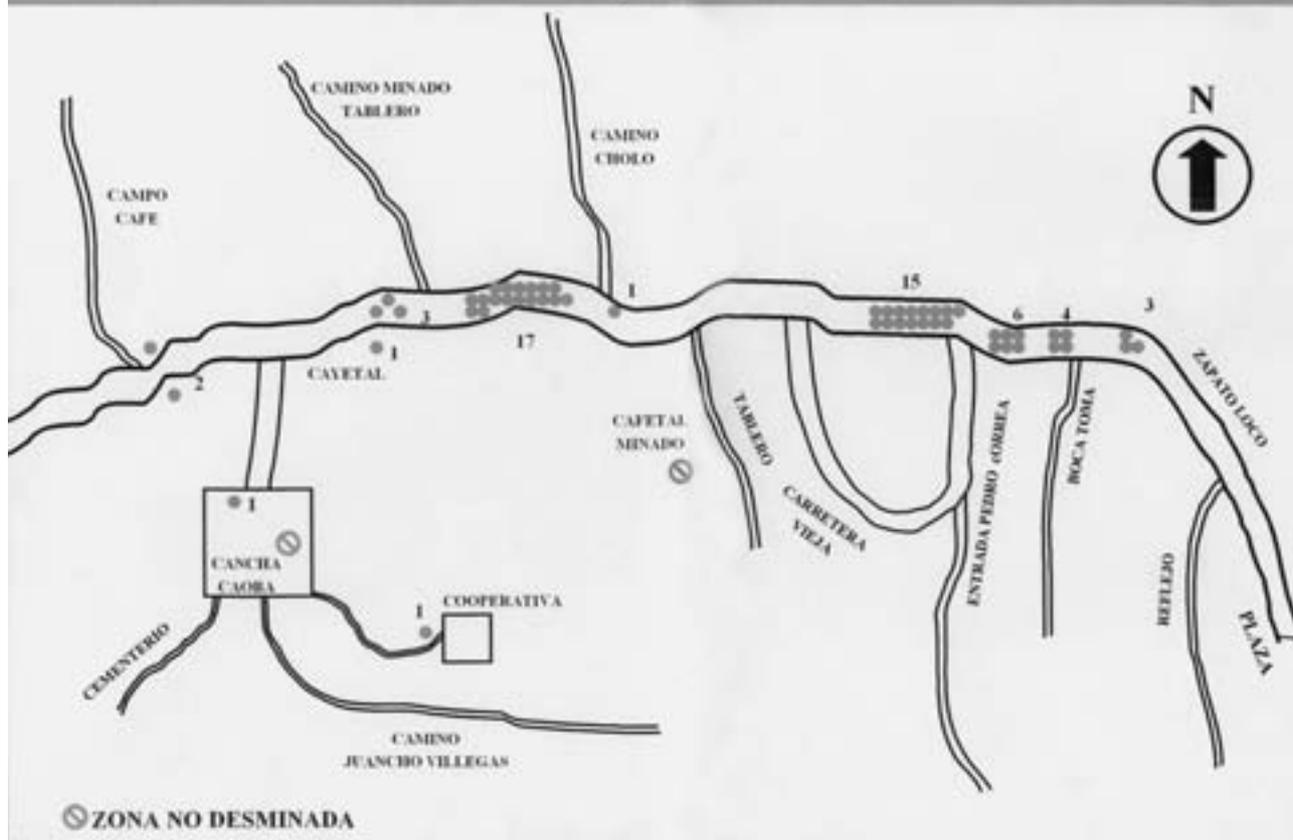
The work of Geneva Call in Colombia

Colombia is the only country in South America where landmines and Improvised Explosive Devices (IEDs) are still being laid. The civil war that has been raging for forty years is vastly complex due to the variety of actors involved: two large guerrilla organizations, a range of paramilitary groups and the government armed forces. Colombia is a signatory to the Mine Ban Treaty and, at present, no longer uses anti-personnel (AP) mines. The armed forces affirmed the destruction of their stock of AP mines in October 2004.

The other actors in the conflict are regular landmine users because mines are cheap and easy to acquire and assemble. The population is therefore severely affected by landmines. Current statistics suggest that AP mines are responsible for a conservative average of two victims a day, of which around 40 per cent are civilians. A significant proportion of the indigenous population is also victimized by these weapons, with displacement, the prevention of land cultivation, and disrupted transportation among the effects. Furthermore, landmines placed by armed groups cause 50 per cent of the armed forces' casualties. Considering the gravity of the situation, in 2003 Geneva Call decided to commit itself to approaching the Colombian groups using mines or IEDs.

The Colombian Campaign to Ban Landmines (CCCM), a member of the International Campaign to Ban Landmines, works in Colombia supporting the implementation of the MBT and immediately expressed interest in assisting Geneva Call's project with its knowledge of the conflict and its contacts with local communities.

ZONA DESMINADA: MICOAHUMADO, LA CAOBA, LA GUASIMA, EL REFLEJO



Since 2003 Geneva Call has approached two armed groups: the National Liberation Army (ELN) and the Revolutionary Armed Forces of Colombia (FARC). While only indirect contact has been established with the FARC, 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. This means that in most of the cases where the organization initiates contact with an armed group it informs the state authorities and publicizes its action in the local communities concerned. When the Colombia project started the government supported Geneva Call's inclusive approach to the landmine ban and took steps to facilitate contacts between the organization and the armed groups active on its territory. For example, a Geneva Call delegation was allowed to meet directly with two ELN spokespersons detained in the high security Itagui prison in Medellín. Since this first meeting, regular exchanges have taken place and a dialogue with the group's leadership has been made possible. Discussions are continuing with Francisco Galan, the ELN spokesperson imprisoned in Itagui, and with contacts in the field. Geneva Call has also met a member of the Central Command in Cuba.

It is important to remember that at the time of its first meeting with Geneva Call, the ELN had publicly ruled out attempting to seek a negotiated settlement with

President Uribe's administration after the breakdown of a peace process with the previous government in May 2002. In a Forum organized by Geneva Call in June 2004 (see below) the ELN opened the door again and the government replied positively, proposing Mexico as a facilitator. But the talks between the two parties are difficult, and tensions and disagreements have made the Colombian government more cautious in its support – initially very positive – for Geneva Call's activities.

Geneva Call is not alone in its efforts to engage armed groups in dialogue. Many other actors such as the Catholic Church and the 'group of friendly countries' are also active in trying to find ways to re-open negotiations and to maintain contact with the armed groups.

From rejection to first steps

Early on, it became apparent to Geneva Call that the ELN was not willing to discuss the possibility of renouncing the use of landmines and IEDs at that time. Landmines were deemed essential in the armed struggle against the government. For Geneva Call this was a first: previous negotiations with armed groups 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 AP mines. The ELN showed no signs of bending on the issue.

At this juncture, Geneva Call faced a dilemma: should the dialogue be halted until the ELN assumed a more reasonable position? It was decided that to do so would be to abandon the humanitarian cause of the people in the region. If even a slight possibility existed that continued dialogue might build confidence and yield a positive outcome for potential victims, then this had to be pursued.

Thus the dialogue continued and the idea of creating a *mine-free pilot zone* was conceived. 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 three fronts: (1) progressively allowing the implementation of mine-risk education programs; (2) mapping and marking mined land; and (3) enabling the eventual de-mining of designated zones.

Linking the landmine ban to the peace process

On 4-5 June 2004 Geneva Call and the CCCM organized the 'First International Forum on Landmines, Non-State Actors and Humanitarian Agreements' in the Senate room in Bogotá. Government officials, NGOs, international organizations, indigenous peoples, representatives of the Colombian military and others were to attend.

Upon learning of this event, the ELN voiced its concern that the forum would provide an opportunity for all but itself to be heard. Geneva Call asked the government to authorize the recording of a video interview with the ELN to be shown during the Forum. The government refused but later made a proposal that signalled its willingness to endorse the renewal of peace talks. Francisco Galan would be released from prison for a few hours to make a declaration in front of the participants.

In a live broadcast from the Senate room on 4 June, Galan read a statement on behalf of the ELN that proposed peace negotiations be re-opened around three themes:

1. a humanitarian agreement that includes a commitment to limiting the use of AP mines;
2. a general amnesty for ELN political detainees and prisoners of war;
3. a temporary bilateral ceasefire agreement.

Galan expressed the wish that "Geneva Call and the Colombian Campaign Against Mines [...] accompany [the ELN] in the process of building this humanitarian agreement." This attested to the successful confidence-building process of the preceding year.

The Colombian authorities immediately responded positively, voicing willingness to re-open negotiations with the ELN through the Mexican government and emphasizing the need to prioritize the fight against landmines. Moreover, Colombian Vice-President Francisco Santos publicly authorized Geneva Call to hold discussions with the illegal armed groups on this issue.

Through the organization of a forum on landmines, and after a long process of confidence-building between the ELN and Geneva Call, a possible small path to peace was opening.

Positive spin-offs

Since June 2004 work has continued, and Geneva Call and the CCCM have organized several regional meetings. New actors have become interested in the question of armed groups and landmine usage. Most notably, the Governor of Antioquia has created a Humanitarian Commission, launched during a Geneva Call workshop, with a view to finding regional solutions to the humanitarian crisis. Antioquia is one of the regions that suffers most from landmines, which have left a number of villages completely deserted. Geneva Call was the only international organization invited to become a member of this Commission. The Governor's objective is to negotiate various humanitarian agreements through the Commission, with the AP mine issue as one of the priorities. Geneva Call has been endorsed as the Commission's intermediary with the guerrilla groups, the main responsibility being to formalize agreements for demining affected zones and enabling 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 on landmines with armed groups has been very positively received. However, until now the progress of the Commission has been slight because the government has resisted the development of regional humanitarian agreements. President Uribe's strategy demands a global and total agreement on a suspension of hostilities before any talks with the ELN are opened.

At the end of November 2004, the ELN proposed discussing another humanitarian agreement outside of this Commission. The group proposed allowing demining in an area of Micoahumado, north of Santander, and asked Geneva Call to follow up. Several criteria were taken into account in selecting this zone: it is a zone under the ELN's influence whose mining seriously affects civilians, and the local population is well organized, thus facilitating the monitoring process and information exchange.

Rejecting the ELN's proposal, the government refused to authorize a specialized NGO to de-mine the area. In response, in January 2005 the ELN announced it had taken the initiative itself and de-mined the zone. The ELN requested that Geneva Call ensure that a process of verification was conducted before civilians use this zone again.

The government has so far refused to allow this verification to take place, despite the readiness of a specialized international organization to do it. The government is under enormous pressure to allow verification to occur, with appeals from such actors as the regional Laboratory of Peace, the United Nations Development Programme, the United Nations Children's Fund, the Geneva International Centre for Humanitarian Demining and the local population. The deaths of three children in a landmine incident in February 2005 have further increased this pressure.

Geneva Call has proposed that this zone be declared demilitarized to prevent the land from being re-mined in the future. The authorities have also rejected this, but Geneva Call intends to seek a compromise that would guarantee that the zone will not be mined again.

In this difficult and suspicious climate Geneva Call tries to reaffirm that the landmine initiative must be isolated from political debates and considered only in relation to meeting humanitarian needs. This is a great challenge since up till now the Colombian authorities have always refused to support regional or local agreements. But Geneva Call hopes that discussions on mines can open doors for broader negotiations or even re-launch abandoned peace talks.

Lessons learned, dilemmas and opportunities

Even if the ultimate objective of a total ban on AP mines seems out of reach for the moment, there is space to improve the lives of populations that face the threat of landmines on a daily basis. The following lessons, dilemmas and opportunities from Geneva Call's involvement in Colombia can be identified:

- Discussing a concrete and tangible topic such as landmines could open up new possibilities for 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 seems to be accepted by both parties and many other actors. By raising awareness of the question of landmines, it is possible to find common ground for negotiating regional humanitarian agreements. This approach of beginning locally and

expanding regionally was the key to achieving peace in El Salvador.

- The involvement of the national government is indispensable. Conversely, 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 Colombia's. Engaging armed groups is a sensitive issue, and other foreign governments fear creating diplomatic incidents with the countries concerned or giving legitimacy to these groups. An NGO can play a complementary role by engaging with armed groups without taking risks on diplomatic or political matters.
- The fight against landmines, approached inclusively through the parallel engagement of state and non-state actors, has provided opportunities for direct and indirect dialogue between the Colombian government and the ELN that could potentially help build the trust and mutual understanding required for future peace talks.

Geneva Call is working in a specific niche, guided by the principle of neutrality and independence. Geneva Call will never take part in the conflict and is involved only in humanitarian action. The organization is fully aware that it does not control all the decisions taken by one side or the other. It remains aware of all these political manoeuvres and is motivated by only one objective: to save human lives.

Geneva Call's engagement with the ELN and Colombian government on landmines has experienced both progress and setbacks. The project of de-mining areas of Colombia has an impact on the prospective peace process, and the relationship between the parties is subject to both opportunities and risks; for example, there may be negative ramifications for this relationship when the ELN pushes forward on a de-mining initiative and the government is reticent. But while results may be small, they are real. Since Geneva Call initiated its project in Colombia, debate on the landmine issue and the condemnation of mine use has become very visible throughout the country. Thanks to several regional workshops, the Afro-Colombian and indigenous communities, usually excluded from these debates, have become very active on this question. The Governor of Antioquia has created a Humanitarian Commission and other mayors have expressed their willingness to negotiate humanitarian agreements on mines. A small zone has been de-mined. Colombia's attention is increasingly focused on this question. The process has grown yet is fragile and complicated, but it is important to push forward with this work as even a little progress is of benefit to the population.