

Chapter 2

PREPARING FOR CEASEFIRE NEGOTIATIONS

This chapter proposes principles and planning considerations to help guide preparations for ceasefire negotiation processes. Complex, protracted efforts are typically required to achieve a ceasefire. Planning assumptions and decisions may have to be revisited multiple times in response to the evolving dynamics of the underlying conflict.



Negotiations for a ceasefire in Korea
 The United Nations Command liaison officers meeting with delegates in Kaesong, Democratic People's Republic of Korea, 1951.
 Credit: UN Photo

2.1 Guiding principles

The UN Guidance for Effective Mediation outlines eight fundamentals for enhancing the effectiveness of a mediation process.¹⁴ These are equally relevant in the context of ceasefires, as detailed in Section 2.2. The fundamentals are:

- preparedness
- consent
- impartiality
- inclusivity
- national ownership
- international law and normative frameworks
- coherence, coordination and complementarity of the mediation efforts
- quality peace agreements.

2.2 Planning considerations

This section outlines planning considerations for mediating a ceasefire. Since conflicts are constantly evolving, mediators are advised to adapt their strategies accordingly.

2.2.1 Setting realistic ceasefire objectives

One of the fundamental objectives of a ceasefire, especially in the case of intra-state conflicts, is to minimize risks to the safety and protection of civilians, humanitarian space and civilian infrastructure.¹⁵ In addition, each ceasefire has context-specific objectives, as well as a range of actions that conflict parties agree to undertake or renounce so as to achieve the main objectives. Ceasefires are always pursued in a broader political, security, economic, social and hu-

14. UN Guidance for Effective Mediation, 2012, <https://peacemaker.un.org/guidance-effective-mediation>.

15. For the purposes of this Guidance, the term "civilian" broadly refers to non-combatants.

man rights context; any of these factors can affect what an agreement is technically and politically able to achieve. A solid understanding of this dynamic context – and particularly its political dimensions – can assist mediators in working with the parties to formulate a ceasefire whose scope is realistic.

In the case of a preliminary ceasefire, the mediator tends to concentrate on seeking a reduction in the levels of violence and building trust among conflict parties, with a view to creating a space for broader political discussions. The conflict parties, however, may have their own objectives and reasons for agreeing to a preliminary ceasefire. The extent to which they commit to the process has implications for its scope. If, for example, parties consent to a proposed ceasefire without having agreed on the nature of political discussions, the scope of the ceasefire is likely to be limited.

Definitive ceasefires are generally pursued within the framework of a broader peace process, as part of efforts to negotiate a comprehensive end to a conflict. Ceasefire negotiations are thus closely linked to the agreed framework of modalities for broader peace negotiations.

The following questions can be useful in building an understanding of conflict parties' positions and other contextual factors that can influence the scope of a proposed ceasefire, especially with respect to a preliminary ceasefire:

- Does the ceasefire precede or form part of a broader political process? Have the details and modalities for the political discussions already been agreed? How will this ceasefire link with other activities in the broader process?
- Have any previous ceasefires or peace processes failed? If so, what can be learned from them in terms of causes and effects?
- Is the ceasefire's focus geographical, sectoral or temporal? How might it affect the broader conflict or peace process?
- What motives, interests or other factors might encourage or prevent a conflict party from engaging in ceasefire negotiations?
- Do the conflict parties have effective command and control over their combatants? What is the extent and nature of their control over geographical areas?
- What is the level of political and military asymmetry in the given context? How

might this impact on the parties' capacity to negotiate and implement potential provisions in a ceasefire?

- What are the parties' core – often unspoken – positions or interests, and what are the commonalities among their needs?
- Is there a sufficient level of mutual trust to implement the ceasefire, as well as guarantees for security and access to allow meaningful monitoring and verification?
- What differentiated impacts is the conflict having on communities, women, minority groups, and civil society – and vice versa? To what extent are conflict-related sexual violence and grave violations against children used as tactics? What do local communities identify as the most urgent issues to address in a ceasefire agreement?¹⁶
- What resources will be required for the implementation of specific provisions, should they be included in the agreement? Who will provide these resources and in what time frame?

2.2.2 When and how to seek a sustainable ceasefire

Each conflict presents diverse challenges and opportunities that affect whether a ceasefire will be respected by all parties. Determining when and how to seek a sustainable ceasefire requires a thorough appreciation of the political nature of ceasefires, as well as an understanding of the parties' motivations, the broader political, security, social and economic context, the gendered impacts of the conflict, and pertinent cross-border, regional or international dynamics. Gender- and age-sensitive conflict analysis that takes these factors into account can help mediators to select appropriate timing for a ceasefire, including through incremental steps, if appropriate.¹⁷

Preliminary ceasefires are often negotiated in environments of low trust, in which the conflict parties may still be weighing their options for a negotiated settlement versus a continued pursuit of a military solution. Understanding their respective perceptions can allow mediators to assess entry points and strengthen the parties' motivation to negotiate.

If parties agree to negotiate a definitive ceasefire in the absence of a preliminary ceasefire, they are effectively selecting a "talking-while-fighting" approach, in which the political negotiations continue without

16. The term "conflict-related sexual violence" refers to rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage and any other form of sexual violence of comparable gravity perpetrated against women, men, girls or boys that is directly or indirectly linked to a conflict. That link may be evident in the profile of the perpetrator, who is likely to be affiliated with a State or non-State armed group, including terrorist entities; the profile of the victim, who is likely to be an actual or perceived member of a political, ethnic or religious minority group or targeted on the basis of an actual or perceived sexual orientation or gender identity; a climate of impunity, which is generally associated with State collapse, cross-border consequences such as displacement or trafficking, and/or violations of a ceasefire agreement. The term also encompasses conflict-related trafficking in persons for the purpose of sexual violence or exploitation. See Conflict Related Sexual Violence: Report of the Secretary-General, 2019, <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2020/07/report/conflict-related-sexual-violence-report-of-the-united-nations-secretary-general/2019-SG-Report.pdf>.

17. Gender-sensitive conflict analysis examines the causes, structures, stakeholders and dynamics of conflict and peace through a gender lens. "Practical Guidance for Gender-Sensitive Conflict Analysis", https://peacemaker.un.org/sites/peacemaker.un.org/files/Gender-sensitive_Conflict_Analysis_infographic.pdf.

agreement on any type of ceasefire. In such contexts, mediators need to be prepared to protect the political negotiations from the fallout of potential hostilities. One way to motivate the parties to look beyond current events is to establish a clear road map for talks, which can help to put incidents on the ground into a wider perspective.

Mediators can also choose to pursue context-specific de-escalation and confidence-building measures, especially when pursuing preliminary ceasefires (see Box 2). Such measures can help the parties retain their forward-looking focus by reducing levels of violence and mistrust. A formal preliminary ceasefire may thus be preceded by a series of informal or formal steps for de-escalation and trust building, which can be helpful in protracted conflicts with a history of failed ceasefires.

The following questions can be helpful in determining the most suitable timing for ceasefire negotiations:

- Do the parties perceive that no one can win through the continued use of force (a

- “mutually hurting stalemate”)?
- Do any regional or international dynamics have a strong positive or negative impact on this “hurting stalemate”?
 - Does the leadership of each conflict party have the authority required to explore and negotiate a ceasefire?
 - Do the conflict parties have sufficient levels of cohesion and coherence within their hierarchy to facilitate implementation of a potential agreement?
 - Could a ceasefire initiative contribute to the fragmentation of the parties and, consequently, to a ceasefire implementation environment in which both signatories and non-signatories continue to operate in the same geographical space?
 - Can the ceasefire be linked to a plausible political road map or framework?
 - Can any other external, unforeseen factors help the mediator forge common ground on a ceasefire (such as a humanitarian emergency, disruptive natural or climate-related event and threats)?
 - Is there strong support for a ceasefire from the broader host communities – and specifically from women, religious groups or business entities?



Cantonment process in Cambodia
Young soldiers of the Khmer People National Liberation Armed Forces, one of the four Cambodian factions, before entering the designated cantonment site in 1992.
 Credit: UN Photo/Pernaca Sudhakaran

BOX 2: Confidence-building measures in the context of ceasefires

Confidence-building measures (CBMs) reflect the will of a party or parties to prevent avoidable escalation, build trust and signal positive intent to engage or recommit themselves to a process. They are typically useful throughout the cycle of a ceasefire, from negotiation to implementation. In settings where agreement on broader political matters is not yet possible, CBMs focus on pragmatic, concrete or operational issues, including ones that are political, economic, humanitarian or security-related. In the early stages of negotiations CBMs can play a critical role in reducing distrust and violence among the conflict parties, while efforts on a broader ceasefire gain traction.

The declaration of CBMs cannot bring peace on its own. CBMs require diligent follow-up actions and active maintenance by all parties involved. They can serve as incremental building blocks, delivering short-term gains to build confidence in the mediation space and prevent escalations, especially in the context of a preliminary ceasefire with limited entry points. CBMs are most effective when they are not expressed, framed or accepted as preconditions, especially if they are considered before the formal negotiations start.

To demonstrate goodwill, a conflict party can decide to adopt CBMs unilaterally or together with one or more other parties. The following security-related CBMs may be particularly relevant in the context of ceasefires:

- the establishment of no-fly zones
- a cessation of specific practices or types of attack
- orders to ensure the protection of civilians, for example through the prohibition of conflict-related sexual violence
- a release or exchange of prisoners
- the establishment of emergency or 24-hour hotlines
- joint patrols
- the exchange of deployment maps or patrol plans
- the disengagement of heavy weapons or other materiel
- a cessation of mine laying
- demining.

In Colombia, the Government and FARC delegations undertook a number of unilateral and bilateral CBMs that incrementally fostered mutual trust and momentum in the negotiation process. As a result, a bilateral, definitive ceasefire was included in the 2016 Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace. The security-related CBMs included FARC's unilateral ceasefire declaration in December 2014; the Government's subsequent announcement, in February 2015, that it would stop bombing raids on FARC positions; and the parties' 2015 agreement on joint demining in two regions of Colombia.

2.2.3 Understanding critical stakeholders

By carrying out stakeholder mapping, ceasefire mediators can better evaluate how and when to engage with conflict parties and other relevant actors, including local, national, regional and international stakeholders.¹⁸ Since conflicts are dynamic, this type of analysis requires regular updating to help guide mediators in preparing appropriate, inclusive engagement strategies and mediation processes. This section highlights aspects of stakeholder mapping that are particularly relevant to ceasefire mediation.

Conflict parties

Key considerations for analysing conflict parties include:

- **Structures**
 - the organization of all relevant conflict parties, as well as their social or ethnic composition; deployment strategies; command, control and communication systems; and the levels of coordination of their political and military structures
 - the relationships between the political and the military structures of conflict

18. United Nations, "UN Conflict Analysis Practice Note", 13 May 2016, <https://unsdg.un.org/resources/un-conflict-analysis-practice-note>.

- parties and their potential impact on negotiations
 - the distinctive traits of party leaders, the processes by which they are selected, and any listing under international, regional or national sanction regimes
 - recruitment methods and main recruitment areas and groups, including any use of forcible recruitment
 - the role, seniority and agency of women in conflict party structures, and the methods used to recruit them
 - the role of children in conflict party structures, and the methods used to recruit them
 - the nature of the formal security sector and its relationship with the executive, the legislature and the judiciary.
- **Resources**
 - the types of weapon system, ammunition, vehicle and equipment held and used by conflict parties
 - the sources of funding and sustenance
 - the form and modalities of logistical support.
 - **Modi operandi**
 - the topography of the conflict area (urban, rural or other)
 - the nature and extent of the parties' territorial control and influence
 - the parties' relationship with local communities and their role in local governance
 - areas of intense engagement and hotspots
 - recent battlefield trends of "wins and losses"
 - the use of conflict-related sexual violence (including objectives, circumstances, persons targeted and prevalence)
 - levels of interest in or willingness to adhere to international law on issues such as the targeting of civilians, conflict-related sexual violence, child protection in situations of armed conflict, or trafficking in persons
 - the parties' approach to public outreach and communications, including the use of social media and digital technologies.
 - **Motivations and convictions**
 - the parties' declared ideal end states
 - methods and measures that could increase the parties' level of motivation or commitment to engage in ceasefire negotiations
 - non-State parties' perceptions regarding formal and informal State actors

- and their capacities
- the nature of linkages to illicit economies, if prevalent in the region
- narratives that support party positions.

- **Engagement strategy and mediation process design**

- conflict parties' previous engagement in mediation processes
- parties' methods for determining the composition of negotiation teams
- individuals and entities that have influence over the conflict parties.

National and local stakeholders

Key considerations that can guide the assessment of national and local stakeholders include:

- the presence and nature of relevant civil society and community-based organizations, women's groups, youth groups, trade unions, business associations, faith-based groups, traditional leaders, and academic and media groups or associations
- responses to the conflict, especially among women's organizations and other civil society groups or local communities that are most directly affected by the hostilities or that represent those that are
- conflict parties' perceptions of civil society groups, and vice versa
- levels of trust in State institutions
- the relationships and points of friction within civil society networks and between these networks and the conflict parties, including levels of polarization
- the potential security threats to civil society organizations, community-based organizations, women leaders and other groups or actors engaged in peace efforts
- previous and potential roles of stakeholders in peacemaking, reconciliation and ceasefires
- the stakeholders' capacities, funding sources, degree of independence and flexibility to operate in a given context.

Regional and international stakeholders

An analysis of regional and international stakeholders – which may include neighbouring or distant States, regional or sub-regional organizations, and international entities or organizations – could include a review of:

- their positions, interests and motivations
- their support for conflict parties (in terms of morale, human resources, technical support, territorial sanctuaries, financial backing and equipment)

- roles they could play during the exploratory, engagement, mediation and implementation phases of a ceasefire
- the relationships among external stakeholders
- possible ethno-social, religious and ideological linkages to the national actors involved in the conflict
- geographical proximity and economic interdependence, in both formal and informal sectors
- past and ongoing roles and participation in formal and informal groups or forums, in support of the peace process.

2.2.4 Designing a ceasefire mediation process

Most mediation processes – including those involving ceasefires – involve several stages. Some of these stages are informal, such as the early stage of “talks about talks”, while others are more formal. In broad terms, a ceasefire mediation process covers all stages and identifies the following elements:

- the main objectives
- the participants and the scope for their participation in the negotiations
- the mediation format and structure
- the main issues to be discussed by the parties
- ground rules
- channels of communication and outreach with internal and external stakeholders
- the arrangements for required financial and logistical support.

The design of a mediation plan is guided by the type of ceasefire being mediated. If a preliminary ceasefire is not anchored in a clearly defined political track, for example, mediators may have to develop a dedicated process framework. In contrast, the mediation modalities for definitive ceasefires usually follow the format agreed for all other tracks of a broader peace process.

In designing a mediation process, mediators may wish to pay particular attention to the following elements, especially when pursuing preliminary ceasefires:

- **Mediation approaches.** Mediators may use facilitative, suggestive or persuasive approaches during the process. The choice of approach usually reflects contextual dynamics, the type of ceasefire being sought, the nature of the issues being negotiated, comparative capacities of conflict parties to negotiate technical issues and the mandate of the mediator (see Box 3).

- **Format for the talks among parties.** Format options include direct (face-to-face) talks, indirect talks in close proximity (“proximity talks”) and shuttle diplomacy. The format for talks often evolves as the negotiation process proceeds. Talks increasingly involve virtual platforms or hybrid options that combine in-person and online interactions, so long as all parties provide their consent.

At the outset of the process, before formal talks begin, mediators typically engage in a series of separate, informal interactions with the parties and other key stakeholders. Doing so allows them to discreetly ascertain the interests and needs of the parties and identify potential points of departure before launching formal negotiations. In the context of preliminary ceasefires, mediators may need additional time to build a minimum level of trust – through informal engagement and backchannels, if possible – before any direct talks can materialize. They can also use this time to collaborate with mediation support entities in organizing consultations with stakeholders other than the conflict parties. The outcomes of such collaborative processes can inform the strategy for formal negotiations.

- **Sequencing of the ceasefire in relation to political talks.** With respect to political and other components of the broader peace process, ceasefires are typically pursued in one of three ways:
 - in advance of wider political talks, with a focus on pursuing a preliminary ceasefire even if its sustainability depends on the launch of political talks and on the progress parties achieve
 - in parallel to wider talks, so that political or other issues are negotiated at the same time as the ceasefire and progress along all tracks is interlinked
 - in sequential negotiations that produce agreement on one issue at a time (such as political arrangements, economic arrangements, a definitive ceasefire or transitional justice), often with the proviso of “nothing is agreed until everything is agreed”.

Timetable for meetings. A schedule of sessions can help to provide a clear path forward and may mitigate the effects that actions on the ground might have on the talks, especially if conflict parties are “talking while fighting”. Ceasefire negotiations may be accomplished in:

- one extended session
- a series of sessions, interspersed with breaks that allow parties to communi-

- cate and consult with their constituencies
 - a more flexible set of meetings, depending on the context and how the process evolves.
- **Composition of delegations.** Before delegation members are selected, conflict parties decide on the number of members, their seniority and considerations such as gender balance. Ceasefire mediators are encouraged to clarify the benefits of inclusivity and meaningful direct participation of women, especially if conflict party representatives view ceasefire mediation as the exclusive domain of the military. Negotiation teams are more likely to achieve their goals if they include people with the authority to take decisions on all sides (see Section 2.2.5 and Chapter 3).
 - **Setting ground rules.** Ground rules are mutually agreed among parties, preferably before or at the beginning of the first engagement. In addition to guarantees on safety and security, the rules usually cover elements such as levels of confidentiality; information sharing; media outreach, which could include the use of social media platforms by delegates or by entities associated with them; conduct and behaviour, especially with respect to women delegates, wherever applicable; modalities of the mediation process, including dispute resolution; decision-making; and cultural or religious obligations and sensitivities. By clarifying how confidentiality and information are to be protected, ceasefire mediators may be able to ease parties' concerns about providing information on or discussing sensitive military issues, particularly if they are "talking while fighting".
 - **Communications and outreach with stakeholders.** The management and dissemination of information and communications associated with ceasefire negotiations are key to minimizing disinformation and other risks, especially with respect to preliminary ceasefires. While clearly formulated and mutually agreed ground rules can address some concerns during formal negotiations, mediators are encouraged to consider this issue during informal engagements as well.
 - **Selecting the venue.** Decisions on venues for a ceasefire mediation process can be complex, especially in the case of preliminary ceasefires, in part because the choice of venue can directly affect the physical safety of the delegations and thus their willingness or ability to participate in the process. Key factors to consider in selecting a venue include:
 - the venue's acceptability to parties and host authorities
 - the distance from the conflict zone
 - the availability and security of means of communication that allow parties to engage with their respective constituencies
 - guarantees for safety and security during transit to and from the venue
 - cultural sensitivities
 - the logistical needs of women and other delegates, including individuals invited as observers.
- **Agenda setting.** When a ceasefire is being negotiated as part of a broader peace process, the overall agenda for peace talks usually informs the agenda for ceasefire negotiations. If an agenda is set specifically for ceasefire negotiations, then the parties are best guided by what they intend or hope to achieve through the ceasefire. Agreeing on the agenda and on a sequence in which the issues are to be negotiated constitutes a key phase of a mediation effort. Agendas of ceasefire negotiations, which usually reflect the proposed content of the eventual ceasefire, are most effective at bringing about a credible, sustainable end to hostilities if they are comprehensive and cover all required elements, while avoiding gaps that may create confusion at the implementation stage.

As part of their preparatory informal engagements, mediators can usefully assess areas of possible agreement among parties with a view to recommending the addition of those issues to the agenda. They can also help to ensure that conflict parties agree on how to sign off on agenda items, for example by closing each topic as it is agreed, or by signing off on the whole package only ("nothing is agreed until everything is agreed"). Unpacking complex technical issues and taking an incremental or phased approach may be helpful, especially with respect to preliminary ceasefires, which are often mediated in contexts of minimal trust.
 - **Building technical knowledge and negotiation capacities of stakeholders.** Mediators can discreetly assess the negotiation capacities of the conflict parties during informal and formal engagements, bearing in mind that this is often a sensitive issue and that stakeholders may not be aware of or willing to acknowledge deficiencies.

Capacity-building support is more likely to be effective if it is offered to all the parties – including observers and civil society participants – in a transparent and impartial

manner. Mediators can contribute to the impact of such support by being realistic about the time and resources required to address knowledge gaps. In some circumstances, entities or actors other than the mediator or the mediation support team are better placed to provide capacity-building, especially if it is directed towards only one of the conflict parties.

Workshops on relevant technical and thematic issues can serve as useful tools for identifying and discussing options, especially if all parties are present. Mediators may offer to facilitate such events prior to and during the negotiations, or they may recommend other facilitators. If conflict parties request dedicated advisers, mediators are encouraged to make them available to all stakeholders with the utmost transparency, resources permitting (see Box 4).

- **Drafting a ceasefire agreement.** Parties may agree on modalities for the drafting of a ceasefire even before detailed negotiations commence. Members of a drafting committee can be drawn from among the parties and charged with following the ne-

gotiations closely, to capture the positions of the parties and any emerging consensus, in line with an agreed methodology. The committee may work on a draft as the negotiations proceed, produce text each time an issue has been resolved or generate a draft at the end of the negotiations. Regardless of which approach the committee takes, the negotiation record reflects progress and emerging agreement, which helps to prevent backsliding on settled issues in subsequent sessions.

In some cases, a mediator may wish to propose an outline, or even a full negotiating text that reflects the essence of discussions between the parties. Given the potential implications for the conflict parties' ownership of the agreement, however, such steps require careful consideration and consultation. Short of drafting the negotiating text, the mediator may offer options or even specific bridging proposals for overcoming difficult issues that arise in the negotiations. While approaches vary across negotiation settings, mediators are encouraged to ensure that all sides have a solid understanding of the evolving ceasefire text.

BOX 3: Third parties and the mediation space

The frameworks and parameters within which a mediator seeks to facilitate a ceasefire between conflict parties can vary substantially. For the sake of consistency, this Guidance uses the term mediator, but a third party who supports ceasefire negotiations can play a variety of roles, from host or convenor of talks to facilitator or mediator, occasionally with the ability to make substantive proposals related to the ceasefire itself. A mediator's mandate may be quite narrow in scope, such as when it relates only to ceasefire negotiations, or it may be broad, perhaps covering the facilitation of a comprehensive peace agreement on security, political, economic and human rights issues.

Mediators – whether of the UN or not – often operate in a crowded political and mediation space that can include envoys appointed by regional organizations, sub-regional organizations, and Member States, as well as national or local mediators. National and international non-governmental organizations may also be involved, either directly, in negotiations with the conflict parties, or in backchannel efforts, to allow parties to explore ideas and proposals confidentially. Mediators may therefore need to coordinate such efforts, either informally or through forums or mechanisms specifically created for this purpose, to ensure unity of purpose in a given context. The same forums can serve as platforms for engaging with international stakeholders on issues related to resource mobilization for the implementation of ceasefire agreements.

Mediators cannot assume that their mandates provide automatic or constant consent from the conflict parties, who may seek alternative forums or facilitators with a view to procuring a more favourable negotiated outcome. The ability of a mediator to influence and guide ceasefire discussions between the conflict parties thus depends on a range of contextual factors.



Raising awareness of local communities on DDR provisions of ceasefire agreement
Darfur drama actors perform at El Srief, North Darfur, Sudan, as part of DDR outreach activities supported by the African Union – United Nations Hybrid Operation, 2011.
 Credit: UN Photo/Albert Gonzalez Farran

2.2.5 Enhancing inclusivity in a ceasefire mediation process

Ceasefire negotiation processes that are inclusive – in that they include various constituencies and ensure their differentiated needs are addressed – are likely to benefit from greater legitimacy and national ownership, produce better quality agreements and lead to sustainable implementation arrangements. Mediators have an important role to play in promoting greater inclusivity in consultations, negotiations and implementation, especially with reference to the inclusion of women.

From a normative standpoint, inclusivity is based on the recognition that since civilians bear the brunt of a conflict, they ought to inform and be engaged in peace-making and implementation efforts. Inclusive negotiations allow stakeholders the opportunity to speak about their experiences, needs, concerns and aspirations, as well as to participate in decision-making that leads to a responsive, effective and sustainable outcome.

The full and meaningful participation of women – as well as youth, civil society and minority groups – in ceasefire negotiations can help to engage a variety of perspectives, ideas, networks and resources. In addition to

enhancing the sustainability and community ownership of a ceasefire, ongoing peacemaking or peacebuilding efforts by these groups can contribute to the durability of an agreement. By pursuing inclusivity, mediators can help foster ownership among stakeholders and accountability among conflict parties.

Ahead of negotiations for a preliminary ceasefire, a mediator can usefully inform the parties about the benefits of including a wide range of voices and perspectives, so that by the time negotiations begin, they are prepared for the process and more willing to agree to an inclusive scope and modalities. The variety of forums and formats that can be used to encourage a more inclusive process are addressed in greater detail in Chapter 3.

In Guatemala a Civil Society Assembly was established following the 1994 Framework Accord, with the aim of institutionalizing the participation of civil society in the peace process between the Government and the Guatemalan National Revolutionary Unity. The Assembly formulated non-binding recommendations and guidelines, including with respect to the ceasefire and security arrangements, and provided these to the UN moderator and two parties.¹⁹

19. Framework Agreement for the Resumption of the Negotiating Process between the Government of Guatemala and the UNIDAD Revolucionaria Nacional Guatemalteca, 1994, https://peacemaker.un.org/sites/peacemaker.un.org/files/GT_940110_FrameworkAgreementResumptionNegotiatingWithURNG.pdf.

2.2.6 Addressing issues related to the safety and protection of civilians

The safety and protection of civilians and critical humanitarian infrastructure are at the core of all stages of the ceasefire mediation process, starting with the preparatory phase, which typically involves informal engagements (see Section 2.2.4). The preparatory phase alone can extend over long periods of time, during which mediators may have to develop a set of context-driven options to address escalations in violence against civilians, including women, children, humanitarian aid and medical workers, minority communities and populations displaced by the conflict.

By serving as consistent advocates for the safety and protection of civilians, humanitarian infrastructure, and the accountability of conflict parties during the preparatory and formal negotiation phases, mediators can help to foster the conflict parties' compliance with corresponding norms, principles and legal obligations as early in the mediation process as possible, and not only once a formal ceasefire agreement has been finalized. They can also play a part in securing ceasefire agreements that aim to advance the protection and security of civilians, for instance by ensuring that negotiation processes incorporate the participation of communities affected by the conflict.

In general, mediators can develop strategies for reinforcing the safety and protection of civilians by:

- fostering a comprehensive understanding of the various impacts of violence and conflict and ensuring that conflict parties understand the human rights and gender dimensions of the conflict in discussions during the negotiation process
- promoting an inclusive process that engages a diverse set of stakeholders – including civil society and community-based organizations, women's groups and networks, youth organizations, and local, national and international bodies and actors that focus on humanitarian, human rights, gender equality and child protection issues
- assessing the types of violence that are present and need to be addressed; the availability of services for survivors of violence; the roles and experiences of women and children associated with armed forces and groups; the perceptions of non-combatant women associated with armed groups; and potential strategies to ensure child protection and prevent sexual violence
- reviewing past ceasefire and peace agreement implementation mechanisms –

which may include provisions related to gender equality, child protection, and the prevention of and protection from conflict-related sexual violence – and analysing the extent to which their implementation is gender-responsive, with an eye to assessing gaps, effectiveness and potential linkages to the current context and process

- examining existing or planned action plans and communiqués jointly signed by the UN and the conflict parties, and advising the parties to reference and acknowledge these documents in the ceasefire agreement²⁰
- identifying existing data collection, information management systems, and monitoring and reporting mechanisms²¹
- assessing the capacities of local, subnational and national authorities, as well as non-governmental organizations, to provide services for survivors of conflict-related sexual violence
- preparing accessible and contextualized information on international legal obligations to protect civilians from war crimes, crimes against humanity, and breaches of international humanitarian law and international human rights law
- conducting advance planning to respond to occurrences such as the spontaneous demobilization or release of women combatants, children associated with armed forces and groups, or family members associated with armed forces and gangs, especially during ceasefire mediation processes in a protracted conflict.

2.2.7 Collaborating and coordinating with humanitarian actors

Humanitarian pauses may be sought and negotiated at any stage of a conflict, before or in parallel with negotiations for preliminary or definitive ceasefires. In some cases, the parties may agree to the inclusion of specific humanitarian provisions in ceasefire agreements.

Mediators are advised to seek technical advice from and consult, collaborate and closely coordinate their efforts with the United Nations Humanitarian Coordinator or other humanitarian actors or networks, as applicable. At the same time, they can support humanitarian aims by ensuring that the agenda for negotiations includes the protection of civilians and the parties' responsibility to ensure safe, timely and unimpeded humanitarian access. Doing so involves reminding conflict parties of their obligations and accountability under international humanitarian law, international human rights law and relevant resolutions of the UN Security Council.

20. The Special Representative of the Secretary-General on Sexual Violence in Conflict has issued several communiqués on preventing and responding to conflict-related sexual violence, including joint communiqués with conflict parties.

21. Such mechanisms may include monitoring, analysis and reporting arrangements on conflict-related sexual violence; gender-based violence information management systems; monitoring and reporting mechanisms on grave violations against children; information management systems on mine action; and community-based systems of data collection on violence and rights violations.

BOX 4: Preparing parties for ceasefire negotiations

The following three-step exercise allows mediators to prepare conflict parties for negotiations and to obtain a better understanding of their perspectives. Throughout the exercise, the parties meet separately, and their work is kept confidential.

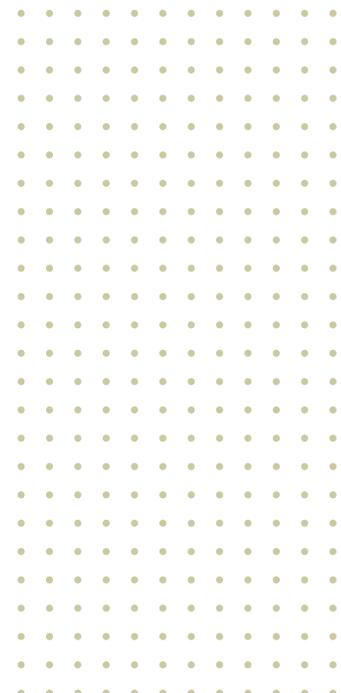
Level 1: Optimum outcome. In this step, the objective is for each party to determine what its ideal outcome from the ceasefire would be – without examining the interests of the other party or parties.

Level 2: Minimum needs. This step is focused on establishing what is necessary if the optimum outcome cannot be achieved. Together with the mediator, representatives of each party discuss their minimum needs with respect to the prospective ceasefire, identifying the conditions that need to be satisfied for the fighting to stop. Being clearer and more aligned on their minimum needs and various ways these could be achieved or protected helps parties to make concessions on aspects that are less crucial to them. Such conversations within parties are typically difficult and may require facilitation. The outcome is confidential unless the parties decide to share it or parts of it.

Level 3: In the other side's shoes. In the third step, a party revisits all the decisions it took in the previous rounds, but from the perspective of the other side. The party examines its own optimum outcome from the point of view of the other parties and assesses the extent to which it may be acceptable to them. Then the party repeats this exercise with respect to its minimum needs. Looking at these options from the other perspective – which may also require facilitation – can enable parties to generate alternatives for issues that are likely to be problematic during negotiations.

2.2.8 Securing the requisite financial and human resources

Ceasefire mediation or facilitation processes are resource-intensive and often continue over long periods of time, sometimes with no clear end date in sight. Adequate resources are required for activities such as establishing and maintaining an operational office; engaging a team to support the mediator; facilitating mediation processes (which involves travel costs and venue rental); arranging capacity-building for the parties and other stakeholders; offering childcare and other family support for delegates; and hiring experts. To stay focused on their primary task, the mediators require efficient support teams, including relevant thematic experts and operational logistics advisers who can undertake regular assessments and forecasts, handle procurement and manage resources.





Deminers at work in Mwanga, Democratic Republic of the Congo, 2007.
Credit: UN Photo/Martine Perret

KEY GUIDANCE POINTS: PREPARING FOR CEASEFIRE NEGOTIATIONS

Planning considerations

- Embedding a ceasefire in the broader political context ensures that it is linked to progress on addressing the root causes of the conflict.
- Determining when and how to seek a sustainable ceasefire requires a context-specific approach based on gender- and age-sensitive conflict analysis, comprehensive stakeholder mapping and a clear understanding of the proposed ceasefire's relationship to the broader peace process.
- Since conflicts are dynamic, this type of stakeholder mapping and analysis requires regular updating to help guide mediators in preparing appropriate, inclusive engagement strategies and mediation processes.
- The nature and scope of any confidence-building measures in the context of a ceasefire should be guided by their intended objectives, which might be to build trust, regain momentum for stalled negotiations or support implementation. The most effective confidence-building measures are relevant, clear, simple and not framed as “conditions” for negotiation.
- Mediators are encouraged to collaborate and coordinate ceasefire mediation efforts with relevant humanitarian coordinators, agencies, funds and programmes.
- Information management and outreach are key throughout all stages of planning and execution. Mediation teams that have the capacity to plan and implement information collection, analysis and an outreach strategy are better able to reach all segments of the community, including vulnerable and marginalized groups.

Designing a ceasefire mediation process

- The design of a mediation process and plan is guided by the type of ceasefire being mediated – either a preliminary or a definitive ceasefire.
- In discussing key elements of a process design with the conflict parties, mediators can help them to set realistic objectives and build consensus by providing options and explaining corresponding opportunities and risks.
- In designing a ceasefire process, mediators may wish to pay particular attention to mediation approaches; format, venue, timetable and ground rules for the talks; sequencing of the ceasefire in relation to political negotiations; agenda setting; and building the technical knowledge and negotiation capacities of the parties.
- Capacity-building and engagement of the parties on technical issues can open mediation entry points, even before formal talks commence. Such activities help mediators to understand the parties' interests, positions and minimum needs, while facilitating agenda setting and sequencing.

- Capacity-building support is more likely to be effective if it is offered to all the parties in a transparent and impartial manner; in some cases, a mediator may recognize that other entities or actors are better placed to provide such support.
- Early in the process, mediators can provide the parties with access to experts and advisers with relevant gender- and age-sensitive thematic expertise and operational-level knowledge of issues such as child protection and conflict-related sexual violence. Doing so can equip conflict parties with the knowledge and skills required to contribute to the safety and protection of civilians, starting with the informal preparatory phases of the process.
- Mediators are encouraged to ensure that all sides have a shared understanding of the evolving text and that it is consistent with relevant national and international legal obligations and frameworks. At the outset of talks, parties may agree on modalities for the drafting of a ceasefire to follow the negotiations and capture the positions of the parties and any emerging consensus.
- Mediators – whether of the UN or not – often operate in a crowded political and mediation space that can include envoys appointed by regional organizations, sub-regional organizations, and Member States, as well as national or local mediators. National and international non-governmental organizations may also be involved, either directly, in negotiations with the conflict parties, or in backchannel efforts. Mediators may therefore need to coordinate such efforts, either informally or through forums or mechanisms specifically created for this purpose, to ensure unity of purpose in a given context.

Addressing inclusivity, safety and protection of civilians in ceasefires

- Mediators have an important role to play in promoting greater inclusivity in ceasefire consultations, negotiations and implementation. Mediation processes that include various constituencies are likely to benefit from greater legitimacy and ownership, produce better quality agreements and develop sustainable implementation arrangements.
- In promoting civilian safety and protection measures, mediators can base their advocacy on international norms, international humanitarian law, international human rights law and resolutions of the UN Security Council. They can also identify related opportunities and challenges in their specific contexts. Moreover, mediators are in a position to impress on the conflict parties that they can enhance or restore their international legitimacy by acting in accordance with defined frameworks of accountability.

**Meeting of Ceasefire and Transitional Security Arrangements
Monitoring Mechanism in Juba, Republic of South Sudan**
The members of the committee discussing the latest report from monitors
on violations and disputes between signatories, 2016.
Credit: UN Photo/JC McIlwaine

