

Engaging armed groups in peace processes:

Concept paper for an Accord thematic project

1. Rationale

As intra-state conflicts continue to inflict suffering and thwart sustainable development in some of the world's poorest countries, those seeking to end the violence and find a peaceful solution often confront a particular challenge: the need to engage with non-state armed groups involved in violent struggles with government and/or with other non-state armed groups.

International diplomacy and conflict resolution approaches are often challenged by the complexities and controversies surrounding these groups, particularly in the context of the global 'war on terror'. Yet governments, inter-governmental institutions and non-governmental organizations are frequently required to establish contact, engage in dialogue and sometimes embark on political negotiations with armed groups as a means of addressing the violence and its consequences.

This Accord project will provide resources and support to those confronting these questions. It will

- engage with groups and institutions addressing such realities and attempt to understand key issues and controversies being faced;
- work collaboratively to document examples of interesting and effective practice in this area; and
- promote findings from the project among a wider international audience of policy-makers and practitioners and contribute to the furthering of understanding and debate on these issues.

The project will use a comparative case study approach and consist of four main phases: 1) a **consultation process** to refine the project focus and enhance its relevance; 2) an **international joint analysis roundtable workshop** enabling exchange and reflection among people with direct experience in creating and implementing strategies to address the problem; 3) based on the outcomes of the earlier phases, the commissioning and publication of a **thematic edition** of *Accord: an international review of peace initiatives*; 4) activities to influence peacemaking practices, including promotional events aimed at **policy-makers and practitioners**. We intend these initiatives to be of benefit to the full range of people engaged in peacemaking, including government officials, representatives of armed groups, people and institutions playing intermediary roles and civil society peace advocates.

2. Defining the parameters: options for consideration

A. Defining armed groups

The term 'armed groups' encompasses an enormous array of actors with widely varying goals, agendas and methods. The project will recognize these complexities and apply a relatively inclusive understanding of the label, considering any armed group that could veto or frustrate the process of transition away from violent conflict towards sustainable

and just peace. The ‘core’ focus of the project will be on non-state armed groups operating primarily within state borders that are engaged in violent attempts to challenge or reform the balance and structures of political and economic power, to avenge perceived past injustices and/or to defend or control resources, territory or institutions for the benefit of a particular ethnic or social group.

We recognize that the ‘shades of grey’ in the world of armed groups require flexible definitions and approaches. In contexts of protracted violent conflict, political agendas may be hard to recognize, mutate over time and have varied significance to the different ‘wings’ of an organization. Many armed groups also employ a variety of tactics to achieve their goals and finance their operations, including involvement in criminal behaviour. Some groups move regularly across state borders and receive backing from powerful external sponsors with broader regional or international agendas.

Our approach will therefore be guided by active consideration of and reflection on the different characteristics of armed groups, the changing combinations of political, military and criminal tactics and the varying degrees of self versus national interest. These characteristics and the challenges posed by them will offer some guidance in determining responses and possible engagement strategies.

B. Defining the conflict context

The project will focus solely on cases of protracted, violent conflicts that are generally within a country (‘internal wars’) or – where self-determination issues are prominent – between peoples in inter-connected territories / states. Within this arena, we could consider either or both of two broad dynamics of armed confrontation: 1) bipolar conflicts where efforts at resolution are likely to take place between an internationally-recognized government and one or more armed groups who are waging a violent struggle against it (i.e. Russia-Chechnia, Indonesia-Aceh, Nepal, Sri Lanka, Sudan) or 2) multi-polar conflicts where armed groups are fighting each other as well as the government, or in the case of so-called ‘failed states’ are fighting each other in the context of a ‘weak’ or ‘absent’ government (i.e. Somalia, Democratic Republic of Congo).

The project will also situate itself within the current global context and specifically the context of the ‘war on terror’. It will explore the impact of the ‘war on terror’ on engaging armed groups in peace processes, as well as attempting to identify any relevant lessons or insights from engagement experiences that could inform, challenge or be relevant to current international approaches to violent conflict.

C. Defining ‘engagement’, its phases, objectives, arenas and modalities

In attempting to address the phenomenon of armed groups, response strategies will be guided partly by the group’s nature and behaviour, the strength of the state and the national, regional and international context. Possible response strategies include engagement in dialogue, criminal and financial sanctions and attempts at military defeat. Armed groups themselves also make choices about how they conduct their struggles, and can use military or political approaches to advance their objectives. Frequently the conflict protagonists (and sometimes outside intermediaries) combine a number of approaches to achieve their goals.

This project will focus on understanding **'engagement'** activities, referring to efforts or activities initiated by either the conflict protagonists or intermediaries to explore, enable, instigate or sustain opportunities for dialogue between the parties. The purpose of this dialogue would ultimately be to facilitate a process of transition from a situation of violent conflict towards just and sustainable peace.

Given the number of parties involved, it is worth highlighting the various directions in which engagement efforts can occur. This project intends to focus on the following patterns of activity:

- (i) efforts initiated by armed groups to engage in dialogue with intermediaries;
- (ii) efforts initiated by armed groups to engage in dialogue with other conflict protagonists (including the government);
- (iii) efforts initiated by intermediaries to engage in dialogue with armed groups;
- (iv) efforts initiated by governments to engage in dialogue with armed groups.

Although we will not focus on efforts by intermediaries to engage governments (or vice versa) it is recognized that a government's approach to dealing with the activities of armed groups is a key factor in engagement processes.

Phases of engagement. The project will pay specific attention to what could be called the 'zero to one' phase of engagement, namely those efforts to move from a state of 'zero' or 'negative' engagement (where the conflict protagonists declare themselves opposed to any form of dialogue with their opponents or intermediaries) to a state of 'openness to dialogue', where the parties become committed to dealing with each other politically; they realize their mutual inability to obtain military victory over the opponent, and indicate active interest in and take steps towards dialogue.

It is also worth noting that the move from 'zero to one' is reversible, and that peace processes are typically non-linear. Protagonists frequently use dialogue initiatives as part of their war strategies and shifts towards 'demilitarizing the conflict' are gradual and often suffer many setbacks. In light of this, the challenges of engagement remain crucial throughout the conceptual 'phases' of a peace process (pre-negotiation; negotiation and post-agreement implementation), with engagement clearly needing to be sustained if the transition away from violence to a just peace is to be successful. It is anticipated that some of the learning arising from a study of the zero to one process will have continued relevance for later phases of engagement.

Objectives of engagement. The projects will explore why and how armed groups come to decisions to engage in dialogue. This will include consideration of questions such as groups' motivations to engage, what they hope to get out of a dialogue process and how they assess the risks of engagement. It will explore how mindsets shift away from militant / anti-terrorist stances towards a different view of the opponent, and how these processes can be facilitated.

Intermediaries (both indigenous and foreign) who create opportunities for dialogue with armed groups may have distinct or overlapping objectives of engagement. In recent years, there have been particularly concerted efforts by local and international non-governmental agencies to engage armed groups in agreements on the humanization of the armed conflict or other humanitarian issues. These include agreements on

prohibition of the use of landmines, humanitarian access to civilian populations affected by the fighting and commitments to compliance with International Humanitarian Law. On occasion, these efforts emerge outside the context of 'peace processes' between the parties to the conflict and have a clearly quantifiable instrumental objective unrelated to a process of conflict resolution. In retrospect these engagements may or may not have a discernible impact on the behaviour of the parties *vis a vis* a political dialogue process. In other scenarios, dialogue on humanitarian issues can be initiated as an early step towards a broader-ranging negotiation process, and is conceived as a 'confidence-building measure' prior to talks on more substantive issues along with other measure aiming to build trust in the potential of dialogue. Still other efforts to engage armed groups in dialogue can relate purely to the political conflict.

Given the Accord programme's focus on 'peacemaking', the project is likely to concentrate on scenarios where engagement with armed groups aims to contribute to the creation of conditions for political dialogue. In doing so, we will explore the impact of humanitarian or human rights-driven engagements on conflict resolution processes, examining both the complementarities and the tensions: when do these initiatives create opportunities for political engagement on resolving the conflict and how does this happen? When do they make political engagement less possible? How can conflict resolution-focused engagement processes learn from or be better informed by experience in humanitarian and human rights engagement?

Arenas of engagement. Traditional paradigms of peacemaking focus on establishing negotiations and facilitating agreements between the national-level leaderships of the belligerent parties (frequently labeled 'Track One' dialogue). Intermediaries operating at this level typically have a high profile and enjoy the backing of a foreign government or inter-governmental institution. While this level of engagement is clearly a necessity, there are often many lower-key initiatives taking place engaging other representatives of the protagonists. Such initiatives can include 'Track Two' dialogue processes between middle-ranking officials, or processes involving representatives at regional and even community levels. At times, such processes can be utilized by the leaderships as a way of exploring engagement (Track One by proxy), testing the ground while minimizing the risks. Some initiatives are also led from abroad by and among diaspora groups. Local community bodies or NGOs often instigate these efforts, sometimes operating with the support of international agencies; alternatively local representatives of the armed groups or perhaps government officials may themselves explore opportunities for dialogue with trusted individuals in their immediate vicinity. The project will consider the importance of these different 'arenas' of interaction in reviewing engagement processes. It will examine different 'degrees of engagement' (from direct to indirect) and assess the importance of activities that create an enabling environment for engagement.

Modalities of engagement. The project will attempt to identify and explore the variety of activities that could constitute and/or facilitate 'engagement'. Those undertaken by the conflict protagonists range from unilateral actions by one of the parties, such as declaratory statements or legal provisions to bilateral or multilateral actions involving the armed groups and their opponents (such as joint declarations, prisoner exchange or exploratory talks).

Indigenous or external third-party efforts to engage armed groups in dialogue can incorporate a variety of approaches, including coercion, inducements, facilitated reflection, tolerance or support. Some approaches gain higher profile than others, with

inducements or coercion ('carrots and sticks') in great evidence. Activities such as political concessions or humanitarian supplies are labeled as incentives, while punitive approaches such as 'naming and shaming' and sanctions seek to apply pressure on an armed group to change its behaviour.

In addition to considering the impacts of the practical application of such approaches, the project would try to highlight lesser-known modalities of engagement, such as opportunities for armed groups to engage in processes of internal reflection or change. These could include peace missions or opportunities for facilitated reflection. It would also explore the impacts of tolerance / acquiescence / support of armed groups, either by governments, local communities or neighbouring states, and how these factors influence or might change during a negotiation process.

Recognizing that successful engagement is likely to be highly context-specific, the project would seek to highlight innovations in the field and explore the reasons behind 'effective' practice.

3.Substantive issues in engaging armed groups

The project will attempt to identify and examine some of the key substantive challenges in engaging armed groups in peace processes. These include, but are not limited to, the following:

Legitimacy. Armed groups frequently claim to emerge in response to the failure of the State to recognize and uphold the economic, social and political rights and interests of different population groups. Yet their resort to violent means immediately invites additional challenges to the legitimacy of their concerns and legality of their operations. Although some armed groups point to a strong popular support base for their activities, their legitimacy as political interlocutors is often questioned, particularly when there is a democratically elected government or when they are held responsible for human rights violations. Conversely, their legitimacy may be enhanced when they are denied opportunities to contest elections or use other legal mechanisms to gain or test support. The current global upsurge in anti-terrorist discourse and operations encourages further criminalization of armed groups, their activities and sometimes efforts to engage them in dialogue. The project will explore the factors determining perceptions of legitimacy, both among the conflict protagonists and within the external environment. It might examine how armed groups attempt to enhance perceptions of legitimacy, and analyse the impact of intermediaries' interventions on such perceptions. It will consider the various ethical dilemmas faced by third parties, including questions such as how intermediaries balance the need to deal with armed groups while not rewarding 'bad behaviour' and how do they maintain impartial space in which to act, recognizing the need to balance principles and pragmatism in engagement processes.

Understanding armed groups. As mentioned previously, other parties' understanding of armed groups affects response strategies and modalities of engagement. The project will examine the importance of understanding a group, the practical steps involved and the dilemmas faced. It will explore issues such as how third parties gain accurate information, how they distinguish fact from propaganda and reliable from unreliable information channels and how they come to recognize individuals within an armed group

as having leverage or being representative spokespeople. It might assess the impact of a group's ideology or practices on how they are perceived by external intermediaries, as well as how armed groups perceive and seek to use / co-opt / engage intermediaries (including the problem of being used as a backchannel). It would explore how intermediaries use the understanding they gain and how they cope with the inevitable ambiguity involved.

Access and security. Armed groups often operate outside or 'on the margins of' the law, favouring clandestine or guerrilla tactics which make them deliberately difficult to access. This inaccessibility is often compounded in the national context by decisions to outlaw their activities or issue arrest warrants, and in the post 9/11 global context by measures to defeat 'terrorism'. While there may be compelling arguments for containing and restricting the movements or activities of armed groups and their supporters – in particular through the use of proscription or travel and finance sanctions - these measures can also restrict opportunities for engagement in dialogue. Intermediaries often run high personal risks to get access to prohibited groups, undertaking long journeys to isolated areas and facing possible armed attack by either side. Those representatives of armed groups who become directly involved in dialogue and negotiation initiatives may find themselves unable to travel to peace talks, and the financing of travel and talks can be sensitive as well as difficult in practice. Yet with these initial contacts often indispensable steps in achieving a settlement of the conflict, what measures can be taken to enable appropriate access and maximize security for all? The project might explore some of the pitfalls of access and attempt to identify effective practice in different contexts.

Representation, factionalization and accountability. Like any organization, armed groups are rarely a homogenous bloc, and the high-risk strategy of armed insurgency creates inevitable tensions between political and military tacticians within the group. In addition, loose structures of affiliation and group factionalization can prevent the leadership from exercising full control over the actions of all members, raising questions about the potential to ensure even minimum commitment to dialogue or compliance with any agreements. Armed groups' reluctance to provide public information on the internal workings of their organizations can also make it difficult to verify the positions and authority of self-declared spokespeople. The project will explore how armed groups have represented themselves in dialogue and negotiation efforts, how issues of accountability for violence are dealt with by the parties and how intermediaries have dealt with the sometimes nebulous nature of these groups. It will consider the challenges of dealing with hardliners, and the dilemmas of undermining a process by not including all groups (i.e. rewarding the most militant sections at the expense of the most peaceable sectors or non-combatants).

Factors favouring negotiation. Numerous factors can be responsible for an armed groups decision to address their concerns through negotiation, such as the group's political objectives and their belief in the capacity of political reform to deliver their aims. Changes in the balance of military power or pressure from the group's broader constituency / a powerful state backer or international power can also be compelling factors. What can those constituencies in favour of a peaceful solution to the conflict do to encourage armed groups to negotiate? How do local communities' responses to armed groups affect their willingness to engage? What roles do other governments play in applying pressure on armed groups to engage in dialogue (or oppose dialogue)? The project will explore factors driving negotiations and analyse how intermediaries can

harness the will for dialogue among these groups. Within this, it will consider the importance of timing: are there right and wrong times to engage? How can the right time be created?

Preparing for dialogue. The impact of the ‘asymmetry’ of parties in civil wars has been highlighted and analyzed by numerous scholars and practitioners. The project might explore how ‘engagement’ processes can confront and address those challenges, examining how both parties are assisted in preparing for dialogue or negotiations and who else should be involved in processes where both parties suffer from questionable legitimacy. It would focus particularly on the needs and interests of armed groups in such processes, the challenges and dilemmas of capacity-building and appropriate roles for intermediaries in facilitating their preparation.

Agreements and implementation. Given the above-mentioned problems of factionalization and accountability, there are considerable challenges in ensuring compliance with agreements reached during negotiations. Moreover, a negotiation process will typically result in the dismantling of the armed groups or its transformation into a legal body, either within or outside the structures of government. Amongst the dilemmas is balancing the need to dismantle organizational structures that fuelled the conflict with the need to work with those same structures to implement an agreement. Although this project is likely to focus on the challenge of the early phases of ‘zero to one’ engagement, it will aim to assess the impact of these efforts on the process of reaching and implementing agreements.

4. Possible case studies

Among the experiences currently under assessment for inclusion in the project are:

Africa: Angola, Burundi, Democratic Republic of Congo, Liberia, Mozambique, Sierra Leone, Somalia, Sudan, Uganda; **Asia:** Burma, Indonesia-Aceh, Nepal, Sri Lanka, the Philippines; **Europe:** Russia-Chechnia, Turkey; **Latin America:** Colombia, El Salvador, Guatemala; **Middle East:** Israel-Palestine, Lebanon.

Case studies will focus on documenting experiences of engagement - recognizing the importance of context but concentrating on technical–analytical consideration of specific examples of practice. This could also include a thematic approach that would facilitate a comparative study of how specific challenges were dealt with in different contexts. The project will include experiences of engaging with different ‘types’ of armed groups within the core focus identified.