

Vive la différence?

Humanitarian and political approaches to engaging armed groups

David Petrasek

David Petrasek is Policy Director of the Centre for Humanitarian Dialogue in Geneva. He previously worked for the Office of the UN High Commissioner on Human Rights, the International Council on Human Rights Policy and Amnesty International.

Humanitarians working to mitigate the consequences of war and to prevent needless suffering must engage with armed groups just as mediators seeking a political settlement must engage with armed groups. What is the relationship between humanitarian and political engagement?

By 'humanitarian engagement' is meant efforts to persuade armed groups to respect humanitarian and human rights principles, including in particular:

- to respect civilian life and property, and to refrain from attacking civilians;
- to treat captured combatants and others *hors de combat* humanely, without discrimination and with respect for their rights;
- to ensure civilians and victims of war have adequate medical care, food and shelter, and to allow humanitarian agencies access for this purpose; and
- to ensure insofar as possible the material and social well-being of civilians within areas they control.

By 'political engagement' is meant efforts to persuade armed groups to negotiate a peaceful resolution of the armed conflict, including facilitating their participation in processes to this end. Presented in this way, there appears a tidy distinction between these types of activities, whereby humanitarian initiatives focus on preventing and *mitigating the consequences* of war, and political initiatives focus on *ending* the conflict

In practice, the distinctions between the two are not so clear. Humanitarian issues will often include prominent political aspects. For example, if the purpose of a conflict appears precisely to terrorize civilians of one ethnic group, then humanitarian negotiations to protect those civilians necessarily challenge the underlying rationale for the conflict. At the same time, negotiations aimed at ending conflict may begin by discussing the delivery of relief supplies. It is also the case that multi-tasked

Is ending war a humanitarian objective?

Humanitarian action has never been precisely defined, and 'humanitarianism' is notoriously ambiguous. Perhaps it is best summed up as a concern to respond without bias to those in need. There are, nevertheless, some clear currents amid the muddy waters. One such current, drawn along by the International Committee of the Red Cross (ICRC), holds that humanitarian action should focus solely on the consequences of war, and not aim to resolve conflict. To enter the realm of conflict resolution is, in this view, to stray into fundamentally political questions, which will inevitably compromise the ability to mitigate suffering.

This distinction is not merely abstract philosophy. It finds concrete expression in the international legal regime concerning armed conflict. Legal rules fall into two distinct baskets: *ius in bello* (the law regulating the conduct of war) and *ius ad bellum* (the law determining whether a resort to armed force is justified). The ICRC, and the many humanitarian agencies that look to it for inspiration and guidance, have long maintained that they are only concerned with the former. The four Geneva Conventions and their protocols – the foundation for much humanitarian work – are silent

on questions of whether or not any war is justified, dealing only with rules for its conduct.

On the other hand, the ambiguity of humanitarianism, and the real-life demands of modern warfare, have permitted (some would say demanded) the emergence of humanitarian action that is committed not only to relieving suffering but also to addressing its underlying causes. Many humanitarians today embrace human rights norms as a basis for their work, inevitably forcing them to examine systemic causes and the unequal power relations underlying conflict. Further, many accept that their work may have political impacts, and endeavour to 'do no harm' through their interventions.

There is no easy answer to these problems. Agencies which choose to retain a pure humanitarianism, and steadfastly refuse to be drawn into efforts to end war are certainly entitled to do so. At the same time, one cannot deny that a modern understanding of humanitarian action could include the notion of ending war. There is no universal agreement on this point, and the result is a continuing tension concerning humanitarian efforts to end war.

organizations, like the UN, often engage simultaneously in humanitarian and conflict-resolution efforts, and some (though by no means all) humanitarian organizations believe that ending war is a legitimate humanitarian endeavour. In short, distinctions are not so clear-cut and this is one of the reasons for exploring the relationship between humanitarian and political engagement.

This article will look at three issues:

Lessons from humanitarian engagement. Humanitarian workers regularly engage in the field with *all* parties to armed conflict. They have, therefore, a good deal of experience in dealing and negotiating with non-state armed groups. What lessons drawn from this experience are relevant for peacemaking efforts?

Humanitarian issues as door-openers. Humanitarian issues are often easier to discuss than issues related to a resolution of the conflict. In what ways can humanitarian engagement with armed groups open the door for discussion of political issues?

Differences and risks. While there are similarities in the two approaches, key differences remain and in some situations there might well be good reasons for keeping

approaches distinct. What are the risks involved in blurring humanitarian and political approaches to armed groups? How can these be avoided in practice?

Lessons from humanitarian engagement

There are differences and tensions, but also similarities and synergies between humanitarian and peacemaking approaches to armed groups. Studies of humanitarian and human rights approaches to armed groups have made a number of suggestions that might also be considered by those engaged in peacemaking:

Understand the armed group. Before engaging an armed group on humanitarian issues, it is vital to understand the group's political, social and economic motivations. Key issues include the group's leadership, its ideological motivation, its state and non-state sponsors, and the group's constituency.

Know thyself! A wide variety of actors engage armed groups on humanitarian issues – local NGOs, international relief NGOs, UN agencies, diplomats, religious leaders, etc. Many of them have learned that effective engagement requires a proper understanding of their own strengths

and weaknesses as an interlocutor, on a particular issue and vis-à-vis a particular group. International actors often carry more leverage; local actors often know better where to find points of leverage.

Factor in state behaviour. Though it seems obvious, those engaging armed groups need constantly to bear in mind the degree to which an armed group's decisions are influenced by its state (or other non-state) adversaries. For example, the group's willingness to respect humanitarian and human rights norms will be influenced by the state's own record in this respect. Less obvious is the fact that state's attitude towards engagement will play a big role. In many cases, in fact, state hostility to outside actors engaging armed groups on humanitarian issues means such engagement never gets off the ground.

In their engagement with armed groups, humanitarian actors also encounter many of the same dilemmas faced by those mediating armed conflicts. Questions of conferring undue legitimacy, of unwittingly empowering the wrong group, and problems of identifying the correct interlocutors abound.

One lesson humanitarian actors have learned, though not always acted on, is that it is crucial that there be co-ordination between different actors working with similar groups or on similar issues. When a variety of relief agencies enter into uncoordinated discussions with an armed group they may not only confuse the group but jeopardize each other's efforts to get the group to agree on particular issues.

The humanitarian entrée

Beyond efforts to reduce immediate suffering, humanitarian engagement can act as a door-opener or 'entrée' that allows the parties to meet and build confidence and trust. This may eventually create an environment conducive to discussion of security and political issues. This case is grounded in the notions that:

- there is likely to be greater common ground on humanitarian issues – all should be able to agree, irrespective of their view on the war, that waging it should be done in ways that are minimally destructive;
- humanitarian norms are universal, based in internationally accepted treaties or customary law and not open to serious dispute; and
- in many cases, there need be no loss of military advantage in accepting humanitarian constraints, provided both parties agree and respect the same humanitarian commitments.

While each of these points might be challenged, in practice there are numerous examples where governments and armed groups have initially reached agreement on humanitarian provisions, and only later moved on to discuss ceasefires, security and political issues. In El Salvador in 1991, initial agreement on human rights was widely credited with creating the necessary confidence for political talks. In Aceh, Indonesia, agreement on a 'humanitarian pause' (2001-2002) was a useful prelude that created the basis for eventual ceasefire (though this did not hold). In Darfur, Sudan in 2003 belligerents signed two agreements on humanitarian issues before being able to open talks on security and political issues.

There are also situations, described below, where armed groups used agreements on humanitarian issues to win legitimacy while they stalled on political talks. That said, humanitarian issues are usually easier to discuss, and if only for this fact necessarily play a role in building (or undermining) confidence.

As noted above, humanitarianism is a broad concept, and covers a vast range of issues. Some of these will be relatively easier to discuss, and this will vary depending on the nature of the armed conflict. It is, therefore, also important to carefully consider which 'humanitarian' issue might best serve as a door-opener or confidence builder. A discussion on securing medicine for children will usually be easier to broach than one on prisoner exchanges, for example, though the particular context will be crucial.

One step forward or two steps backwards?

While humanitarian engagement may create space for peacemaking, this is by no means assured. There are tensions between a humanitarian approach and political engagement, and experience shows that belligerents might well use humanitarian engagement as a means of putting off discussion on political issues. Armed groups might, for example, agree to discuss access for aid workers and relief supplies to show they are responding to international demands, but do so only to postpone serious negotiations aimed at ending the conflict. Such behaviour can be encouraged by unwary outside governments and intergovernmental organizations under pressure to show they are doing something to address the conflict. This was the criticism levelled by humanitarian agencies in the Bosnia war, when the European Union, UN and others entered into numerous humanitarian agreements with the various warring factions, requiring these agencies to carry out various functions but postponing any serious pressure to end the conflict.

A key tension between the different approaches is the worry that a blurring of approaches will compromise the ability of humanitarian agencies to carry out their activities. Where actors with explicitly political or conflict resolution approaches are seen to manipulate humanitarian concerns for the sake of a negotiation strategy, relief workers fear that this will rebound negatively on their work. They will insist on a humanitarian 'space', free from the parties' short-term political interests where the sole concern is to tend to the needs of the war's victims in an impartial way. Though at times arguments defending this space may have an excessively 'purist' or unrealistic quality (given that humanitarian issues themselves are so often deeply politicized), it is important for those working to end the conflict to be attentive to the general point.

A related issue is that armed groups are alert to the fact that beginning a discussion on humanitarian issues may draw them towards political negotiation: where they are reluctant to proceed so far, this wariness may in fact create a block to solving humanitarian matters.

Ending conflicts is a difficult, long-term task. It would be unwise for its practitioners to gamble too carelessly with the short-term humanitarian goals of mitigating suffering. Using humanitarian issues as an entrée, therefore, must be done carefully and due recognition given to the fact that humanitarian principles are important in their own right. They cannot be simply subsumed, in a purely instrumental way, to the goal of resolving the conflict.

Key risks that arise, therefore, include:

- armed groups may use negotiations on humanitarian issues as an easy means of gaining legitimacy and delaying progress on substantive political issues;
- humanitarian principles may get subordinated to political ends, and if means to achieve those ends fail the conflict may continue with even less respect for those principles;
- armed groups win the legitimacy conferred by international engagement, without being forced to give anything in return.

A further set of issues concerns the universality of humanitarian principles. Governments and their military forces must show at least rhetorical commitment to international humanitarian law (IHL), because virtually all governments have ratified the core IHL treaties. Armed groups no doubt gain international legitimacy when they make a similar commitment, but only from the particular perspective of a state-centred world

governed by a set of international norms of behaviour, regulated by state-dominated institutions. If an armed group's constituency and/or ideology expressly rejects or pays little heed to such a world then it may show little inclination to abide by its rules of behaviour.

In other words, when dealing with armed groups one cannot assume there is agreement on key humanitarian principles, even at a purely rhetorical level. Anarchists, fundamentalists of all stripes, new religious movements and others may indeed refuse to stand on the shared platform that allows for a discussion on means to enhance civilian protection or ensure access to medical supplies.

Summary

Opening the door to considering how humanitarian and political engagement can relate to each other in a positive way may entail some risks to the strict humanitarian ethic. On the other hand, whether we like it or not, the door relating humanitarian and political engagement may already be open. It is not always easy in practice to separate humanitarian and political approaches to armed groups. Such groups are more likely than states to view all international agencies as related, and will not easily appreciate the difference between, for example, the UN's relief arm and its mediators. Humanitarian issues are often easier issues on which to open dialogue. Reaching agreement on the delivery of relief supplies, respect for civilian property, or the fair treatment of prisoners may build trust between combatants and open the door to discussions leading to a resolution of the conflict.

Humanitarian agencies and political actors need to be wary of the potential downsides of relating humanitarian and political engagement. Armed groups, no less than state belligerents, may use humanitarian discussions as a means of gaining legitimacy while stalling on addressing security and political issues. Humanitarian agreements can be a fig leaf hiding naked political disagreement. Armed groups, unlike recognized states, are not bound to show commitment to humanitarian principles. Though they often do so (not least to gain legitimacy), their tactics will be driven by their ideologies and constituencies, either or both of which may reject such principles. Finally, political actors must be careful in manipulating humanitarian issues. Ensuring respect for humanitarian principles is an end in itself; agreements towards this end cannot simply be instrumentalized and used willy-nilly as tools or inducements in a peace process.