Engaging armed groups

the challenge of asymmetries

Liz Philipson

Liz Philipson is Visiting Research Fellow at the London School of Economics and Political Science and a Conciliation Resources Programme Associate. She also works freelance on conflict and political economy analysis in South Asia.

Power asymmetry and analysis

Asymmetric conflicts are notoriously intractable and pose analytical and practical problems for the conflict parties and mediators. 'Asymmetry' in conflict literature is often reduced to 'imbalance', rather than being understood in its more normal, and more useful, sense of 'not symmetrical – different'. Conflict asymmetry is a more complex conception than a simple matter of power imbalance based on conventional conceptions of power, which are heavily reliant on military and economic criteria.

A broader conception of power resources would include: 'soft' and 'hard' political power; the commitment of constituencies, combatants and politicians; communication and bilateral relationships; and the political will to apply resources to war and peace. The relative symmetries of overt structural power are more easily determined than the power of hidden informal relationships. Yet the failure to account for the latter will weaken an analysis of the opportunities for effective engagement in peace processes. For example, in Sri Lanka, the military and economic stalemate helped to deliver a ceasefire but has so far proved insufficient to deliver an agreed settlement between the parties. To comprehend this lack of progress and move forward the more complex underlying asymmetries must be understood.

Asymmetry will manifest itself differently and dynamically in each conflict, and determining factors will include historical and geographical issues and the impact of third parties. Analysis and understanding of the shifting relations and conflict issues are critical for any peacemaker, and the failure of analysis at the ground level can seriously undermine attempts to encourage pacific engagement. Poor analyses include those that lack historical perspective – such as in Israel-Palestine where the use of the latest failed settlement rather than original conflict issues as a starting point for negotiations has continually undermined progress.

In asymmetrical conditions a failure to develop a strategy tailored from a strong analysis of the asymmetry risks institutionalizing inequalities and prolonging the conflict through a continuation of actual and perceived injustice.

Asymmetry and peacemaking in a state-centric system

Globalization has resulted in more intervention in internal conflicts from the international level where systemic state bias can prove an obstacle to the productive engagement of non-state actors in conflict resolution efforts. For example:

- legitimacy is more readily accorded to state actors by other state actors,

- state actors tend to be more familiar with diplomatic norms and the rules of the system, and

- in the current anti-terrorist age, international proscription, or threats of international proscription, may be used against armed groups by state actors

Granting legitimacy

An armed non-state actor wishing to enter negotiations on the basis of parity with a state faces huge obstacles to achieving the legitimacy of a place at the table. Max Weber defined the state by its monopoly over the legitimate use of force. Thus states by their nature will assume that a non-state actor using force is doing so illegitimately. Almost all negotiations in recent years have involved foreign governments in a variety of roles and a state actor will likely have established relationships with other governments, even governments of 'weak' and 'fragile' states, whereas this is less likely for a non-state actor. However, if an armed group succeeds in becoming a government, all the relationships and

benefits of statehood are conferred upon it, as recently observed in the Democratic Republic of Congo. Another form of legitimacy comes with the assumed compliance with the rule of law and human rights of state actors as opposed to armed groups. Ideally, the objective of negotiations should be to move the parties from violence to pacific politics and bring the armed non-state actor into the political mainstream and under the rule of law. There tends to be an assumption that governments are already compliant with the rule of law and human rights – at least compared with rebel groups. This assumption can distort dynamics if the reverse is true in the experience of the population, but the negotiations proceed on the basis of assumed government compliance with assumed regular rebel abuse as a norm. While there may be advantages in being a state actor in a peace process that takes place in the state system, third-party governments do not necessarily side with the state party if there is some overriding national interest at stake, such as the case of US support for the Contras in Nicaragua.

Diplomatic norms and international rules

Once armed groups enter negotiations they are entering an arena in which diplomacy and international norms largely dictate both the formal and the informal rules of behaviour – rules with which they may initially have little or no familiarity. By contrast most states, which are operating daily in this sphere and with these rules, are more familiar and comfortable with the diplomatic setting and international norms. Furthermore, states are often more experienced at how the international system works and how to navigate it. For example, the competition between the international actors in response to the 2004 Darfur crisis was difficult for both mediators and armed groups to work with and, for a time, the conflicts between foreign governments were detrimental to both relief and peacemaking.

Peacemaking in the shadow of the 'war on terror'

When foreign governments decide to focus on bringing peace, they can have a powerful, positive influence. However, the current international climate is reducing the political space for peaceful engagement and placing obstacles in the way of peacemakers seeking to engage with armed non-state groups.

Anti-terrorist measures began to receive more attention at the international level during the late 1990s and the discussions were given great impetus by the attack on the United States in 2001. Both the *International Convention for the Suppression of Terrorist Bombings* (1997) and the *International Convention for the Suppression of the Financing of Terrorism* (1999) require signatories to enact domestic legislation to exercise control relating to these aspects of terrorism within their jurisdiction. This has resulted in many governments, such as the UK, and intergovernmental organizations, such as the EU and UN, developing lists of organizations designated as terrorist.

The atmosphere of fear and exclusion giving rise to much of the anti-terrorist rhetoric deepens asymmetries. The former Mayor of New York Rudolf Giuliani's declaration on terrorism shows this tendency towards polarization: "Those who practise terrorism lose any right to have their cause understood. We're right, they're wrong. It's as simple as that" (reported on the BBC). This blanket attitude is reflected in much anti-terrorist legislation, despite the fact that it covers a wide spectrum of groups with widely differing objectives and methodology.

Listing an organization as 'terrorist' potentially lengthens the path to non-violent politics for that group as negative perceptions of the group are encouraged, and the group's own perceptions about whether they can or should have a place in non-violent politics may also be negatively affected. In Nepal, the US has listed the Communist Party of Nepal (Maoist) and there has been pressure for other countries to do so to freeze their assets. In the absence of any external assets this has little practical purpose and serves only as a political label. In Nepal the effect of this threat leant weight to those in both the Royal Nepal Army and the Maoists who were in favour of continuing war, rather than entering negotiation. It was taken as a signal that the international community would support a policy of isolating and defeating the Maoists.

In Sri Lanka during 2003, two international conferences added to the negative dynamics which led to the deadlock of the peace process. A conference held in Washington to discuss development aid and reconstruction, which the Liberation Tigers of Tamil Eelam (LTTE) could not attend because of domestic terrorist legislation, emphasized the asymmetrical disadvantages for the LTTE at the international level. This was followed by a conference in Tokyo also discussing development money. The LTTE refused to attend the later conference as the process had almost reached stagnation and began to talk about 'over-internationalization' of the conflict. Both of these conferences were as much to do with the international aspirations of the host nations as the peace process in Sri Lanka.

The discourse of terrorism has allowed a number of governments to cast their opponents as terrorists whose cause is disconnected from any legitimate political grievance – the intention and effect of which is to decrease any international understanding and deepen isolation of the group both domestically and politically – hence entrenching asymmetries. In Aceh during May 2003, the Indonesian government launched a brutal military offensive against the Free Aceh Movement (GAM) "terrorists" which replicated many of the tactics of the war against Iraq and was responsible for the death and injury of many Achenese civilians.

Terrorist listings are often problematical for peacemakers as well as the groups they are designed to regulate. Peacemakers working directly with listed groups risk being labelled terrorist sympathizers. Peacemakers are also in danger of operating outside the law if they meet representatives of a listed group in certain circumstances, even if it is to advocate peace or mediate. This is not the intention of the legislation but legal advice has confirmed that is its effect in some cases. Furthermore, funding of undertakings that are focused on training, or other pacific activities solely directed at a listed group, may also be illegal. This is not to deny the problem of 'asymmetrical warfare' for the international community, nor the need to bring perpetrators to justice. But the current legislation is not smart or nuanced and listing and de-listing can send unintended and non-constructive messages. The legislation generally inhibits measures designed to bring 'terrorists' back into the mainstream and fails to recognize the nature of asymmetry.

Taking a group off a terrorist list can also pose problems. For example, many people in the peace movement who opposed the listing of the LTTE by numerous countries – especially the USA (1997) and UK (2000) – are currently reluctant about giving them the very positive signal of de-listing despite the three-year ceasefire. This is due to the LTTE's ongoing assassinations of many Tamil political opponents.

Asymmetries that arise between the parties in conflict

The following section explores some of the different dimensions of asymmetry between armed groups and state actors engaged in peace processes. Most are dynamic, changing over time, and contain within them opportunities as well as risks for the resolution of violent conflict. The stereotype of armed non-state actors arriving at negotiations ill-prepared with cordite on their fingers to face a government side honed in their diplomatic skills is misleading because asymmetry is more complex than that.

Adaptability, learning and accountability

As the parties to the conflict move through different conflict stages, they learn more about handling conflict and become more knowledgeable. However, armed groups are generally less constrained than states by rule-bound bureaucracies or the need to gain support for their actions through national democratic machinery. These characteristics can inhibit states' adaptability and their learning processes, and change the nature of imbalance between the parties. There are several examples of governments, at the first rounds of negotiation, assuming that there would be a return to the *status quo ante* (Sri Lanka 1985, Nepal 2001) and failing to demonstrate any flexibility in negotiations. Equally, in 1985 when the LTTE joined the negotiations with the Sri Lankan government, they were uninterested and possibly incapable of delivering a settlement. Twenty years of war and four sets of negotiations have matured the organization in some respects and, despite the difficulties of the current Sri Lankan peace process, they have proved to be a capable negotiating partner.

Often free from internal democratic accountability, leaders of armed groups may be able to demonstrate more flexibility in their decision-making, and with fewer chances for leadership changes, more long-term consistency as well. In Sri Lanka, there have been two changes of government since the Norwegian mediation began and there was also a very short lull in mediation during a Norwegian election campaign. By contrast, the LTTE leadership has remained unchanged at the top level, though there has been some strain and changes among second level leaders.

The differing nature of agendas

Moderating between differing issues on the agendas of conflict parties is in itself problematic. A government will have a programme which covers all aspects of governing a state at the national, local and international levels, whereas an armed group is likely to be more able to focus directly on the conflict issues without the distractions of wider issues. So the differing and perhaps more spasmodic attention to the details of negotiation can cause frustration between the parties. Differing timeframes can also pose significant challenges for the mediator. Governments' timeframes may be the next election, or perhaps the next donor conference, and armed groups may be committed to long-term societal change or simply the next meal.

Security and self-confidence

Governments can be confident that they will continue to have the right to 'legitimate force' and are usually secure in their legality. Armed groups have won their place at the negotiations table through armed struggle and violence. They need to find a new basis for their self-confidence and legitimacy – other than intimidation of their constituents or mobilization against the enemy – however confident they are of their constituency and position. The search for formal domestic political legitimization whilst maintaining military prowess is a contradiction that all armed groups find difficult and that is fraught with dangers of misinterpretation by other actors.

Premature calls for the decommissioning of weapons can exacerbate this dilemma. No organization which has won its place at the negotiation table through arms can afford to put arms out of use until they have a secure agreement being implemented and the safety of their members is guaranteed. This vulnerability is often exploited politically by conflict opponents.

Reflections on the challenges for mediation

The nature of the different experiences of state and non-state actors means that they need different sorts of mediation support and assistance. Providing that differing assistance lays a mediator open to the charge of partiality. Furthermore, the ethical code embraced by most independent negotiators requires strict impartiality, though states may be more interest-based. Recommended methods of dealing with strong asymmetry do require the mediator to give unbalanced assistance directly or persuade other experts to work directly with the weaker party – government or non-government. In the current international climate, intermediaries need to maintain this space to address asymmetries constructively. Governments and international organizations need to ensure that their efforts to promote security do not compound the asymmetries that make internal armed conflicts difficult to resolve.