



## Expert Seminar

# Engagement with Non-State Armed Groups in Peace Processes

Sept. 14<sup>th</sup> and 15<sup>th</sup>, 2010, Berlin

Background: Non-state armed groups (NSAG) are important actors in today's fragile and conflict regions. By exercising armed violence and challenging the state's monopoly of force they pose a threat to peace and security of the country and its population. At the same time, due to political reasons and legal constraints, the engagement with these groups is a sensitive topic for state actors. However, past experience shows that there is a close link between the achievement of sustainable peace, security and development on the one hand and the inclusion of non-state armed groups into peace processes on the other hand. Peace processes need to be inclusive and open to all relevant actors – including armed groups. If external actors intend to support a peace process through mediation and development initiatives, they need to take this into account and have to prepare accordingly.

In October 2009, BMZ, BAKS and GTZ jointly hosted a conference on dealing with non-state armed groups bringing together representatives of German ministries (foreign policy, defence, development, and interior) and their respective implementing partners. As a follow-up to this conference an expert seminar “Engagement with Non-State Armed Groups in Peace Processes” took place on Sept. 14<sup>th</sup> and 15<sup>th</sup>, 2010 in Berlin was jointly organised by BMZ, BAKS and GTZ in cooperation with Berghof Peace Support Institute and Conciliation Resources. The objective was to broaden the perspective from “dealing with” to “active engagement with NSAG in peace processes” and to include the perception and analysis of non-governmental organizations involved in mediation and peace-building. Observing the Chatham House Rules the participants discussed the topic from three angles:

1. When to engage? – Risks and chances
2. How to engage? – Written and unwritten rules
3. How to cooperate? – A cooperative approach between different actors



## Summary of Findings

1. First of all, it is necessary to **define “engagement”**. During the seminar, “engagement” was used as denoting “contact with / talking to NSAG” as well as “negotiation” and “support” (e.g. capacity building and negotiation skills training). While “engagement” can also be used with its military or policing connotation (“fighting against”, “deterrence, prosecution”) the seminar took a point of view of peace promotion or development. This view assumes that transformation of NSAG into a non-violent political actor is the best solution to the underlying conflict. Statistical evidence shows that the majority of NSAG underwent this transformation thereby contributing to the end of the violent conflict. In comparison, military and/or policing methods were usually not that successful in ending the violent conflict, especially if the NSAG is not a military organisation in the first instance.
2. **What do we need to know in order to better understand NSAG and to decide if we can get involved?** In addition to the current conflict and peace dynamics two aspects are equally relevant: the characteristics and nature of the NSAG as such, and the mandate/objective of the external actor intending to engage. NGOs and state actors share a similar understanding of how to analyse NSAG and which are the “right questions” to ask: Knowledge of NSAG’s objectives, strategies, organisation, internal cohesion, and resources are vital to understand options and ways to engage with them. It is e.g. easier to enter into negotiations with a NSAG characterised by clear political objectives, a homogenous hierarchical organisation, and high internal cohesion than with a NSAG with predominantly criminal objectives, splinter groups, and low discipline. Another relevant factor is the self-perception of the NSAG, for if it perceives itself as a “good”, responsible actor, this can be used as leverage in negotiations.
3. Which **conditions are necessary for an engagement** with non-state armed groups? Do NGOs and state actors have different criteria for engagement with NSAG? NGOs have very few restrictions like serious security situations. They can engage whenever and wherever they see a good opportunity to have a positive impact on the situation. When involved in mediation and negotiation, an invitation by one of the parties to the conflict is indispensable. State actors, however, are subject to more constraints: They are legally prohibited to engage with proscribed (“listed”) NSAG, and they have political limitations, because engaging with NSAG without the consent of the state party to the armed conflict



can be regarded as violation of the international law principle of non-interference and cause diplomatic problems. Is the renunciation of violence by the NSAG a necessary prerequisite for an engagement with them? From a moral perspective it seems necessary to strictly condemn the use of violence, especially if it includes human rights violations, and to send strong signals in this respect to the NSAG. At least for state actors it might not be appropriate to engage with violent NSAG. However, the use of violence is the only leverage of NSAG in the conflict. Therefore, it might be unrealistic to expect renunciation of violence as a precondition to negotiation. Engagement without this condition could even encourage a development leading to less violence.

4. A factor further complicating the situation for external actors engaging with NSAG is the **threat of criminalisation of contacts** with NSAG. Contacts with members of NSAG listed as terror organisation by UN or EU might be viewed as not appropriate for political reasons (especially for state actors) but are not legally prosecuted. However, the respective national government often prohibits such contacts. Therefore, they might take legal actions against actors engaging with NSAG without the prior consent of the respective government. Additionally, US-legislation criminalises contacts of US citizens with NSAG listed as “Foreign Terrorist Organizations” and causes additional personal insecurities/uncertainties about engagement with NSAG.
5. **Engagement with NSAG must have an added value.** The characteristics and behaviour of NSAG need to be assessed against the purposes external actors are pursuing. While NGOs and state actors share the long-term goal of peace and stability, they pursue different purposes of engagement such as humanitarian access, the preparation of a peace process, or the support of the actual negotiation process. Both, NGOs and state actors, may work for these purposes, but their mandates differ: NGOs are self-mandated and engage in a peace process with NSAG on invitation by the NSAG itself, the government and/or civil society organisations. State actors have to have a political mandate to get involved in negotiations with NSAG. In most of the cases, state actors are mandated by the UN Security Council to get involved in negotiations with NSAG. Additionally, the respective host government needs to agree; thus, usually there is a double mandate in the context of a formal peace process. Looking at the differing mandates, but also at different criteria for engagement, NGOs have the opportunity to work directly with NSAG to prepare a peace process, whereas state actors are probably



better fitted to prepare the ground at the state level in the respective country. When a formal peace process starts, state actors can include NSAG more directly in their activities.

6. External actors can both **shape the framework for transformation of NSAG**, and directly **support the change process**. The use of sanctions and incentives can positively frame the environment for transformation, e.g. the legitimate use of military force as a show of force and as deterrence may help to create a favourable framework, if it is embedded in and clearly supports a political process. Though “terror lists” can be and are used to sanction NSAG, they are not (yet) used as incentive. A “de-listing” could be a strong incentive, but would require a more flexible use of listing as currently applied. Though the transformation of NSAG is an internal process of political and organisational change, it can be externally supported. Options are e.g. to provide space for learning and reflection, to organise peer advise, to train the leadership of NSAG in negotiation and communication skills. Such measures can create opportunities and triggers for internal change. External actors can also support enabling factors in the surrounding of NSAG by creating an atmosphere of trust and solutions accommodating grievances and fears of (former) fighters. The transition of a NSAG is easier when its organisational structure (including leadership and chain of command) remains intact. In this context, a counterinsurgency approach might have adverse outcomes, because it aims at destroying the internal structure of an organization.
7. When a NSAG is supported and its political agenda is understood and taken into account within a peace process, there is a **risk of paying too much attention to violent actors**, and groups raising their concerns in a non-violent way very often get less attention. Since on the other hand, internal cohesion should be maintained, it is also risky to limit engagement to the moderate members/wing of the NSAG, because this could produce radicalization and eventually splinter groups. Therefore, it is important to **support an active role of civil society groups in the peace process** as well, at least on the long run. Otherwise the inclusion of NSAG in the peace process could encourage other groups to resort to violence as well. Therefore, power-sharing agreements to facilitate a peace process should always have a transitory character and leave the opportunity for inclusion of other groups and issues. On the longer run, concerns and voices by different groups of society can be appropriately reflected in the set-up of a peace process and the



influence of violent actors can be reduced. This will eventually strengthen resilience of state and society against violent conflict.

8. A crucial factor for winning over NSAG is the resolution of **their fighters' security dilemma**: they need security guarantees before they will commit themselves to a disarmament process. A creative solution was e.g. found in Nepal: The Maoist fighters agreed to deliver their weapons if they could keep the key to the storage. Thus, they felt that they could continue the armed rebellion whenever they wanted. State actors quite often support Disarmament, Demobilization and Reintegration (DDR) processes in the context of a peace process. They should be aware of the security dilemma and should seek to embed DDR measures in a broader security sector reform process producing a peace dividend for former fighters. Another crucial phase is the NSAG's transformation into a political actor that eventually comes to power and has to take on responsibility. Sometimes this happens very quickly and the NSAG have not yet developed the necessary skills to fill this new role. Therefore, external support should not stop with the peace agreement.
9. **Peace agreements are very often fragile compromises** between the main parties to the conflict (usually government and NSAG). They often failed because they are primarily focussed on the cessation of hostilities and violence and did not take into account underlying root conflicts and the necessity of long-term peace-building. Therefore, mediators and peace-building/development experts should take into account each other's complementary mission to support a sustainable peace process. This would require an increased responsibility of mediators, because they have to include development aspects in their work, and a greater role for development agencies in the support of peace negotiations. The risk attached to this is that peace processes become more complex than they already are. A peace process should be designed in a way that it offers **various opportunities to include more actors and additional issues as the process evolves**. It would also require an extension of the mediators' role into the post-conflict phase. On the other hand, external state actors should use each opportunity to assist in and oversee the implementation of commitments made in peace negotiations.
10. **NGOs and state actors have different roles and responsibilities** within a peace process. If they share a broad common understanding of the problem, different objectives should not hamper their collaboration in getting NSAG engaged in a peace process.



**Collaboration depends on the context:** The respective comparative advantages can be useful (e.g. NGOs can get involved without nearly any precondition, work with less public attention, are more flexible in terms of contacts and meetings. State actors have more political clout internationally, have more leverage through political and financial power, can frame peace processes by sanctions and incentives). The different roles and strategies have to be managed and respected. Especially if the state actor is also the donor of a NGO, the relationship between the two might be difficult. To make use of their comparative advantages, non-state actors have to guard a certain distance from state actors; e.g. they cannot share all information. Otherwise, NGOs risk to be viewed as being exploited by state actors and lose their credibility in the eyes of the NSAG. If, like e.g. in Afghanistan, a state actor is engaged in military intervention, an active engagement in the peace process is very complicated. Humanitarian NGOs should not at all be involved in peace processes. Their neutrality needs to be fully respected to allow them to accomplish their mission. Independent, neutral and impartial humanitarian aid is a right and necessity in itself, even if the support to those most in need can have a positive impact on the peace process. Therefore, political and humanitarian goals should not be aligned.