Expert analysis

Between fighting and talking
Sophie Haspeslagh

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International policy is ambiguous on whether or not to talk to non-state armed groups (referred to as “armed groups” in this publication). While there is a general tendency to avoid political engagement, experiences from Northern Ireland with the Irish Republican Army (IRA) and from Colombia with the Revolutionary Armed Forces of Colombia (FARC) show that there are exceptions.

Governments and the international community tend to label armed groups that attack civilians or state infrastructure as criminal, extremist or terrorist – and correspondingly prefer military and security options to other types of response. Recent discussions on groups such as the Islamic State (IS) and Boko Haram point to their amorphous nature, uncertainty over their structure, or their lack of a coherent political agenda as major barriers to engaging with them.

Where state actors have embarked on political talks with armed groups the criteria for doing so are unclear. While concrete changes in a group’s behaviour may encourage dialogue, more often the strategic interests of a state at a particular time or tactical calculations dictated by the battlefield are paramount. Yet, while states are weighing up whether or how to engage, populations living alongside armed groups may already be in contact.

This second Accord Insight publication in Conciliation Resources’ Accord series looks at how local actors organise to enter into dialogue with armed groups and challenge their use of violence. The publication builds on Accord 16 (2005), Choosing to engage: armed groups and peace processes. It has been informed by a joint analysis workshop held in November 2013, which brought together over 30 experts with a range of experience, including international mediators and humanitarians, as well as local civil society actors, ex-combatants and others that identify with armed groups.

Case studies from Syria, Colombia and northern Uganda, as well as a shorter reflection from Northern Ireland, explore in depth why and how community initiatives to engage armed groups arise: who are the actors involved and what are the challenges they face? It is hoped that the local and national peacebuilding benefits of these initiatives will help to inform practical and constructive options for policymakers and practitioners to respond to armed groups – and that local actors themselves can learn from the experiences of others who have reached out to armed groups and influenced their use of violence, in the short, medium and long term.

Engaging armed groups and building peace
Accord 16, published four years after 9/11, made a strong case for contact with armed groups to become the policy norm in efforts to end armed conflicts. Ten years on, governments are still reluctant to allow space for engagement, and discussion of how to reach and influence armed groups constructively has been limited.

The reasons identified in Accord 16 for such reticence still apply – fear of legitimising violence or giving credibility to unreasonable or non-negotiable demands. Framing non-state armed action as terrorist and criminal remains the norm, while the number of armed groups prohibited through international terrorist listings has increased: Marieke de Goede estimated in 2011 that there were 214 proscribed armed groups worldwide.
The space for non-governmental organisations (NGOs – local, national and international) to contact armed groups for conflict resolution or humanitarian purposes has also shrunk. The US Supreme Court ruling of 2010, Holder vs Humanitarian Law Project, made it illegal to provide “expert advice”, “services” or “training in human rights enforcement or peaceful conflict resolution” to armed groups that are listed as foreign terrorist organisations. As the US law is extra-territorial it also applies to non-Americans. This ruling has produced a “chill factor” internationally, discouraging unofficial contact with listed organisations. As the US law is extra-territorial it also applies to non-Americans. This ruling has produced a “chill factor” internationally, discouraging unofficial contact with listed armed groups. Even humanitarian organisations, which are usually afforded greater operational space, find their room for manoeuvre restrained.

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At the same time, groups previously considered “beyond the pale”, such as the Afghan Taliban and the FARC, are today accepted as participants in political dialogue. The listing of the Taliban alongside al-Qaeda under UNSC Resolution 1267 in 1999 was one of many security and military tools used by the international community to try to disrupt and defeat the group. Yet, as the limits of military intervention in Afghanistan have become increasingly apparent, recognition of the need to talk to the Taliban has gained ground. The UNSC Resolution was amended in June 2011 to separate the Taliban and al-Qaeda lists and facilitate dialogue. However, the international community has no clear criteria to indicate under what conditions an armed group will be acceptable for political dialogue.

Accord 16 offered concrete indicators for whether political engagement with an armed group is feasible, including whether it holds territory, has political institutions or agendas, or derives profit from the war economy. It further highlighted the need to think creatively about, and develop a more sophisticated understanding of, engagement options. Talking to and negotiating with an armed group are not the same thing. Talking can simply mean establishing contact and can be a means to understand an armed group, including its dynamics and motivations. It can involve an exchange of concerns and positions and can help to judge whether other forms of engagement are warranted. Negotiating assumes and requires mutual commitment to reaching an agreement through dialogue and bargaining.

There are many options along the spectrum between talking and negotiating. While Accord 16 reflected on how humanitarian dialogue, for example, can facilitate broader contact, there has been little in-depth exploration of how armed groups are nudged into sustained and serious political engagement. This Accord Insight hopes to shed light on the local interactions with armed groups that often take place before formal talks are considered.

What do we mean by “local” and “armed group”? “Local” can be a fluid term. It can be used by people outside a specific context to describe those living inside it. Some people might be defined as “local” because of ethnocultural ties to a territory, or because they have been directly affected by contextual violence; others because they live in the area in which an armed group operates, regardless of any historic or ethnic links.

In this complex picture, this Accord Insight understands “local” as referring to people living in geographic proximity to a conflict. This definition helps to delineate the analysis. The publication does not, for example, delve into the role of diasporas, but may include civil society actors who have played a key role in reaching out to armed groups, even if they are not originally from the area – such as a Spanish missionary based in Gulu, northern Uganda. The definition allows us to map how people immediately and regularly affected by the actions of an armed group react. It also helps us to go beyond the insider-outsider dichotomy to look at synergies between the two, such as how local initiatives have tapped into complementary national and international networks.

Armed groups are diverse. As Paul Staniland argued in 2014, there can be dramatic differences between armed groups, even among those fighting the same government, with regard to their strategies, capabilities and social bases. Accord 16 described armed groups as actors who: 1) challenge the state’s monopoly on coercive force; 2) operate outside effective state control; or 3) are capable of enabling or blocking and endangering humanitarian action or peace initiatives. But groups like Al Shabaab and IS, which have aspirations and networks that are simultaneously local and transnational, challenge these definitions.

The case studies presented here embrace a more fluid and complex understanding of armed groups. They include groups with strong links to local communities, like the National Liberation Army (ELN) in Mocoa hamado in Colombia; groups that use extreme violence and have transnational agendas, like IS in Syria; and groups that have unclear political ambitions and perpetrate high levels of indiscriminate violence against civilian populations, like the Lord’s Resistance Army (LRA) in northern Uganda.

The cases explore how the relationship between the local community and the armed group is affected by: the nature of the conflict, the response of the state, the type and character of the armed group, and the ability of the community to mobilise. They ask whether particular armed groups are more responsive to local initiatives, and if so why? They also ask how the criminalisation and branding of an armed group as “terrorist” affects the space for local actors to make contact with it.

Communities and armed groups
An armed group’s relationship with the local population is often portrayed as either predatory – the armed group inflicting human rights abuses, looting and destroying property, and the local population developing coping mechanisms and survival techniques; or symbiotic – local populations enabling armed group violence and hampering counter-insurgency efforts. But the reality is much more nuanced and complex.
Accord 16 noted that the attitudes of communities or constituencies with close ties to an armed group can significantly influence it, especially where they share family, clan, tribal or class connections. Insider mediators [see Box 1] can benefit from “relational partiality” with an armed group – closer links to a particular group based on personal, political or economic ties. Although there is still little precise understanding of the value of partiality to effective peacebuilding.

Armed groups also play important security and development roles, for example delivering everyday services. Zachariah Mampilly’s work [2011] on de facto governance by armed actors highlighted how Hezbollah in Lebanon and the Tamil Tigers in Sri Lanka ran schools and hospitals and collected rubbish. In the Colombia case study in this publication, the ELN, in the absence of the state, provided security and local governance functions. A central motivation to provide services is to secure the acquiescence or consent of the local population, if not its full support.

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This Accord Insight looks at proactive actions by local communities to procure delivery of services from an armed group, but also to shape and influence its tactical and strategic decision-making. These types of initiative may be the exception rather than the rule, but they raise important questions: why do certain community members choose to challenge the action of armed groups? How do such initiatives start and develop, and what impact do they have? How do some people challenge armed authority despite substantial personal risk?

In the joint analysis workshop for Accord 16, participants with links to armed groups pointed out that a group’s decision to enter into political dialogue is often portrayed as an option presented from outside. In fact, armed groups, like other armed actors, often have two-track military and political strategies. Findings from the Berghof Foundation’s Transition Series challenges assumptions about why armed groups enter into negotiations, identifying more positive and dynamic motivations than simply the realisation of the limits of armed struggle.

Community-based actors must establish trust with an armed group, a requirement often poorly understood or largely ignored by both national and external actors. The three cases in this Accord Insight show how local initiatives succeeded in developing and maintaining trust. In Syria, local citizens in Barzeh were able to influence the armed group’s conduct through establishing neighbourhood committees; in Colombia, the local population of Micoahumado connected with the ELN by building on deep historical and class ties; and in northern Uganda, Acholi communities used ethnic links to influence the LRA.

Mobilising for peace
Accord 16 pointed out that local communities can often offer the most nuanced, multifaceted and contextualised understanding of armed groups. Drawing on examples from the Democratic Republic of Congo and Sierra Leone, it showed that unofficial engagement can build armed groups’ willingness and capacity to participate in a peace process.

The discussion on the roles of insider mediators below highlights the complementarity of efforts by international and local mediators, in particular exploring how actors at the national level (non-governmental organisations, religious organisations or conflict resolution professionals) have been able to facilitate mediation with an armed group.

How communities reach out to armed groups for humanitarian or development purposes has also been a common area of research. The Geneva Academy’s 2011 report, Rules of Engagement, reflected on aid agencies’ reliance on elders and community members to negotiate access to armed groups to promote civilian protection and the safe delivery of humanitarian assistance.

Studies in 2007 and 2012 by Chris Mitchell and Landon Hancock on civilian resistance to militarism, including state and non-state groups “bearing arms”, look at community efforts to establish “zones of peace”. They explore how local actors have been able to develop innovative protection mechanisms and in effect opt out of a conflict through negotiations with armed groups.

There has been much less analysis, however, of how local communities’ interactions with armed groups – with whom they may “live together and even sometimes eat together” – can help to build peace. The case studies in this Accord Insight show that while local actors may not immediately identify a peacebuilding function in their contact with armed groups, community mobilisation can help to reduce violence or incentivise armed groups’ engagement in political dialogue. In northern Uganda, the Acholi Religious Leaders’ Peace Initiative (ARLPI) tried to establish contact with the LRA to help protect the local population; they eventually became a bridge to the Ugandan government and a significant stimulus for the Juba peace negotiations in 2006.

Structure of the publication
In the first case study in this publication, Rt. Bishop Macleod Baker Ochola and James O. Latigo review the efforts of the ARLPI to reach out to the LRA. These led to mediated dialogue between the LRA and the Ugandan government. The article identifies the key points of influence the ARLPI was able to leverage with both the LRA and with national political actors, and explores how the LRA responded to the initiative – from reducing its use of violence, to agreeing to take part in peace talks. It also highlights the challenges of engagement when there are high levels of state and non-state violence, and the approaches that were developed to minimise risks. The article is accompanied by an interview with former LRA
Commander Captain Ray Apire, who reflects on how the LRA viewed the ARLPI.

Second, Mauricio García-Durán and Fernando Sarmiento Santander explore an initiative by the population of Micoahumado in southern Bolivar, one of the most disputed zones in the Colombian conflict. The article identifies how the community was able to convince the ELN to unilaterally demine the main arteries connecting the village of Micoahumado in a territory under de facto ELN control. The case study looks at how local actors circumvented a ban on talking to the ELN, which was proscribed as a terrorist group.

The third case study examines the effectiveness of community-based initiatives to engage in dialogue with armed groups in rebel-controlled Syria, a fluid environment with high levels of insecurity and violence. Wisam Elhamoui and Sinan al-Hawat describe how a number of communities living in these areas have organised informally to facilitate relief operations and broader social welfare. Some communities have sought to engage directly with armed groups to reduce violence or coordinate responses. The article looks at the extent of engagement that may be possible, as well as the key factors involved in exerting influence over armed groups.

Brian Gormally reflects on efforts of civil society activists in Northern Ireland to promote alternative approaches to punishment violence within the IRA. The initiative – which became known as community restorative justice – also provided space for the republican movement to open up discussion on community security and justice and the role of formal policing as official peace negotiations emerged.

An Insight article distils lessons from the cases for peacebuilding policy and practice. It suggests the importance of a security imperative – to protect populations from attack – as a primary motivation for local communities to reach out to armed groups. It reflects on how local initiatives to reach out to armed groups often play a crucial role in promoting local human security and peacebuilding, and in some cases can support broader transformation of those groups. It details the real risks local actors face, and highlights the importance of pre-existing links with armed groups, of networks that predate the conflict, of informal or formal institutions, and of the role of external relations and support to gain leverage and maintain space.

**BOX 1**

**Local mediators**

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There is increasing international awareness of the importance of local mediators. In 2012, UN Secretary General Ban Ki Moon noted: “There is growing recognition that mediation is not the exclusive purview of external mediation actors. Local mediators who come from the conflict country can usefully lead local mediation efforts or complement regional or international initiatives” [Report of the Secretary-General A/66/811 25 June 2012].

**Who are local mediators?**

Mediation can be understood as a structured process of negotiation and conflict resolution supported by an acceptable, impartial third party. Local mediators – sometimes referred to as insider mediators – help actors from within their own contexts to develop mutually acceptable agreements. Local mediators have credibility with the parties to the conflict and influence in their community, and can include traditional elders, religious leaders, leaders of women’s groups, state officials, security sector actors, and business people. The term “local” is relative, as the delimitation of the context can be village, sub-regional or country level.

**At what levels do they work?**

Typically, local mediators are involved in informal peace efforts, where their mandate is less prescribed and trust is built through relationships rather than through formal institutions. While they usually focus on the sub-national level, there are cases where local mediators have also taken on a facilitating role at the national level.

During the 2007–08 election crisis, a group of eminent Kenyans created a Concerned Citizens for Peace initiative in response to election violence. This brought together Kenyan peace mediators and members of civil society to provide input into the formal mediation process led by Kofi Annan, and help link relevant official and unofficial actors at the national and sub-national levels.

In Nepal, the main parties to the negotiations leading to the 2006 Comprehensive Peace Agreement did not accept a formal outside mediator. Instead, local and international actors helped to pass messages between the parties and support the negotiation process in a much less structured and directive way.
How do they work?
The types of activity undertaken by local and non-local mediators may not differ fundamentally, but the normative framework in which they work is different, influenced to varying degrees by local legal frameworks: modern (formal, domestic); customary (eg regarding collective land use); or religious (eg regarding compensation for damage according to locally prevailing religious standards).

In some cases, there may be tensions between modern formal law, based on individual rights, and customary law, where collective punishment may present a pragmatic option, for example to minimise the use of violence in inter-community disputes, such as regarding cattle rustling. Local mediators are well suited to dealing with such tensions as they have in-depth knowledge of relevant cultural norms. Cultural considerations also shape methods of relationship building, communication style and perceptions of what constitutes a fair process. Local mediators in north-east Kenya, for instance, tend to be influenced by Somali culture that emphasises poetry and storytelling as communication tools.

Strengths of local mediators
The main strengths of local mediators are the depth of their contextual knowledge and the extent of their local networks. These are built on trust and may derive from holding a particular position and level of authority within their communities. As local mediators are geographically and culturally close to a specific context, they may be more attuned to a conflict’s potential for escalation, and so are well placed to step in to prevent violence before it breaks out.

Local mediators can help secure pauses in fighting, longer term ceasefires, or a complete resolution of a conflict through mutual agreement, which may for example include compensation or justice mechanisms. Effective intervention typically requires strong relationships with conflict parties, state and non-state, as well as community leaders. Local mediators also often work on conflicts long before the international community mobilises and are there long after it disengages. They may, therefore, enjoy significant local legitimacy linked to their commitment and relationships, which can help to maintain the social fabric in times of crisis.

Local mediation and non-state armed groups
Local mediators are often in contact with non-state armed actors, especially in areas where there is a weak or predatory state presence. Local mediation processes have sometimes led to the establishment of “zones of peace” related to specific territories. Local deals do not automatically lead to a nationwide peace agreement, as they may lack authority beyond their immediate context. But they may provide useful lessons and facilitate a more conducive environment for formal political processes.

Challenges and responses
Local mediators face challenges including threats to their personal security, and lack of technical expertise – for example relating to ceasefire agreements or institutional options for power sharing, such as models of federalism or devolution. They can face accusations of bias, as conflict parties from one location or community may mistrust mediators associated with another.

A number of approaches to broaden local mediation through internal and external cooperation have helped to respond to these challenges and maximise local mediators’ strengths. These include:

- **Co-mediation**: local mediators can work in teams assembled from across conflict lines to soften perceptions of partiality.
- **Peace committees**: local mediators can become part of a broader “infrastructure for peace” or “peace architecture” – a system for coordinating and supporting peace processes. This can include an established network of local mediators in the form of peace committees that meet regularly (eg once a month) and can react rapidly as tensions arise. The work of peace committees usually goes beyond mediation to include peace education or policy work. This helps to address the structural causes of violence, rather than only the immediate conflict.

- **Regional and international networks**: external support can help mitigate security risks, perceptions of partiality or lack of technical knowledge. Regional and international actors can also provide diplomatic or political contacts that local mediators may not have, provide a different type of legitimacy, and bring comparative lessons from other contexts.