Report on Wilton Park Conference WPS05/34

ENGAGEMENT OF ARMED GROUPS IN PEACE PROCESSES

Friday 9 – Sunday 11 December 2005

In association with Conciliation Resources

Executive Summary

Non-state armed groups are central figures in many of the world's conflicts. Their objectives and use of violence spark deep controversy about appropriate responses to their actions, particularly in the context of the 'war on terror'.

Despite this, over the last two decades armed groups have participated in peace processes on every continent. They have engaged with state actors, civil society groups, foreign governments and multi-lateral organisations. The conference considered accumulated experience, examined the complex issues involved and charted challenges to be addressed in current and future efforts towards durable settlements to armed conflict.

It is acknowledged that effective engagement with armed groups is not an easy task nor is it guaranteed to result in a positive outcome, however, principled and strategic engagement should be actively considered as an appropriate strategy in situations of armed conflict. The recognition of the pragmatic benefits of engaging with armed

groups comes at a time where the discourse of terrorism is shifting emphasis away from diplomacy and peacebuilding. Dilemmas of engagement include legitimising violence, bad faith negotiations and wider social participation.

There is a need to improve understanding of armed groups, as a basis for any interventions. Different approaches to analysis could be better attuned to the particular challenges of understanding armed groups. It is important to develop armed groups' capacities for engagement in peace processes and to take better account of issues relating to weapons and to demobilisation, disarmament and reintegration.

It is critical to examine the various roles played by third parties (including state, multi-lateral, and foreign and local non-state actors), the sensitivities and challenges involved in negotiating complementary roles and the various tools for engagement. There are arguments for a more nuanced application of tools such as terror listing, which can have unintended negative consequences for peace processes. There are opportunities and challenges in upholding human rights standards or promoting humanitarian space through engagement with armed groups. The role of international mediators in peace processes involving armed groups, as well as the possibilities created by community-based engagement initiatives, merit attention.

The findings of the 'Conciliation Resources'[1] publication, *Choosing to Engage: Armed Groups and Peace Processes*[2] can assist policy formulation on the issue of engagement with non-state armed groups.

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[1] Conciliation Resources (CR) is an international non-governmental organisation registered in the UK as a charity. It works to prevent violence, promote justice and transform armed conflict into opportunities for development and operates mainly in the Caucasus, Fiji, Uganda and West Africa in partnership with local and international civil society organisations and governments. CR produces the publication series *Accord: an international review of peace initiatives* (www.c-r.org/accord) and has recently undertaken a two-year project on the engagement with armed groups in peace processes. CR is funded by grants from governments, independent trusts and foundations.

[2] Robert Ricigliano, Choosing to Engage: Armed Groups and Peace Processes, Accord Issue 16, Conciliation Resources, London, 2005

1. Definitions and Conceptual Framework

Armed Groups refers to <u>non-state</u> armed groups which operate outside state control, challenge the state's monopoly on coercive force, and who are capable of preventing, blocking or endangering a humanitarian or conflict resolution initiative.

The conference focused on non-state armed groups operating in a context which could be defined as internal armed conflict within a particular state or within closely connected territories. However many, if not all, armed groups have international links. Overlapping dynamics with international movements, such as Al-Qaida, do exist for some armed groups in particular regional contexts.

Engagement refers to efforts to initiate or sustain opportunities for dialogue or practical confidence-building measures that may ultimately be able to address the causes and consequences of the conflict. It refers to an interaction between armed groups and their adversaries, or between armed groups and intermediaries.

Negotiations often follow on from engagement. There are different forms of negotiations with armed groups. They may follow the sequence of pre-negotiations (talks about talks), the negotiations per se and post-agreement negotiation on implementation. These may involve different actors at different stages.

Peace Process embraces dialogue and negotiation initiatives; not only the formal talks between leadership but also the range of complementary initiatives at different social and political levels to stimulate progress towards a peaceful resolution of the conflict. The conceptual framework for discussions was premised on three propositions:

- *The need to improve understanding of armed groups:* to sharpen conflict analysis tools in order to develop a more sophisticated understanding of armed groups as the basis for any interventions designed to address conflict dynamics.

- *"If you are part of the problem, you need to be part of the solution"*: strategic and principled engagement with armed groups is essential to achieving sustainable resolution of protracted conflict.
- *Getting beyond carrots and sticks:* the international community needs to develop more sophisticated mechanisms and instruments for engagement which have the capability both of punishing violators and also encouraging peacemaking.

2. The Case For Engagement: Part Of The Problem, Part Of The Solution

From the perspective of many state and non-state intermediaries already involved in multi-level, multi-track peace processes, the case for strategic and principled engagement with armed groups needs no justification. It is necessary in order to achieve sustainable resolution of protracted conflict and/or secure humanitarian space. It is non-engagement with armed groups that requires justification. If the overall goal is to end violence and to find a durable peaceful settlement of armed conflicts, the international community requires the courage and will to get involved with <u>all</u> parties to a conflict. This is dependent on the willingness of parties to engage.

The case for engagement is strong: internal armed conflicts more frequently end through dialogue and political negotiations than through continued fighting; peace processes that exclude armed groups who are parties to a war are more likely to fail; lack of engagement can strengthen hardliners who favour fighting over negotiation and leave constituents feeling that armed conflict is the only way to advance their objectives; critically, there is a moral imperative to pursue an end to war.

Whilst the case for engagement with armed groups is compelling, some intermediaries argue that engagement with armed groups is optional, rather than imperative, and that this is determined by the context. Advocating engagement with armed groups should not be the basis for <u>all solutions</u> to conflicts. 'Third way' approaches such as constitutional and economic reforms are examples of 'solutions' that could begin without or prior to

engagement with armed groups. Engagement with some armed groups could be counter-productive at certain times in the trajectory of a conflict, and not all engagement achieves positive outcomes. Nevertheless, experienced intermediaries advocate that engagement with armed groups remains a possible course of action that should not be ruled out. The position of some intermediaries is ambivalent: advocating engagement with armed groups as the norm, whilst suggesting that, at certain times, certain wars have to be fought.

Both extremes can be difficult for members of civil society in conflict-affected countries who are active in conflict transformation initiatives. Forms of engagement with armed groups often occur regularly at community level. These initiatives may be an active choice or an unpleasant necessity and interventions by third parties, state or non-state, can unbalance a community's 'management' of a conflict and bring outside biases on certain issues. Foreign third parties who are working to end the conflict seldom engage directly with local communities. There is a need to address the root causes that gave rise to armed groups in the first place. Unless such causal factors are dealt with during a peace process they will re-emerge afterwards and could re-ignite conflict. Sierra Leone is an example of where causal issues were not adequately dealt with in the peace process.

Formal negotiations are just part of an engagement process. Engagement is a term used to cover a wide spectrum of possible objectives and interventions intended to have an impact at different levels including: securing safe access to humanitarian space; cessation of hostilities; negotiating local peace accords and reaching macro-level political settlements.

Practitioners and sponsors of negotiations may justify engagement on the basis of pragmatic rather than principled considerations. The ultimate objective is to bring peace using whichever tools are available.

3. Dilemmas For Third Parties Considering Engagement

3.1 Legitimisation and rewarding violence

Some argue that to engage with armed groups is to legitimise violence, or give credibility to unreasonable or non-negotiable demands. Even those who advocate engagement, acknowledge that it can sometimes be detrimental to local people; depending on the type of engagement, the timing and the nature of the conflict. For example, internationally sponsored Somali peace processes have been criticised for strengthening the position of protagonists and their structures rather than resolving the conflict. Peace processes, as in the case of the Philippines, Somalia, Sri Lanka and Israel/Palestine, often last for decades. Those who sit at the negotiating table can become detached from operations on the ground and thus may cease to be the 'legitimate' political representative of the group they claim to represent. In protracted processes delegates remaining 'at the table' must be challenged to prove their control and their legitimacy.

Intermediaries acknowledge that engagement with armed groups can confer a legitimacy which may not have existed on the basis of popular support alone. Insurgents may be keen for international intervention for this very reason. However a degree of conferred legitimacy is necessary in order to sustain a negotiation process.

From a local perspective, third party engagement inevitably confers political legitimacy on all parties in a negotiation and may be harmful to local interests. It is crucial for intermediaries to listen to the advice and concerns of un-armed and armed non-state opposition groups and/or civil society as part of the process.

3.2 Bad faith negotiations

There is the potential for warring parties to agree to negotiations for ulterior motives. Engagement in peace talks can bring international support to state regimes that were formerly ostracised or sanctioned. In the short term there is little to lose and much to

gain when there is the possibility of states offering much needed foreign investment. Peace processes can and do go on for years providing scope for both parties to try to manipulate the situation to their own ends. Experienced mediators are highly aware of how negotiation processes can be used by state regimes and or non-state armed groups to buy time and credibility in order to prosecute a war more 'successfully'. For both sides ceasefires and peace processes can be convenient facades behind which to recoup combatants, to rearm and to give an appearance of dealing with the situation in order to encourage economic investment.

Sudan is one example of a protracted peace process where a considerable amount of high-level external pressure has been applied. The parties have negotiated but the process and outcomes lack internal drive or conviction. It is often argued that this is due to the settlement having been imposed.

3.3   Participation of other actors: unarmed, non-state opposition groups and civil society organisations

The involvement of unarmed, non-state political and civil society interest groups can be a dilemma for peace process negotiators and mediators. There are strong arguments about the importance of including groups and social organisations that represent the wider public if the process is to be a catalyst for the transition to a sustainable peace[3]. However, mediators warn that local civil society involvement must be dealt with very carefully.

A major difficulty is the definition of what constitutes 'civil society' in any given context, let alone a conflict-affected one. Parties to negotiations usually bring 'their civil society' with them. Third parties too may overlook actors because they do not fit into their notion of civil society. In seeking to hold a constructive process they may unwittingly create a 'fictional' group that fits their ideal image of civil society.

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[3] Robert Ricigliano, <u>Choosing to Engage: Armed Groups and Peace Processes</u>, Conciliation Resources, London, 2005

Elements of civil society may have leverage on the policies of the armed non-state actor they are close to and they may play an important role in preventing armed conflicts from escalating or in defusing internal tensions and unrest. They can play a concrete role in proposing alternatives to the use of violence, as exemplified by the Catholic Church in Colombia and some civil society groups close to the Maoists in Nepal. Equally, civil society activists may have an impact on the policies of their government. They may become important partners in confidence building, in the preparation of a ceasefire or peace agreement as well as in its implementation phase.

3.4   Negotiating third-party roles

Sovereignty and non-intervention have long been fundamental principles guiding inter-state relations, although recent international agreement on the 'Responsibility to Protect' marks a shift away from this tradition. Factors influencing states to seek or accept third party intervention in a peace process include: economic assistance, weakening government strength, international pressure, national image and geopolitical interests. Third party intermediaries' interest in intervention may overlap with some of these, for example, engagement may be partly motivated by geopolitical interests and national image. In addition, moral perspective, domestic political requests, ideology and economic interests factors may all play a part.[4]

Some governments are better placed than others to engage. This can be circumscribed by political realities in their own countries and their historical relationship to the country in question.

State and multilateral actors dominate the higher profile 'Track One' negotiations but there is likely to be 'behind the scenes' involvement of a number of actors working at 'Track Two' level. Each potential third party has its inherent advantages and disadvantages. Non-governmental organisations (NGOs) and international mediators can open lines of communication which cannot be accessed by governments

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[4] Engaging Armed Groups in Peace Processes: Joint Analysis Workshop Report, Conciliation Resources 2004, p 9.

constrained by issues of sovereignty. Coordination is of prime importance. However competition is fierce within the sector and it is not always possible to ascertain whether all actors work in the best interest of those most concerned. For a third party to become involved in a peace process when invited to do so, there needs to be clear added value in their involvement and the parties must have the capacity to engage with the process.

3.4.1 Third-party states

The issue of legitimacy is a two way dilemma and should also be considered from a local perspective. The state, or non-state, actor has the power, resources and interest to mediate in another country's conflict but no intrinsic 'right' to intervene. Not all intervention is conducted out of altruism, particularly where there is potential gain in terms of access to economic resources or serving geopolitical interests. This is a particularly relevant concern in the case of collapsed states, for example Somalia and Democratic Republic of Congo, where state actors that could authorise, decline, and control an intervention no longer exist.

When conducted in good faith, the easiest scenario for third party state involvement is explicit approval by the government to allow contact with all parties to the conflict. When approval is tacit rather than explicit, the quest for peace cannot be considered formal and there is no possibility for official third-party engagement. Semi-direct engagement may be possible, using commissioned experts to act informally on behalf of the intervening government. Such intermediaries will keep a low profile and will work without holding ambassadorial titles. In cases where the government gives no form of approval, or gives a formal and explicit prohibition on intervention, there is no option to act formally as an intervening third party. In such cases, potential state intermediaries conclude that there is no immediate state commitment for a peace process. They may then choose to intervene through indirect engagement by sponsoring NGOs as intermediaries.

The military resources of third-party states can play a crucial role in engagement with non-state armed groups, as in the case of UK troops deployed in Sierra Leone. The UK's military Peace Support Operatives, have the capability of employing force. Their

peacekeepers, peace enforcers, mediators and negotiators have received training in conciliation techniques. Tactics deployed by the UK military include 'hearts and minds' liaison and confidence-building work among the civilian population, support to humanitarian organisations, the use of Civil-Military drop-in centres in local towns and armed patrols. The UK military doctrine is that Peace Support Operatives are not suppliers and deliverers of humanitarian aid and support; although this imperative has been overlooked in Afghanistan.

Multilateral actors: the United Nations

The United Nations (UN) is a leading actor in inter-state peace processes and peacebuilding and is in demand in intra-state conflict-resolution efforts around the world. UN engagement with non-state armed groups can be part of a UN mediated peace process, ceasefire negotiations or when undertaking negotiations with a primarily humanitarian objective. Structural and resource constraints, combined with the challenges of achieving political consensus and of donor dependency, mean that it is not always able to fulfil its peacemaking purpose.

For many non-state armed groups and their supporters, UN intervention is seen to confer international recognition of the moral and political legitimacy of their cause. Some member states may regard UN intervention as undesirable for this reason. The UN's Office for the Coordination of Humanitarian Affairs (OCHA) guidelines[5] and practitioners' manual[6] on humanitarian negotiations with armed groups highlight these misperceptions.

3.4.3 Civil society actors

International intermediaries, state, multilateral and non-state, agree that non-state civil society, including religious institutions, unions and NGO actors, can play important, complementary roles at stages in the process of engagement with armed groups.

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[5] Guidelines on Humanitarian Negotiations with Armed Groups , United Nations OCHA, New York, 2005.
[6] McHugh and Bessler, Humanitarian Negotiations with Armed Groups - A Manual for Practitioners , United Nations OCHA, New York, 2005.

Complementarity between state and non-state actors, however, is not a given, and divergent views may well exist or emerge.

Civil society intermediaries are often characterised by flexibility and impartiality but are disadvantaged by having fewer resources and political clout than state actors. Whilst some of these characteristics may be debatable it is true that engagement by a civil society group generally conveys a lesser degree of recognition or reward than that of third-party state or multilateral engagement. This is considered an advantage from a state perspective concerned with questions of legitimacy and 'rewarding' violence.

From a third party state perspective that is pro-multi-track engagement, one of the key 'uses' for civil society organisations and NGOs is in the early stages when initial contact needs to be made with the armed group. Non-state actors may be able to use their rapport to encourage engagement in talks. The lack of political leverage means that non-state actors must be all the more credible if they are to survive the process without being sidelined by the other parties.

In security terms, NGOs are the most vulnerable of all intermediaries: risks include kidnap, arrest, or sanction in their home country. A civil society actor's view of the conflict does not necessarily correspond with that of state actors engaged in the process. This may cause them to get in the way but they don't know it

4. Understanding Armed Groups And Their 'Choices'

It is generally accepted that parties in a violent conflict often need a third party to assist in the establishment and management of a peace process.[7]

4.1 Approaches to analysis

It is critical that a third party has a good understanding of the armed group to ensure that the input is constructive. This means developing a deep knowledge including "an

awareness of their experiences and perceptions, an understanding of their logic or way of reasoning, and some ability to predict or explain what they do".[8] This requires the development of a process of communication and negotiation based on a trust that needs to be built up over time. Physical access to a group can be extremely difficulty if part of their strategy is to make themselves remote from the rest of society. A further barrier is the high level of secrecy and selective dishonesty that groups often seek to operate behind. This is particularly the case when it comes to disclosure of sensitive information such as numbers of weapons and strategy details.

Typologies tend to be unhelpful; every armed group's case is different and to understand it requires taking into account its history, roots and constituency, structure and leadership including identification of the 'thought-leaders' in a group and those who influence them. Analysis also needs to take account of external allegiances, identifying traits and shared markers as well as any publicly stated political aims and grievances.

Typically, analysis assumes that an armed group has identity as a group and is usefully approached from this perspective; yet given the fluid and nebulous nature of some organisations, and their complex relationships with the wider community, analysts should not over-emphasise group identity at the expense of recognising the role of networks and webs of relationship and interaction.

4.2   Armed Groups' Choices

Groups can transform dramatically over time in response to both internal and external factors. Interaction with a third party can change the armed group itself and how it relates to the conflict. The groups' relationship with wider society can also have a significant influence.[9] Choosing to give up the option of violence is unlikely to be easy. For the leadership in particular, there is the fear of failing to secure results on critical

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[7] Sue Williams and Robert Ricigliano, *Understanding Armed Groups*, in Robert Ricigliano, *op cit.*
[8] *ibid*
[9] *op cit*

issues in the negotiations; as well as the threat of what happens <u>after</u> the peace agreement.

"Armed groups themselves will often say that they believe in peace and they are struggling for a just peace. In other cases they will say that the violence is an expression of their situation and valid even if it will not bring about change…Most armed groups have an analysis of their situation in which armed action seems an inevitable, if not unfortunate, component (…) Ironically, but not surprisingly, armed groups have adopted a cult of force and a power/ coercion paradigm from states imbued with the sense that nations are built through force and the attendant assumption that there is an acceptable level of violence." [10]

When dealing with armed groups there are three possible tendencies: militancy which believes that military force is the only option; dual strategy which still believes in the primacy of force but will use other approaches for tactical advantage; and a conflict transformation strategy that targets changing the underlying systems / institutions, attitudes and relationships that underlie violence and building new systems / institutions, attitudes and relationships that promote constructive methods for dealing with conflict. The question for an armed group is when a transition to a conflict transformation paradigm is appropriate and whether it can manage that transition effectively.

4.3   Developing Capacities for Engagement

Negotiating the end of a war requires some capacity in terms of the parties' skills, knowledge and attitudes. Mediators working in some of the world's hottest conflicts reflect that in the inter-state conflicts of the past it was enough to negotiate a ceasefire or a peace agreement. Now, in situations where the nature and capacity of the state is at the centre of many conflicts, negotiations have become much more complex; they are ultimately about envisaging a whole new society. Supporting the negotiating parties to

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[10] Clem McCartney, *From Armed Struggle to Political Negotiations:Why? When? How?* In Robert Ricigliano, op cit.

achieve a common vision is full of difficulty and the process will always be uneven, lengthy and demanding.

Conflict parties who decide to enter into negotiations often require support to develop their capacities for effective participation. This 'capacity building' support may take the form of technical assistance, coaching or counselling in specific knowledge areas or skills identified as weak and liable to compromise the success of the negotiations.

Assistance may be short-term or a long process of support and accompaniment prior to and during negotiations. Problems and challenges that commonly confront parties in the process leading up to negotiations that a form of capacity building may be able to address include: the realisation that they stand to lose some control or sense of control by going into negotiations; having a 'position' but no concept of what concessions they might be able to make; needing to think about interests and options rather than maintain a single focus on position (difficult when the group is very diverse or has had one political objective uniting them); lacking the capacity to deliver what it is they might negotiate; lacking personnel with the capacity to negotiate; not being used to having their position challenged by outsiders; lacking or having limited capacity to consider the role of gender in the peace process and beyond.

The capacities needed to negotiate an agreement may not be the same capacities needed to promote democratic politics and govern effectively. Negotiations per se, however, are one step in a long process. Other elements later on include promotion of democracy and gender-sensitive policies and practice. Mediators warn that well-intended third parties need to be careful not to overload the armed group with so many new challenges that they will either sink or disappear.

As a general rule, mediators point out that it is preferable that they themselves do not address the capacity building needs of the parties. This work is better left to others and may be addressed through the development of 'think tanks' established for parties in negotiation.

4.4   Weapons and Security

Peace processes involving armed groups pay little attention to small and light weapons (SALW) issues. Arms and disarmament are challenging issues and tend to be left to others to deal with. Little accurate information exists on armed groups' weapons holding, acquisition and use. It is necessary however, to address this by assessing the threat levels posed by an armed group's SALW and enhanced radiation weapons and to design demobilisation, disarmament and rehabilitation (DDR) processes, amnesties or arms collection programmes accordingly. Ideally assessment and planning should begin before the peace process and continue into the period after it. Civilian disarmament may also be a matter for concern.

Whatever approach is taken it needs to understand the local arms culture and societal norms regarding the holding of SALW and their use. Taking weapons and explosive ordnance from armed groups is not easy; weapons play a key part in an armed group's identity and strength. Armed groups' stockpiles tend to come largely from government stocks either through corruption, poor management or seizure. Experience suggests that protagonists in a conflict and their supporters, state and non-state, all have a great interest in obfuscating information on SALW either by exaggeration or under-estimation.

Issues that need addressing include:
- The importance of non-military incentives and non-material compensation, i.e how to mitigate the vulnerability felt by armed groups when they make concessions (their perceived and real loss of status, power, interests):
- Disarmament components within DDR programmes need to avoid creating an increased demand for weapons. Financial inducements need to take account of black market prices, regional DDR initiatives, and distinguish weapon types and conditions;
- Rehabilitation, repatriation and reintegration need more generous and secure financing to be successfully implemented;

- Programmes need to address the gendered needs of male and female combatants as well as the gender impact of their reintegration into society;

- The balance of benefits for combatants and communities needs to be improved so that perpetrators of abuse do not fare better than those they aggrieved.

A concrete proposal was made to establish a working group to draft, within a six-month timeframe, a Code of Conduct on All Arms and Means of Warfare for circulation within and discussion with armed groups worldwide. The Code would cover two main issues: legitimate and illegitimate weapons and means of warfare according to international humanitarian law and the law of armed conflict generally; legitimate and illegitimate arms targets and victims according to international humanitarian law.

5. Tools For Engagement

5.1   Terror Listing and Proscription

The growing recognition of the need to engage with armed groups must now be considered in the context of the 'war on terror'. Despite the lack of an internationally agreed definition of what constitutes a 'terrorist group', the label 'terrorist' is increasingly being applied by state actors across a diverse spectrum of non-state armed, and sometime unarmed, groups. In this sense, the term 'terrorist' can say more about the motivations and position of those who apply it than it can about the nature and legitimacy of the group that is labelled.

Views differ as to whether the label 'terrorist' should exclude a group from negotiations. There are arguments against engagement with organisations listed in UN Security Council Resolution 1267. On the other hand, it could be more compelling to engage when a group's tactics involve the abuse of human rights and shocking acts of violence. Choosing to negotiate with terrorists or human rights violators does not imply support for their causes or their actions. It simply means those engaging are committed to finding a solution to violent conflict.

Some argue that listing of armed groups as 'terrorist organisations' by powerful nations can be a strong sanction with the following positive impacts: an incentive to limit / constrain violent actions by armed groups; a disciplining tool encouraging focus on important issues; the ability to disrupt activities, limit travel, seize funds and interdict weapons.

However, the negative impacts of proscription have not been fully considered. These include: criminalisation (in some contexts) of contacts with armed groups which are designed to promote peace or humanitarian agreements; creation of obstacles to the participation of negotiators from armed groups in peace talks (i.e. through restrictions on travel); failure to differentiate between the very different tactics and strategies used by different groups at different phases of a conflict or in response to the tactics used by their opponents; inconsistent and politically driven manner in which proscription is applied and over-used, as well as abused, in some contexts; and the message of punishment and isolation can strengthen hardliners and reduce the space for moderates in armed groups.

Proscription is often applied without a thorough analysis of the nature of the armed groups or the likely impact of the measure on the political dynamics of the context. Little is known in government circles about how armed groups interpret the 'message' of being proscribed. In some cases it may have the opposite effect to that intended.

Ideas for reducing the negative impacts of proscription on initiatives to end violent conflicts included:

- Building greater flexibility into proscription by providing a range of sanctions, not just 'all or nothing' decisions. For example, creating a range of lists – watch, warning, probationary, proscribed; ban certain activity or contact or proscribe the group but allow for certain types of engagement from particular people.

- Define and provide incentives for 'good behaviour'. For example, define criteria for 'de-listing' such as the degree to which international humanitarian law is respected, treatment of civilian populations and good faith engagement with humanitarian efforts.

- Develop tools that allow for the seizure of funds and interdiction of weapons; apply existing laws for dealing with criminal behaviour, money laundering etc, without banning all contact with a group.

- Promote better policy making, application and debate about proscription. For example, undertake a comprehensive evaluation of the impacts of specific proscription policies.

5.2   Upholding Human Rights Standards

Tensions often exist between human rights and peace agendas, especially in cases of civil war, where two or more parties are committing atrocities against each other. In the long term it is imperative to ensure that both agendas are tackled together, sending a clear and unambiguous message that peace and human rights are part of the same package. Some would go as far as to say that a settlement is not about peace if human rights are not built into it.

There is potential for human rights standards to be used as a tool to encourage armed groups to engage in peace talks or to build bridges in peace negotiations as in the case of El Salvador. There are also cases where the opposite is true: where human rights issues have not been part of the peace agenda. More research is needed with particular attention to the following areas: learning from past experiences on effective timing, entry points and best actors to introduce human rights issues in a peace process in order for it to be an effective conduit for peace; formulation of non-negotiable, evidence-based common standards by which all parties are bound; and capacity building needs and other inputs for armed groups to enhance their ability to comply with human rights standards.

Whilst important tools for addressing issues of justice and impunity such as the International Criminal Court (ICC) do exist, their intervention needs to be well-timed and well judged so as to avoid undermining any on-going engagement and negotiations with armed groups. The case of the Lord's Resistance Army (LRA) in Northern Uganda was cited as an example of ill-judged and ill-timed intervention by the ICC. This intervention illustrated the horizontal and vertical communication and coordination gap that can exist between the diverse international intermediaries and institutions involved in any one conflict or aspect of it.

5.3   Humanitarian Engagement

Humanitarians working to mitigate the consequences of war often need to engage with armed groups to secure their cooperation so that lives can be saved through humanitarian action.   Humanitarian engagement, as opposed to the engagement undertaken by mediators seeking a political settlement, consists of efforts to persuade armed groups to respect humanitarian and human rights principles, including in particular to[11]: respect civilian life and property, and to refrain from attacking civilians; treat captured combatants and others, *hors de combat,* humanely, without discrimination and with respect for their rights; ensure civilians and victims of war have adequate medical care, food and shelter, and to allow humanitarian agencies access; and ensure insofar as possible the material and social well-being of civilians within areas they control.

The link between humanitarian engagement and peace talks is insufficiently researched and to date there are no universal lessons emerging. Humanitarian issues tend to be easier to discuss than issues related to a resolution of the conflict and may open the way for peacemaking, although this is by no means guaranteed.   Humanitarian engagement has the potential to transform the parties to the conflict as well as the conflict itself; it can be an entry point for peace talks or can build confidence. From the

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[11] from David Petrasek, *Vive la difference? Humanitarian and Political Approaches to Engaging Armed Groups*, in Ricigliano, op cit.

perspective of an armed group, humanitarian engagement can strengthen its credibility and capacity showing its potential to participate in political negotiations.

There are however, areas of concern where the humanitarian parties involved need to exercise particular caution. NGOs embarking on humanitarian engagement need to be aware of likely manipulation by both state and non-state actors. Linking or including humanitarian agreement with peace negotiations needs to be done carefully. If the negotiations fail, the humanitarian agreement will no longer be respected. If the humanitarian agreement is reached outside of the peace process, it can still be in force even if the peace negotiations break down.

On the other hand, humanitarian engagement can sometimes delay or even derail peace-talks. Sometimes humanitarian issues may be used as a diversionary tactics to postpone discussion on political issues aimed at ending the conflict. In all discussions on humanitarian engagement or peace talks, women should be invited to participate. Their concerns, in particular on health, education, access to water and food, have to be included in the talks from the start.

5.4   International Mediation

There is a view that a 'good agreement' ensures all parties are unhappy but in equal measure. If one party is happy something is wrong with the process.

International mediation is a key tool of political engagement. It is seldom easy to bring an armed group to the table for talks. More often than not mediators have been in contact with an armed group for years, getting their 'foot in the door' before the group decides to come to the table. Nothing is more dangerous than an isolated armed group that develops its own logic; from a mediator's perspective it is essential to keep linked to the group. Armed groups will engage in dialogue with one vision and over time, as commanders disappear and new ones take their place, this vision will develop and change. A mediator must follow and understand the reasoning throughout these changes over however many years the process takes.

Peace processes are usually very protracted and engagement roughly follows a sequence: of pre-negotiations, negotiations *per se*, and post-agreement implementation. Once the pre-negotiations phase is reached engagement focuses on 'talks about talks'. This stage is difficult because the mediator will not want to deal yet with substance or pre-requisites. They cannot be dropped or the parties will not come to the table but they cannot negotiate until later. These are the 'back-breakers' which need to be identified early on; if dealt with at the wrong time or not resolved these are the issues that can derail the whole process. A mediator will also identify issues where there will be some agreement and although they will need to be negotiated they are less controversial. In addition there will be issues where the parties already share a common vision.

The first six months of engagement between the parties is often the most difficult. Usually the armed group feels that the other side is stronger and resents their greater knowledge; both sides repeat their positions and the mediator often bears the brunt of their frustrations. Often their aim is to test their adversaries but some of the difficulties arise because engagement brings armed groups to a world far from that they have known in the past. A mediator's job is to hold them to the table and bring ideas on board.

Peace processes used to involve negotiating ceasefires but now ceasefires are not essential pre-requisites for a peace process. Ceasefires that may not hold are detrimental and best left to negotiate at the end. Today, armed groups will not talk about a ceasefire until they know what is going to happen next, in terms of power sharing, DDR etc. Ongoing negotiations often concern the creation of a political, economic and security agreement that can be called a 'vision of society'. This takes months of negotiation. Trying to negotiate with armed or conventional military groups on demobilisation programmes as they relate to gender issues is particularly difficult.

Some mediators will handle the pre-negotiations stage and bring groups to the table; they then withdraw because they may have lost their objectivity, become 'married' to the cause and have no new ideas. The other side in the negotiations will no longer trust

them or may regard their continued presence as a way of re-opening issues. They do not disappear but will provide back up to their replacements.

Armed groups will want blanket amnesty but it is the role of civil society to decide what kind of reconciliation with former perpetrators of violent conflict is acceptable. Amnesty should never be granted during negotiations or a peace process but rather left until afterwards when civil society are part of the negotiations. They may, for example, agree to offer amnesties through a truth and reconciliation process.

5.5   Community-Based Approaches

A host of community level interventions to sustain or contribute to peace-building processes were identified: successful use of radio and democratising access to information in armed groups and dispelling myths, or disseminating information (Uganda, DRC); development of social movements to demand engagement by armed groups and political parties in dialogue (the Basque country); and the important role of community consent in the development of amnesty processes.

In some cases positive examples were balanced by negative experiences from elsewhere:
- Networks of victims that span conflict divides can be a force for dialogue and understanding, while victim support groups from one side alone are rarely focused on promoting mutual understanding.
- Reconciliation and reintegration work that harnesses appropriate local justice mechanisms (Rwanda, Uganda) but the failure of attempts to replicate interventions that have been used successfully elsewhere (Burundi).
- The importance of Truth and Reconciliation Commission (TRC) processes but the need for these to receive sustained funding for the whole process, or to be planned within actual funding constraints (Sierra Leone).

Many of the failures identified were the result of failing to adhere to good practice guidelines: carry out conflict assessment before intervention, ensuring analysis includes a strong local perspective before implementation; involve local people in planning and design, as well as implementation; monitor risks to the local community that may arise from interventions; and track experiences and lessons learned.

6   Conclusions

Just as every armed conflict is unique, so every peace process requires strategies that are tailored to the specific circumstances involved. Different actors will have different choices to make about engagement with armed groups, based on their own needs and interests, their particular relationship to the conflict, their skills and expertise, and the opportunities afforded by the situation.

Yet given the accumulated experience of the pragmatic benefits of engagement, there is considerable scope for further joint work to address the challenges and dilemmas identified.   This could include the refinement of conflict analysis tools used by practitioners and policy-makers to enable a more nuanced understanding of armed groups; greater efforts to strengthen armed groups' capacities to engage effectively in peace processes; and closer attention to the issues relating to weapons and security prior to and during negotiations. Punitive measures such as terror-listing need to be reviewed in light of their impacts in practice, and revised in order to offset negative consequences for peace processes. There needs to be further joint analysis of the opportunities for upholding human rights and promoting humanitarian space in peace processes involving armed groups. Capacities for international mediation should be strengthened and better supported, while being attentive to the delicate engagement initiatives that can take place within communities. All of these approaches should take greater account of the respective needs of men and women, with a particular view to supporting the equal participation of women in processes to resolve armed conflict.

Finally, it is important that further discussion of these challenges is conducted in an inclusive manner. This implies finding opportunities for the appropriate involvement of

all groups (governments, armed groups, civil society, foreign governments and multi-lateral organisations) with a stake in the outcomes of a peace process. It is only by taking into account the varied and sometimes contradictory perspectives of the different parties involved in armed conflicts that durable long-term solutions will be found.

Wilton Park Reports are brief summaries of the main points and conclusions of a conference. The reports reflect rapporteurs' personal interpretations of the proceedings – as such they do not constitute any institutional policy of Wilton Park nor do they necessarily represent the views of rapporteurs.

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