Negotiating in *practice* what is non-negotiable in *principle*: development policy and armed non-state actors

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Foreword

The importance of non-state armed groups (NSAGs) has been increasingly recognized by academic and political observers concerned with violent conflict. The forces of paramount relevance in conflict situations include not only state actors but NSAGs as well. As conflict parties, NSAGs enter the picture in all civil wars, in many cases creating situations of instability, although they may also, in some cases, step into the role of "quasi-state actors," providing, for example, security services or basic social services. This is most often the case when NSAGS have a territorial control function.

External actors are for this reason more and more faced with the question of how best to respond to these groups. "Non-response" merely seems to be an appropriate option here. It is only by weighing off the opportunities against the risks involved in interacting with them that it is possible to come up with reasonable approaches to dealing with NSAGs. Here interaction should by no means be understood to imply any upgrading of NSAGs or acceptance of their objectives or instruments. Instead, interaction will be predicated first and foremost on the need to find a reflected response to NSAGs.

Noel Stott deals with this issue complex in the present paper. The author structures and analyzes the issue complex in helpful ways, going on to draw some interesting conclusions for development policy. Noel Stott, a senior researcher at the Institute for Security Studies ISS) in Pretoria, developed the paper on the occasion of a 2004 visit to the German Development Institute (DIE) as a guest scholar. I would like to take the present opportunity to extend my cordial thanks to him as well as to Jakkie Cilliers, Director of the ISS, for the overall cooperation with the ISS.

Bonn, January 2007   Dr Stephan Klingebiel

Contents

Abbreviations

ANC	African National Congress
APM Ban Convention	Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction
AU	African Union
CNDD-FDD	National Council for the Defence of Democracy-Defence Forces of Democracy
DoC	Deed of Commitment
DRC	Democratic Republic of Congo
ECOWAS	Economic Community of West African States
Frente Polisario	Front for the Liberation of Saguia el Hamra and Rio de Oro
HIV/AIDS	Human Immunodeficiency Virus / Acquired Immune Deficiency Syndrome
IANSA	International Network on Small Arms
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Persons
ISS	Institute for Security Studies
LTTE	Liberation Tigers of Tamil Eelam
LURD	Liberians United for Reconciliation and Democracy
MILF	Moro Islamic Liberation Front
NEPAD	New Partnership for Africa's Development
NGO	Non-Governmental Organisation
OAU	Organization of African Unity
OSCE	Organization for Security and Co-operation in Europe
SADR	Saharawi Arab Democratic Republic
SAS	Small Arms Survey
SPLM/A	Sudan People's Liberation Movement/Army
SWAPO	South West African People's Organization
UN	United Nations
UNDP	United Nations Development Programme
UNGA	United Nations General Assembly
UNPoA	United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
WFP	World Food Programme
ZANU-PF	Zimbabwe African National Union – Patriotic Front

Abstract

Non-State Armed Actors are today the main feature of violent conflicts both within States and at the regional level. While humanitarian organisations have for some time developed strategies to engage armed groups on questions related to the respect for humanitarian principles, little, if any, research has been conducted to ascertain the opportunities for, and challenges of, engaging Non-State Armed Actors from a development perspective. Such an undertaking comes with its own set of problems and threats, including a perception that one was negotiating with terrorists. This is especially true given the current international focus on terrorism – the "War of Terror" - and the tendency by opportunistic states to label any opposition grouping as a terrorist organisation. Nonetheless engaging Non-State Armed Actors is beginning to gain international acceptance by both States and civil society as an important component in achieving the humanitarian objectives of international law. This paper attempts to draw lessons from these and other initiatives in order to identify possible entry points for constructive engagement with Non-State Armed Actors from a development perspective. Whether they can lead to a well-informed and policy-oriented strategy to engage armed groups is of course the question.

"The world only goes forward because of those who oppose it."

Goethe

1 Introduction

Non-State Armed Actors are today the main feature of violent conflicts both within States and at the regional level. While humanitarian organisations have for some time developed strategies to engage armed groups on questions related to the respect for humanitarian principles, little, if any, research has been conducted to ascertain the opportunities for, and challenges of, engaging armed non-state actors from a development perspective. Such a undertaking comes with its own set of problems and threats. This is especially true given the current international focus on terrorism and the tendency by opportunistic states to label any opposition groups as terrorist organisations. Since February 2001, the United States' instigated war on terrorism has resulted in many of these groups being simply regarded as "terrorists" and any discussion of the presence of armed non-state actors in a country or the need to constructively engage them is regarded as a hypersensitive "national security" issue. In addition, some argue that the counter-terrorism strategies presently adopted are in fact being used to justify practices that undermine the achievement of development goals and run contrary to international commitments on human rights and that the resultant increases in military aid and the export of arms are jeopardising human security and livelihoods in many parts of the world (Tujan / Gaughran / Mollett 2004).

Although still regarded in some circles as sensitive, engaging Non-State Armed Actors has gained international acceptance as an important component in achieving the humanitarian objectives of international law. This paper attempts to draw lessons from these and other initiatives in order to identify possible entry points for constructive engagement with Non-State Armed Actors from a development perspective. These fields include the work undertaken by Geneva Call, an independent, international, humanitarian non-governmental organization, which has developed an innovative mechanism allowing Non-State Armed Actors to commit themselves to a total ban on anti-personnel mine use.

It also explores and (hopefully) "explodes" some myths surrounding such engagement, including that: the term Non-State Armed Actors is just a politically (in)correct term for terrorists; engagement with Non-State Armed Actors gives legitimacy and recognition to the use of violence and to the particular group; one cannot both engage and hold accountable groups that target civilians and commit atrocities; and, there is little support in the international community for such work.

2 Methodology

In addition to an extensive review of the available literature, discussions were held with a number of organizations and agencies involved in either exploring engagement with Non-State Armed Actors from an academic perspective and/or who are actively dialoguing with such groups. Included amongst these organizations are the International Committee of the Red Cross (ICRC), Geneva Call, Centre for Humanitarian Dialogue, the Armed Groups Project and the Berghof Research Center for Constructive Conflict Management/

Berghof Foundation for Conflict Studies (For a select list of organisations working on the issue, see Annex B).

Information was also gathered by the author's attendance at two significant conferences: "An Inclusive Approach to Armed Non-State Actors and International Humanitarian Norms": First Meeting of Signatories to Geneva Call's Deed of Commitment, held 31 October – 1/2 November 2004 in Geneva, Switzerland, and the conference on the "Role of States in the Universal Abolition of Anti-Personnel Landmines in the Context of an Intra-State Conflict", in Montreux, Switzerland, from 28–29 October 2004.

At both meetings practitioners as well as past and present representatives of Non-State Armed Groups were present, thus affording the author an opportunity to gain first hand knowledge of the topic.

It should be noted that the aim of the paper is not to form simple conclusions or prescribe procedures for action, but rather to place the debate in the context of violent realities, development discourse and the war on terrorism.

3   Conflict, internal war and Non-State Armed Actors

Non-State Armed Actors are today the main feature of violent conflicts. Most wars are fought within states, either between governments and non-state actors, or in the case of inter-communal violence, between multiple non-state actors with little or no state involvement. "In these conflicts, rebel groups, militias, and insurgents seriously threaten not just the national security of states, but also the human security of millions of people."(Centre for the Humanitarian Dialogue 2004)

In 2003, the number of armed conflicts totalled 36 in 28 countries (Project Ploughshares 2004). Except for the war in (on?) Iraq, all of the other 35 armed conflicts in 2003 were internal wars pitting armed insurgents or opposition groups against government troops and in some cases between armed groups.

According to Eriksson and Wallensteen, a total of 229 armed conflicts in 148 countries have been recorded for the period after World War II (1946–2003). Of these, 116 conflicts in 78 countries were active in the period after the end of the Cold War (1989–2003) – and of these in turn only seven were interstate armed conflicts, of which two were still active in 2003 (Eriksson / Wallensteen 2004).

As Carola Weil has pointed out, in her overview of the conflict situation in the world and its impact on socio-economic and political development, while the number of regional and civil wars around the world has declined by 60 percent since 1991, *the new peace is carrying 48 unstable regimes, 33 societies recovering from recently ended wars and 25 societies still locked in violent struggles*" (Weil 2003). In sub-Saharan Africa,*"the combination of pervasive poverty, poor infrastructure, low technology, lack of industrialization, and weak administration make armed conflicts in these countries particularly difficult to manage and render these societies highly vulnerable to humanitarian crises*" (Marshall 2003). In many of these countries violence is not just a momentary phenomenon of guns and bullets but pervades all aspects of life and takes many different forms – economic, social,

political as well as physical. Unarmed civilians tend to become deliberate targets of intra-state conflicts (Jain 2001). These types of conflicts furthermore cause massive displacement of populations, and while fought within boundaries of a country, can have a destabilizing or "spill-over" effect on whole regions; particularly in the face of potential state failure (Weil 2003).

The Centre for Humanitarian Dialogue argues that armed groups are responsible for a disproportionate number of negative impacts, including large numbers of deaths and injuries, serious human rights abuses, the murder of civilians, torture, rape and plunder and mass displacement, both within states and across national boundaries. *"According to one study, armed rebel groups accounted for more than half the world's new displacement during 2003"* (Centre for the Humanitarian Dialogue 2004).

4 Intra-state conflict and development

The cost of such wars is almost incalculable. In the Great Lakes Region of Africa for example, the wars since the Rwandan genocide have claimed close to 3 million lives directly or indirectly. The economic costs of increasingly militarized societies are also significant. Rwanda's exports dropped by 60 % between 1990 and 1995 due to internal instability and a shift of resources to armed rebellion and militias. Rwandan GNP per capita declined from 370 US$ in 1990 to 130 US$ in 1995, and still had not returned to 1980 levels (250 US$) by 2000. The economic decline is even more devastating in the Democratic Republic of Congo (DRC), which claimed a GNP of 630 US$ in 1980 but had declined to 100 US$ by 2000. DRC's conflict, labelled Africa's 'first world war' drew in forces from seven other nations and resulted in more than 3.5 million deaths since August 1998. The past six years have consisted of a tumultuous back-and-forth between a plethora of peace agreements and activities, to ongoing conflict between armed groups in the east[1].

While in the 1980s emergency relief constituted a mere 3 % of total development budgets for OECD countries, this proportion had surpassed the 10 % mark by the 1990s. At the same time, however, the total amount devoted to international assistance fell dramatically to the detriment of long-term development goals (Leonhardt / Nyheim 1999).

In other words, one of the biggest threats and consequences of intrastate conflicts is the destruction of social order (Weil 2003). In Liberia, for example, in early 2003 (before Charles Taylor was ousted) it was stated by the Royal Institute of International Affairs' Africa Programme that in LURD-held areas, there are few viable roads, no electricity, no running water, and no proper medical facilities. Over 20 % of the population are displaced or live in refugee camps. The hospitals and clinics have been rendered completely useless, or destroyed. Antibiotics, drips and specialized medicines for children and the elderly are scarce to non-existent. The LURD's only functioning school, in Voinjama, has upwards of 300 pupils, many of whom show signs of malnutrition and associated illnesses (Brabazon 2003).

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1   For a comprehensive and detailed background on the peace process in the Democratic Republic of Congo, see Georges Nzongola-Ntalaja 2002; Mark Malan / Joao Gomes Porto (eds) 2004; and Gomes Porto, J. / H Boshoff (eds) 2004.

There is little doubt then that violent internal conflicts pose a major challenge to development. According to the World Bank, violent conflicts are detrimental to the mission of poverty reduction, constraining development efforts, diverting scarce financial and physical resources, and weakening a country's social fabric and human capital (Collier et al. 2003). Attempts to mitigate this have traditionally focussed on strategies and activities that aim at making countries more resilient to the escalation of violent conflict, and programs that address the sources of conflict. The former involves the strengthening of social processes and democratic institutions that may help manage conflicts in more non-violent ways, while the latter includes addressing youth unemployment and differential social opportunities.

It is now, fortunately, increasingly being recognised that development aid should include efforts to prevent, manage or resolve conflicts. Sustainable economic and social development on the one hand and the enhancement of human security on the other hand are indivisible aspects of the same coin. *"The earlier view of development as an economic process that cannot take place unless peace prevails in a nation is now* passé*"* (Minear 1995). There is now little, if any, doubt that peace, social justice and economic development are inextricably linked and mutually reinforcing. According to Faust and Messner, *"it is obvious that development cannot succeed without peace"* and that *"security is scarcely possible without development"* (Faust / Messner 2004). The World Bank's report on civil war and development policy argues that civil war retards development, but conversely, development retards war and that this double causation gives rise to virtuous and vicious circles. Where development succeeds, countries become progressively safer from violent conflict, making subsequent development easier. Where development fails, countries are at high risk of becoming caught in a conflict trap in which war wrecks the economy and increases the risk of further war (Collier et al. 2003).

5   The impact of small arms on development co-operation

Small Arms and Light Weapons are the weapons of choice and of necessity for most Non-State Armed Actors, yet they undermine development processes – from the micro to the macro levels.

At the macro-economic level, small arms availability undermines social and economic development. Firearm-related insecurity partly conditions foreign direct investment and can shape the allocation of budgetary resources among and between government departments. Furthermore, arms-related insecurity affects UN and NGO spending priorities. At the micro-economic level, the use of small arms and threat of firearm-related violence affects the labour, production and transfer (inheritance) entitlements of individuals – both directly (e.g. homicide and injury) and indirectly (e.g. undermining public services and the destruction of common property resources). More difficult to measure, small arms have an emboldening effect on those who possess them, particularly children and young men, encouraging "cultures of violence" and creating (negative) multiplying effects ("violence multipliers") in conflict and non-conflict affected societies (Muggah / Berman 2001).

An important study undertaken by the Small Arms Survey (SAS) on behalf of the Reference Group on Small Arms of the UN Inter-Agency Standing Committee provides some insights, not only into the humanitarian impacts of small arms on civilian populations, but

also on humanitarian and development agencies seeking to provide relief and long-term assistance to vulnerable groups. The study aimed to illustrate how small arms availability inhibits the activities of relief and development agencies in the field and how humanitarian and development workers are targeted.

It found that humanitarian and development agencies are exposed to and made vulnerable by small arms availability and use. Those who are seen to protect and assist civilians are regarded as legitimate targets for extortion, threat, theft, rape and brutality. For example, the 2001 firearm-homicide rate for UN civilian staff was between 17–25 per 100,000 – firearm-related homicide rates that are analogous to those experienced by civilians in the top ten most dangerous countries in the world. Humanitarian and development agencies are obstructed by small arms availability and use. According to the study, among humanitarian and development agencies themselves, small arms availability and use are threatening their operations, stakeholders, beneficiaries and local investments. Though these opportunity costs are vast, they are difficult to measure with precision. Very generally, development gains are undermined and programme costs are ballooning. At a minimum, costs relating to transportation of aid and personnel are increasing and the quality of programme implementation, monitoring and evaluation is undermined. Furthermore, surplus expenditures on security measures and communication infrastructure to mitigate armed threats severely curtail the scale of operations and affect the morale of personnel. As with the civilian populations they assist, expatriate and local staff are increasingly being affected both directly (e.g. mortality and injury) and indirectly (e.g. psychosocial trauma, shock and risk-taking behaviour) by deliberate small arms use and generalised insecurity. A growing number of agencies are completely unable or unwilling to operate in areas where arms are widely available and used while others experience high rates of staff turnover (Muggah / Berman 2001).

Another study analysing the perceptions of humanitarian and development personnel of the impacts of small arms and light weapons confirmed that many workers feel personally threatened by small arms on a regular basis and that humanitarian and development interventions are adversely affected by the prevalence and misuse of these weapons (Beasley / Buchanan / Muggah 1999).

While the above provides ample evidence of the difficulties of working in areas where violent conflict is the order of the day, it also indicates a possible entry point for engaging with Non-State Armed Actors.

The United Nations Conference on the Illicit Trade in Small Arms and Light Weapons In All Its Aspects, held in New York in 2001, recognized that *the excessive accumulation and uncontrolled spread (of small arms) in many regions of the world [...] pose a serious threat to [...] safety, security, stability and sustainable development at the individual, local, national, regional and international levels*.[2] Ironically, the issue of transfers of weapons

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2   Small arms according to the 1997 United Nations Report of the Group of Governmental Experts on Small Arms (A/54/258) include *"revolvers and self-loading pistols, rifles and carbines, assault rifles, sub-machine guns and light machine guns."* Light weapons refer to *"heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-tank and anti-aircraft guns, recoilless rifles, portable launchers of anti-tank and anti-aircraft missile systems and mortars of less than 100mm calibre."*

to Non-State Armed Actors was left out of the conference's resultant Programme of Action because some states, including the United States were opposed to restrictions on the grounds of the legitimacy of fighting oppressive regimes – ironic both because small arms and light weapons are the bread and butter of Non-State Armed Actors but also because some states resist the adoption of international instruments dealing with armed groups for fear of granting them legitimacy.[3]

On 25 May 2004, the Centre for Humanitarian Dialogue convened a workshop in Bamako, Mali, on armed groups, weapons availability and misuse. It was attended by representatives from Human Security Network, states, as well as intergovernmental organisations and NGOs from the region and internationally. The meeting aimed to identify policy options to move forward on this delicate issue. Participants emphasized the need to consider not only weapons transfers to armed groups, but also misuse by such non-state actors, and to look into what the international community could do to hold them accountable to standards of human rights and humanitarian law. It was further agreed that local, national and regional initiatives should be given more support.

With the Review Conference of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UNPoA) due to take place in June 2006, it would be important for states and the International Network on Small Arms (IANSA), which includes more than 700 civil society groups throughout the world, to support concrete action to eradicate transfers to Non-State Armed Actors.

6   Non-State Armed Actors and the war on terrorism

One of the most often used words in current literature relating to armed groups is the word "terrorism". There is, however, no universal or indeed consensus-based definition of terrorism. One recent survey of definitions found 109 different definitions (Takeyh 2002). The vagueness of the term has thus allowed its application in any way the user sees fit to suit his or her particular purpose. Vague definitions of terrorism give governments latitude in persecuting dissent and to politically and socially slander one's opponents. "Terrorism" is thus an inherently complex concept, subjective, highly loaded, emotionally and politically charged and whose meaning is relative to one's political ideology and agenda and even one's culture.[4]

The political relativity of the concept is manifest in the trite-yet-true phrase, "One man's terrorist is another man's freedom fighter", whose authorship, by the way, is unknown but which may be a slight modification of that of Brazilian, Carlos Marighella, when he claimed that guerrilla warfare requires adherence to a "higher morality", that one man's terrorist is another man's liberator (Marighella 1971). Many people have been victims of

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3   See "Rebel Groups and Weapons: Limiting the Damage", Small Arms and Human Security Bulletin, Issue 3, June 2004.

4   See "The Criminology of Terrorism: History, Law, Definitions, and Typologies," http://faculty.ncwc. edu/toconnor/429/429lect01.htm.

an armed group's tactics and strategies, while such groups have also liberated others from economic oppression and political tyranny.

Clearly, then "terrorism" is not just a word, it is a weapon. The definition is politically motivated by the user. In the amorphous name of "terrorism," wars are being fought, geo-political dynamics are shifting, the United States is aggressively reasserting its traditional imperialist role as it defies international law and world bodies, and the state sacrifices liberties to "security" (Best s.a.). The anti-terrorism agenda is being used *"to consolidate state power, resulting in the stifling of political opposition, criminalisation of internal dissent, and suppression of movements for democracy and human rights"* (Caparini 2004). A growing number of countries have already proscribed or are moving towards proscribing such groups as the Liberation Tigers of Tamil Eelam (LTTE) as terrorist organisations (Smith 2003).

It is being applied to actions from flying fully loaded passenger planes into buildings to rescuing pigs and chickens from factory farms but excludes political and economic policies that slowly but surely kill thousands of millions of innocent people and even those definitions advanced by "progressives" like Chomsky, never take into consideration the human war against the environment and animals (Best s.a.).

Experts are equally divided on how one should go about defining terrorism. Some like Jenkins propose that the act, not the motivation, should define terrorism, while others such as Hoffman argue for the motivation and not the act, to define terrorism (Jenkins 1985; Hoffmann 1999).

Mikael Eriksson, Peter Wallensteen and Margareta Sollenberg, note that while terrorism is often directed against civilians and symbolic targets, terror is part of armed conflict, as any armed conflict includes a form of terrorization of the population. Terrorism can also serve as a supplementary measure in an armed conflict serving to bring particular causes to attention or as a means of denying rumours of weakness (Wallensteen / Sollenberg 2004).

6.1   The Concept of Terrorism in Africa

The Organization of African Unity (OAU) / African Union's (AU) Convention on the Prevention and Combating of Terrorism is clear that while member states are deeply concerned over the scope and seriousness of the phenomenon of terrorism and the dangers it poses to the stability and security of States, it also reaffirms the legitimate right of peoples for self-determination and independence pursuant to the principles of international law and the provisions of the Charters of the AU, the United Nations as well as the African Charter on Human and People's Rights. This is in line with international jurisprudence, which affirms that the struggle for national liberation does not in itself constitute a terrorist act.

While this Convention does not define "terrorism", it does spell out what "terrorist acts", are. A terrorist act is:

- any act which is a violation of the criminal laws of a State Party and which may endanger the life, physical integrity or freedom of, or cause serious injury or death to, any person, any number or group of persons or causes or may cause damage to public

or private property, natural resources, environmental or cultural heritage and is calculated or intended to:

— intimidate, put in fear, force, coerce or induce any government, body, institution, the general public or any segment thereof, to do or abstain from doing any act, or to adopt or abandon a particular standpoint, or to act according to certain principles; or

— disrupt any public service, the delivery of any essential service to the public or to create a public emergency; or

— create general insurrection in a State.

For the purposes of this paper, I would argue, with Thomas Kapitan (2003) that the following should be noted:

> *"By delegitimating any individuals or groups described as "terrorist," the rhetoric:*
>
> *a. Erases an incentive an audience might have to understand their point of view so that questions about the nature and origins of their grievances and the possibility [of] legitimacy of their demand will not even be raised.*
>
> *b. Deflects attention away from the policies that might have contributed to their grievances.*
>
> *c. Repudiates any calls to negotiate with them.*
>
> *d. Paves the way for the use of force and violence in dealing with them and, in particular, gives a government `freedom of action' by exploiting the fears of its own citizens and stifling any objections to the manner in which it deals with them.*
>
> *e. Fails to distinguish between national liberation movements and fringe lunatics".*

Attempting to define "terrorism" and to distinguish it from acts perpetrated by other Non-State Armed Actors may however, turn out to be a futile exercise because it is so intangible and fluctuates according to historical and geographical contexts. As Walter Laqueur writes, "Even if there were an objective, value-free definition of terrorism, covering all its important aspects and features, it would still be rejected by some for ideological reasons" (Laqueur 1987). We may also have to realize that "terrorism" is a word people use to refer to armed struggles they don't like (Burdick 2004). It is only in this sense that one might be tempted to label Uganda's Lord's Resistance Army (LRA) a terrorist group. It seldom attacks any strategic target, preferring nocturnal hit-and-run raids on rural communities. As a result the war in the north of Uganda has left tens of thousands of people dead and has displaced over 1,2 million others. The LRA is known for its three-part strategy of landmines, ambushes on vehicles and attacks directed at remote villages. The group has abducted approximately 20,000 children, half of them within the past year, forcing them to kill as part of their initiation into the organisation (Dow Jones International News 2003).

7 Defining Non-State Armed Actors

While some may argue that the neutral term Armed Non-State Actors is just a politically (in)correct term for terrorists, the fact is that the term encompasses an enormous array of groups – groups with varying goals and objectives but who have some form of articulated political-economic and social programmes and which operate primarily within state bor-

ders. The term is thus used to cover non-conventional combatants, variously called insurgents, partisans, rebel groups, terrorists, guerrillas, freedom fighters, mujahadin, separatists, national liberation movements and *de facto* governing authorities etc. Many Non-State Armed Actors are surrogate forces of the state itself or of another state.

It is also important to bear in mind that many Non-State Armed Actors regularly move across state borders operating from other national territories and often receive backing from powerful external sponsors with broader regional or international agendas. To use an older example, Liberians United for Reconciliation and Democracy (LURD) was based primarily in northern Liberia, but had a strong presence in Guinea and representatives in Sierra Leone.

What perhaps is common to all is that firstly they are outside of the context of the United Nation's "state-based architecture" (Policzer 2002). This architecture confers responsibilities on states, including commitments to a range of protocols, agreed action plans to address particular issues (such as small arms) and conventions. Being part of the UN also confers special rights, including the right of states to monitor and exert diplomatic and economic pressure on each other. While the UN provides an institutional architecture and a common framework for accountability amongst States, the same is not true for Non-State Armed Actors who do not have formal political status and are therefore not susceptible to the same political pressures as governments.

Secondly, they are armed and use force and operate beyond state control or authorisation. Thirdly, all these groups have a recognisable political goal and are distinguishable from armed groups that pillage and are merely criminal (International Council on Human Rights Policy [ed.] 2000).

This is not to say that the above "criteria" are perfect benchmarks for what defines Non-State Armed Actors. There are groups that only resort to terrorism. It could be argued that while having a global armed campaign against US political influence worldwide, al-Qaeda's purposes are often unclear.

While Non-State Armed Actors cannot sign and legally adopt UN conventions and protocols to bind themselves to the standards of international humanitarian norms, international law does foresee the possibility of "special agreements" between governments and armed opposition groups on particular aspects and rules of war, for example regarding prisoners of war, child combatants, and the non-use of particular weapons. Non-state forces may declare their agreement and desire to comply with them, totally or partially, by agreement with a State or unilaterally. Not all armed groups operate in clear opposition to a state or government. In Somalia, there is no recognised national government and various armed groups fight each other for resources and territory. In the Democratic Republic of Congo, at least three distinct armed groups (as well as foreign armies) fought government forces and each other. Some armed groups with stated political goals resemble criminal organisations in their behaviour, so that it is difficult to say what they are with any certainty (International Council on Human Rights Policy [ed.] 2000).

Attempts at a definition of Non-State Armed Actor then, like with the term "terrorism", also run into difficulty. Many of the groups themselves have difficulty with the term. The classic response being, *"I am not a Non-State Actor! First of all, I am not anti-STATE, I am Anti- the particular government I am opposing. Secondly, I have a structure with a*

clear leadership, I am therefore an organisation. I would therefore prefer to be called a Non-Governmental Organisation".[5] This would of course present a range of difficulties for organs of civil society involved in issues such as poverty alleviation, HIV/AIDS awareness and treatment, applied policy research and capacity-building, to name but a few.

The problem of definition is further compounded by the example of Western Sahara, one of the few areas of the world left that is officially recognized by the United Nations as being non-self-governing. Since the end of the Spanish colonial rule in 1975, multiple groups including Morocco, Mauritania and the Polisario independence movement have claimed it. The Front for the Liberation of Saguia el Hamra and Rio de Oro (Frente Polisario / Polisario Front) which is fighting against the government of Morocco and which sees its struggle as the decolonisation of Western Sahara, the last colonial case in Africa, declared, on 27 February 1976, a Saharawi Arab Democratic Republic (SADR) (Willims / Zunes 2003). Many, including South Africa and the African Union, but not all States have recognised the SADR and by implication the legitimacy of the Polisario Front.

In many cases, the only difference between states and non-state groups is international recognition (Policzer 2002). It is also true that in some cases there is a great deal of overlap between states and non-state armed groups. In some cases, non-state groups look and behave like states, with administrations that provide services to populations under their *de facto* control. This has given rise to what Spears refers to as "states-within-states". According to Spears, states-within-states are loosely defined as sub-state actors found within existing states and/or across the border of several states that have developed many of the attributes of states but lack juridical status. They are however not necessarily states in the making but hold certain attributes or capacities including fiscal extraction, coercion, and identity. Their trajectories may be unclear. Some seek separate statehood while others have more transitory purposes that range from reforming if not overthrowing the existing state to the more predatory purposes of accumulating capital. Often their emergence is related to the phenomenon of state failure and may be regarded as a legitimate strategy of survival. They may have complex connections to a variety of external actors and networks – the global economy, neighbouring and regional states, and the international humanitarian and development sector (Spears 2001).

For the purposes of this paper then, I have excluded from the term Non-State Armed Actors those groups whose origin can in some way be linked to the concerned state itself. By this I mean groups which were created as self-defence units and paramilitaries sanctioned by the state, often as part of a broader counter-insurgency strategy. I also exclude private armies created by drug and mineral barons and landowners (such as those found in Colombia).

Whether we like them or not and whether we define the people involved in armed groups as terrorists or Armed Non-State Actors, we still need to engage them – willingly or unwillingly, wittingly or unwittingly. Where they control territory, they are *de facto* the

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5   This anecdote was related by a representative of the ICRC at the Conference on the "Role of States in the Universal Abolition of Anti-Personnel Landmines in the Context of an Intra-State Conflict", in Montreux, Switzerland from 28–29 October 2004.

"government" and their agreement will be needed to conduct economic or humanitarian activities.

Many who have been members of such Non-State Armed Actors in the past are now involved in "legitimate" political parties either in government or in opposition in multi-party democracies. After the peace accords and the transitions in places such as El Salvador, Guatemala and Nicaragua, all former Central American guerrilla organizations have been transformed into political forces, involved in electoral instead of insurgency campaigns. In Africa, the same can be said for South Africa's African National Congress (ANC), Namibia's South West African People's Organisation (SWAPO), Zimbabwe's ZANU-PF, to name but a few. In the Burundi, the rebel group, the National Council for the Defence of Democracy-Defence Forces of Democracy (CNDD-FDD) amongst others is now part of the transitional governing authority.

8   Engaging with Non-State Armed Actors

It is not an over-exaggeration to argue that a plethora of challenges face personnel and organisations in today's humanitarian and development setting. This landscape includes finding effective ways of working with, and for, civilian populations in insurgent-controlled areas as well as creating development co-operation strategies that aim to prevent the development of armed conflict. It is important for donors and development agencies to understand better how conditions in the "underdeveloped" parts of the world affect the international security environment, specifically how exclusion, despair and alienation lead disaffected individuals and groups to resort to arms.

One way to do this is to engage directly with those armed groups who control the territory and/or sections of the target population. However, this activity could be fraught with dilemmas and hard choices and indeed some humanitarian organisations argue that in order to maintain their impartiality it is imperative *not* to have any contact with any armed groups (Centre for the Humanitarian Dialogue [ed.] 2002).

This paper, while acknowledging and spelling out these dilemmas, implicitly takes the opposite view that in order to preserve transparency and neutrality, it is a political imperative to engage with Non-State Armed Actors. In addition, experience has shown that Non-State Armed Actors often prevent medical supplies reaching those who need them and/or attack medical personnel suspected of providing assistance and intelligence to the other side. They are also known to rob humanitarian items from groups such as the World Food Programme (WFP), the ICRC etc. Self-preservation and security concerns then provide an additional reason for engagement. Further, engaging Non-State Armed Actors on one issue, for example, the landmine issue or infrastructure development, may provide the context for engagement on other issues such as conflict resolution and peace building processes and may indeed open the door for engaging other groups that share a similar vision. This is especially true in peace-processes (Bruderlein 2000).

If we adopt the concept of human security and apply it to development co-operation, then it follows that our approach should dictate that measures against the actions of Non-State Armed Actors be aimed at protecting individuals and communities, irrespective of the

source or motivations of those actions or attacks. Thus the intention is not to designate a particular group as "bad", or "good", or even "better" and "worse".

Any decision to engage with Non-State Actors should be context and purpose based. Both the groups themselves and their contexts radically differ. Few organisations, would take the approach of the ICRC which uses only two criteria: Firstly, whether the group is negatively impacting on the people who requires its (the ICRC's) assistance and secondly, if that particular group is impacting on its staff and/or operations. In brief, the ICRC in principle will engage with any organisation and has no threshold below which it deems the Non-State Armed Actor to be "beyond the pale".[6]

What is therefore more important (than getting into a debate of goodness and badness) is to develop an understanding of particular groups operating in particular environments.

Non-State Armed Actors for example, may be involved in gross violations of human rights, kidnappings, extortion, extrajudicial killings, assassinations, ethnic and social cleansing, torture, massacres, the use of child soldiers, bank robberies, forced disappearances and displacement, the illicit drug, arms and animal trade and in general violations of international humanitarian law such as those pertaining to prisoners of war and the use of particular weapons etc.

Before attempting to engage with Non-State Armed Actors, it is important to gain an understanding of the structure of the group, its command and control, and the capacity of its leadership to influence the behaviour of its rank and file members. We need to ascertain whether it is both a military and a political organization. If it is primarily a military organization, does it have a parallel political structure to administer areas under its control and/or to represent itself in the diplomatic community?

A number of organisations have began to more closely examine the organisational dynamics of armed non-state actors, including the World Bank which argues that whether a rebel group is organized around material incentives or shared identities has implications for how the organization behaves during conflict, during negotiations to end the conflict, and for the design of, for example, demobilization, disarmament and reintegration programs (Weinstein 2002).

While written from a particular perspective and which may or may not necessarily reflect the views of the World Bank Group, the Weinstein's research questions and findings are nonetheless instructive: The questions posed include: How do rebel organizations overcome collective action problems? To what extent are groups able to control the behaviour of their members? What implications does the organizational structure of rebellion have for post-conflict policy options? (Weinstein 2002)

Weinstein's economic perspective suggests that rebellion is shaped by opportunity rather than motivation. Thus in order to engage in conflict, groups must find ways to entice individuals to participate, even though the risk of death is extremely high and the likelihood of victory quite small. The key is thus for groups to make rebellion profitable for potential

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6   Interview with an official of the International Committee of the Red Cross (ICRC), Geneva, 3 November 2004.

recruits. These resources can be generated internally (through the extortion of natural resources, the production of illegal drugs, trade in legal goods, or from taxes levied for protection) or solicited externally (from foreign powers, ethnic and religious diasporas, or criminal networks). Where ethnic groups are highly polarized, the cohesion that exists within ethnic groups enables rebel organizations to form and survive through long periods of conflict (Weinstein 2002). The presence (or absence) of economic endowments influences the type of individual who chooses to join a rebellion and determines how organizations keep members committed over time.

Thus, rebel organizations separate into two distinct types. In the first, the organization is held together by material incentives or by force. In the second, the glue holding the organization together are social bonds that tie its members together, including shared identities or belief systems which generate trust across members. The implications being that:

— Whether a group is organized around material incentives or shared identities has dramatic implications for how the organization and its members behave during the conflict. By attracting participants interested in short-term gains, individual soldiers and small units operating far from the central command are hard to control. Leaders thus choose organizational structures that are either highly centralized (a traditional military) or highly decentralized (warlords). Rebel behaviour in these contexts is often characterized by a total disregard for the interests of the civilian population and includes looting, destruction, and the use of indiscriminate force.

— On the other hand, groups that attract only individuals truly committed to the cause, can successfully decentralize power to independent, operating units. In this environment, rebel behaviour is characterized by high levels of discipline, active engagement with non-combatant populations, and the selective use of violence.

This has a significant impact on engagement and in its extreme form on negotiating a transition from war to peace.

Groups built around a shared identity or commitment to a set of ideological beliefs are best able to make credible commitments in peace processes. The leadership structure of these groups has the capacity to guarantee that its commitments will be honoured at all levels of the organization. In these contexts, engaging with the leadership structure and securing its commitment to the peace framework is absolutely critical. Where groups are held together by material incentives or force, it is more likely that commanders and combatants may reject the terms of the settlement and continue the conflict (Weinstein 2002).

Following Gurr and Stohl and Stohl we can extend eight R's for understanding global organizing and apply them to Non-State Armed Actors in order to identify their key characteristics but also to understand their actions and also what their potential capabilities and impacts might be (Gurr 1986; Stohl and Stohl 2005).

The eight Rs are:

1. RELATIONSHIPS: What is the organization's network?
2. RULES: How do systemic structures affect the organization, its network and its opportunities?
3. RESOURCES: What are the organization's resources and what are its potential opponents?

4. RECORD: What is the organization's historical record and what is the history of the region where it operates. How does that affect the organization's choices?

5. REGION: What are the organization's zone of operations and referents?

6. READINGS: How does the organization perceive and interpret its and its opponents "reality," "symbols" and "routines?

7. RATIONALES: What provides meaning and understanding for the organization?

8. RESPONSIBILITY: How does the organization justify its actions to itself and to potential supporters and others?

Using its experiences in the Colombian context, the Centre for Humanitarian Dialogue list five factors to take into account when deciding to engage or not:

1. Has engagement worked in the past: The ICRC for example may already have contact for either obtaining consent for the delivery of food aid, for carrying out medical evacuations or for providing training in international humanitarian law.

2. Is it legal: What it is status nationally? Is it on the list of terrorist organisations put out by the USA or the EU. In general it seems that the question of legality is not as great a stumbling block as first assumed – as long as engagement is transparent. It is also possible to enter into bi-lateral agreements with the concerned government as the ICRC often does. Lastly, article 3 of the Geneva Conventions that allows for an impartial body to offer services to the parties to a conflict takes precedence over terrorist lists or UN resolutions.[7]

3. Is it worthwhile – what are the benefits over the risks: Benefits include access to vulnerable communities, increased security for agency staff, open spaces for discussions on other issues and ultimately on peace deals. In contrast risks include: a population perceived to be supportive of the Non-State Actor, increased possibilities of looting by opposing Non-State Actors as well as accusations of bias and support by the concerned government, opposing Non-State Actor and the media, accusations by local activists and NGOs that the development agency ignores the bigger picture of, for example, human rights abuses etc.

4. How can it be done: This is often dependent on the Non-State Actors' command and control structure, the means of communication preferred (formal vs informal, direct vs indirect). Often the organisation needs to continually demonstrate neutrality and impartiality as well as confidentiality.

5. Who should engage: Most Non-State Armed Actors prefer working with established organisations such as the ICRC. However, with time and effort similar levels of trust can be built up by development organisations (Centre for the Humanitarian Dialogue [ed.] 2002).

In 2000, the International Council on Human Rights Policy produced a report providing a framework that would be useful to those grappling with the problem of reducing or ending human rights abuses committed by armed groups. The report sets out a list of actions that might be taken to influence the behaviour of armed groups, and assesses their relative strengths and weaknesses (International Council on Human Rights Policy [ed.] 2000). Importantly, it lays emphasis on analysing and understanding the context. What is the na-

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7 UN Resolution 1373 of 2001 expressly calls on states to refrain from providing any form of support, active, or passive, to entities or persons involved in terrorist acts.

ture of the armed group? What is the character of the conflict (what level of risk is involved)? What is the nature of the government and armed forces? What is the role and influence of international actors and other states? What are the organisation's own strengths and weaknesses (what are the strengths and weaknesses of "civil society" as a whole)? (International Council on Human Rights Policy [ed.] 2000)

9   International support for work with Non-State Armed Actors

We have already alluded to the fact that the work of engaging with Non-State Armed Actors is sensitive. This is to a large extent understandable at the State level – both with respect to the concerned state but also to other states who would not like to be seen to be "taking sides". What is perhaps surprising is that segments of civil society are also sceptical. Again, it may be understandable if criticism comes from those NGOs directly affected by the violence perpetrated by Non-State Armed Actors. It is less so when it stems from northern NGOs who are generally not affected by the actions of Non-State Armed Actors. This may reflect their lack of empathy with the realities in the "field" or may be a sign of their state-centric mentality.

Nonetheless, it is worth noting that the UN Secretary-General has repeatedly called for measures to address "all parties" in armed conflicts. The Secretary-General has also requested the Inter-Agency Standing Committee[8] to organize a working group to develop a manual of best practices for engagement with armed groups. The manual should provide a clearer and common understanding of the structure and mode of operation of these groups, their specific demands and constraints, and give guidance on how to promote a better understanding of the principles and operational requirements of humanitarian activities in such circumstances. *"[...] it is critically important that humanitarian actors are able freely to make contact with non-State actors to negotiate fundamental issues like humanitarian access,* regardless of the relationships between the State and the rebel groups."

In addition, the international community in various forums have, for example, recognized the value of engagement work to the universalization of the ban on landmines and other humanitarian norms – although admittedly even this was a slow process:

—   States Parties to the Anti-Personnel Mine Ban Convention[9] first acknowledged the importance of engagement with Non-State Armed Actors in 2001 and again in 2002;

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8   The Inter-Agency Standing Committee (IASC) was established in June 1992 in response to General Assembly Resolution 46/182 that called for strengthened coordination of humanitarian assistance. Within the humanitarian community IASC provides a forum that brings together a broad range of UN and non-UN humanitarian partners including UN humanitarian agencies, IOM, three consortia of major international NGOs and the Red Cross movement represented by ICRC and IFRC. The primary role of the IASC is to formulate humanitarian policy to ensure coordinated and effective humanitarian response to both complex emergency and to natural disasters.

9   Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction which totally prohibits the manufacture, stockpiling, transfer and use of all types of anti-personnel landmines. Each State Party is required to enact domestic legislation to "prevent and suppress any activity prohibited" by the treaty, to clear emplaced mines, destroy existing stocks and to provide programs that address the socio-economic re-integration of survivors of landmine incidents. In addition, each State Party is obliged to annually report to the United Nations on progress made in implementing the Convention.

— The Human Security Network in 2002 recognized the importance of Non-State Armed Actors in building human security;

— The Italian Senate in 2002 and the European Parliament in both 2002 and 2004 passed resolutions supporting Geneva Call's engagement with Non-State Armed Actors;

— The Bangkok Declaration issued at the end of the Fifth Meeting of States Parties to the Anti-personnel Mine Ban Convention in 2003 affirmed that *"progress to free the world of anti-personnel mines will be enhanced if non-state actors embrace the international norm established by the Convention and welcomes efforts by NGOs in engaging Non-State Armed Actors to this end"*. The Declaration expressed States Parties desire for individual countries in a position to do so to facilitate this work;

— The 55 member States of the Parliamentary Assembly of the Organisation for Security and Co-operation in Europe (OSCE) in July 2004, noted that many armed non-state actors are using mines and that it is necessary to engage them to obtain true universalisation of the Convention, and called on OSCE participating States to *"give closer attention to the problem of anti-personnel mines in relation to non-state actors and to support all efforts to commit non-State Actors to the mine ban process"*.

— In September 2004, the African Union after hosting the Second Continental Conference of African Experts on Landmines issued a Common African Position on Landmines containing amongst other things a strong call *"on all relevant Non-State Actors to respect the international norm established by the APM Ban Convention and welcomes efforts by NGOs to engage those Actors, with the aim of securing their commitment to respect the highest standards of international law and humanitarian norms"*.

Perhaps the secret is to show that what one is doing has important humanitarian objectives.

10 Geneva Call – positive results of engagement

The most advanced and effective efforts so far for engaging with armed groups come from NGOs. Geneva Call has become the most oft cited example of engagement with Non-State Armed Actors that works. It is used here both for its innovative approach but more importantly because its work has positive development impacts.

Geneva Call believes that in order to truly universalise the major international instrument on landmines, the 1997 *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction* (Anti-Personnel Mine Ban Convention) – to truly establish the non-use of anti-personnel landmines as the international norm – it is not only necessary for all States to accede to or to ratify the Anti-Personnel Mine Ban Convention and for them to pass national legislation that prohibits private citizens from producing, storing or using anti-personnel landmines, but that Non-State Armed Actors need also to feel obliged to adhere to the terms and spirit of the Anti-Personnel Mine Ban Convention. Geneva Call has thus developed a concerted and co-ordinated strategy to educate Non-State Armed Actors about the indiscriminate effects of anti-personnel landmines to ensure that Armed Non-State Actors act in accordance with International Humanitarian Law of which the ban on the use of anti-personnel landmines is now a crucial component.

Geneva Call is clear that its work does not mean sympathy with the aims of armed groups. On the contrary, the global campaign against anti-personnel landmines is a single-issue humanitarian campaign, albeit located in the context of peace-building and sustainable development. Geneva Call thus operates in an open and transparent manner.

The Deed of Commitment under Geneva Call for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action (DoC) has been established for Non-State Armed Actors to commit themselves to a ban and to serve as a basis for their accountability. The Deed of Commitment totally prohibits the use, manufacture, stockpiling and trade in anti-personnel landmines as well as other victim activated devices which have similar devastating effects on civilians in which they operate by armed groups. The Deed of Commitment also obligates such groups to destroy any stockpiles they may have and, importantly from a development perspective, to make areas under their control accessible for mine clearance and victim assistance programmes. In addition, under the Deed of Commitment, signatory groups commit themselves: to allow and to co-operate in the monitoring and verification of their commitments by Geneva Call; to issue the necessary orders to commanders and to the rank and file for the implementation and enforcement of their commitments; and, to treat their commitment as one step or part of a broader commitment in principle to the ideal of humanitarian norms.

Since March 2000, the Deed of Commitment has been signed by 26-armed groups, 18 in Africa, 6 in Asia and 2 in the Middle East. Both the Sudan People's Liberation Movement/Army (SPLM/A) and the National Council for the Defense of Democracy – Defense Forces of Democracy (CNDD-FDD) of Burundi as well as about 16 factions in Somalia have signed up to the Deed.

As recently as 31 October–2 November 2004, armed groups from more than twenty-two war-torn countries that have signed onto Geneva Call's Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines and for Co-operation in Mine Action (Deed of Commitment) met in Geneva, Switzerland.

The main objectives of the Conference were to:

1. Take stock of, and review, the successes and the challenges faced by Signatory Groups in the process of implementing their obligations under the Deed of Commitment;

2. Discuss how best to improve the process of both engagement with armed groups and the process of implementation and to identify the areas where more attention should be focused;

3. Assess the accountability and monitoring mechanisms provided for in the Deed of Commitment and to discuss ways of enhancing these, including the imposition of forms of sanctions;

4. Share experiences and best practices learnt during implementation of their commitments to a total ban on anti-personnel mines;

5. To encourage potentially new Signatories to join the mine ban and to strategize on the best means of bringing those who have not yet signed the Deed of Commitment into the fold.

Participants also discussed the role that mine action in conflict zones can play in the promotion of resolving conflicts, ceasefire agreements, peace accords and long-term socio-economic rehabilitation and reintegration of former combatants into society.

Armed Non-State Actors present included members of the Sudanese People's Liberation Movement/Arms (SPLM/A); the Moro Islamic Liberation Front (MILF) from the Philippines,, various Somali factions, the Puntland State of Somalia, the National Council for the Defence of Democracy-Defence Forces of Democracy (CNDD-FDD) from Burundi, the National Socialist Council of Nagalim from India, as well as armed groups from Indonesia, Western Sahara, Nepal, Sri Lanka and Bangladesh.

Participants reaffirmed the important role of Geneva Call, as an impartial and independent international humanitarian organisation, in providing a space for, and listening to the voices of, armed groups, who are usually excluded from international fora, and in ensuring that armed groups remain involved in the total eradication of the landmine problem as the only way to assist populations living in areas under their control and to address the humanitarian crisis caused by these munitions.

A number of challenges to effective implementation of the Deed were identified such as the need for technical assistance to destroy their stockpiles, to de-mine areas under their control and to assist survivors. In addition, where the opposing side in the conflict continues to use anti-personnel landmines or when it has superior weaponry, Non-State Actors may have difficulty in sustaining acceptance of the norm itself. Non-State Actors may not fully understand the obligations they have signed up to, for example, the implications of the definition of anti-personnel landmines as used in the Deed of Commitment; Some Non-State Actors may not have an efficient command and control structure that provides a useful mechanism to efficiently disseminate information to its "troops" on the commitments the leadership has made. Non-State Actors may also have little or no control over anti-personnel landmines held by other entities and private citizens.

The Deed of Commitment was seen as not only a key instrument by which to hold signatories accountable but also a means by which the implementation of a total ban on landmines by armed groups can be supported. Like the States' Convention banning landmines, the Deed of Commitment was difficult to monitor and it may be difficult to verify alleged violations. The very nature of armed groups and the security environment in which they operate is often fluid and in flux.

In order to meet the challenges of implementation: Geneva Call in co-operation with the Non-State Actor should develop an implementation plan that includes benchmarks and is open to review. Non-State Actors should report on their needs for effective implementation. Concerned governments and the international community should attempt to put in place conditions that would allow Geneva Call access to relevant Non-State Actors. There is a need for concerned states, that is, governments of countries in which armed groups operate, if not to actively facilitate, then to not place obstacles in the way of stakeholders such as NGOs, to engage with armed groups for humanitarian purposes. States could assist in implementation by fulfilling their own obligations in terms of the Ottawa Convention. Continued co-operation, education, dialogue and technical assistance would be more effective than the imposition of some sort of "penal" sanctions (including travel bans, freezing of assets, withdrawal of positive incentives and exclusion from the DoC group and

naming and shaming) in the case of immediate non-compliance of armed groups' commitments under the Deed. The choice was thus not demonization and co-existence but rather dialogue and co-operation. Inducements were thus seen as an important means to promote implementation and acceptance of the norm, for example, the clearing of mined areas by international donors and agencies could be used as a leverage to encourage adherence. Thus the ultimate aim should be to get the armed group back on the right track, after all, the aim is the ending the suffering caused by mines.

Mine action (including mine clearance and victim assistance) and peace processes were seen as intricately linked. On the one hand, making areas under the control of armed groups accessible for mine clearance and victim assistance programmes has the potential of being a first step in the direction of a ceasefire agreement or indeed a pre-curser to "talks-about-talks." On the other hand, the inclusion of mine action clauses within peace agreements, has the potential to act as important confidence building measures between parties to the conflict and between the public and the peace process – especially if such an agreement includes the possibility of "joint mine action operations."

Geneva Call's success can be attributed to its unprecedented access to armed groups, the trust and confidence that armed groups have in Geneva Call and its ability to operate in an open and transparent manner.

11 Conclusion

It may be prudent to conclude with a number of quotes.

> "[...] We need to take the reality of the existence of non-governmental armed groups into account. We have to be willing to find ways to engage all parties in a conflict, whether they are governmental or not."
>
> (Ambassador Thomas Greminger, Head of Political Affairs Division IV [Human Security], Federal Department of Foreign Affairs, Switzerland)

> "More than ever before we need a constructive engagement with non state armed groups. They have not only the potential to deny humanitarian actors humanitarian access – they actually do it. They are also a potential source of harm to the civilian populations where they operate. Without legitimizing them and their actions, we must explore innovative ways to engage them in a constructive dialogue and, where necessary, to pressurize them in order to make them abide by international humanitarian law and human rights norms. Negotiating with armed non-state actors is a tricky issue, it requires flexibility and realism, but it should not come at the expense of impunity. Perpetrators of serious crimes against civilians must be brought to justice, irrespective to whether these groups operate against or in complicity with their respective government. This is a very contentious issue because questions of national sovereignty are at stake. But national sovereignty can and should not be an excuse when thousands of innocent, vulnerable civilians are threatened".
>
> (Trautwein 2004)

> "[...] With whom are you going to discuss a conflict if you don't discuss it with the people who are involved in the conflict, who have caused the conflict from the beginning, and who are still engaged in trying to kill each other?"
>
> (Carter 2005)

This paper, attempts to draw lessons from a number of initiatives in order to identify possible entry points for constructive engagement with Non-State Armed Actors from a development perspective. What this paper has argued is for development agencies to be more fully aware of the reality in which humanitarian workers often find themselves in, namely an operational paradox. This operational paradox involves the inevitability of negotiating in *practice* that which is non-negotiable in *principle* (Mancini-Griffoli / Pico 2004).

It has shown that while there are many risks involved in engagement with Non-State Armed Groups, including the latter gaining of political capital, its importance as a confidence-building measure – besides for direct humanitarian and development outcomes – especially when more explicit political and security issues are too contentious to be addressed, cannot be underestimated (Griffiths / Wheeler 2005).
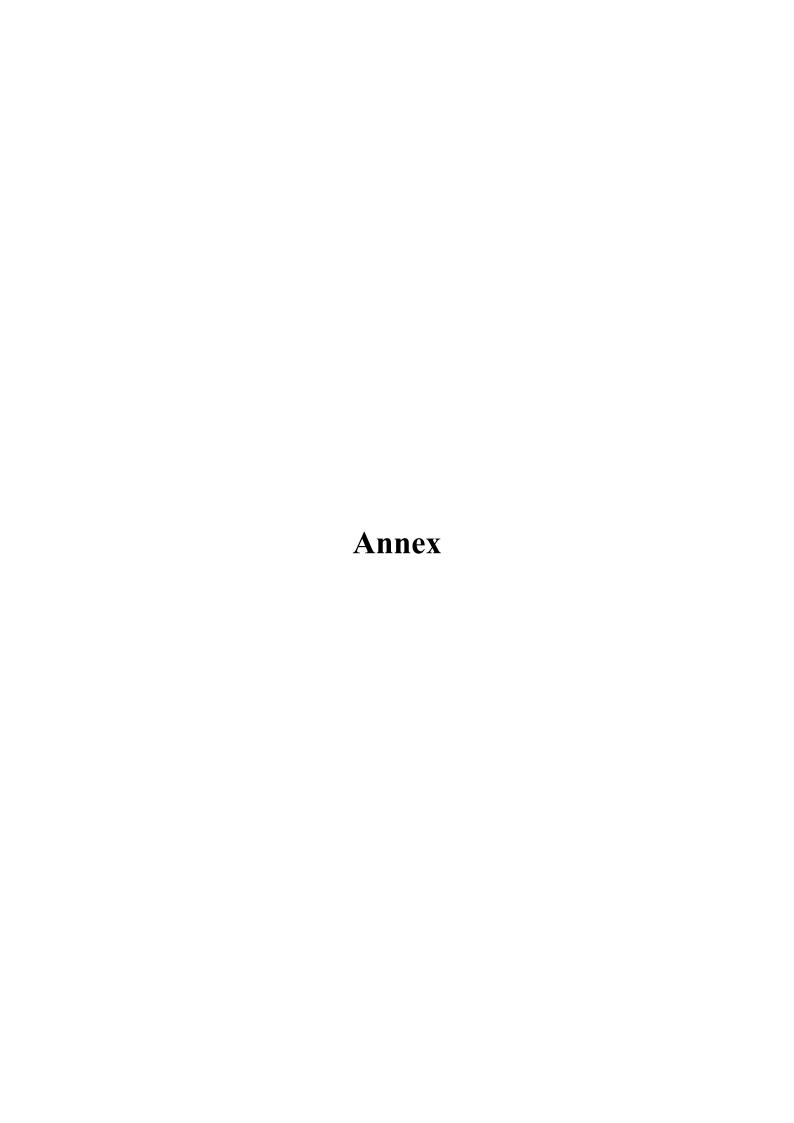
In addition, fully understanding both ones reasons for engagement and the particular Non-State Armed Group's constituency, views on violence, internal organisational structure etc, is crucial before such engagement is embarked upon. Openness and transparency is key for preventing allegations of collusion with "terrorists". The fact that NGOs such as Geneva Call and international organisations such as the ICRC have overcome many of the obstacles inherent in approaching and engaging armed groups, provides a unique opportunity for the development sector to apply creative thinking in its attempts to alleviate poverty and promote economic growth, especially in regions where armed violence is the order of the day.

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Annex

Select Descriptive List of Organisations Working on "Armed Groups"

1. The **Armed Groups Project** is an international research network that brings together scholars, policy makers, and participants to discuss policy-relevant research about the instruments available to the international community to curb human rights and humanitarian violations committed by armed groups. It recently held a conference on: 'Curbing Human Rights Violations by Non-State Armed Groups' at the Centre of International Relations, University of British Columbia, Vancouver.

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2. **Centre for Humanitarian Dialogue** is an independent and impartial organisation, based in Geneva, Switzerland, dedicated to the promotion of humanitarian principles, the prevention of conflict and the alleviation of its effects through dialogue. It also, for example, reviews the role of armed groups in the protection of civilian populations in internal armed conflicts and has given some thought to developing effective strategies to enhance the receptivity and compliance of armed groups to international standards.

   In November 2000, it held a Workshop on "the Importance of Humanitarian Law and Action for Security", which brought together non-state actors and representatives of humanitarian organisations to discuss humanitarian principles. The workshop was designed as a forum for dialogue between humanitarian organisations and armed groups on issues of humanitarian concern. Humanitarian organisations and armed non-state actors have been in contact with each other for many decades with varying results. In general, their mutual understanding is, however, still poor. The strategies used by humanitarian organisations to engage armed groups on questions related to the respect of humanitarian principles have mostly been of an ad hoc character. The workshop focused on the adequacy of those strategies as well as the humanitarian responsibilities of armed non-state actors in situations of armed conflict.

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3. **Conciliation Resources** (CR) serves as an international resource for local organizations pursuing peacebuilding and conflict resolution initiatives. Its main aim is to support groups working at community, national and international levels to prevent violence or transform armed conflict into opportunities for social, political and economic development based on more just relationships. Conciliation Resources is currently developing a new thematic project on engaging armed groups in peace processes.

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4. **Geneva Call** is an international humanitarian organisation dedicated to engaging armed non-state actors (NSAs) to respect and to adhere to humanitarian norms, starting with the ban on antipersonnel (AP) mines. Geneva Call is committed to the universal application of the principles of international humanitarian law and conducts its activities based on the principles of neutrality, impartiality and independence.

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5. **Groupe de recherche et d'information sur la paix et la sécurité** (GRIP) main aims are study, research, information and training on problems of peace, defence and disarmament with a view to improving international security in Europe and throughout the world. GRIP studies in particular the way in which the arms race operates and how security and defence needs are assessed.

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6. The **Human Security Network** (HSN) is a group of like-minded countries from all regions of the world that, at the level of Foreign Ministers, maintains dialogue on questions pertaining to human security. The Network includes Austria, Canada, Chile, Greece, Ireland, Jordan, Mali, the Netherlands, Norway, Switzerland, Slovenia, Thailand and South Africa as an observer. The Network has a unique inter-regional and multiple agenda perspective with strong links to civil society and academia. The Network emerged from the landmines campaign and was formally launched at a Ministerial meeting in Norway in 1999. Conferences at Foreign Ministers level were held in Bergen, in Norway (1999), in Lucerne, Switzerland (2000), Petra, Jordan (2001), Santiago de Chile (2002), Graz, Austria (2003) and Bamako, Mali (2004).

An informal, flexible mechanism, the Human Security Network identifies concrete areas for collective action. It pursues security policies that focus on the protection and security requirement of the individual and society through promoting freedom from fear and freedom from want. The Network plays a catalytic role by bringing international attention to new and emerging issues. By applying a human security perspective

to international problems, the Network aims to energize political processes aimed at preventing or solving conflicts and promoting peace and development. The Network's current efforts to achieve greater human security include issues such as the universalization of the Ottawa Convention on Anti-personnel Landmines, the establishment of the International Criminal Court, the protection of children in armed conflict, the control of small arms and light weapons, the fight against trans-national organized crime, human development and human security, human rights education, the struggle against HIV/AIDS, addressing implementation gaps of international humanitarian and human rights law, and conflict prevention. The recently published, "Mapping of Non-state Armed Groups in the ECOWAS Region" by Berman, Eric and Nicolas Florquin, mentioned above was commissioned by the HSN.

7. **International Committee of the Red Cross** (ICRC) is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of war and internal violence and to provide them with assistance. It directs and coordinates the international relief activities conducted by the Movement in situations of conflict. It also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles. Established in 1863, the ICRC is at the origin of the International Red Cross and Red Crescent Movement. In order to do its work – to ensure protection of and assistance to civilians and other victims of war – the ICRC strives to be in daily contact with all sides of a conflict, be they representatives of governmental armed forces or of non-state armed groups, whatever their allegiance. Through these contacts the ICRC encourages respect for international humanitarian.

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8. The **Small Arms Survey** is an independent research project located at the Graduate Institute of International Studies, Geneva, Switzerland. Established in 1999, the project is supported by the Swiss Federal Department of Foreign Affairs, and by contributions from the Governments of Australia, Belgium, Canada, Denmark, Finland, France, the Netherlands, New Zealand, Norway, Sweden, and the United Kingdom. It serves as the principal international source of public information on all aspects of small arms, and as a resource centre for governments, policy makers, researchers, and activists. The project has an international staff with expertise in security studies, political science, international public policy, law, economics, development studies, conflict resolution, and sociology. The staff work closely with a worldwide network of researchers and partners. The Small Arms Survey occasional paper series presents new and substantial research findings by project staff and commissioned researchers on data, methodological, and conceptual issues related to small arms, or detailed country and regional case studies.

It recently published, "Mapping of Non-state Armed Groups in the ECOWAS Region" by Berman, Eric and Nicolas Florquin (May 2004). This report will form part of a larger Small Arms Survey Occasional Paper to be published in early 2005.

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