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**Research Report**

## Development cooperation and non-state armed groups

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## Development cooperation and non-state armed groups

## German Development Institute (DIE)

The DIE is a multidisciplinary research, consultancy and training institute for German and multilateral development policy. It advises public institutions in Germany and throughout the world on current aspects of cooperation between industrialized and developing countries on the basis of independent research. The DIE trains German and other European university graduates for professional work in development policy.

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Development cooperation and non-state armed groups

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## Foreword

This study is the outcome of a research project conducted by the German Development Institute (DIE) from late 2004 until the summer of 2006. The research included numerous personal and telephone interviews. Many of those interviewed made documents available. Various international institutions also took part in a written survey.

We would like to convey our sincere thanks to all those interviewed and all the individuals and institutions otherwise involved in the project for their cooperation and frankness.

Bonn, December 2006

Jörn Grävingholt  
Stephan Klingebiel





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## Abbreviations

AFRC	Armed Forces Revolutionary Council, Sierra Leone
AKUF	Arbeitsgemeinschaft Kriegsursachenforschung (Study Group on the Causes of War), Hamburg
ANC	African National Congress, South Africa
BMVg	Bundesministerium der Verteidigung (German Ministry of Defence)
BMZ	Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung (German Ministry for Economic Cooperation and Development)
DAC	Development Assistance Committee of the OECD
DED	Deutscher Entwicklungsdienst (German Development Service)
DIE	Deutsches Institut für Entwicklungspolitik (German Development Institute)
DRC	Democratic Republic of Congo
EED	Evangelischer Entwicklungsdienst (Church Development Service)
ETA	Euskadi ta Azkatasuna, Basque country
EU	European Union
FARC	Fuerzas Armadas Revolucionarias de Colombia
FESCI	Fédération Estudiantine de la Côte d'Ivoire
FIS	Front Islamique du Salut, Algeria
FLN	Front de Libération Nationale, Algeria
GAM	Gerakan Aceh Merdeka, Indonesia
GIGA	German Institute of Global and Area Studies
GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit (German Agency for Technical Cooperation)
HIIK	Heidelberger Institut für Internationale Konfliktforschung (Heidelberg Institute for International Conflict Research)
HIV/AIDS	Human Immunodeficiency Virus / Acquired Immune Deficiency Syndrome
ICBL	International Campaign to Ban Landmines
ICC	International Criminal Court, The Hague
ICISS	International Commission on Intervention and State Sovereignty
IDP	internally displaced person

KfW	Kreditanstalt für Wiederaufbau
KLA	Kuki Liberation Army, India
KLA	Kosovo Liberation Army
LRA	Lord's Resistance Army, Uganda
LTTE	Liberation Tigers of Tamil Eelam, Sri Lanka
MFDC	Mouvement des forces démocratiques de la Casamance
MFUA	Mouvements et Fronts Unifiés de l'Azawad, Mali
MK	Umkhonto We Sizwe, South Africa
MPCI	Mouvement Patriotique de la Côte d'Ivoire
MPIGO	Mouvement Populaire Ivoirien du Grand Ouest, Côte d'Ivoire
MPJ	Mouvement pour la Justice et la Paix, Côte d'Ivoire
NGO	non-governmental organization(s)
NSAG	non-state armed group
ODA	Official Development Assistance
OECD	Organisation for Economic Co-operation and Development
OLS	Operation Lifeline Sudan
PMC	private military company
PRT	Provincial Reconstruction Team
PSC	private security company
RENAMO	Resistência Nacional Moçambicana, Mozambique
RUF	Revolutionary United Front, Sierra Leone
SPLA	Sudan People's Liberation Army
SPLA/M	Sudan People's Liberation Army/Movement
SRRA	Sudan Relief and Rehabilitation Association
TRO	Tamil Rehabilitations Organisation, Sri Lanka
UCK	<i>Ushtria Çlirimtare e Kosovës</i> (Kosovo Liberation Army)
UN	United Nations
UNICEF	United Nations Children's Fund
UNITA	União Nacional para a Independência Total de Angola

## Summary

### *Background to and aim of the research project*

This study is the outcome of a research project conducted by the German Development Institute (DIE). The aim of the study is to contribute to a better understanding of the subject and to help improve both the ability of development actors to react to non-state armed groups (NSAGs) in crisis situations and their conflict management options when engaging with NSAGs.

The background to the research project comprises situations of violent conflict with which development policy is confronted in many countries and regions. NSAGs are one of the main features of intrastate conflicts and of many regional wars. Typical manifestations of NSAGs are rebel armies, groups led by warlords and gangs of terrorists. For the purposes of this study an NSAG is a group that challenges the state's monopoly of power by its actions, and "engagement" with NSAGs means only carefully considered approaches to such groups. Engagement is not, then, equivalent to "cooperation" or to the explicit or implicit recognition or legitimization of an NSAG's objectives or methods.

### *Relevance of the subject*

Non-state armed groups are not a new phenomenon in conflicts anywhere in the world. Civil wars and other intrastate violent conflicts, which by their nature are characterized by the participation of NSAGs on at least one side, have dominated warfare since the end of the Second World War, so much so that war between states has increasingly become the exception rather than the rule. Nonetheless, it is only since the early 1990s that the international debate has increasingly turned to NSAGs in their various forms. The association with the end of the Cold War is no accident in this context. The dissolution of ideological bipolarity was the precondition for an action-guiding consensus to begin to emerge in the international community on the normative standards of security and development. With the popularization of the concept of "human security", which advanced to become a new guiding concept of international efforts to ensure peace and prevent violence, attention has increasingly focused on those whose ac-

tions are primarily responsible for guaranteeing – or endangering – human security.

The growth of interest in NSAGs is particularly due to the proposition that the form of war has changed, which has become popular under the heading of “new wars”. According to this proposition, the dominant paradigm of war changed fundamentally with the end of the Cold War. The now predominant type of war, it is argued, differs not only from the classical wars between states but also from classical civil wars. Typical now is the privatization of armed groups, the economization of motives for using force, the brutalization of strategies of violence and the criminalization of economies of violence. The change in the form that war takes is accompanied by the rise of new kinds of armed groups.

The debate on engagement with NSAGs is also becoming increasingly relevant to development policy. The human security agenda assigns to development policy a key role in the prevention and management of violent conflicts, and especially in measures to combat structural causes of conflicts in poor societies and with respect to the civil components of crisis prevention, peace-building and post-conflict reconstruction.

In the majority of the countries that benefit from German development cooperation violent conflicts and thus NSAGs play a significant role. In the “Krisenfrühwarnung für das BMZ” (Early Crisis Warning for the BMZ) no fewer than 49 of the 91 countries examined in early 2006 were classified as affected or threatened by violent conflict.

### *NSAGs in the international debate*

Engagement with NSAGs is a subject of international debate that has only recently attracted greater attention. The terrorist attacks of September 11, 2001 have stimulated the debate considerably. However, they have also led to a growing tendency in the political sphere to view engagement with NSAGs primarily in the context of the war on terrorism.

While the conduct of external actors towards states is governed by relatively clear rules, engagement with non-state armed groups is difficult legal territory. For engagement with states external actors have a set framework in international law and the practice of international relations.



It is different with NSAGs: in only very few instances, or only indirectly, have they become the subject of international legal rules. They first played a role in international agreements shortly after the Second World War. In these cases, which arise from international humanitarian law, international human rights law or international criminal law, it is principally the conduct of NSAGs, not engagement with them, that is governed by rules. However, infringements by NSAGs of such rules of conduct have legally binding consequences for third countries when, for example, the latter are called upon to bring the accused before national or international courts.

Attempts have recently been made to have NSAGs subscribe directly to obligations to comply with humanitarian norms. A pioneering initiative in this context is that of the international non-governmental organization (NGO) Geneva Call, which has been trying since 2000 to persuade non-state participants in civil wars to comply with a voluntary undertaking that essentially corresponds to the provisions of the international treaty outlawing anti-personnel mines that entered into force in 1999 (Ottawa Convention).

The international community's increased involvement in the war on terrorism has generally turned engagement with NSAGs into a politically highly sensitive issue, since NSAGs are often seen and described internationally as terrorists by the governments they oppose. A practice that has particularly serious consequences for engagement with NSAGs is the compilation by many states of official lists of organizations and individuals they regard as terrorists. The effectiveness of such lists is disputed.

Important documents drawn up by high-level expert bodies and international institutions have considered aspects of international security, the prevention or containment of civil wars, genocide and other forms of mass human rights violations in recent years. It is noticeable in this context that, although each of these documents devotes extensive passages to the fight against terrorism, none singles out engagement with NSAGs for discussion.

#### *Engagement of external actors with NSAGs*

Although, as a general rule, engagement with NSAGs is fraught with difficulties for any external actors in a country, the forms those difficulties take

differ with the actors' perspective. Perspectives differ especially with areas of policy (diplomacy/foreign policy, security and defence policy, development policy, internal affairs/internal security). It should be borne in mind that engagement cannot always be active, but – in keeping with the concept of engagement in communication studies – also includes such passive behaviours as unilateral perception or deliberate disregard, since they too are the consequence of political decisions and may have political impacts.

In principle, however, all policies are bound by the principle of the sovereignty of international relations and the primacy of the state monopoly of power as guiding tenets of their international action. The limits to this principle have, however, long been debated. The recognition by the United Nations in 2005 of an international responsibility to protect population groups who do not enjoy (adequate) government protection in their own country has recently given foreign policy fresh scope, recognized in international law, for engagement with NSAGs. The implicit conclusion to be drawn from this restriction of the hitherto incontrovertible principle of sovereignty is that the opportunities for engaging with NSAGs cannot be properly assessed unless the overall political context, and especially the actions of the government concerned, is measured against the same standards with which NSAGs are expected to comply. If a government systematically violates human rights and, by so doing, itself helps to exacerbate conflicts, closer forms of engagement of external actors with an NSAG acting in this context seem more legitimate than when the government's conduct is generally acceptable in this respect.

General requirements to be met specifically by the engagement of development actors with NSAGs can be summarized as follows:

- Any engagement with NSAGs should take a highly conflict-sensitive form and be situationally appropriate; this also means the conscious adoption of a position on state violence in each case.
- In particular, the principle of “doing no harm” must be observed.
- Engagement with NSAGs should not be an end in itself but a means to an important, clearly identifiable end.
- The form of engagement should be legally defensible (against the

background inter alia of constantly evolving international criminal law).

- It must also form part of an overall foreign policy strategy that commits all external policy actors (especially in the areas of foreign, security and development policy) to a coordinated and coherent approach.
- Finally, it should be ethically defensible in the sense that the decision whether certain forms of engagement are acceptable is guided by principles that can be generalized.

### *Behavioural patterns of NSAGs*

If it is to be possible to develop options for external actors when they engage with NSAGs, it is important to identify their behavioural patterns. This concerns not least their reliability in honouring agreements with external actors. Although it is impossible to identify patterns of engagement true of all types of NSAG, their behaviour is characterized by certain factors. The environment in which they move plays an important role in stamping certain characteristics, such as ideology, motivation, organizational structure, income base, networking, strategies and tactics.

From the conduct of NSAGs it is possible to deduce various negative and positive indicators that tend to provide information on the risks and opportunities associated with the engagement of external actors with NSAGs. Important categories in this context are (a) an NSAG's attitude towards political power (disdain or respect for the rule of law, etc.), (b) its attitude towards territory (control or no control over territory, etc.), (c) forms of social and economic support (acting in isolation from or with the support of the local population, etc.) and (d) the way in which force is used (seemingly indiscriminate or targeted use or threat of force).

### *NSAGs as a challenge for development policy*

There are many points of contact between development actors and NSAGs. The need to engage with NSAGs is not confined to those involved with development policy, but extends to all actors operating in the countries affected.

Past development policy strategies can be described roughly as follows:

until the 1990s official development policy sought, implicitly and explicitly, to avoid situations in which NSAGs posed a challenge. Action under official development policy was clearly geared to government actors in countries where NSAGs were in evidence (state bias).

This challenge has often taken a different form for humanitarian and non-governmental actors in the past. Examples of aid organizations gaining negotiated access to target groups at risk show that direct contact with NSAGs has often been unavoidable for humanitarian aid groups and indeed has frequently been sought by them.

Since the mid-1990s the situation has changed for development policy. Increasing points of contact with NSAGs in the context of demobilization measures, for example, and the devising of concepts for crisis prevention and conflict management through development have given rise to a growing number of situations in which NSAGs have had practical relevance. Conceptual and operational considerations and missions in unstable situations in which action is increasingly taken parallel to or together with peace missions demonstrate the growing relevance of such situations. The scenarios range from those in which warlords are active in the context of Provincial Reconstruction Teams (PRTs) through widespread violent crime in, say, Colombia to situations in many countries where traditional or new authorities have the potential to threaten the use of force or experience of doing so (Nigeria, Afghanistan, etc.). Despite the rising number of situations in which those engaged in development activities come into contact with NSAGs, virtually no systematic or even incidental thought was given to their conduct until the early 2000s.

#### *Need for carefully considered engagement with NSAGs*

In any action taken under development policies to prevent crises and manage conflicts (working on conflict) it is vital to take adequate account of NSAGs. The involvement of NSAGs is, however, equally essential where development policy is being implemented in situations in which they are present, but development policy has no direct bearing on armed conflicts or potential violence (working in or around conflict). Ignoring NSAGs similarly has effects on engagement with them, since it may mean that potential cannot be tapped, and their exclusion may influence the balance of power in a situation where, for example, the result is that the govern-

ment is in fact strengthened or a region in which an NSAG is active is not considered.

“Engagement” with NSAGs takes many forms. Negotiations with kidnapers, agreements with NSAGs on transport routes for aid supplies, political appeals to NSAGs not to recruit child soldiers or to use land mines constitute engagement just as much as deliberate cooperation with them and may have a certain legitimacy in regions where there is no government control.

Engagement with NSAGs entails opportunities and risks, which may vary widely from one case to another. This being so, the debate on engagement with NSAGs reveals that ignoring NSAGs in situations where development and other actors are involved results in failure to seize or at least to consider potentially creative opportunities and opportunities for exercising influence and possibly in the occurrence of unintended adverse effects.

Where such opportunities are concerned, it is possible to identify four ideal-type motives that may underlie engagement with NSAGs in the development policy context:

1. Access to target groups: By engaging with NSAGs, development policy can pursue the objective of reaching target groups in an area.
2. Responsibility for personnel: By working in a region where NSAGs are active, local and/or external development cooperation personnel may be exposed to considerable danger; more deliberate engagement can greatly reduce some of the risks.
3. Commitment to norms: Engagement may also be of interest from the development angle as a means of helping to persuade an NSAG to commit itself to rules and standards (human rights, etc.).
4. Conflict transformation: While access to target groups and responsibility for personnel may often be reasons for beginning to engage with NSAGs, a further objective of engagement may be to contribute to conflict transformation.

*Patterns of engagement of German development policy with NSAGs: modi operandi, opportunities and risks*

Development policy interacts with NSAGs in many different ways. Devel-

opment actors engage with NSAGs in all cooperating countries in which they are of any relevance. This is as true of German actors in the Casamance/Senegal and Tajikistan, for example, as it is of all other relevant countries, such as the Democratic Republic of Congo (DRC), Somalia, Uganda, Nigeria, Yemen, Israel/Palestine, Afghanistan, Nepal, the Philippines and Colombia. Some NSAGs are “more accessible” to German and international development policy, other situations are more complex and, above all, politically more sensitive.

As engagement varies from one case to another, generalizing on approaches is possible to only a limited degree. It concerns all the participating actors (BMZ, implementing organizations, local partners, German political foundations, other German non-governmental organizations).

The options open to development actors for engagement with NSAGs can be roughly categorized as follows:

- Avoidance of engagement: Development policy consciously or unconsciously avoids countries, regions or situations in which NSAGs are involved.
- Disregard / observation / involuntary engagement: Development policy is present in situations involving NSAGs, but takes no notice of them or tries not to become involved by resorting to “non-behaviour” or to behaviour geared solely to observation.
- Apolitical action / equidistance: Development policy endeavours to make development-related and sometimes even conflict-related contributions, but they are deliberately kept apolitical.
- Exclusion: Development policy supports the exclusion of NSAGs.
- Cooperation: Development policy involves NSAGs directly in different ways. This may consist in direct account being taken of them in measures and dialogue fora or in their acting as cooperation partners.

Engagement with NSAGs may occur at different levels of development policy:

- Strategy level: German development policy has yet to pay any direct conceptual attention to approaches to NSAGs.

- Political level: At political level – i.e. at places where levels of political leadership are visibly involved or participating – discussions, for example, may be held with NSAG representatives.
- Operational level: There is varied engagement during the preparation and implementation of development cooperation measures.
- Promotion of international mechanisms: International fora and mechanisms for persuading NSAGs to commit themselves to rules and standards.

The room for manoeuvre that development policy enjoys in relation to NSAGs is usually determined by the government of the country concerned. This is especially true of countries with a generally efficient and legitimized government. A development policy approach explicitly opposed by the government is hardly conceivable or feasible. Where governments are de facto weak, the monopoly of power is severely restricted and/or legitimacy is lacking, there may be some room for manoeuvre in other respects.

It makes a difference of some considerable consequence whether a state and a non-state development actor engages with an NSAG. International non-governmental organizations quite obviously have very much more scope for developing forms of engagement with NSAGs. For official development actors, on the other hand, the limits are sometimes more clearly recognizable. Nonetheless, they too certainly have some room for manoeuvre. “Closer” engagement is likely to be problematical mainly when a conflict situation has become particularly “bogged down”, communication with the NSAG is explicitly unwanted, the approach does not have the firm backing of an international consensus, and the NSAGs have been guilty of particularly serious violations of rules and values.

In general, engagement with NSAGs creates opportunities, but it also entails risks. A cost-benefit analysis of engagement in a situation that necessitates engagement with an NSAG is, as a general rule, an appropriate means of exposing the possible effects of the approach adopted.

The potential opportunities presented by engagement arise from the motives and aims pursued by development actors in this context (security for personnel, conflict-transformation objectives, etc.). Risks may be inherent

in the possible de facto enhancement of the international status of NSAGs as a result of engagement with external actors. Engagement, and especially cooperation, with an NSAG may also mean that this approach is interpreted by the government concerned as taking sides and that possible influence as a “neutral” partner is consequently reduced. If engagement means that resources reach areas to which NSAGs have access, the balance of power and resources may be affected and an NSAG’s ability to use force unwittingly reinforced. In any weighing up of opportunities and risks, however, the costs and benefits of not becoming involved or of engagement/cooperation biased towards the government must also be considered.

### *Conclusions and recommendations*

Each case should be taken on its merits when the conditions for and the risks and opportunities associated with NSAG engagement with development and other external actors are assessed. Nonetheless, some advice can be given to development actors:

- Territorial control: Engagement with groups completely or largely in control of an area may be particularly necessary at least from a humanitarian viewpoint and for obtaining information.
- Form in which force is used and threatened: The more an NSAG uses or threatens to use force (extending to acts of terrorism), the less likely it is that direct engagement is appropriate or wise.
- State or non-state actor: Examples show that it may be more appropriate to leave responsibility for apparent “non-state” armed groups to the state and not to ease the pressure on it by accepting government rhetoric that denies responsibility for armed groups that are de facto associated with the state.
- Value added by engagement: Engagement is not an end in itself and should be sought only when constructive influence seems possible.
- One’s own rules and values: One’s own system of rules and values should be clear to all actors involved. One’s position on the use of force and the violation of human rights must always be beyond doubt.



- International backing for engagement: Engagement with an NSAG requires very extensive international agreement on the approach to the groups concerned.
- Shortages of information on NSAGs: Information on the goals, nature, structure and approach of NSAGs is vital for fundamental aspects of engagement with them.
- Intermediaries and civil contacts with NSAGs: In many cases it may be an option to communicate with NSAGs indirectly, through intermediaries, for example.
- Basis of legitimacy of NSAGs and the state: Legitimacy is a factor that must be considered when it comes to deciding whether and, if so, in what form engagement is appropriate. The legitimacy dimension is often complex because it must also be related inter alia to government actors.
- Willingness for dialogue / negotiation: Engagement may depend on the extent to which an NSAG is seriously interested in participating in negotiation or dialogue.

For the BMZ and other development actors the following recommendations can be derived from the above:

- The NSAG issue is very important; it should be paid greater attention.
- The BMZ should therefore target efforts in Germany and at international level (within the DAC, for example) on promoting an exchange of experience.
- The BMZ might join with other government departments (especially the Foreign and Defence Ministries) in exchanging experience of engagement with NSAGs. A discussion of the subject within the Interdepartmental Group on Civil Crisis Prevention should be considered.
- Promoting such initiatives as Geneva Call or specialist conferences (e.g. Conciliation Resources) attended by actors directly involved (NSAGs, governments concerned, etc.) is an important means of pushing the topic forward.
- The BMZ should prepare a hand-out giving the expert public and implementing organizations advice on engagement with NSAGs.



# 1 Introduction

## *Background to and aim of the study*

This study is the outcome of a research project conducted by the German Development Institute (DIE). The background to the research project comprises situations of violent conflict with which development policy is confronted in many countries and regions. Non-state armed groups (NSAGs) are one of the main features of intrastate conflicts and of many regional wars. Typical manifestations of non-state armed groups are rebel armies, groups led by warlords and gangs of terrorists. The nature of the groupings concerned varies widely. NSAGs may pursue economic, political, religious or cultural interests. The interests of these groupings often change with time.

Research on the subject of non-state armed groups has increased since the late 1990s. The debate on the role of external actors (such as development donors) and their engagement with NSAGs has, however, only just begun. Few conceptual and empirical studies have been carried out.

Situations involving NSAGs represent a challenge for external actors in many respects, this being true of donors at international level (United Nations, World Bank, European Union) and at bilateral level and equally for international non-governmental organizations. Should donors communicate (informally or formally) with NSAGs that de facto constitute the ruling power in certain areas? What approach should be adopted towards NSAGs performing quasi-state functions, such as the provision of basic social services? Is dialogue with NSAGs necessary if endangered target groups are to be reached? Should external actors avoid contact with NSAGs so that they are not de facto legitimized by receiving international public attention? Is peace-making potential neglected if NSAGs are excluded from constructive conflict management funded by external actors? These and other wide-ranging questions form the context of the research project.

The aim of the project and the present study is to contribute to a better understanding of the subject and to help improve both the ability of development actors to react to NSAGs in crisis situations and their conflict management options when engaging with NSAGs. The findings are intended to give donors some ideas and to contribute to current research activities at national and international level.

The empirical study initially centres on experience gained during German development cooperation. That experience is likely to be typical, by and large, of many bilateral donors, although comparable studies have yet to be undertaken in other countries. In the case of multilateral or international development institutions, some of the aspects of engagement with NSAGs described here will undoubtedly differ, because the countries concerned will normally be members of those organizations, and the room for manoeuvre will therefore be largely determined *a priori* by the government. Here again, relevant studies have yet to emerge.

### *Definitions*

The study employs a number of terms that are not always used to mean the same thing in the international debate. They include the terms “non-state armed group” itself and “engagement”, the very terms, in other words, on which this study pivots. Particularly contentious, moreover, is the term “terrorism”, especially when qualified by the adjective “international”. The meanings of all three terms taken as a basis in this study will therefore be briefly explained at this juncture. They, or the problems associated with them, will be discussed in greater depth where appropriate in the following chapters.

#### a) Non-state armed groups (NSAGs)

By non-state armed groups (NSAGs) we mean groups that challenge the state’s monopoly of power by their actions. This definition is based on reflections during the *Armed Groups Project* at the University of Calgary in Canada (formerly attached to the University of British Columbia). The reference to an abstract conceptuality of state and monopoly of power – rather than additive features, as frequently introduced into the debate – has a number of advantages, as will be explained at length in Chapter 2.2. Among other things, such a definition enables it to be shown why certain groups are regarded as NSAGs, while others are not.

b) Engagement

For the purposes of this study “engagement”<sup>1</sup> means only a carefully considered approach to such groups. Engagement is not, then, equivalent to “cooperation” or to the explicit or implicit recognition or legitimization of an NSAG’s objectives or methods.

“Engagement” with NSAGs takes many forms. Negotiations with kidnapers, agreements with NSAGs on transport routes for aid supplies, political appeals to NSAGs not to use child soldiers or landmines constitute engagement just as much as deliberate cooperation with them and may have a certain legitimacy in regions where there is no government control. In other words, engagement is a value-free term based solely on points of contact between development (or other) actors and NSAGs.

c) (International) terrorism

The attacks in the USA on September 11, 2001 have made “international terrorism” a prominent issue of international politics. This also has considerable influence on engagement with NSAGs. It is very important, for example, to know which NSAGs are deemed to be or are officially classified as terrorist groups. An international agreement or formal definition has yet to be adopted, since an appropriate categorization depends in many respects on perspective. Familiar examples of at least occasional differences within the international community when it comes to judging whether or not the actions of groups constitute terrorism are the struggles for liberation in Latin America and Africa and the use of force in the Palestine-Israeli conflict.<sup>2</sup>

Another contentious question is whether “international terrorism” – as opposed to “terrorism” – is a significant subcategory or a phenomenon *sui generis* or whether the term tends to perform a political-rhetorical function that adds nothing of substance to a general concept of terrorism. The latter view is supported by the virtual absence anywhere in the world of terror-

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1 See, for example, Ricigliano (2005, 4).

2 Zunzer (2005, 9) refers to the legally important, but in practice unclear, distinction between terrorism and resistance permitted by international law in the assessment of acts of violence.

ism that does not have a cross-frontier and thus “international” dimension. Scepticism about the term “international terrorism” can be inferred *inter alia* from the report of the *High-level Panel on Threats, Challenges and Change* to UN Secretary-General Kofi Annan. Both that report and Annan’s report “*In larger freedom*” submitted to the UN General Assembly in March 2005 consider the problem of terrorism organized in transnational networks at some length, without ever using the term “international terrorism” (UN 2004; Annan 2005).

In his report “*In larger freedom*” the UN Secretary-General appeals to the international community to develop a common understanding of terrorism and, to this end, proposes a definition based on the report of the *High-level Panel*. Although it eventually proved impossible to reach an international consensus at the UN General Assembly in September 2005, the definition proposed by Annan is helpful and will serve as the basis for the present study:

*“I endorse fully the High-level Panel’s call for a definition of terrorism, which would make it clear that, in addition to actions already proscribed by existing conventions, any action constitutes terrorism if it is intended to cause death or serious bodily harm to civilians or non-combatants with the purpose of intimidating a population or compelling a Government or an international organization to do or abstain from doing any act.”<sup>3</sup>*

### *Structure of the study*

The following chapter, Chapter 2, begins by explaining the context and relevance of “engagement with non-state armed groups” to international policy in general and development policy in particular, identifying the views of the issue taken by those involved in the various externally oriented policies.

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3 Annan (2005, 26). In the German-speaking area, a definition with a somewhat different focus, but one that is essentially similar, has been suggested by Peter Waldmann (2005, 15): “*Terrorism comprises planned, shocking violent attacks on a political system from the underground. They are intended to generate general uncertainty and terror, but also sympathy and willingness to lend support.*”

Chapter 3 considers patterns of engagement with non-state armed groups, the discussion covering the ideologies and motives of NSAGs, their organizational structures, their relationship with the state and its role in conflict situations, the revenue base of NSAGs, their strategies and tactics, the reliability of agreements with them and their willingness to resolve conflicts.

Chapter 4 identifies the points of contact to be seen between NSAGs and development policy and, on this basis, explains why development actors should consider engagement with NSAGs carefully.

Against this background, Chapter 5 analyses the empirical experience of development actors engaging with NSAGs: what patterns of engagement are to be observed, and what characterizes them? What peculiarities arise for various external actors? What opportunities does engagement present, what risks does it entail?

Finally, Chapter 6 summarizes the findings in the form of conclusions and puts forward various recommendations for the BMZ and other development actors.

## **2 Engagement with non-state armed groups: context and relevance of the subject**

This chapter begins (2.1) by explaining why and in what contexts non-state armed groups have recently gained in significance and what relevance this has to development policy. This is followed (2.2) by a definition of non-state armed groups that is guided by their attitude to the state's core function – safeguarding the monopoly of power. This section also discusses the problem of assigning such designations as rebels, guerrillas and terrorists to individual NSAGs. Section 2.3 turns to the international debate on NSAGs and looks into major changes of course that have influenced the perception of NSAGs at international level. In section 2.4 the problem of engagement with NSAGs is examined from the perspective of various policies. Finally, a number of general requirements to be met by development policy when engaging with NSAGs are deduced from the previous deliberations.

### **2.1 NSAGs gaining in significance**

Non-state armed groups are not a new phenomenon in conflicts anywhere in the world. Civil wars and other intrastate violent conflicts, which, by their nature, are characterized by the participation of NSAGs on at least one side, have dominated warfare since the end of the Second World War, so much so that war between states has increasingly become the exception rather than the rule (see Box 1).

Nonetheless, it is only since the early 1990s that NSAGs in their widely varying forms have increasingly become a subject of international debate. The association with the end of the Cold War is no accident. The dissolution of ideological bipolarity was the precondition for an action-guiding consensus to begin to emerge in the international community on the normative standards of security and development. With the popularization of the concept of “human security”, which has advanced to become a new guiding concept of international efforts to ensure peace and prevent violence, attention has increasingly focused on those whose actions are primarily responsible for guaranteeing – or endangering – human security. Any involvement of external actors in violent intrastate conflicts, whether with humanitarian intentions, for peace-making purposes or in pursuit of



**Box 1: Civil wars determine the global conflict scene**

Civil wars account for the vast majority of hostile situations in the world. According to surveys conducted by the Heidelberg Institute for International Conflict Research (HIIC), the number of interstate wars in the period from 1945 to 2004 remained stable at between two and ten separate conflicts a year (falling to zero twice, in 1995 and 2004), whereas intrastate violent conflicts increasingly dominated the global conflict scene: from 1947 to 1964 between ten and twenty “high-intensity conflicts” within states were counted each year and between fifteen and thirty up to 1981. Since then the figure has never fallen below 25, has usually exceeded 30 and, in 1992-1994, reached the highest figure yet, 44. In 2003 and 2004 the HIIC counted, respectively, 34 and 36 intrastate high-intensity conflicts throughout the world (see Figure A1 in the annex).

The dominance of violent intrastate conflicts in global warfare is also confirmed by studies which, unlike the HIIC’s, detect a decline in violent conflicts in the 1990s, examples being the *Human Security Report*, recently published for the first time (see Figure A2 in the annex), the report of the UN Secretary-General’s *High-level Panel on Threats, Challenges and Change*, which uses the same figures, and the analyses carried out by the Study Group on the Causes of War (AKUF) at the University of Hamburg (see Figures A3 and A4 in the annex).

Sources: HIIC (2004, 5); Human Security Centre (2005, 23); UN (2004, 33); AKUF (2004, 4)

development goals, is thus exposed to the need to see state *and* non-state actors as part of the conflict situation and to decide what attitude to adopt towards them.

The growth of interest in NSAGs is particularly due to the proposition that the form of war has changed, which has become popular under the heading of “new wars”. According to this proposition, the dominant paradigm of war changed fundamentally with the end of the Cold War (Kaldor 1999; Münkler 2003; LpBBW 2004). The now predominant type of war, it is argued, differs not only from the classical wars between states – which had, in any case, become a thing of the past with the end of the Second World War – but also from classical civil wars. Typical now is the privatization of armed groups, the economization of the motives for using force, the brutalization of strategies of violence and the criminalization of economies of violence (Heupel / Zangl 2004). Although critics of the “new

wars” proposition object that the features cited are by no means as new as claimed, but were to be observed, for example, as long ago as the Thirty Years’ War, supporters of the proposition maintain that novelty is claimed not for the individual features as such but for the much increased *simultaneity* of their occurrence. This, they say, is evident from the average of civil wars since 1990 and can also be systematically explained: the end to ideological bipolarity and to the support received by the parties to civil wars from the rival superpowers deprived civil war of important mechanisms for disciplining the warring factions. Some civil wars came to a standstill as a result, others were able to cease being dependent on external support and so to develop into “new wars”.

The change in the form of war is accompanied by the rise of new kinds of armed group. While the salient feature of civil wars had always been the intrusion of private armed groups on the state’s monopoly on war, the new (civil) wars are characterized by the fact *“that the degree of organization of the armed groups decreases, hierarchical structures thus increasingly fragment and the individual fighters are able to act with growing independence from the leadership [...], that new kinds of private actor increasingly intervene in the hostilities, operating with greater independence from one another”* (Heupel 2005, 24). The most prominent actor in the new wars is seen to be the warlord, who *“performs the functions of leading soldier, political leader and businessman”* (Heupel 2005, 25).

The debate on engagement with NSAGs is also becoming increasingly relevant to development policy. The human security agenda assigns a key role to development policy in the prevention and management of violent conflicts, and especially in measures to combat structural causes of conflict in poor societies and with regard to the civil components of crisis prevention, peace-building and post-conflict reconstruction. Development policy is becoming involved in a growing number of cases and with an increasing depth of intervention in countries and situations characterized or seriously threatened by violent conflict – not least because it is realized that poverty and violent conflict can combine to form an upward spiral and so ruin opportunities for development for a long time to come (Box 2). Accordingly, development actors are increasingly confronted with the existence and actions of NSAGs.

**Box 2: Hardest hit by civil wars are the world's poorest countries**

According to the Development Assistance Committee (DAC), a third of the poor live on less than a US dollar a day in “fragile” states, which are characterized either by a civil war or at least by a significantly greater risk of violence breaking out. These countries are home to half of all the world’s children who die before the age of 5, more than a third of all women who die in childbirth, a third of all people without access to drinking water and more than a third of those affected by Human Immunodeficiency Virus / Acquired Immune Deficiency Syndrome (HIV/ AIDS). Violent intrastate conflicts therefore represent a serious obstacle to the achievement of the Millennium Development Goals.

Not only is military force a major cause of poverty. Statistical studies indicate just how significant the effects in the opposite direction are: poverty, and especially deficient economic development, is one of the main causes of violent conflict and increases the danger of civil war in a country many times over. Oxford economist Paul Collier and his colleagues conclude in the World Bank study *“Breaking the Conflict Trap”* that the more than one billion people living in low-income countries throughout the world are exposed to a risk of civil war that is fifteen times greater than the risk with which the societies of the OECD world have to live.

Sources: OECD (2005); Collier et al. (2003)

This finding is, however, also true of German development cooperation, since violent conflicts play a significant role for the majority of Germany’s partner countries. In the “Krisenfrühwarnung für das BMZ” (Early Crisis Warning for the BMZ) no fewer than 49 of the 91 countries examined in early 2006 were classified as affected or threatened by violent conflict. Seventeen of those countries were involved either in a “violent conflict” (three) or in a “violent conflict in parts of the country” (fourteen), and fifteen had entered a “post-violent-conflict” phase.<sup>4</sup> In a further seventeen of Germany’s partner countries the early-warning system identified an increased (fourteen) or even an acute (three) need for preventive action.

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4 A country will remain in the “post-violent-conflict” category for up to 10 years after a violent conflict has ended.

## 2.2 What are NSAGs?

NSAGs manifest themselves in very different forms, ranging from separatist organizations, such as the LTTE (Liberation Tigers of Tamil Eelam or Tamil Tigers), in the north of Sri Lanka, to militant anti-system parties, such as the Maoists in Nepal. Some NSAGs evidently place the emphasis on political objectives, others seem to be primarily out for economic gain. NSAGs may be notorious – as is the *Lord's Resistance Army* (LRA) in Uganda – for spreading fear and terror among the population, or they may be firmly anchored – like the Palestinian *Hamas* – in their society of origin and occasionally perform quasi-state functions (“*states-within-states*”, Kingston / Spears 2004). Some NSAGs – like the Chechnyan separatists – may be opposed by the official government with all the means at its disposal, others – like the SPLA/M in Sudan – are, after years of conflict, engaged in comprehensive peace processes and eventually a new peaceful order, while yet others – such as the Janjaweed militias in the west Sudanese province of Darfur – operate with the connivance or even open support of the government. NSAGs may be clearly structured and well organized underground parties or fighting units; but they may also acquire their capacity for action primarily from traditional relations among their members based on mutual obligations or merely take the form of loose-knit “gangs of bandits” (Annan 2004, 13).

Despite the growing use of the term “NSAG”, however, a definition of precisely what is meant is rarely given in the context of a debate. The term is often used as a value-free collective description which – unlike, for example, the designations “terrorists” or “liberation army” – does not entail the adoption of a normative position and can therefore be used in diplomatic contexts.<sup>5</sup> Introductions to these terms do not, as a rule, do any more than cite examples of “typical” NSAGs (rebels, warlords, terrorists, etc.). What remains unclear in a collective description of this kind is precisely what all NSAGs have in common. If, however, it is assumed, as in this study, that, through their existence, NSAGs represent a particular

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5 Thus the 2004 Annual Report of the UN Secretary-General on the Protection of Civilians in Armed Conflict includes a section on the “*responsibility of non-State armed groups*” (Annan 2004, 13).

challenge for policy such as development policy, it must also be possible to name the specific quality that gives rise to that challenge.

In this study we take NSAGs to be *groups which, through their actions, challenge the state's monopoly of power*. This definition is guided by observations by Pablo Policzer, co-director of the *Armed Groups Project* launched at the University of British Columbia in Canada (Policzer 2005a). Rather than regarding a large number of additive features as constituting NSAGs (e.g. elementary command structure; use of force; political goals; independence from state control), Policzer recommends that NSAGs be defined by reference to their attitude towards the core function of the state, i.e. the institution which, according to Max Weber's classical definition, "*(successfully) claims a monopoly on the legitimate use of physical force within a certain area.*"<sup>6</sup> Recourse to the monopoly of power thus defined is especially appropriate for development policy because it is the questioning of the state's monopoly of power that causes the problems which make engagement with NSAGs so complicated for the international donor community: a state that is deficient in its exercise of the monopoly of power; inadequate legitimacy of the armed group; a precarious security situation for domestic and foreign actors due to the competing claims to power.

A definition of this kind also permits an explanation as to why certain groups are regarded as NSAGs, while others are not. Thus not every kind of gang crime constitutes an elementary attack on the state's monopoly of power; forms of organized crime that pose a general and fundamental threat to human security should, on the other hand, be taken into account. Paramilitary groups exercising power in coalition with the state, but ultimately for their own purposes, must be seen as NSAGs because they are not subject to the preemptory command and control of the state and so undermine its monopoly of power; such other paramilitary units as barbed police and standing troops of a home affairs or disaster relief ministry which are integrated into the regular command structures of state hierarchies are not, on the other hand, covered by the definition of NSAGs.

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6 What is left open in this context is whether NSAGs challenge the state's monopoly of power because it is not performing its core functions or whether, conversely, it is the emergence of NSAGs that weakens the state in the exercise of its monopoly of power.

Table 1 gives an overview of non-state parties to violent conflicts in countries in whose development Germany is involved. The table makes no claim to be complete, but is meant to help show the range and spread of non-state armed groups.

A particular problem that has only recently begun to attract greater international attention is that of traditional authorities that are held in high esteem at local level and are therefore capable of exercising in “their” territory extralegal power rivalling that of central government.<sup>7</sup> The problems associated with this kind of parastatal authority for external actors can be observed, for example, in Central Asia (Afghanistan, Tajikistan) and parts of Africa, where foreign organizations have to cope with the fact that their project partners, organized in local NGOs, may also be respected tribal leaders capable, when the need arises, of mobilizing armed militias at short notice. As, then, they persistently challenge the state’s legitimate monopoly of power, such traditional authorities are similarly seen as NSAGs as defined above. This also follows on from the recent debate on “*states-within-states*” (Kingston / Spears 2004), contradictory dynamics within states (Schlichte 2005) and “areas of limited statehood” (Risse 2005), from which it is clear that, although alternative, internationally unrecognized forms of “statehood” may pose a major security problem, they are still far from uncommon in many countries outside the OECD world and, moreover, often perform in “normal times” important quasi-state functions in areas where the formally responsible state fails because it is unable or unwilling.

The designations commonly used for different manifestations of NSAGs reflect the wide range of the phenomenon, but rarely permit really clear distinctions to be made. The use of such designations as “rebels”, “liberation army”, “guerrillas”, “militia”, “paramilitary groups”, “warlords”, “mercenaries”, “private security companies”, “terrorists”, “insurgents” and “organized crime” for certain groups is usually guided by how pronounced certain distinctive features are (political or economic motivation; level of

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7 The exercise of this extralegal, parastatal power is the decisive feature that distinguishes the forms of traditional authority alluded to here from other traditional forms that are legally integrated into existing political systems and, as such, are to be found to a greater or lesser degree in every society.

organization; territorial range; target groups for violence), but, as a rule, so many criteria are applied that, on the whole, no systematically conclusive typologies emerge. If, for example, warlords are defined as regionally limited and primarily economically oriented actors in constant conflict with any competing authority, whereas rebels have different politico-religious aims and paramilitary groups are characterized mainly by their opposition to the enemies of the regime (Zunzer 2005, 19), such rebel armies as the LRA that use force extensively against the civilian population, and warlords who personify a claim to political power against the central government are left in a definitional vacuum. Other classification systems use as many as ten (!) different “characteristics” to distinguish types of NSAG (Wagener 2005), only to stop at a mere three or four subtypes derived from them and without solving the problem of the almost infinite number of alternative combinations of features.

The conceptual difficulty of defining NSAGs is joined by the empirical problem of appropriate attribution. Whether one group is regarded as composed of rebels or common criminals, another as consisting of guerrillas or terrorists is often – not least because of the different normative implications in each case – primarily a question of perspective and sometimes merely a question of time, as the development and external perception of many NSAGs in protracted violent conflicts demonstrates. Even the occasional dominance of an NSAG’s own attribution or of an external attribution may determine whether it is seen by the international public as a terrorist grouping or a liberation army. By analogy with Wagener (2005, 84–86), it is possible to identify three basic problems facing any attempt at an empirically accurate typology of actual NSAGs: (a) precise data on the characteristics of a group are usually difficult to obtain; (b) groupings may be active in terms of various characteristics, since it is often impossible to

<b>Table 1: Non-state parties to violent conflicts in countries benefiting from German development cooperation (examples)</b>	
<i>Afghanistan</i>	Taliban
<i>Angola</i>	Front for the Liberation of the Enclave of Cabinda (FLEC); National Union for the Total Independence of Angola (UNITA)
<i>Bangladesh</i>	Awami Leagues; Parbatya Chattagram Jana Sanghati Samiti (PCJSS); Jamaat-ul-Mujahideen Bangladesh (JMP)
<i>Burundi</i>	Hutu rebel groups
<i>Colombia</i>	United Self-Defence Forces of Colombia (AUC); National Liberation Army (ELN); Revolutionary Armed Forces of Colombia (FARC)
<i>Côte d'Ivoire</i>	Forces Nouvelles (FN)
<i>DR Congo</i>	Various rebel groups
<i>Ethiopia</i>	Oromo Liberation Front (OLF); Coalition for Unity and Democracy (CUD); United Ethiopian Democratic Forces (UEDF)
<i>Georgia</i>	Abkhazian and South Ossetian separatists
<i>India</i>	United Liberation Front of Asom (ULFA), National Democratic Front of Bodoland (NDFB), Bodo Liberation Tigers Force (BLTF); United National Liberation Front (UNLF); Manipur People's Liberation Front (MPLF), Zomi Revolutionary Army (ZRA); Kashmiri and Pakistani separatists; National Socialist Council of Nagaland (NSCN), Kuki National Front (KNF); National Liberation Front of Tripura (NLFT)
<i>Indonesia</i>	Free Aceh Movement (GAM); Jemaah Islamiyah; Laskar Jihad
<i>Macedonia</i>	Albanian separatists



<i>Morocco</i>	Front for the Liberation of Saguia el Hamra and Rio de Oro (POLISARIO)
<i>Mauritania</i>	Military Council for Justice and Democracy
<i>Nepal</i>	Communist Party of Nepal (Maoist) (CPN-M)
<i>Pakistan</i>	Baloch Liberation Army (BLA); Pashtoonkhwa Milli Awami Party
<i>Palestinian Territories</i>	Islamic Jihad; Hamas; Al-Aqsa Brigades
<i>Philippines</i>	Abu Sayyaf; Moro Islamic Liberation Front (MILF)
<i>Russia</i>	Chechnyan separatists
<i>Serbia / Kosovo</i>	Albanian-kosovar separatists; Serbian “unionists” in Kosovo
<i>Sri Lanka</i>	Liberation Tigers of Tamil Eelam (LTTE); Karuna Group; Eelam People’s Democratic Party (EPDP)
<i>Sudan</i>	Sudan Liberation Movement/Army (SLM/A), Justice and Equality Movement (JEM), National Movement for Reconstruction/Reform and Development (NMRD); Janjaweed
<i>Thailand</i>	Muslim separatists
<i>Uganda</i>	Lord’s Resistance Army (LRA)
<i>Uzbekistan</i>	Islamic Movement of Uzbekistan (IMU)
<i>Yemen</i>	Faithful Youth
<i>Zimbabwe</i>	Movement for Democratic Change (MDC), National Constitutional Assembly (NCA)
Source: Authors’ own compilation based on HIIK (2005)	

reduce actual NSAGs to *one* dominant motive, *one* principal opponent, *one* clear territorial reference unit or *one* typical form of the use of force; in such cases, an “average focus of activities” can at best be identified; and (c) as groups change with time, they may be at a “transitional typological stage” for relatively long periods.

For the purpose of drawing analytical distinctions between different NSAGs, this study therefore refers primarily to abstract features capable of generalization, without associating them directly with designations commonly used for types of NSAG. Where such terms as warlords and rebels are used, on the other hand, they are intended for illustrative purposes and relate to specific groupings to which these labels are attached.

### 2.3 Engagement with NSAGs in the international debate

As a subject of international debate, engagement with NSAGs has only recently attracted greater attention. The terrorist attacks of September 11, 2001 stimulated the debate considerably. However, it has also led to a growing tendency in the political sphere to view engagement with NSAGs primarily in the context of the war on terrorism.

While the conduct of external actors towards states is governed by relatively clear rules, engagement with non-state armed groups is difficult legal territory. For engagement with states external actors have, in international law and the practice of international relations, a set framework of established rules and standards of conduct. It is different with NSAGs: in only very few instances, or only indirectly, have they become the subject of international legal rules. They first played a role in international agreements shortly after the Second World War, when, in 1949, the Geneva Conventions were revised and extended to cover parties to non-international conflicts. In this and other cases arising from international humanitarian law, international human rights law or international criminal law, it is, however, principally the conduct of NSAGs, not engagement with them, that is governed by rules (see Box 3). However, infringements by NSAGs of such rules of conduct may have legally binding consequences for third countries when, for example, the latter are called upon to bring the accused before national or international courts, as was the case

when the ICC issued a warrant for the arrest of the leaders of the Lord's Resistance Army (LRA) in Uganda in the autumn of 2005 (ICC 2005).

**Box 3: The liability of NSAGs in international law**

In 2002 Liesbeth Zegveld undertook an extensive study of the liability of "armed opposition groups" for infringements of international law. The conclusion she reaches is that the pertinent provisions in the relevant areas of international law are directly binding on different actors in each case. Thus *international human rights law* is addressed primarily to states. In principle, they are under an obligation to prevent human rights violations in their territory, including those committed by NSAGs. *International criminal law* is aimed primarily at individuals accused of certain offences, such as war crimes or crimes against humanity, but also at states, since it is for them to guarantee that the accused in such cases are prosecuted. (With due regard for subsidiarity and complementarity, this has now become possible under the Rome Statute before the International Criminal Court in The Hague.) NSAGs collectively would, on the other hand, be considered under the terms of *international humanitarian law*.

International humanitarian law includes, in particular, the four 1949 Geneva Conventions for the protection of the wounded (I and II), prisoners of war (III) and civilians (IV) in armed conflicts, to which over 180 states throughout the world have so far acceded. Unlike its predecessors, which dated back to 1864, these Conventions were the first to stipulate that a number of protective provisions also apply in non-international conflicts and are binding on all parties to a conflict, including any non-state parties involved (Article 3 in all four conventions). In 1977, two additional protocols extended the protection of victims of armed conflicts, one being explicitly devoted to the victims of "non-international armed conflicts".

The practical relevance of these provisions of international humanitarian law suffers from the fact that, formally, it is primarily the accession (or non-accession) to the Conventions of a state affected by a civil war that determines whether an armed group, which often disputes the very legitimacy of that state, is similarly to be bound by the Geneva Conventions. However, there have also been NSAGs in the past that have subscribed voluntarily to the provisions of the Geneva Conventions. Furthermore, the case-law of international criminal courts shows a growing tendency to view parts of the Conventions as customary international law and so to treat them as universally valid, irrespective of the accession of states or voluntary commitments.

In 2004 UN Secretary-General Kofi Annan devoted a whole section of his annual Report to the Security Council on the Protection of Civilians in Armed Conflict to the “Responsibility of non-state armed groups”. In this he called on the international community to support dialogue between humanitarian agencies and NSAGs with a mix of political pressure and bilateral diplomacy and to make NSAGs’ compliance with humanitarian norms an important yardstick if it should one day be a question of recognizing the right of representatives of an armed group to participate in a post-war government.

Sources: Zegveld (2002); Geneva Convention (1949a, 1949b, 1949c, 1949d); Additional Protocol (1977a, 1977b); Annan (2004)

Attempts have recently been made to have NSAGs subscribe directly to obligations to comply with humanitarian norms. A pioneering initiative in this context is that of the international NGO *Geneva Call*, which, since 2000, has been trying to persuade non-state participants in civil wars to comply with a voluntary undertaking which essentially corresponds to the provisions of the international treaty outlawing anti-personnel mines that entered into force in 1999 (*Ottawa Convention*). The NSAGs involved will be the first to sign a set of rules – the “Deed of Commitment” – that is internationally respected (and also politically endorsed by such international actors as the EU), although this does not imply any preliminary decision on the possible status of NSAGs in international law (Hofmann 2004). Legal sanctions cannot, of course, be directly imposed for failure to comply with a voluntary commitment, but there is a danger of loss of reputation (“naming and shaming”), which may hamper an NSAG’s capacity for international action. With this initiative, which had been joined by some 30 NSAGs in eight African, Asian and Middle Eastern countries by the end of 2005, Geneva Call has created a model whose applicability to other humanitarian areas, especially in relation to the protection of the civilian population, is currently under discussion (Geneva Call 2004, 25–28). The positive impulse that has emanated from experience of the Geneva Call mechanism so far has also extended beyond the humanitarian sphere and helped to ensure that increasingly proactive consideration is given in the international debate to standards, forms and limits applicable to engagement with NSAGs that take account both of the public interest in the prosecution of those guilty of serious crimes and of the requirements to be met if there is to be a constructive de-escalation of conflict (Capie / Policzer 2004).

The international community's increased involvement in the war on terrorism has generally turned engagement with NSAGs into a politically highly sensitive issue, since NSAGs are often seen and described internationally as terrorists by the governments they oppose. Important documents drawn up by high-level expert bodies and international institutions have considered aspects of international security, the prevention or containment of civil wars, genocide and other forms of mass human rights violations in recent years. They include, in particular, the report entitled "*Responsibility to Protect*" (ICISS 2001), the report of the "*High-level Panel on Threats, Challenges and Change*" compiled for the UN Secretary-General, his own report "*In Larger Freedom*" to the UN General Assembly, drawn up to mark the UN Anniversary Summit in September 2005 (Annan 2005), and the Final Document of the UN Summit (UN 2005). It is noticeable in this context that, although each of these documents devotes extensive passages to the fight against terrorism, none singles out engagement with NSAGs for discussion.

A practice that has particularly serious consequences for engagement with NSAGs is the compilation by many states of official lists of organizations and individuals they regard as terrorists. The USA and the European Union in particular keep such lists, on which they base a number of sanctions. The EU's list of terrorists, which has been updated every six months since first being compiled in December 2001, is specifically intended to prevent the listed organizations and individuals from receiving financial support, to freeze any bank accounts and to facilitate cooperation among police and judicial authorities (EU 2001). The NSAGs appearing on the EU list in May 2006 included the Palestinian organization Hamas, Colombia's FARC, the LTTE in Sri Lanka and the Philippines' *New People's Army* (EU 2006).

The effectiveness of such lists is disputed. Critics object that the stigmatization of individual groups often fails to take account of local requirements. UN Secretary-General Kofi Annan also voiced criticism in May 2004. In his annual *Report to the Security Council on the Protection of Civilians in Armed Conflict* he took a negative view of the consequences of lists of terrorists for the pursuit of humanitarian interests (Annan 2004, 13):

*"Promoting respect for international humanitarian law and human rights norms and providing humanitarian assistance to populations in*

*areas under the control of armed groups require dialogue with those groups, whether they are highly organized with strong ideological/political motivations or gangs of bandits. The designation of certain non-State armed groups as terrorist organizations has had an adverse impact on opportunities for humanitarian negotiations. The prohibition on dialogue with armed groups in Colombia, for example, has resulted in severe restrictions on access to populations in need.”*

In the same document Annan called for a coherent approach by the international community to engagement with NSAGs so as to prevent them from manipulating international aid operations. Such a consensus, which should primarily concern the humanitarian sphere, has yet to be achieved.

## 2.4 External actors engaging with NSAGs: views from the standpoint of various policies

Although, as a general rule, engagement with NSAGs is fraught with difficulties for any external actors in a country, the forms these difficulties take differ as a function of the actor’s perspective, and perspectives differ from one area of policy to another (diplomacy/foreign policy, security and defence policy, development policy, internal affairs/internal security). It should be borne in mind that “engagement” cannot always be *active*, but – in keeping with the concept of engagement in communication studies (see Box 4) – also includes such passive behaviours as unilateral perception or conscious disregard, since they too are the consequence of political decisions and may have political impacts. The following outlines in highly stylized form the views of engagement with NSAGs from the standpoint of various policies in order to illustrate the general context with which development policy has to contend when it sets out to lay down standards of conduct for engagement with NSAGs or to review existing positions. The comments are therefore confined to the views in the OECD world (i.e. the most important development donor countries) on engagement with NSAGs. It is in this sense that the term “external actors” should be understood: it does not include, for example, the neighbours of countries in conflict.

**Box 4: Engagement is active and passive communication**

In communication studies engagement is defined as reciprocal behaviour between human beings (or groups of human beings) by which they relate to, are guided by and complement and so influence and control each other. Engagement evolves over a range of different forms of expression. It is effected by means of language, gestures and symbolism and includes not only such active forms of communication as informing, consulting and cooperating but also passive communication, which is characterized by the absence of any exchange of information. This means such forms of engagement as pure analysis or conscious disregard of the engagement partner, which nonetheless betray interrelated behaviour and action-guiding attitudes between individuals, societies or cultures even though they have no personal contact with one another.

Source: Watzlawick (2000)

*Foreign policy*

Seen from a classical *diplomatic/foreign policy* perspective, NSAGs are highly unlikely communication partners for external state actors. Their negative attitude to the monopoly of power held by the state concerned puts them outside the world of international relations. Non-engagement is the typical behaviour of foreign policy actors towards NSAGs. This is due to the principle of sovereignty in international law, which is closely allied with the requirement of non-interference in other countries' internal affairs of state and the principle of the territorial integrity of internationally recognized states.

Foreign policy actors therefore tend to deny any engagement with NSAGs whatsoever. This is, however, based on a very narrow understanding of "engagement". In fact, engagement cannot be prevented unilaterally, because even an actor's conscious refusal of direct contact sends a message to the other side and must therefore be regarded at least as indirect communication or engagement. Such fundamental considerations are joined by the fact that foreign policy actors cannot always choose the partners with whom they communicate directly. A clear example of this is provided by such extreme cases as a government's efforts to free abducted nationals by negotiating with NSAGs.

Apart from classical diplomatic rules of conduct, however, foreign policy has always expected external actors engaging with NSAGs to conform to a

second standard guided by principles of its own reasons of state, whether to give expression to its own political interests or certain convictions (in the field of human rights, for example). During the Cold War the superpowers supported numerous rebel movements throughout the world, seeing them as ideologically close to themselves or hostile to the rival superpower. Yet even after the end of the Cold War many such cases can be cited: US support for the Kurds of northern Iraq after the first Iraq war in 1991 and the establishment of the no-fly zone; the recognition by foreign states of legitimate concerns of the African National Congress in the South Africa of the apartheid years; and generally, the toleration of or failure to deport rebel leaders living in exile and sought as terrorists in their own countries, possibly extending as far as accommodating (by no means always peacefully minded) “governments in exile”.

Such behaviour reflects the fact that the diplomatic customs of international relations do not distinguish between types of regime, but that the interests of an NSAG are assessed by external actors in their political context. It is therefore especially at times of political transformation or regime change when external actors often review their attitudes to certain NSAGs and even, on occasion, abandon a line of non-engagement hitherto considered valid. The same can be said in the context of an ongoing peace process. External actors, who are frequently involved in such processes as mediators, must of necessity be prepared to engage in constructive talks with all parties to a conflict, including NSAGs. As a rule, then, the actors chosen to act as mediators are those who do not reject the non-state party to the conflict from the outset, since otherwise they can hardly create the basis of trust needed if they are to act as “honest brokers”.

It is true to say, nonetheless, that high barriers almost always have to be overcome before there can be direct contact with NSAGs at official diplomatic level. They often consist in the recognition of certain basic principles of human rights and international law by the groups concerned, their commitment to a political project recognized as legitimate and, generally, a high degree of international coordination among the external actors. But there have also been cases where, for example, OECD countries have



supported openly violent NSAGs unilaterally – and, under international law, illegally – with a reference to overriding national interests.<sup>8</sup>

The United Nations' recognition of an international responsibility to protect population groups who do not enjoy (adequate) state protection in their own countries has recently given foreign policy fresh scope, legitimized in international law, for engagement with NSAGs. In the final document of the Millennium + 5 summit marking the United Nations' 60th anniversary in September 2005, the international community explicitly established for the first time the possibility under certain conditions (e.g. a Security Council resolution) of intervening with all – including military – means where a country is unable or unwilling effectively to protect its people against genocide, ethnic cleansing, war crimes or crimes against humanity (UN 2005, Articles 138–139). As this wording implicitly includes the protection of population groups *against* that state, there *may* come a time when the international community allies itself *de facto* with an NSAG against a ruling state power.

The debate thus refers to the inappropriateness of assessing the options for action in relation to an NSAG unless the overall political context, and especially the actions of the government concerned, are measured against the same standards with which the NSAG is expected to comply. If a government systematically violates human rights, denies certain population groups fundamental political participatory rights or opportunities for socio-economic development and so itself makes a major contribution to the exacerbation of the very conflict in which the NSAG is involved, it seems legitimate for external actors to engage more closely with the NSAG than when the government's conduct is generally acceptable in this respect. Much the same situation arises where an NSAG performs quasi-state functions in an area left to its own devices indefinitely by the central government concerned because of a lack of interest or capacity or for other reasons which are not primarily to do with the NSAG's existence.

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8 A clear example of this is the USA's support for the Nicaraguan Contras in the 1980s, which contrasted with the Soviet Union's support for the rebel movements in El Salvador and Guatemala.

The etatistic view taken in the past, in which engagement with NSAGs was always weighed up against the fundamentally dominant principle of sovereignty, may increasingly give way in the international debate to a perspective dominated by individual rights and, above all, human rights. In peace and conflict research the consequences of this possible shift of emphasis are highly controversial well beyond the subject of engagement with NSAGs, some critics seeing in it the seed of the dissolution of the modern world of states without an operable alternative model to take its place.<sup>9</sup>

### *Security policy*

From the *security policy* perspective NSAGs are seen primarily as a source of possible dangers which need to be averted, but which the international community is inadequately equipped to avert. The main argument in the debate on the “new wars” is that, as NSAGs are not under the control of state authority, they also evade the traditional sanction mechanisms of the international community. The possible threats may be both direct and indirect. Since 2001 greater emphasis has been placed on direct threats under the heading of “international terrorism”. The focus here is on armed groups whose political agenda extends beyond the borders of an individual state or whose retreat is situated in a third country that is either favourably disposed towards the NSAG’s activities or helpless to stop them. Indirect threats due to the existence of NSAGs are seen to be, in particular, the cross-frontier trade in illegal goods (drugs, weapons) and the creation of living conditions (caused by persistent or sharply escalating violent conflicts) which turn people into refugees from poverty or war.<sup>10</sup>

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9 For a critical view see Horn / Krämer (2004). The rigorous debate was triggered by the report “*The Responsibility to Protect*” published in 2001 by the *International Commission on Intervention and State Sovereignty* (ICISS 2001). The recommendations it makes form the basis of the section of the final document of the UN General Assembly of September 2005 on the protection obligation.

10 The report of the *High-level Panel on Threats, Challenges and Change* identifies six types of threat to international security (UN 2004, 23), several of which are linked to the existence of NSAGs: (1) “*economic and social threats, including poverty, infectious disease and environmental degradation*”, (2) “*inter-state conflict*”, (3) “*internal conflict, including civil war, genocide and other large-scale atrocities*”, (4) “*nuclear, ra-*

Like the foreign policy perspective, the security policy view of NSAGs is traditionally guided by the primacy of the state's monopoly of power. Many activities of external actors in this sphere directly concern the reinforcement or restoration of that monopoly. They include, for example, measures to strengthen domestic police authorities, border police or regular troops (military assistance), but also the secondment of personnel for direct operational duties, even extending as far as those prominent cases in which international units take over the whole security architecture and engage in military action against NSAGs, as in Afghanistan, Kosovo and Iraq.

From the security policy standpoint, however, there may also be constructive engagement with NSAGs, geared less to defence than to integration. This is the case, for example, where state structures have completely collapsed and the restoration of state authority can succeed only through the integration of informal (often traditional) structures of authority, even if in the past they have contributed to the collapse of statehood as NSAGs. Cooperation of this kind usually forms part of extensive international stabilization efforts and is therefore entrenched in a debate covering all areas of policy.

In the past, however, there have also been cases of an external actor supporting an NSAG against an internationally recognized government for security policy motives. Such cases, in which certain armed groups (e.g. the Contras in Nicaragua and the Kosovo Liberation Army – *Ushtria Çlirimtare e Kosovës* – UCK) have received direct or indirect military assistance (especially supplies of weapons) from OECD countries for their struggle against the ruling regime, were, insofar as they became known, for the most part extremely controversial politically and hardly complied with international law. Against the background of the current debate on states accused of promoting “international terrorism” and the simultaneous

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*diological, chemical and biological weapons”, (5) “terrorism” and (6) “transnational organized crime”. The five main threats to which the European Security Strategy (EU 2003) refers are similarly closely connected with NSAGs: (1) terrorism, (2) the spread of weapons of mass destruction, (3) regional conflicts, (4) the failure of states and (5) organized crime.*

efforts to reach international agreements to control small arms, their legitimization is likely to become increasingly difficult.

### *Development policy*

A determined *development policy* perspective of engagement with NSAGs is still in its infancy. In much the same way as the formation of newly emerging “development policy/ military interfaces” (Klingebiel / Roehder 2004b; Klingebiel 2006), the question of engagement with NSAGs is still conceptual virgin territory for development policy. However, it is possible to identify a number of elements which, taken together, reveal the essential features of a development policy perspective.

It must first be remembered that development policy – like any government action – is bound by the principle of sovereignty in international relations and by the primacy of the state monopoly of power. However, development policy is – as described above – involved in a context that embraces all policies, which, in the practice of foreign and security policy, has always been characterized by flexibility or choice between conflicting rights and has recently been undergoing a dynamic change. In the debate on the importance of human security as a model for international engagement, development policy in particular is playing a leading role. For development policy, then, orientation towards the state partner is subject to a qualification relating to the action of the government concerned.

In addition, development policy has a wider range of instruments of local presence than classical foreign or security policy, which means that it is affected in more varied ways by the existence and action of NSAGs, but, in return for that, enjoys more room for manoeuvre. If features that distinguish development policy from other policies and influence engagement with NSAGs structurally are sought, reference can be made to three fundamental characteristics:

1. Development policy is confronted with NSAGs in a number of situational contexts and has to cope with correspondingly complex interactions. In simplified terms, a distinction can be drawn between four contexts of relevance to development policy, each subject to its own action logic. NSAGs become relevant to development policy:

- first, when an attempt has to be made to gain *access to target groups* even where they are threatened or even controlled by NSAGs;
- second, when it is a question of directly guaranteeing the *safety and protection of development personnel* against violence;
- third, when NSAGs are to be persuaded to submit to international *rules and standards* (relating in particular to human rights law and international humanitarian law);
- and fourth, when a contribution needs to be made to civil *conflict transformation* in the context of a peace process through measures specifically designed for the purpose.

Even though each of these situational contexts applies equally to actors in other areas of policy, they do not apply to all at the same time. The safety of personnel (2) in particular is a matter of concern for all policies, but the problem of access to target groups (1) extends beyond development cooperation mainly to the area of humanitarian assistance, and to the extent that contributions to conflict transformation (4) can be ascribed to policies, they are made not only in the context of development cooperation but also at the classical level of foreign policy's track-one diplomacy. The various situational contexts need to be borne in mind particularly because certain modes of behaviour in one context may have implications for the other contexts. A security strategy geared to complete isolation, for example, may have an adverse effect on a mediator's credibility in a peace process, just as certain strategies designed to ensure access to target groups may have consequences for the safety of personnel.<sup>11</sup>

2. Development policy has not only the instruments of (bi- and multilateral) governmental development cooperation but also the option of supporting non-governmental cooperation. Non-governmental organizations involved in development cooperation are less subject to the rationalities of general foreign policy and thus of international relations than government development cooperation and, as a result, are often able to exploit their greater independence to engage more

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<sup>11</sup> The four situational contexts and the resulting goals for engagement with NSAGs are discussed in greater depth in Chapter 4.2.

often able to exploit their greater independence to engage more flexibly with NSAGs. Although they too are bound by the domestic laws of the partner country concerned, which may penalize contact with NSAGs, they are freer to pursue their respective political preferences than external governmental actors and, in some cases, their actions are governed by a generally recognized supranational ethos (as is true of the Churches, for example), which gives them some room for manoeuvre.<sup>12</sup> Development policy can use this variety of actors to adopt a coordinated, multidimensional approach.

3. Development policy has to do with a wider range of target groups and implementation partners than other externally oriented policies. As a general rule, not only non-governmental development cooperation but also official bi- and multilateral development policy pursue, despite their state orientation in the agreement of measures, a target agenda that extends beyond the partner country's governmental institutions into its society. From this it follows that, for development cooperation in many countries, the question of engaging with NSAGs has not only a tactical dimension (Is my conduct beneficial to my development objective? Is it harmful to my relations with the partner government?) but also direct consequences for the development policy strategy (Is the implementation of measures permitted in an area controlled by NSAGs? If a planned programme is to be relevant, can it be implemented without contact with NSAGs? What distribution effects will my intervention have on various population groups, some associated with the state, others with NSAGs?). For coping in conflict situations, general development cooperation principles suggest in this context modes of behaviour towards NSAGs that differ from a pure strategy of exclusion (see Box 5). Instead, development cooperation should usually endeavour
  - to avoid bias in the support provided (normally for the government side) so as not unwittingly to help exacerbate the conflict;
  - to work towards the inclusion of NSAGs' constituencies in the population rather than their exclusion;

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12 However, in the case of foreign (and, to some extent, domestic) civil society organizations, this "room for manoeuvre" is usually associated with a less secure legal status than that enjoyed by governmental development cooperation organizations (see Goedeck 2004).

**Box 5: The DAC Guidelines “*Helping Prevent Violent Conflict*”**

The recommendations agreed in 2001 by the OECD’s Development Assistance Committee on the prevention of violent conflicts essentially concern the adoption of action principles aimed at making development cooperation generally more conflict-sensitive (“*do no harm*”) and more effective in its efforts to contribute to conflict prevention. As in the international debate as a whole at the present time, NSAGs do not play a central role in the document. What references there are, which typically speak of “rebels” and concern the coordination of humanitarian assistance, the reintegration of former fighters, child soldiers and confidence-building between warring factions, are largely to be found in illustrative practical examples, whereas the main text itself makes hardly any direct mention of the subject.

Nonetheless, some important conclusions for engagement with NSAGs can be drawn from the principles laid down for a sensitive approach in the context of violent conflicts. Particularly relevant are the following statements:

- *“All aid becomes part of the political dynamic and produces political results. The first principle for aid policy makers is to do no harm and to guard against unwittingly aggravating existing or potential conflicts.”* (23)
- *“Who gets, or does not get, which share of benefits can be as important as the total benefits generated.”* (24)
- *“Encouraging and sustaining broad and inclusive dialogue – with demonstrated followthrough – is critical. It is one way that development cooperation and other external partners can address different interests and perceptions of contending groups in a conflict [...]”* (24)
- *“Dilemmas arise about how representative certain groups actually are, what risks are involved in deciding who and how to consult [...]. External partners can be facilitators, for example by providing acceptable space and platforms for dialogue.”* (24)
- *“Long-term engagement can be misinterpreted and carries risks with it. For example, continued engagement could appear to be tacit endorsement of unacceptable practices, even where it is intended as an attempt to mitigate or stop them. [...] But such risks are worth running in some cases. External actors must be clear, including with their own publics, about their assessments, concerns and goals.”* (27)
- *“[...] there is growing recognition of the need for greater and better synchronised coherence between the actions of different ministries in OECD countries, other foreign policy actors and international institutions. [...] The growing movement toward improved co-ordination in development cooperation in general needs to be re-doubled in conflict situations [...]”* (28)

Source: OECD/DAC (2001)

- to stay engaged even in difficult circumstances, if the security situation permits;<sup>13</sup>
- to seek dialogue with NSAG representatives when it comes to gauging opportunities and routes, but also obstacles, to a peace process.

## 2.5 NSAGs' views of development policy

It can be conjectured that, as a rule, an NSAG's engagement in relation to development policy similarly pursues more or less clearly defined goals or rationalities of action. At least those NSAGs which have quasi-state features (territorial control and the like) often have effective mechanisms for influencing or even guiding forms and intensity of engagement. Provided that an NSAG is a group that is acting strategically – not one that is scattered and proceeding without any kind of plan – cost-benefit considerations will presumably determine its attitude to development policy and equally to other external actors.

“Costs”, from an NSAG's viewpoint, are like to arise particularly as a result of greater international transparency and information gathering for external actors. This greater density of information will, in an NSAG's opinion, directly or indirectly benefit the government of the country concerned politically or militarily. The information may concern an NSAG's political, administrative, financial and military abilities and capacities. There may also be a risk of such issues as the recruitment of child soldiers and the use of outlawed weapons being broached more. International political and public perception and opinion-forming may then change to an NSAG's detriment. Such information may have direct repercussions for an NSAG's options for taking action. This is true, for example, when it is to be decided whether an NSAG is to be listed as a terrorist group or whether

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13 Within the DAC in particular the principle of staying engaged wherever possible, even in adverse circumstances, emerged during the “*Learning and Advisory Process on Difficult Partnerships*” (now renamed: “Fragile States Group”) as one of the main principles governing behaviour. See OECD/DAC (2005a, 2005b).



its activities in third countries should be restricted (“collecting donations” in the diaspora community concerned, etc.).

“Benefits”, from an NSAG’s viewpoint, may exist in various respects. Direct engagement may be construed as enhancing an NSAG’s political status and used by it to this end. This is true at international level, but also with respect to the balance of political power in the country concerned. Any “international recognition” of NSAGs as interlocutors is likely to be highly significant for many groups. If actual aid is associated with development cooperation or humanitarian assistance, it too is likely to play an important role from the NSAG standpoint, since additional resources will then be available in the areas they control. These resources (materials, vehicles, fuel, etc.) may end up in the hands of the NSAG and so be of direct help in reinforcing its capacities. As NSAGs see it, international personnel too can possibly be used as targets of potential threats and extortion. Better living conditions for target groups under an NSAG’s control may similarly be in its interests. Its own legitimacy and political support may be increased in this way.

## 2.6 Challenges for development policy posed by engagement with NSAGs

Engaging with NSAGs thus poses a number of policy-specific challenges for development policy. It can take on these challenges, however, only if it is aware of the perspectives of other policies. This seems necessary not only to ensure a coherent external policy as a whole, but especially because the lines separating the various policies (primarily development and security policy) are proving to be increasingly porous. It has long been possible to identify a number of interfaces:

- military actors are concerned with operational aspects of civil reconstruction;
- development cooperation is seeking reforms in the security sector;
- the use of official development assistance (ODA) for military peace missions is under discussion;
- official peace negotiations involving senior diplomatic mediators are backed by confidence-building measures at track-two and track-three

diplomatic level, with the active participation of development cooperation actors.

The lines separating policies differ according to whether the distinction is based on actors and institutions, resources or target agendas. As policies are in practice determined by the sum of all these factors, a growing area of overlap arises. This conforms in every way to the logic of a modern image of development which places the emphasis on the actors and resources needed to solve a complex problem and, in the analysis of requirements, does not halt at the classical institutional frontiers of the various policies. Development policy today refuses to be reduced to development cooperation aimed rigidly at target groups, nor is an enlightened foreign and security policy restricted to a set of reactive diplomatic and military instruments. From the development policy perspective in particular, there is a growing call for an integrative understanding of foreign policy that is oriented towards an “enlarged security concept” and a concept of development geared to “human security”.

Adopting a development policy position on engagement with NSAGs should thus be one of the first steps towards a coordinated, all-policy perspective, which should, however, leave room for differentiation to cater for policy-specific requirements.

In the light of the considerations and standards presented here from the international sphere and from the viewpoints of various government departments, general requirements to be satisfied by the engagement of development actors with NSAGs can be summarized as follows:

- Any engagement with NSAGs should take a highly *conflict-sensitive* form and be *situationally appropriate*; this must also entail the conscious adoption of a position on violence committed by the state concerned.
- In particular, the principle of “*doing no harm*” must be observed.
- Engagement with NSAGs should *not be an end in itself* but a means to an important, clearly identifiable end.
- The form of engagement should be *legally defensible* (against the background inter alia of constantly evolving international criminal law).

- It must also form part of an *overall foreign policy strategy* that commits all external policy actors (especially in the areas of foreign, security and development policy) to a coordinated and coherent approach.
- Finally, it should be *ethically defensible* in the sense that the decision whether certain forms of engagement are acceptable is guided by principles that can be generalized.

### 3 Patterns of non-state armed group engagement

If it is to be possible to develop options for external actors when they engage with NSAGs, it is important to identify their recurrent behavioural patterns. This concerns not least their reliability in honouring agreements with external actors. Although it is impossible to identify patterns of engagement true of all types of NSAG, their behaviour is characterized by certain factors. The environment in which they move plays an important role in stamping certain characteristics, such as ideology, motivation, organizational structure, revenue base, networking, strategies and tactics.

This chapter analyses the range of patterns of NSAG engagement by reference to these characteristics and from this draws conclusions that permit a better assessment of how reliable NSAGs are when engaging with external actors. The state's influence on the environment in which NSAGs and external actors take action is also examined in this context with a view to revealing the often undefined positions of the actors involved in the conflict and the effects they have on development cooperation.

#### *Environment of NSAG action*

As a general rule, the environment in which NSAGs take action differs fundamentally from established democratic systems. It is precisely this environment that determines strategies and tactics, organizational structures and the quite specific nature of the NSAG. In most cases, for example, NSAGs emerge in countries in which the state monopoly of power is in crisis (*fragile states*).<sup>14</sup> The danger posed by the absence of an effective state monopoly of power is that it may lead to persistent civil war (see Jackson 1990; von Trotha 2000; Waldmann 2002). The factors that may plunge the state monopoly of power into a sustained crisis and so create favourable conditions for NSAGs can often be analytically subdivided into process and structure factors (see, for example, Schneckener 2004, 18).<sup>15</sup>

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14 Fragile states are characterized primarily by a decline in the performance of the core state function as defined by Max Weber, i.e. ensuring the safety of citizens by means of a secure monopoly on legitimate force (Weber 1922/1980).

15 The third category typically added consists of trigger factors. Trigger factors are events that can trigger an abrupt change within a few days or weeks, such as military interven-

These factors define the environment in which NSAGs take action and so provide pointers to the different degrees to which various characteristics are present within the group (see Table 2). Thus the influence of other states, the politicization of ethnic differences in a multiethnic population structure or local inequalities may influence the group's ideology, motivation, organization and social and financial base (see Weinstein 2004).<sup>16</sup> Both categories of factors thus play a part in the systematization of behavioural characteristics inasmuch as they help to explain why an NSAG is inclined to take certain actions and adopt certain attitudes in a given environment.

### *Structure factors*

Structure factors are relatively sustained economic, ecological and political circumstances that evade short-term changes. They are often the root causes of violent conflicts. They frequently structure a conflict in phases, in which the central state power is still strong enough not to collapse completely, but already too weak to defeat its opponents (Bouchez 2004, 7). Structure factors are also in evidence when, for example, structures "inherited" from the past are meant to act as the base for a new kind of state (Scott 1998).<sup>17</sup> Thus a conflict between a central government and an NSAG may be due to a century or more of relations between different ethnic groups, such as herdsman, nomads and arable farmers, which in the course of time have become politically charged as conflicts over resources (Hübner-Schmid 2004). The legitimacy of NSAGs' current action by no

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tions from outside and rapid changes in power politics. As, then, NSAGs or their behaviour may themselves be factors triggering an acute crisis in the monopoly of power, structure and process factors are mainly relevant to the analysis of NSAGs' long-term behavioural patterns.

- 16 Weinstein comes to the conclusion that, where the group is in a good economic position, i.e. natural and financial resources are available, it has difficulty in recruiting members who remain committed in the long term. In environments where resources are limited, on the other hand, social ties lead to a high recruitment rate and members who remain committed in the long term.
- 17 In the post-colonial period in particular, some of the development strategies pursued sought to centralize power in the newly independent states and to reduce the local autonomy of customs and practices ("authoritarian high modernism"), which often caused conflict between central governments and local authorities.

<b>Table 2: Factors conducive to fragile statehood</b>	
<i>Structure factors</i>	<i>Process factors</i>
International / regional level	
<ul style="list-style-type: none"> <li>• Degree of integration into the world economy</li> <li>• Instability of the region/ fragile states in the regional environment</li> <li>• Influence of other states (super-power, former colonial power or regional power)</li> </ul>	<ul style="list-style-type: none"> <li>• Civil wars in the regional environment</li> <li>• Activities of transnational power networks</li> <li>• Economic crises in neighbouring states</li> <li>• Ecological degradation of the region</li> </ul>
National level	
<ul style="list-style-type: none"> <li>• “Inherited” structures (e.g. colonial, pre-colonial or imperial structures)</li> <li>• Multiethnic population structure</li> <li>• Demographic factors (birth rate, child mortality, proportion of young people)</li> <li>• Scarcity or structural unequal distribution of resources</li> <li>• Crisis-prone rent economy</li> <li>• Influence of traditional forms of rule (clan structure, role of chiefs, patriarchal structures)</li> <li>• Experience gained in previous conflicts</li> </ul>	<ul style="list-style-type: none"> <li>• Rapid decline in living standards</li> <li>• Political instrumentalization of social discontent</li> <li>• Politicization of ethnic differences</li> <li>• Growth of political extremism (including repression)</li> <li>• Suppression of or discrimination against certain groups</li> <li>• Growth of corruption and clientelism</li> <li>• Privatization of power</li> <li>• Failed or stagnant democratization</li> <li>• Increase in ecological problems (e.g. water shortages)</li> </ul>
Substate level	
<ul style="list-style-type: none"> <li>• Centre-periphery differences (e.g. flight from the land)</li> <li>• Local inequalities</li> <li>• Regional or local identities</li> </ul>	<ul style="list-style-type: none"> <li>• Increasing crime in urban areas</li> <li>• Increase in local armed groups</li> <li>• Ethnic separatism</li> <li>• Local struggles for power</li> </ul>
Source: Schneckener (2004, 19)	

means always stems from the interests of the people, as the present chapter will show, but is often led by other motives and aspects, some of which lack transparency.

### *Process factors*

As a cause of the erosion of statehood, process factors are gaining in significance in situations where the central government is unable to assert itself against individual interests and in processes on which the central government has no direct influence. Civil wars in the regional environment and the ecological degradation of whole areas are examples of this and are often accompanied by the violent suppression of the interests of individual sections of the population as the central government attempts to maintain its position of power. Accordingly, non-state power is able to gain a foothold particularly in processes in which the state is collapsing or coming into being, when legitimate state power is no longer or not yet consolidated in the interior.

Any combination of process and structure factors may also exacerbate a latent conflict where the state uses a repressive mechanism that prompts a group possibly established as a peaceful political opposition to resort to force after suffering at the hands of the government, an example being the *Front Islamique du Salut* (FIS) and various Islamic terrorist groups, which, in 1991, justified the armed struggle of their supporters as a necessary defence measure against the repressive acts of the Algerian government (HIIK 2002). Yet even without direct confrontation with central government non-state power may gain a foothold especially in peripheral areas of the state territory where it takes over state tasks for various reasons (Bouchez 2004, 6). Although most conflict situations involving NSAGs are the legal responsibility of the central state administration, the influence of the *de jure* government over the territory of the state is often badly affected by the influence of NSAGs. Especially where state instruments of power are corruptible or hardly visible (the state monopoly of power is frequently confined to the capital), instruments form that exercise authority in what are known as violence-free areas (Schlichte 2000, 162).

Process and structure factors thus create a separate environment for NSAG action, in which various characteristics evolve to different degrees within the group. The following analysis of NSAG characteristics will consider the various possible degrees of these characteristics within this action environment.

### 3.1 Ideology and motivation underlying the formation of groups

NSAGs develop their characteristics in response to the challenges they find themselves facing within the environment in which they take action. The ideology and motivation underlying the formation of groups are of the utmost importance in this context, although they may change in the course of a group's activities or even become secondary (as a result, for example, of a shift away from demands for political participation to economic benefits). To illustrate the range of possible motivations, it is useful to make a distinction between greed and grievance.

#### *Greed and grievance*

The implicit or explicit motivations defended by NSAGs – sometimes in explicit ideological programmes – may cover a wide range of political and economic objectives. It has become the established practice in the literature to distinguish between greed and grievance as the primary motivation, the emphasis in the recent debate tending to be placed on greed-oriented, i.e. economic, objectives of NSAGs (see Berdal / Malone 2000; Ballentine / Sherman 2003).

Since the late 1990s there has been a growing assumption that it is becoming increasingly impossible to define violent conflicts with ideological clichés as each takes on its own, individual characteristics (Schlichte / Jung / Siegelberg 2003). In such conflicts the political motivation that may have prompted the formation of the group may be disregarded and give way to what are mainly selfish economic objectives. Such developments are usually thought to be due to the economic rationality of the fighters and the economic strategies of the elites, which make war seem more profitable than peace. Behind this shift from grievance to greed orientation often lie the socialization of armed groups, i.e. increased interaction between armed groups and society, and the protraction of many conflicts (Maringer / Steinweg 1997; Simmel 1908/1992). At economic level it has often been struggles over resources that have led to the formation of groups, for example through the defence of the local source of subsistence against the government or other (local) groups, as in the struggle among Kenyan and Ugandan ethnic groups for pastureland, cattle and aid supplies. However, many groups now have vaguer goals or communicate



them no more than conditionally, as in the case of the *Lord's Resistance Army* (LRA) in northern Uganda.

### *Socialization and protraction*

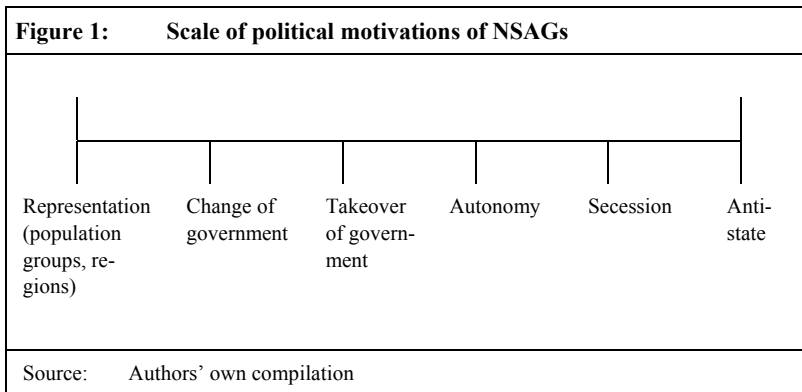
In many areas where statehood is limited, the state and hierarchically organized NSAGs have lost their “duopoly” on warfare.<sup>18</sup> This development has reduced any strategic orientation of NSAGs towards traditional warfare and the goal of capturing the state apparatus of government and has been conducive to detachment from state structures. “*Many groups are fighting each other to ensure their survival as organizations and access to resources without which the continuous use of force will be impossible.*” (Chojnacki 2005, 77) However, it is a development that is true not only of NSAGs, but certainly extends to regular troops, who are becoming less civil and less professional as a result of socialization and protraction. Examples include not only such NSAGs as the *Mouvement Patriotique de la Côte d’Ivoire* (MPCI), the *Mouvement Populaire Ivoirien du Grand Ouest* (MPIGO) and the *Mouvement pour la Justice et la Paix* (MPJ) in Côte d’Ivoire but also such groups as the traditional Senoufo hunters, the “Dozo” and gangs of young people like the *Young Patriots* and the *Fédération Estudiantine de la Côte d’Ivoire* (FESCI). A role is similarly played by private military companies (PMCs) and private security companies (PSCs), such as *Executive Outcomes*, which was engaged by the government of Sierra Leone to restore security in the capital, Freetown, and its surroundings (1995/6), and the paramilitary *West Side Boys* and the *Armed Forces Revolutionary Council* (AFRC) (Mehler 2004, 541–43; Reno 2004).

However, this does not necessarily mean that political ideologies and motivations are disappearing from the environment of an economy of violence (see Clapham 1998; Reno 1998). Particularly in areas of limited statehood network-like informal political practices and new forms of political authority often emerge, accompanied by processes of extreme politicization and militarization of ethnic categories (Kaldor 1999, especially

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18 The term “limited statehood” is used when state power does not extend over the whole of the state territory, parts being under NSAG control, for example. The NSAG and government thus effectively “share” the power of state (“duopoly”).

Chapter 4). In many cases, then, it would be to misunderstand the group and the conflict to consider only the war-economy strategies of an NSAG and totally to neglect its political motivations. Indeed, the motivations and objectives pursued by NSAGs cover a wide political and economic area: politically, many groups merely seek better representation of their ethnic roots and indigenous traditions or of their region, while others want autonomy or separation from the state, often taking the form of anti-colonial liberation movements, as in the case of the *Front de Libération Nationale* (FLN) in Algeria and the *African National Congress* (ANC) in South Africa (Brown 2002; Stott 2004, 9; see Figure 1).<sup>19</sup>



Many groups see themselves as part of a long tradition of national or ethnic resistance to oppression (e.g. the *Mouvement des forces démocratiques de la Casamance*, which is fighting for the representation and development of the Casamance). As all historical tales include explicit or implicit visions of justice, external actors may find in them a starting point for a dialogue on respect for human rights in areas controlled by NSAGs (ICHRP 1999, 17). The potential for external actors to engage with NSAGs

19 It should be noted in this context that the Westphalian system, which is based on states and includes principles of state sovereignty and international law, is recognized in all these cases. Thus most NSAGs are not anti-state in the ideological sense, i.e. opposed to a state system, but rather opposed to the government in power in their country.

tends to grow where the NSAG has alternative values and a new vision of state and society, as in the case of the opposition in Swaziland in its struggle for a change of political system.

Yet in the political context too, greed orientation, i.e. greed for power, must not be overlooked: although depoliticization does not occur in all war-economy conflicts, issues of power and rule may become so important for an NSAG that the movement's potential for transformation is ultimately determined by greed-oriented objectives. An example of this is, in many respects, the former conflict between troops of the *União Nacional para a Independência Total de Angola* (UNITA) and the Angolan government (Heberer 2000).

Whether an NSAG's organization pivots primarily on political or material incentives or on shared identities, however, has major implications for the group's conduct in the conflict and thus for the potential for engagement of which external actors can take advantage. If the main interest is in economic greed or political power for its own sake, NSAGs' conduct is often characterized by a total disregard for the interests of the civilian population and includes pillaging, destruction and indiscriminate violence. On the other hand, NSAGs that are characterized by a social vision and recruit their members on the basis of broad ideological affinity tend to demonstrate a greater degree of discipline, engagement for the non-combatant population and the more targeted use of force (Stott 2004, 12).

### 3.2 Organizational structure

The organizational structure of an NSAG often reflects its underlying motivation. It also has a direct bearing on an NSAG's reliability when engaging with external actors. The organizational structure determines whether arrangements made or directives issued by the leadership can be enforced throughout the organization. The leadership's internal control over rank and file members is crucial in this context. Internal control takes different forms, ranging from social control at one end of the continuum to acts of terror against the NSAG's own members at the other end. The factors that determine the degree of internal control include in particular:

- the manner in which power is exercised,
- the nature of the rank and file members and

- the degree of secrecy.

Knowledge of an NSAG's organizational structure is essential for external actors wishing to engage with it when, for example, it comes to identifying suitable interlocutors. For this it is necessary to know who has the power within the group to conclude agreements and to enforce them throughout the organization. Although most NSAGs in fact have a fixed organization, it must also be remembered that, despite sometimes having a clearly defined leadership and organizational structure, they do not necessarily speak with one voice (Stott 2004, 7). Many NSAGs leave room for different political, ideological and economic tendencies in their leadership and organization. The spectrum thus often ranges from hardliners to reformers, from warmongers to peace activists, from fundamentalists to pragmatists. Consequently, any differences of opinion within an NSAG leadership have considerable significance for external actors' engagement – and especially agreements – with NSAGs. As a rule, engagement is therefore possible (and appropriate) only with selected individual NSAG members, but not with the group collectively (Tull 2005).

#### *The leadership's internal control over rank and file members*

NSAG leaders often choose organizational structures which are either highly centralized (e.g. with the complex structures of a shadow government and/or a traditional army) or highly decentralized (as in the case of warlords), with a large degree of decision-making power held by subordinate or function-specific units. According to the manner in which the leadership exercises power over rank and file members or over the population, agreements with external actors very much depend on the organizational form.

Where the leadership's control over the members is very tight (as in the case of the *Liberation Tigers of Tamil Eelam*, LTTE), there are often admission rituals aimed at distancing new members rapidly from their previous life and from their family; potential members are frequently forced to prove their loyalty by committing acts of violence (ICHRP 1999, 19). For external actors a tightly organized NSAG means that it can be relied on more to honour agreements, since the leadership is able to ensure that even fairly small subgroups honour arrangements that have been agreed (Debiel et al. 2005). If the armed group is organized as part of a larger movement (such as the *Mouvements et Fronts Unifiés de l'Azawad*, MFUA, in Mali)

or if the leadership bases its ideology on intellectual references and on unified and clearly defined attitudes, it will usually find opportunistic factions within the group difficult to control. It may be possible, for example, to engage in dialogue on human rights with any such factions that question current violent practices. If, however, the rank and file members over which the leadership has command is largely uneducated, ideological discrepancies and arbitrary acts may go unnoticed to some extent, and instead, blind trust in the acts of the leadership may prevail (ICHRP 1999, 19).

Similarly, it is easier for an NSAG leadership to control opportunistic opinions and views within its group if it operates in great secrecy. As exchanges among the subunits acting in secrecy remain limited, information on oppression within the organization spreads less quickly. As a means of controlling opportunistic opinions from the outset and promoting the cohesion of the group, internal terrorism is endorsed by some NSAGs. This may occur on such a scale that organized secret services have infiltrated the whole NSAG system for observation purposes, as in the case of the *Force Libanaise* in Lebanon (ICHRP 1999, 20). In addition, serious dangers facing members when undertaking operations may encourage some “tolerance of intolerance” in relation to group ideology and motivation, i.e. increase internal coherence and social pressure among the members of the group. Where an NSAG develops a tradition of intolerance, it will be as difficult for external actors to gain access to it as it will be for opportunistic opinions to form within the group (ICHRP 1999, 19).

Far more difficult for the leadership of an NSAG to control, on the other hand, are fighters who have joined the group because of the prospect of short-term material rewards, as is true of mercenaries, for example. Orders or instructions from an NSAG’s command centre will often guide the actions of such fighters and units formed by them only as long as they remain consistent with their specific interest in enriching themselves. Consequently, greed-oriented subunits of an NSAG are not entirely reliable partners when it comes to honouring agreements (Weinstein 2004).

### *System of social control*

Another kind of control exercised by the leadership of an NSAG over its members is more of a social nature and may also include the population. Seen from the angle of such systems of social control, NSAGs should not

be regarded as actors detached from society, but as groups whose societal contexts limit their options for action and impose certain duties on them by creating a socio-psychological sense of unity, solidarity and collectivity (see Ballentine / Sherman 2003). This makes it possible to determine which violent practices and objectives of the use of force are supported by the members of the group and the population and which are regarded as illegitimate. Although there are often clear arrangements for a project to be visited in an area under NSAG control, such visits are not always without their dangers. Abductions on economic grounds (greed) may occur despite agreements. In March 2003, for example, a representative of the Church Development Service (EED) was detained by the *Kuki Liberation Army* (KLA) when visiting a project in the Imphal district of the state of Manipur in north-eastern India and taken to an unknown place, even though the commander responsible had been informed of the visit. The EED's local partner organization then launched a massive campaign in the local media, in which the population were told of the disastrous effects the abduction would have on the support which foreign partners were providing for the area controlled by the rebels. It did not take long for the abduction to be brought to a peaceful end without any money changing hands (EMD 2003).

### 3.2.1 Leadership

For their operations, many armed groups adopt a military structure with forms of military discipline and a leadership whose authority is underscored by senior military ranks. The leadership of an NSAG of this kind may be strictly hierarchical in its organization, or it may take the form of a network coordinating relatively autonomous regional or functional sub-units. In other cases, NSAGs have structures more typical of political organizations, possibly due to the motives originally underlying the formation of the group, e.g. as a non-violent political opposition party (ICHRP 1999, 18).

In both types of NSAG leadership may be authoritarian and in the hands of a single individual or a small cadre. On the other hand, there are NSAGs whose leadership is accountable to the rank and file members and forms part of internal democratic structures. The LTTE in Sri Lanka, for example, which is effectively led by a single person with a cult-like status (Ve-

lupillai Prabhakaran), should be compared with the military wing of the ANC in South Africa (Umkhonto We Sizwe, MK), which was under the political control of the ANC and had internal mechanisms of accountability (ICHRP 1999, 18).

Some armed groups are led by professional soldiers, intellectuals or politicians with many years of experience in government, others by young officers, students or peasants. The level of education attained by the leadership is no indication of its moral qualities. Pol Pot, for instance, “Brother No 1” of the Khmer Rouge until 1997, was a graduate of the Sorbonne. Klaus Schlichte has pointed out that formal western upbringing and education is a conspicuously frequent feature among NSAG leaders (Schlichte 2000). Although no obvious conclusions on the nature of an NSAG can, in principle, be drawn from the level of education reached by its leaders, those with a poor education and little experience of government activities have tended to demonstrate less comprehensible decision-making processes. They are less aware, for example, of legal procedures or prevailing diplomatic rules of conduct and so fail to comply with them (Schlichte 2000). However, NSAG leaders whose poor formal education means that they have limited knowledge of strategic warfare and diplomacy often appoint “bookmen”, who have an appropriate formal upbringing and education and serve the NSAG leadership as advisers.

Where an NSAG is led by a single individual, his personal social, economic and political background usually plays a decisive part in determining the ideology, motivation and activities of the group. The group’s basic convictions and conduct will vary depending on whether the leader is driven by certain political beliefs, by a quest for economic advantages or by the goal of gaining power. The way in which a leader has risen to his present position is also important for his moral authority and legitimacy as leader of the group (Schetter 2004b, 28).

### 3.2.2 Social base

NSAGs are linked to a social base outside the circle of their own members in very different ways. In some cases, the moral and political support given by certain population groups (constituencies) is a major source of legitimacy; in others, proper protective alliances exist between local population groups and NSAGs; in yet others, local population groups are forced

against their will and under the threat of violence to give an NSAG support. When it comes not only to mobilizing support but also to using force, NSAGs often encounter special environmental conditions in refugee camps and in the diaspora.

The population in general may have reason to see armed groups as legitimate both because of the goal they are pursuing and because the population identifies with the NSAG fighters. The legitimacy of the group in the eyes of the population particularly depends on whether its proclaimed objective is felt to be just and how direct the threat and oppression at the hands of a common adversary are deemed to be. If the people see normal political activity as an alternative to the open struggle against oppression, it is doubtful they will support NSAGs' activities voluntarily. If, on the other hand, a population group identifies with an NSAG's members and sees them as representing their interests, the NSAG has an important source of legitimacy (ICHRP 1999, 24). Even in cases where the civilian population does not necessarily support the activities of an NSAG, some solidarity with the fighters may emerge and find expression in protection against government troops or the gift of foodstuffs (ICHRP 1999, 25).<sup>20</sup>

Where a country is in a situation of seriously eroding or eroded statehood, characterized by pillage, seizures or other, even more radical forms of arbitrary violence against the civilian population, and if this violence emanates from the official government or third parties (other NSAGs), the population groups affected may be prompted by such *extreme* experience to entrust their protection – and therefore the logic of their action in many cases – to an NSAG (ICHRP 1999, 23). The development of a new self-image is also to be observed among NSAGs that see themselves as the guarantors of the safety of a given local unit (clan, ethnic group, local community) and of its property (see Mehler 2004).<sup>21</sup> In certain cultural contexts, the protection of women, to which tremendous importance is attached as an expression of male honour in patriarchally oriented com-

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20 In some conflicts the civilian followers of an armed group often refer to the fighters as “the boys” in this context.

21 Mehler describes the ambivalence between security and the use of force that occurs when the provider of security is also a violent actor and so generates insecurity that he simultaneously offsets by providing security services.



munities, serves as the main argument for the existence of militias – and also as a means of controlling the population (Schetter 2004b, 27; see also Roy 1986, 173; Schetter 2004a).

In many such cases the line between protection and coercion is no longer clearly identifiable. In extreme cases, NSAGs, boasting ideological justifications, will purposefully use force against the civilian population to obtain material, medical or other support, constantly threatening further acts of violence. The relationship between the NSAG and the population may both shift with the passage of time from one end of the continuum to the other and, at the same time, be viewed differently by different sections of the local population.

Particular opportunities arise for NSAGs in the context of refugee camps and other communities of internally displaced persons (IDPs). NSAGs often gain access to these psychologically fragile environments to mobilize support, but they are also responsible in many cases for press-ganging and for various forms of material and sexual exploitation.

For NSAGs that have dedicated themselves to representing the interests of a given population group, diaspora communities also represent an important source of support. In many cases, communities of displaced persons living “in exile” identify closely with the NSAG fighters at home. Some diaspora communities have large sums of money and other resources with which NSAGs can be supplied. Occasionally, they form an important reserve for the recruitment of new fighters. However, it is not uncommon for diaspora communities to be coerced into providing support rather than giving it voluntarily (Pérouse de Montclos 2005, 43).

### 3.3 The role of the state

The nature of the state in relation to which an NSAG defines its aims and means naturally has a major influence on the group’s conduct and pattern of engagement. In most cases, the NSAG’s environment is characterized by erosion of effective statehood, to whose progress government actors have themselves often contributed. Frequently, at least some sections of the population question the legitimacy of the ruling regime, since the ability and willingness of government institutions to provide services for the public is sometimes subject to serious restrictions, and it is not unusual for

government actors to be responsible for massive human rights violations (see also Box 6). All these factors, accompanied by the nature of state authorities' engagement with opposition actors, including armed groups, largely determine an NSAG's room for manoeuvre and its opportunities to mobilize support in and outside the country and so leave their mark on the nature of the NSAG.

**Box 6: Causes of the erosion of state legitimacy**

From empirical studies it is possible to derive five situations in which a state or government appears to the population to be illegitimate and the population may give its support to an NSAG:

- The state is regarded as an illegitimate colonial or occupying power.
- The state is deemed to be repressive, since it suppresses political freedoms or resorts to the economic exploitation of the people (by levying taxes or collecting money without justification).
- The state proves to be incompetent (because of widespread corruption, poor economic policy, etc.).
- The legitimacy of the state is questioned because of ideological differences or the absence of representation (ethnic, regional).
- State legitimacy may be questionable where the national government leaders are considered legitimate, but local government representatives are regarded as illegitimate.

Source: Authors' own compilation

Where statehood is weak and state legitimacy rests on weak foundations, two ideal-type scenarios can be described:

1. On the one hand, the official government and the NSAG practically compete with one another to be considered legitimate by the people and to be recognized internationally.<sup>22</sup> If external actors cast doubt on

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22 Of importance in some such situations is that even the introduction to the 1948 Universal Declaration of Human Rights implicitly considers the removal of illegitimate government by force of arms to be possible, stating: *“it is essential, if man is not to be com-*

a state's claim to rule over a territory and it is felt that the struggle for the territory cannot be won by the government, NSAGs may sometimes be regarded as the *de facto* government(s) (Somaliland). In an extreme case, a government may have to abandon its claim to be the legitimate representative of the people entirely, and the NSAG (or a representative body dominated by it) will take over this role (as, at times, during the Eritrean struggle for freedom). A government may lose legitimacy if it begins to lose the fight with an NSAG militarily or if the measures it takes against an armed group are regarded domestically or even internationally as oppressive or disproportionately violent. The strategy adopted by some armed groups therefore consists in provoking military reprisals by the official government against the people in order to reduce its legitimacy (Laqueur 2004).

2. In a second scenario the state (the ruling regime) forms an alliance with certain NSAGs, rewarding them for an assurance of general loyalty, for example, with government posts, which in fact enable them to determine certain areas of policy as they see fit, but in the guise of state authority (Tajikistan). Another kind of "reward" may consist in direct material allocations to the group. This scenario presupposes that the dispute between the government and the NSAG does not primarily concern indivisible goods (e.g. sovereignty over a territory), but appears to the two parties to permit co-existence within the one state, the main issue being "appropriate" participation. The difficulty for external actors in these circumstances lies in recognizing that they frequently have to deal with actors who, though seemingly representing state authority, are in fact not (or not entirely) subject to control exercised by a state monopoly of power.

Ian Spears (2004, 15) makes a distinction between three categories of states in which NSAGs play a particularly important role:

- quasi-states (e.g. Somaliland),
- shadow states (e.g. Guinea, Kosovo) and
- failing states (e.g. Afghanistan, Yemen, Somalia).

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*elled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law."*

Quasi-states are characterized by weak administrative structures and often by a multiethnic population structure. In shadow states *de jure* sovereignty usually conceals the personal rule of a state elite, who are less interested in forming the state or in its inhabitants' well-being than in their personal gain. In a failing state, a phenomenon that has been under particularly intensive discussion since the 1990s, a government not only fails to meet the population's basic needs but is also increasingly incapable of performing its functions, in the security as in other sectors, or has completely ceased to function. All these situations offer NSAGs favourable opportunities for taking action and for strengthening their position – even for ousting official state actors.

### 3.4 Revenue base

How an NSAG comes by the money and other resources it needs to achieve its objectives is a question that is relevant in various respects. In some cases, the nature of its revenue base will indicate how reliable and legitimate the NSAG is regarded by the people. In recent conflict research three types of economy in particular have been discussed in the context of violent conflict (Goodhand 2004):

- economies of violence
- shadow economies
- war economies

An *economy of violence* is defined as a circulatory flow intended primarily to finance war efforts and to achieve military objectives. Key actors in an economy of violence are commanders, fighters and suppliers of arms and materials. The means employed by economies of violence are the taxation of lawful and unlawful economic activities and the provision of money, arms, equipment and mercenaries for NSAGs (through diaspora networks, for example), economic blockades of opposition areas, liquidation of assets, pillaging and the manipulation of aid supplies. The key actors in an economy of violence often have no overriding interest in restoring peace, since it may lead to a loss of power, status and revenue. Fighters, on the other hand, are frequently interested in peace where there are alternative income opportunities (see Elwert 1999; Schetter 2004b).

The concept of the *shadow economy* emphasizes the illegality of certain forms of economic activity and presupposes a normative division into legal and illegal economies, which is, however, often inconsistent with what the society affected thinks (see Fleming / Roman / Farrell 2000; Goodhand 2004). The main aim of actors in a shadow economy is to gain or retain the power that is nurtured by social status, recognition by the community and legitimacy. Economic resources are needed to develop a clientele system and to manipulate political decisions (Schetter 2004b, 31). The key actors in a shadow economy are interested primarily in profit. They often include parts of the transport sector, businessmen, drug dealers and such “downstream actors” as truck drivers and poppy farmers. Shadow economies engaged in violent conflicts often feature mafia structures, gangs of organized criminals or, generally, actors who exercised control over shadow sectors of the economy even before the war to finance an armed rebellion, for instance (cf. the *Revolutionary United Front* / RUF in Sierra Leone and the *Kosovo Liberation Army* / KLA). For making profits on the fringes of a conflict, peace may be of interest to key actors if it encourages long-term investment and lawful entrepreneurial activity (see Sedra 2002; Glatzer 2003, 35).<sup>23</sup>

The *war economy*, finally, is an economy that has assumed a specific form because of a state of war, but is also sustained by it and itself forms a barrier to the peaceful resolution of conflicts; this is true, for example, of the illegal sales of coltan or the growing of coca plants and poppies (Schetter 2004b; see Schlichte / Jung / Siegelberg 2003, 126; Ballentine / Nitzschke 2005, 17).

Generally speaking, a feature common to all NSAGs is an increase in organized crime as a source of revenue (Schetter 2004b). In this way, a political agenda often recedes into the background, and NSAG leaders are

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23 If, above all else, the entrenchment of warlords in societal structures is considered, very few among them can be regarded as “total spoilers” (Sedra 2002), acting in isolation from the societal context and completely torpedoing the peace process for economic motives. Most warlords can, however, be seen as “partial spoilers”, at pains to secure their position of power, whether by civil or military means. They do not therefore oppose the peace process as such, but are intent on playing a key role in the formation of the new political elite.

able to develop into “dealers in violence”. If, for example, an NSAG is primarily interested in individual gain, it will not, in many cases, be supported by the people (ICHRP 1999, 25). If, on the other hand, it is regarded as legitimate because it is supported by the people, the latter are likely to provide the members of the NSAG with food and to accept “taxation” more readily, as long as the result for them is not extreme hardship (ICHRP 1999, 22). The pillaging of villages and “simple” forms of crime are nonetheless common in most NSAGs (Elwert 2003).

It should be remembered, however, that the persistence of certain forms of conflict-induced economic activity should not be too mechanically or too rashly associated solely with the interests of certain actors. In Afghanistan, for example, many farmers engaged in opium growing are unaware that they are doing wrong because religious leaders have repeatedly approved of it as part of the Jihad (see Perry 2005, 11), especially as the cultivation of alternative crops is likely to generate far less income. The same is true of such warlords as Ismail Khan who refuse to surrender customs revenue to the central government in Kabul on the grounds that they need the funds for the reconstruction of their provinces (Schetter 2004b, 7, 24).

### 3.5 Strategies and tactics

It is clear from the previous discussion that NSAGs often operate in an environment of state erosion and shadow economies, typically facing their military opponent in an asymmetrical relationship. All the more significant, therefore, are unconventional military strategies in violent conflicts in which NSAGs are involved. They sometimes use counterinsurgency tactics, deliberately causing uncertainty and fear (e.g. *Resistência Nacional Moçambicana* / RENAMO in Mozambique, the Mujahedin in Afghanistan and the Contras in Nicaragua).<sup>24</sup> These methods include:

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24 In some cases, states have applied a “counterinsurgency principle”, as in Iraq and the Middle East, which includes a mixture of paramilitary terror, military presence and targeted social programmes. Examples of measures taken under this principle have been forced resettlements in Algeria (by France), the laying of landmines and the use of herbicides and napalm to make certain areas uninhabitable (by the USA), and the imitation

- systematic murder (e.g. Rwanda in 1994);
- ethnic cleansing (former Yugoslavia in the 1990s);
- destruction of certain areas by
  - a) physical means (laying landmines, destroying civilian buildings, hospitals and water sources),
  - b) economic means (famine caused deliberately, forced migration),
  - c) psychological means (desecration of elements of social importance through the destruction of symbols, religious institutions or historical monuments).

Unconventional military methods are reflected in an increase in the number of civilian casualties in conflicts with NSAGs as compared with conventional conflicts between armies of the traditional type. At the beginning of the 20th century 85 to 90 % of the casualties of war were military personnel. During the Second World War the proportion of civilian casualties rose to about half the total. In the late 1990s some 80 % of the casualties of conflict were civilians (see Kaldor 1999, 100; Smith 1997). Refugees in 1995 numbered 14.4 million, internally displaced persons 5.4 million (UNHCR 1995; see Kaldor 1999, 101).

Sue Williams and Robert Ricigliano have attempted to classify certain behaviours of non-state armed groups – in terms of their attitude to political power, territory, forms of social and economic support and the use of military force – as positive or negative indicators of external actors' successful engagement with NSAGs (Williams / Ricigliano 2005). They thus assume that such systematization does indeed enable initial, general conclusions to be drawn from certain features of an NSAG's strategy and tactics as to its ability to engage with others and the opportunities and risks arising for external actors from such engagement (see Table 3). If, for example, an NSAG is characterized by its use of political assassination, a profit-oriented war economy or military force within the group, the impact on its potential for engagement will be negative. Respect for human rights or behaviours reflecting a political agenda, on the other hand, have a posi-

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of these practices by Indonesia in East Timor and by Turkey against the Kurds (Kaldor 1999, 97).

<b>Table 3: Potential for external actors to engage with NSAGs</b>	
<i>Negative indicators</i>	<i>Positive indicators</i>
Political power	
<ul style="list-style-type: none"> <li>• Disregard for the rule of law</li> <li>• Political assassinations</li> <li>• Intolerance of differences and change</li> </ul>	<ul style="list-style-type: none"> <li>• Are or were holders of political state power</li> <li>• Respect for the rule of law, provision of public services</li> <li>• Have political institutions, an agenda and candidates</li> </ul>
Territory	
<ul style="list-style-type: none"> <li>• Carry out “ethnic cleansing” and destruction</li> <li>• Hold no territory and have no control over territory</li> </ul>	<ul style="list-style-type: none"> <li>• Have territory</li> <li>• Developing a political system in territory</li> <li>• Permit freedom of movement within territory</li> </ul>
Social and economic support	
<ul style="list-style-type: none"> <li>• Isolate themselves from broader society</li> <li>• Make considerable profit from war economy</li> </ul>	<ul style="list-style-type: none"> <li>• Enjoy support of constituency</li> <li>• See termination of conflict as means of providing their region or constituency with economic benefits</li> </ul>
Use of military force	
<ul style="list-style-type: none"> <li>• Random victims, many casualties</li> <li>• No or ineffective control</li> <li>• Undisciplined troops</li> <li>• Military force used to undertake illegal activities</li> </ul>	<ul style="list-style-type: none"> <li>• Have potential to use military force, but do not use it unnecessarily</li> <li>• Respect human rights, appropriate treatment of civilians</li> <li>• Disciplined troops</li> </ul>
Source: Williams / Ricigliano (2005)	



tive impact. Even if the strategies and tactics applied by an NSAG cannot be typified, they thus have a direct influence on its potential for engagement and reliability in honouring agreements.

### 3.6 Reliability in honouring agreements and willingness to resolve conflicts

Although the classification of NSAGs in rigid categories usually proves difficult, the research conducted in this field assumes certain regularities in the behaviour of non-state armed groups. The reliability of an NSAG, for example, largely depends on the efficiency of its internal organizational structures. The ability of organizations whose leaders are able to process information flows well to exert pressure on their rank and file members differs from that of groups that process information less well. This being the case, Policzer (2002, 36) has devised a typology that distinguishes four types of internal organizational structure, which are useful for characterizing NSAGs and determining their reliability in honouring agreements. The four types differ according to how much information is disseminated within the organization (internal monitoring) and in its relationship with the outside world (external monitoring).<sup>25</sup>

- bureaucratic coercion,
- blind coercion,
- transparent coercion and
- “hide-and-seeK” coercion.

Figure 2 presents the four types of NSAG internal organization. Cases with a high level of internal monitoring and a low level of external monitoring occur among groups whose highest-ranking leaders receive good information on the operations of the coercive actors, but do not make this information available outside the executive. Information is thus usually confined to the top of the leadership hierarchy (“bureaucratic coercion”).

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25 Internal monitoring relates to information gathered within the group, such as information on the behaviour of actors and on compliance with rules. External monitoring concerns information collected outside the direct control of the NSAG leadership.

An example of such systematization is the LTTE in Sri Lanka, which gives its local actors no scope to depart from the leadership's directives. This style of leadership permits, among other things, highly targeted attacks, as in the case of the murder of India's Prime Minister Rajiv Gandhi in 1991. The negative effects of so strict an organizational structure (e.g. inflexibility) are precluded through the exercise of tight internal control and the brutal suppression of any internal dissent.

In contrast, there are cases of low internal and low external monitoring ("blind coercion"), in which neither the leadership nor other actors are informed of the actions of the agents using force, indicating the absence of or ineffective formal organization throughout the group. Agents of these groups neither operate under internal supervision, nor are they accountable to external groups. An example of this is the *Revolutionary United Front* (RUF) in Sierra Leone, which, being largely unable to pay its agents, often relies on child soldiers and promises of a share of the spoils of war. At the same time, middle- and low-ranking RUF commanders take advantage of the thin organizational structures to enrich themselves by extorting money from the local population.

**Figure 2: Organizational structures and information processing in NSA Gs**

high	<p><i>“bureaucratic coercion”</i></p> <ul style="list-style-type: none"> <li>- Highest ranks of leadership very well informed of operations of coercive agents</li> <li>- Information not available outside executive</li> <li>- Example: LTTE</li> </ul>	<p><i>“transparent coercion”</i></p>	<ul style="list-style-type: none"> <li>- Leadership well informed from various sources of operations of coercive agents</li> <li>- Dialogue most likely to be possible</li> </ul>
low	<p><i>“blind coercion”</i></p> <ul style="list-style-type: none"> <li>- Neither leadership nor other actors informed of actions of coercive agents</li> <li>- Agents neither subject to internal supervision nor accountable to outside groups</li> <li>- Example: RUF</li> </ul>	<p><i>“hide-and-seek coercion”</i></p>	<ul style="list-style-type: none"> <li>- Knowledge of NSAG’s operations widely scattered, not profound</li> <li>- Used to maintain political distance from controversial operations</li> <li>- Leadership receives information itself only through external channels</li> <li>- Example: ETA</li> </ul>
	low	external monitoring	high

Source: Based on Policzer (2002, 36)

Where the level of information obtained through both internal and external monitoring is high (“transparent coercion”), the leadership as well as other institutions and groups are likely to be informed from various sources about the operations of the coercive agents. In such NSAGs a dialogue on access to IDPs, the use of landmines or the scale of liability and the accountability of NSAGs is most likely to be possible.

The fourth type, finally, comprises cases where, although there is a high degree of external monitoring, internal monitoring is neglected (“hide-and-seek coercion”, here related to the relationship between coercive agents and the external monitoring sources). In such cases, knowledge of an NSAG’s operations is widely scattered, but is not very profound. This situation is often used by an NSAG leadership to maintain a political distance from controversial operations of its coercive agents (Policzer 2005a). The leadership itself then receives information on operations only through external channels, such as the media. Information on the outcome of operations (such as the number and identity of fatalities) is easily obtainable, detailed information (such as the identity of the agents or their precise *modus operandi*) less so. Examples of such coercion are the Basque *Euskadi ta Azkatasuna* (ETA) and the anti-terror units formed by the Spanish government in the 1980s, which were allowed considerable latitude.

In general, it can be said that most NSAGs operate without a high degree of external monitoring in the areas they control (Colombia, Sudan, Sierra Leone, DR Congo, Sri Lanka and Indonesia) (Policzer 2005a, 19). The *Sudan People’s Liberation Army* (SPLA), for example, exercises strict control over supposedly independent sources of information, such as journalists, judges and public prosecutors, and also over local authorities. The *Fuerzas Armadas Revolucionarias de Colombia* (FARC) similarly gained strict control over independent monitoring groups, as did the *Gerakan Aceh Merdeka* (GAM) in the Indonesian province of Aceh. This means that an NSAG’s political or economic orientation or motivations based on greed or grievance do not have a decisive influence on its reliability. It tends to be internal organizational structures that enable an NSAG to honour actual agreements – or prevent it from doing so.

*Interim balance*

Research on typologies, features, behaviours, etc. of non-state armed groups is still very much in its infancy. The findings presented here are not therefore comprehensive or exhaustive. Many studies are based on the examination of individual NSAGs and certain conflict situations. Nonetheless, the work of such academics as Reno, Policzer and Weinstein is informative and, to some extent, pioneering in research terms. It also provides external actors with at least some categories and some initial indications of what generalizations are possible.

## 4 Points of contact between development policy and NSAGs

Chapter 2.4 has already presented the fundamental strategic and conceptual views of engagement with NSAGs as seen from the angle of various policies, including development policy. This chapter sets out to describe points of contact actually to be found between development policy and NSAGs. The discussion turns first to past situations in which contact was made with NSAGs. Against the background of this experience, ideal-type objectives of engagement with NSAGs are then identified, before Chapter 5 takes empirical stock of practical forms of engagement and behaviours of development actors.

### 4.1 NSAGs as a real challenge for development actors

Between development actors and NSAGs there are many different points of contact. As violent conflicts are to be found in the vast majority of developing countries with which Germany is cooperating and as NSAGs are involved in the vast majority of these situations,<sup>26</sup> there are obviously direct points of contact with development policy. While development actors can endeavour to avoid direct contact, etc. with NSAGs in these cases, it will always have to “adopt an attitude” to these groups and situations.

The need to engage with NSAGs exists not only for development policy, but for all external actors operating in the countries concerned. Humanitarian actors have many years of experience in this sphere. But for foreign and defence policy too, engagement with NSAGs is a real challenge. One of the reasons for the greater interest in this subject in Germany is that the country is becoming increasingly involved in peace missions. In Afghanistan, for example, contact has been established between the *Provincial Reconstruction Teams* (PRTs) in Kunduz and the local warlord (General Daud), and agreements (verbal guarantees of safety, for example) have

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<sup>26</sup> See Chapter 2.1.

been reached with the participation of Germany's Foreign Office, Defence Ministry, or Armed Forces, BMZ and Home Affairs Ministry.

Past development policy strategies can be described roughly as follows: until the 1990s official development policy sought, implicitly and explicitly, to avoid situations in which NSAGs posed a challenge. Development policy's self-image was geared to long-term objectives, meaning that, if at all, instruments intended for the short and medium term (humanitarian assistance, food and emergency aid and aid for refugees) were to be used in conflict situations. Most donors did not start developing strategies for, say, post-conflict countries or such principles as "*stay engaged*" until the second half of the 1990s.

Action under official development policy was clearly geared to government actors in countries where NSAGs were in evidence (*state bias*). By and large, the legitimacy of the ruling regimes in Germany's partner countries was not questioned. Where NSAGs existed, direct or indirect contact with them was avoided.

This challenge has often taken a different form for humanitarian and non-governmental actors in the past. Examples of aid organizations gaining "negotiated access" to target groups at risk show that direct contact with NSAGs has often been unavoidable for humanitarian aid groups and has indeed frequently been sought by them. This is especially true of the "negotiated access" model during *Operation Lifeline Sudan* (OLS), when a trilateral agreement was reached in 1989 by the United Nations, the Sudanese government and the southern Sudanese rebel group (*Sudan People's Liberation Army / SPLA*).<sup>27</sup> Elsewhere, as in the Eritrean-Ethiopian conflict (before Eritrea's independence), humanitarian operations were also undertaken in areas that were no longer under government control.

In other cases, there is documentary evidence of NSAGs wanting to bring influence to bear on aid or to use it for military purposes. Munro (2004, 124), for example, describes a situation during the eastern Zaire operation (1996–1998) of the *United Nations Children's Fund* (UNICEF):

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27 For a very good overview of the debate on humanitarian assistance and the OLS example, see Glaser (2005) and Akol (2005).

*“In their desire to regulate the UN agencies’ operations in AFDL<sup>28</sup> territory, the AFDL authorities often asked, or even ordered, the UN agencies in their territory to do things that fell outside of, or even violated, their mandates. The United Nations naturally refused. UNICEF was asked, for example, to provide tents and water facilities for a military cantonment, and to finance construction of a road in a military sensitive area. The UN agencies’ refusals to comply with such requests were in turn interpreted as a lack of willingness to cooperate with the AFDL.”*

Since the mid-1990s the situation has changed for development policy. Increasing points of contact with NSAGs in the context of demobilization measures and crisis prevention and conflict management concepts, for example, have given rise to a growing number of situations or the identification of more and more countries in which NSAGs have had practical relevance. Conceptual and operational considerations and missions in unstable situations in which action is increasingly taken parallel to or together with peace missions demonstrate the growing relevance of such situations. The scenarios range from those in which warlords are active in the context of *Provincial Reconstruction Teams* (PRTs) through widespread violent crime in, say, Colombia to situations in many countries where traditional or new authorities have the potential to threaten the use of force or experience of doing so (Nigeria, Afghanistan, etc.).

Despite the rising number of situations in which development actors come into contact with NSAGs, virtually no systematic or even incidental thought was given to their conduct until the early 2000s. Although the study of the subject has grown in recent years,<sup>29</sup> it continues to be very restrained. The interest taken in the issue has therefore yet to be reflected in basic documents (in the form of agreed principles or best practices, for instance).

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28 Alliance des Forces Démocratiques pour la Libération du Congo.

29 Particularly worthy of mention are the efforts of *Conciliation Resources* (London) in the shape of an analytical workshop in June 2004, the findings of which have been published (Ricigliano 2005), and a Wilton Park conference on the subject of “*Engaging Armed Groups in Peace Processes*” held in December 2005. It should be emphasized, however, that on neither occasion was the focus on the specific role of development policy, but on the broader question of the involvement of external actors.



The political relevance of NSAGs as a subject has grown sharply since September 11, 2001, and efforts to prosecute terrorist groups have increased significantly. Suitable measures to prevent acts of terrorism and prosecute the perpetrators are undoubtedly important. But at the same time the scope for engaging with NSAGs perceived and classified as terrorist groups has become appreciably narrower. However justified classifications of NSAGs may be, the implications for engagement with them may be serious. The LTTE, for example, did not attend the international conference held in June 2003 to decide on incentives for maintaining the cease-fire and making progress in the peace process, because it had not previously been able to gain entry to the USA to attend a preparatory conference.

#### 4.2 Why should development actors consider engaging with NSAGs?

NSAGs are leading actors in the vast majority of violent conflicts. For development policy this means: as regards action taken under development policy with a view to preventing crises and managing conflicts (“working *on* conflict”), it is essential for these groups to be taken into account. However, the inclusion of NSAGs is equally vital when development policy is active in situations in which NSAGs are present, but is not directly oriented towards violent or potential conflicts (“working *in* or *around* conflict”). “Ignoring” NSAGs similarly has effects on engagement with them, since potential that may at least exist cannot be tapped, and the exclusion of NSAGs influences the balance of power in a situation, because the government, for example, is *de facto* strengthened as a result or a region in which NSAGs are active is not taken into account.

“Engagement” with NSAGs takes many forms. Negotiations with kidnapers, agreements with NSAGs on transport routes for aid supplies, political appeals to NSAGs not to use child soldiers and landmines constitute engagement just as much as deliberate cooperation with them, which may have a certain legitimacy in regions where there is no state control. In other words, engagement is a value-free concept based solely on points of contact between development policy (or other actors) and the groups concerned.

Engagement with NSAGs entails opportunities and risks, which may vary widely from case to case. This being so, the debate on engagement with NSAGs reveals that ignoring them in situations where development and other actors are involved results in failure to seize or at least to consider potentially creative opportunities and opportunities to exercise influence<sup>30</sup> and possibly in the occurrence of unintended adverse effects. An unintended effect might, for example, consist in uncritical support for a government that exacerbates disparities or influences perceptions and helps to radicalize population groups and so to increase an NSAG's popularity.

Where such opportunities are concerned, four ideal-type motives that may underlie engagement with NSAGs in the development policy context can be identified:

1. *Access to target groups*: Through engagement with NSAGs development policy can pursue the objective of reaching target groups in an area. Where areas are partly or completely under NSAG control, development actors may be denied access to them without the consent or toleration of the controlling group.
2. *Responsibility for personnel*: By working in a region where NSAGs are active, local and/or external development cooperation personnel may be exposed to considerable danger. Some of the risks can be significantly reduced if agreements are reached with the NSAG or arrangements made with groupings or individuals able to play a mediating role.
3. *Commitment to norms*: Engagement may also be of interest from the development angle as a means of helping to persuade an NSAG to commit itself to rules and standards. Examples here are attempts to have NSAGs commit themselves to mechanisms intended to prevent the use of landmines (e.g. Geneva Call) or the deployment of child soldiers.
4. *Conflict transformation*: While access to target groups and responsibility for personnel may often be reasons for beginning to engage

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30 For arguments of this kind see Capie / Policzer (2004); Ricigliano (2005); Glaser (2005); Policzer (2005b).

with NSAGs, a further objective may be to contribute to conflict transformation. This objective may evolve during engagement and is far more ambitious. The conflict transformation motive changes the foundations of relations with the NSAG and with the official government, since it places the emphasis on explicit political matters over and above humanitarian aspects (access to target groups) and security concerns. Furthermore, any interest taken by development policy in conflict transformation may encroach further on foreign policy's areas of responsibility in particular, or the options open to development policy may have to be joined by diplomatic initiatives if it is to have any impact. The motive for conflict transformation is therefore particularly complex in political terms.

The four objectives are in no way mutually exclusive, but can be pursued simultaneously or even as complements to one another.

## 5 Empirical stock-taking: how does development policy engage with NSAGs?

Chapter 4 has identified points of contact between NSAGs and development policy and ideal-type objectives for development policy's engagement with NSAGs. In this chapter the emphasis is on taking empirical stock of development actors' engagement with NSAGs. Patterns of engagement encountered (existing *modi operandi*, etc.), the experience of specific types of actor and the associated challenges (opportunities and risks inherent in engagement) are discussed in this context.

So far very few pertinent descriptions or accessible studies of development actors' engagement with NSAGs have been published. The behaviours presented here are largely based on an analysis of three country studies undertaken on German development cooperation, numerous supplementary interviews with German governmental and non-governmental development actors and interviews conducted outside the development policy sphere (German Foreign Office, Defence Ministry, academic institutions, etc.). Reference is also made to international experience described in relevant documents and journals or discussed at three conferences organized by *Conciliation Resources* (London), *Geneva Call* (Geneva) and *Wilton Park* (Steyning, UK). The responses to a confidential survey of international donors and relevant non-governmental organizations have similarly been analysed.

This background information makes it possible to reveal features and behaviours of development actors engaging with NSAGs that can be assigned to certain engagement patterns (5.1) or associated with the actors involved (5.2). In addition, opportunities and risks inherent in engagement with NSAGs can be identified in general form (5.3).

### 5.1 Patterns of engagement

#### *Development actors engaging with NSAGs*

Development policy engages with NSAGs. In all Germany's partner countries in which NSAGs are of any significance development actors engage with them. This is true, for example, of German actors in the Casamance/Senegal and in Tajikistan, but equally of all other relevant countries, such

as the Democratic Republic of Congo (DRC), Somalia, Uganda, Nigeria, Yemen, Israel / Palestine, Afghanistan, Nepal, the Philippines and Colombia.

As this engagement varies from one case to another, approaches can be generalized to only a very limited extent. It concerns

- the *BMZ*, which is directly involved in some cases (as in discussions on the focal strategy paper in the Casamance);
- the *implementing level*, where the GTZ and the German Development Service (DED) play a particularly important part in direct communication through their permanent presence; the same is partly true of the KfW at the level of individual measures;
- *local partners of German implementing organizations*, since in the KfW's case, for example, it is usually for the partner organization to arrange and firmly establish measures within the country (as in Nepal);
- *the political foundations*, which invite NSAG representatives, for instance, to attend seminars or dialogue fora (e.g. the Konrad Adenauer Foundation in the DRC and the Heinrich Böll Foundation in south-eastern Afghanistan, where it supports the Tribal Liaison Office, which cooperates with traditional tribal leaders);
- *other German non-governmental organizations*, such as the Church Development Service (EED) and Deutsche Welthungerhilfe, which, because of the tasks they perform, have many contacts with NSAGs (in Tajikistan, Ethiopia, etc.) and come to agreements (tacit, oral, written) with the local power.

#### *Modi operandi: typology of options for action*

The options open to development actors for engagement with NSAGs can be roughly categorized as follows:

- *Avoidance of engagement*: Development policy consciously or unconsciously avoids countries, regions or situations in which NSAGs are involved (e.g. Darfur).
- *Disregard / observation / involuntary engagement*: Development policy is present in situations involving NSAGs, but takes no notice of them or tries not to become involved by resorting to “non-behaviour” or to behaviour geared solely to observation. (e.g. Tajikistan after

2001; see Box 7). In a context of this kind, “involuntary engagement” may nonetheless occur (as in kidnapping cases).

- *Apolitical action / equidistance*: Development policy endeavours to make development-related and sometimes even conflict-related contributions, but they are deliberately kept apolitical. Communication with NSAGs is often unavoidable, but can be achieved through intermediaries (as in the Casamance).
- *Exclusion*: Development policy supports the exclusion of the NSAG (e.g. general attitude of donors towards Hamas before the parliamentary elections held in Palestine in January 2006).
- *Cooperation*: Development policy directly involves NSAGs in different ways. This may consist in direct account being taken of them in measures and dialogue fora or in their acting as cooperation partners.

The advantages and disadvantages of one or other option very much depend on the circumstances in each case.

**Box 7: NSAGs in Tajikistan – a subject for development actors?**

Tajikistan is an example of a situation where it is not immediately obvious to external actors that NSAGs may be playing an important role. The power of central government is challenged by armed groups that neither exist as a collective nor can be described in their entirety as clearly legitimate or illegitimate, and not even as state or non-state groups. The legitimacy of state action itself is also questionable, when action to enable the state to act is deliberately taken at the expense of political plurality and agreed power-sharing principles.

From 1992 to 1997 Tajikistan experienced a civil war ostensibly due to disagreement over the politico-ideological foundations on which the infant state, the poorest to emerge from the former Soviet Union, was to be based. However, ethnoregional differences formed one of the main distinguishing features between the most important parties to the conflict. After the 1997 peace agreement, it took some time for the coalition government formally established from the old power elite and the former opposition to replace the fragmented order of the civil war with an effective state monopoly of power. Large parts of the country remained *de facto* under the control of local warlords until 2001. As the war being waged by the international coalition troops against the Taliban in Afghanistan then accelerated the consolidation of the power of central government in neighbouring Tajikistan, many observers assume that the state monopoly of power has now been largely restored. Nonetheless, reliable conflict analyses continue to refer to the significant role played by regional “strong men” or “big men”, heirs to the warlords active during the civil war, and sometimes identical with them, and although some now occupy official government posts, they still act on their own account. They may be integrated into the state as a whole through vertical patronage networks headed by the president, but each regional subunit constitutes a separate political system, which explains why forms of governance vary widely among the units.

Conceptually, then, the problem that arises is how to decide precisely when it is still (or no longer) appropriate to regard regionally or locally influential actors as NSAGs. However, it is also extremely important for external development actors to be very well informed, especially in post-conflict countries, about the quality and workings of national *and* local governance structures and networks. Only then can unintended effects in relation to NSAGs and other groups be avoided (e.g. strengthening warlords who may contribute to political destabilization, favouring one group at the expense of others).

### *Blind spots vs contours in engagement with NSAGs*

For German and international development policy it is possible to identify NSAG cases which are comparatively “more accessible”, while other situations are more complex and, above all, politically more sensitive.

The probable reasons for this are that in the “special case” of Sri Lanka, for example, there was, at least for a time, a very wide-ranging international consensus on engagement with the LTTE. In other cases, the conditions for making possible points of contact transparent do not exist, or only to a limited extent. This is due to the fact that some conflict situations are extremely politicized (e.g. Israel / Palestine), where this public transparency might have hardly foreseeable effects among the parties directly involved in the conflict, in the regional environment and even among other external actors.

Difficult environmental conditions and processes due to NSAGs are, to some extent at least, not documented by development actors, but rather clarified informally within the various institutions or reported to the BMZ orally (when, for example, an NSAG attempts to prevent a development cooperation measure because it does not benefit the local population, or when it is unclear which specific local non-governmental organizations are the beneficiaries of development funds and an NSAG possibly benefits as a result).

### *Levels of engagement: NSAG relevance from strategy to implementation*

Engagement with NSAGs may occur at different levels of development policy:

- *Strategy level:* German development policy has yet to take any direct conceptual interest in approaches to NSAGs. However, the Cross-sectoral Strategy for Crisis Prevention, Conflict Management and Peace-building in German Development Cooperation (BMZ 2005b) and the Cross-sectoral Strategy for Development-Oriented Emergency and Transitional Aid (BMZ 2005a) address situations in which NSAGs play a part (as when there is no government in a country with which to hold discussions).

Much the same is true of the country level. Here too, there have so far been no explicit references to NSAGs in country concepts or focal strategy papers.



- *Political level:* At political level – i.e. at places where levels of political leadership are visibly involved or participating – there may be different forms of communication and cooperation:
  - Official political discussions with NSAG representatives among others.
  - Participation by an NSAG in government consultations or negotiations, provided that this is accepted or even wanted by the official partner.
  - A mechanism comparable to policy dialogue and related to the NSAG's action (e.g. attitude to human rights).
  - Development policy endeavours to be politically transparent to the parties to a conflict and to population groups. This transparency requirement can be seen, for example, in the information policy towards the Sri Lankan government or the Israeli government (regarding activities with the Palestinian side). In the Casamance information provided on project goals is probably already helping to reduce distrust.
- *Operational level:* There are many patterns of engagement during the preparation and implementation of development cooperation measures:
  - In the case of operational measures three project/programme types can be identified:
    - (i) *measures intended to make a direct contribution to the peace process and necessitating direct contact with the NSAG;*
    - (ii) *measures able or intended to develop channels of communication to the NSAG through the provision of benefits.* The Heinrich Böll Foundation is cooperating with traditional tribal leaders in the Pashtun provinces of Afghanistan. Thought has similarly been given to cooperation with religious leaders in Nigeria. This approach is meant to create scope for strengthening political interests (promotion of democratic elements, etc.).
    - (iii) *Measures bringing benefits to areas under NSAG control and therefore necessitating engagement with the NSAG.* This category

includes, for example, the German technical assistance provided in the Casamance/Senegal.

- In some cases the NSAG acts as a project partner.
- *Deutsche Welthungerhilfe* comes to tacit, oral or written agreements with the ruling power before implementing its measures.
- For the security of seconded and local personnel there are many different forms of communication. For the GTZ's activities in the Casamance/Senegal contact with the *Mouvement des forces démocratiques de la Casamance* (MFDC) is necessary for security reasons. This is done, however, by such means as an indirect advance announcement of a visit to the project area.

The KfW sometimes uses security consultants (Nepal, Colombia), who are brought in to liaise with an NSAG when problems arise. In Colombia, for instance, guerrillas impeded the implementation of a KfW project on the grounds that it did benefit the people. The KfW then brought in a consultant, who contacted the guerrillas.

The KfW's *Middle Marsyangdi* water project in Nepal had to be shut down in 2005 because of serious security problems. The construction work had previously been brought to an almost complete standstill from August 2004 until early 2005 by threats from the Maoists. Informal agreements between the Germans and Nepalese on the one hand and the Maoists on the other aimed at minimizing the effects on the project had proved unsuccessful.

For the peace experts of the German Development Service (DED) and for various non-governmental organizations the integration of activities into local partner structures is decisive if security risks for the personnel are to be minimized.

- *Promotion of international mechanisms*: International fora and mechanisms for persuading NSAGs to commit themselves to rules and standards form another area that is promoted by development actors. With its efforts to ban landmines, *Geneva Call* is a pioneer here.

The exchange of experience initiated by *Conciliation Resources*,<sup>31</sup> supported by donors and attended by NSAG representatives, representatives of the governments of the countries concerned and representatives of the research community is another option for action in this area.

*Dependence of engagement on the specific case and its micro conditions*

Any situation in which NSAGs play a part is characterized by extremely specific conditions. Although violent conflicts and changed strategies of violence (deterritorialization of conflicts, violent conflict as a means of generating revenue, etc.) have global characteristics,<sup>32</sup> there is a simultaneity of location-specific conditions (see von Trotha 2005). These specific conditions lead to a wide variation in room for manoeuvre in relations with NSAGs on the spot. Ultimately, the approach adopted by, say, a GTZ staff member largely depends on how he or she assesses the situation and the risks. An added factor is that the micro conditions in a given situation are sometimes subject to very rapid change. The local impact of certain events (such as government announcements in the capital) can, as a rule, be recorded and assessed only in the actual local situation.

For development and other external actors this means that generalizations are appropriate and possible to only a very limited extent.

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31 See Ricigliano (2005).

32 For more details see Chapter 3.

**Box 8: Examples of engagement with NSAGs**

- *Casamance – selective contacts.* Socio-economic development for peace-building in the Casamance is a focal area of German development cooperation with Senegal; the German contribution can be largely described as “working *in* conflict” or, where certain activities are concerned, “working *on* conflict”. The MFDC is a rather scattered armed group in the region, having little chance of taking joint action and capable of exercising territorial control in very few places. The Senegalese government expects donors to adopt a restrained attitude towards the MFDC. German development actors’ engagement with the MFDC tends to be limited and indirect and mainly to concern day-to-day activities and contacts in preparation for projects. Although not documented as such, this strategy currently entails the smallest risks (no “naïve enhancement of the MFDC’s status”, avoidance of inducements to engage in apparent peace processes (“mediation rents”, etc.)) and the greatest opportunities (especially local conflict management options). The scattered nature of the MFDC is very typical of many armed groups, particularly in Africa.
- *Tajikistan – grey area between state and non-state actor.* The Tajik warlords are relatively well integrated into the state structure and can therefore hardly be described as NSAGs these days. This being the case, development and other external actors do not place them in the state/non-state categories. Consequently, there is no “recognition problem” where these groups are concerned. External actors (including those involved in German development cooperation) were quick to take the Tajik government at its word when it suggested a transition from the warlord politics of the civil war to post-conflict stabilization. The positive feature of this conduct is that it meant greater openness for engagement with the warlords. Provided that this does not obscure the existing political risk factors and potential for conflict within society, this highly formal image of the state may be advantageous.

## 5.2 Experience of specific actors

### *Governments still important for room for manoeuvre*

The room for manoeuvre that development policy enjoys in relation to NSAGs is usually determined by the government of the country concerned. This is especially true of countries with a generally efficient and legitimized government. A development policy approach explicitly opposed by the government is hardly conceivable or feasible.

Where governments are *de facto* weak, the monopoly of power is severely restricted and/or legitimacy is lacking, there may be some room for manoeuvre in other respects. In development-oriented emergency and transitional aid (EONÜ), the BMZ has had a more flexible option for taking action in such situations since 2005. Accordingly,

*“[in] exceptional circumstances, however, development-oriented emergency and transitional aid can take on some tasks of Financial or Technical Cooperation. This is especially appropriate in countries where, for example, no government exists with which one can reasonably cooperate. In other situations, political necessity may make it advisable to stay below a level at which there is visible official development cooperation.”* (BMZ 2005a, 6)

#### *State/non-state development policy: who engages with NSAGs?*

The distinction between a state and a non-state development actor in engagement with an NSAG may be of considerable importance. Quite obviously, international non-governmental organizations have far more latitude in developing forms of engagement with NSAGs. Politically, there is scope here for the political foundations in particular. The extent to which it is used on any major scale cannot be accurately determined from the surveys that have been conducted; it is used to some extent at least. Such non-governmental organizations as Deutsche Welthungerhilfe clearly have pragmatic options for reaching target groups with NSAG involvement. Many years of experience have already been gained in this field.

For official development actors the limits to the room for manoeuvre are sometimes more clearly recognized than in the case of non-governmental organizations, but it certainly exists. “Closer” engagement is likely to be problematical mainly when a conflict situation has become particularly “bogged down”, communication with the NSAG is explicitly unwanted, the approach does not have the firm backing of an international consensus, and the NSAGs have been guilty of particularly serious violations of rules and values (acts of terrorism and the like).

### 5.3 Opportunities and risks inherent in engagement with NSAGs

In general, engagement with NSAGs creates opportunities, but it also entails risks. A cost-benefit analysis of engagement in a situation that necessitates engagement with an NSAG is, as a general rule, an appropriate means of exposing the possible effects of the approach envisaged.

However, determining which are the greater, the opportunities or the risks associated with a given approach, is possible, at best, on the basis of plausibility considerations. Cost-benefit analyses are hampered not least by decision-making processes within an NSAG, which are almost or entirely incomprehensible to outsiders.

The potential opportunities presented by engagement arise from the motives and aims pursued by development actors in this context (see Chapter 4.2). Risks may be inherent in a certain *de facto* enhancement of the international status of NSAGs as “recognized” interlocutors following their engagement with external actors. Engagement, and especially cooperation, with an NSAG may also mean that this approach is interpreted by the government concerned as taking sides and that possible influence as a “neutral” partner is consequently reduced. If engagement means that resources reach areas to which NSAGs cannot *de facto* be prevented from gaining access, the balance of power and resources may be affected and an NSAG’s ability to use force unwittingly strengthened. Furthermore, engagement with an NSAG entails risks for a donor’s internal debate, since engagement with many NSAGs may constitute a pronounced political risk.

In any weighing up of opportunities and risks, however, the costs and benefits of not becoming involved or of engagement/cooperation biased towards the government must also be considered. Table 4 summarizes some of the basic opportunities and risks.

<b>Table 4: Opportunities and risks inherent in engagement with NSAGs</b>	
<i>Opportunities</i>	<i>Risks</i>
<ul style="list-style-type: none"> <li>– Access to target groups / humanitarian objectives</li> <li>– Conflict management options / influence on peace processes</li> <li>– Increased security for local and seconded personnel</li> <li>– Reduction of blind spots / more information on NSAG-controlled areas</li> <li>– Contact with / access to ruling power (where no government exists, for example)</li> </ul>	<ul style="list-style-type: none"> <li>– <i>De facto</i> enhancement of status / legitimization of NSAGs</li> <li>– Narrowing of options for action if engagement with NSAGs is perceived as “taking sides”</li> <li>– “Feeding the conflict”</li> <li>– “Naïveté” about opportunities for exercising influence</li> <li>– Restriction of the country’s sovereignty / massive interference</li> <li>– Loss of credibility owing to “cooperation” with NSAGs</li> </ul>
Source: Authors’ own compilation	

## 6 Conclusions and recommendations for German development policy

### *Engaging with NSAGs*

NSAGs are leading actors in many of the countries with which Germany is cooperating under its development policy. Much the same is true of other externally oriented policies, especially diplomacy and defence policy. Points of contact also exist with the internal departments (above all, the fight against terrorism and police training).

The term “NSAG” covers a wide range of groupings of relevance to development policy in many different ways. Traditional authorities (Nigeria, Afghanistan, etc.) that are capable of using force cannot be compared to the manifestations of organized crime in Colombia. The scattered nature of the MFDC, for example, is hardly comparable to the quasi-governmental nature of the *Liberation Tigers of Tamil Eelam* (LTTE). Nor do the local authorities in Tajikistan that have the means to use force have much in common with the *Al Qaeda* terrorist network.

Engaging with NSAGs, then, does not automatically mean any kind of recognition or legitimization of the objectives of these groups, their behaviours or the means they use. The aim is rather that development policy consider its attitude towards these groupings carefully so as to take advantage of any room for manoeuvre and so exercise constructive influence, or to avoid any adverse effects.

The international community has so far been very reluctant to face up to the challenges arising from the collapse of states, the existence of quasi-states and the NSAGs associated with such situations. When asked how it intends to cope with this phenomenon, it answers with references to rules and principles that are often no longer appropriate to such phenomena as long-lasting states-within-states or conflict as a means of generating revenue and the deterritorialization of armed groups. The frequent call<sup>33</sup> for the identification of new and creative approaches to coping with these situa-

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33 See, for example, Herbst (2000, 260), who calls for “*more space for alternatives than has been the case in the past*”. Similarly, Kingston / Spears (2004a) and Ricigliano (2005, 8 f.).



tions is justified. This in no way amounts to “naïvely” enhancing the status of such groups or of assigning to them, say, “mediation rents”, i.e. inducements to initiate apparent peace processes: it is a question of identifying ways of meeting these challenges more appropriately than in the past.

### *Strategy elements for development actors engaging with NSAGs*

Each case should be taken on its merits when the conditions for and risks and opportunities inherent in development and other external actors’ engagement with NSAGs are assessed. Nonetheless, some advice can be given to development actors:

- *Territorial control*: Engagement with groups completely or largely in control of an area may be necessary at least from a humanitarian viewpoint and for gaining access to information. Such engagement may concern negotiated access to an area or even cooperation (NSAGs as cooperation partners). Territorial control may be exercised, above all, by guerrilla and rebel movements and warlords. Some NSAGs with effective territorial control have established quasi-state structures (“states-within-states”<sup>34</sup>).<sup>35</sup>
- *Form in which force is used and threatened*: The more an NSAG uses or threatens to use force (extending to acts of terrorism), the less likely it is that direct engagement will be appropriate or wise. In cases of abduction in particular it is evident, however, that engagement (communication on demands, etc.) with these groups or at least with intermediaries may be appropriate and necessary. Nonetheless, considerable importance must be attached to the manner in which and scale on which force is used.
- *State or non-state actor*: The example of Tajikistan (but also the parastatal militias in Darfur/Sudan and other situations) shows that it may be wiser to leave the state to take responsibility for apparent “non-state” armed groups and not to ease the pressure on it by drawing a line beyond which it ceases to be responsible. When it comes to

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34 For this debate see the fine overview in Kingston / Spears (2004b).

35 See the LTTE example. In the areas concerned the LTTE not only has a *de facto* monopoly of power but also maintains functioning administrative structures, with tax-like levies being collected. The LTTE structure has also been able to cope fairly effectively with the direct consequences of the tsunami.

definitions, there are “grey areas”, which should not, however, lead in development practice to the state being relieved of any of its responsibility towards armed groups with which it is in contact.

- *Value added by engagement:* Engagement is not an end in itself and should be sought only when constructive influence seems possible. Development and other actors should be able to identify the value possibly added by their engagement with NSAGs – as such and in comparison with other actors. The risk of “mediation rents” and the like where a “peace process” may become a major source of revenue and thus an end in itself should always be borne in mind.
- *One’s own rules and values:* One’s own system of rules and values should be clear to all actors involved. One’s position on ways in which force is used and on any failure to respect human rights (child soldiers, landmines, etc.) must always be beyond doubt.
- *International backing for engagement:* Engagement with an NSAG requires very extensive international agreement (EU, other donor fora, etc.) on the approach to the groups concerned. A common attitude is needed to bring about a change in the conduct of NSAGs (and possibly other parties to the conflict, such as the government), and this cannot be achieved unless the external actors adopt a virtually unanimous position. As the circumstances are, as a rule, politically highly sensitive, it is also important to maintain credibility by acting with the support of an international consensus. This credibility is important for the approach adopted in the region concerned, for action at international level and also for any debates in one’s own country.
- *Shortages of information on NSAGs:* Information on the goals, nature, structure and approach of NSAGs is vital for fundamental aspects of engagement with them. In many cases, it is hard or impossible to know whether a certain local NGO in the Palestinian territories is a sub-organization of Hamas, how far the unofficial warlord structure still exists in Tajikistan, how reliable the Maoists in Nepal are, etc. The information available to the BMZ (and other actors) on these questions may not be sufficient in every case. Where German development policy is deeply involved, any sources of information that provide a better insight are very important.
- *Intermediaries and civilian NSAG contacts:* In many cases it may be an option to communicate with NSAGs indirectly, through intermediaries, for example. This is a way to make it clear that there can be no direct contact with NSAGs for development policy purposes. Another

option may consist in confining communication or cooperation to specific “civilian” structures of an NSAG, although it can be assumed, as a general rule, that the dividing lines between the civilian and military spheres of an NSAG are fluid and that civilian “branches” are deliberately established to gain access to resources or attract political attention.

- *Basis of legitimacy of NSAGs and the state*: Legitimacy is a factor that must be considered when it comes to deciding whether and, if so, in what form engagement is appropriate. The legitimacy dimension is often complex. It should be borne in mind that the legitimacy question must be raised with respect not only to the NSAG but also to government actors. Examples reveal that traditional authorities in, say, Afghanistan or occasionally some ethnic militias in Nigeria (see Agbu 2004) have had a certain legitimacy. Conversely, a number of other examples point to the lack of legitimacy of ruling governments (e.g. Ethiopia).

Another challenge arises when an NSAG undergoes a transformation process having become a legitimate “state actor” as a result of elections (see Asseburg 2006). In the case of Hamas, which won the elections decisively in January 2006, the question is, for example, how likely it is that this grouping will escalate the violence or be prepared to use force despite its legitimation by the elections. Much the same applies to the transition of the Somali NSAG structure into “state” structures.

- *Willingness for dialogue / negotiation*: Engagement may depend on how seriously an NSAG is interested in negotiation or dialogue. NSAGs that are pursuing political objectives tend to be more open to discussions and negotiations.<sup>36</sup> Where the possibility of a true dialogue exists, there are better chances of exerting political pressure, which often cannot even be brought to bear on governments to the same extent.
- *Role of local development cooperation partners*: In some situations it is not the development actor who arranges engagement with an NSAG, but primarily the local partner structure. This is true in the

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36 A number of interesting cases are to be found in Ricigliano (2005).

case of Financial Cooperation, but also of the German Development Service (DED) and various non-governmental organizations. It is hard to say how these local partners in fact arrange engagement with NSAGs.

## Recommendations

For the BMZ and other development actors the following recommendations can be derived from the above analysis:

- The subject of NSAGs is very important for action taken under the development policy in many countries and regions. It should be paid sufficient attention by the BMZ at executive and working level. Equally, the relevant units of the implementing organizations should familiarize themselves with the issue.
- The subject is complex and, in many respects, highly sensitive. The available knowledge, on the other hand, is still very limited. The BMZ should therefore make every effort in Germany and at international level (within the DAC, for example) to promote an exchange of experience. At empirical level in particular there is a great deal of catching up to do if patterns of behaviour, shortcomings, etc. are to be recognized.
- The BMZ might join with other government departments (especially the Foreign Office and Defence Ministry) in exchanging experience of engaging with NSAGs. A discussion of the subject within the Interdepartmental Group on Civil Crisis Prevention should be considered.
- Promoting such initiatives as Geneva Call and specialist conferences (e.g. Conciliation Resources) attended by actors directly involved (NSAGs, governments concerned, etc.) is an important means of pushing the topic forward.
- The BMZ should prepare a hand-out giving the expert public and implementing organizations advice on engagement with NSAGs.

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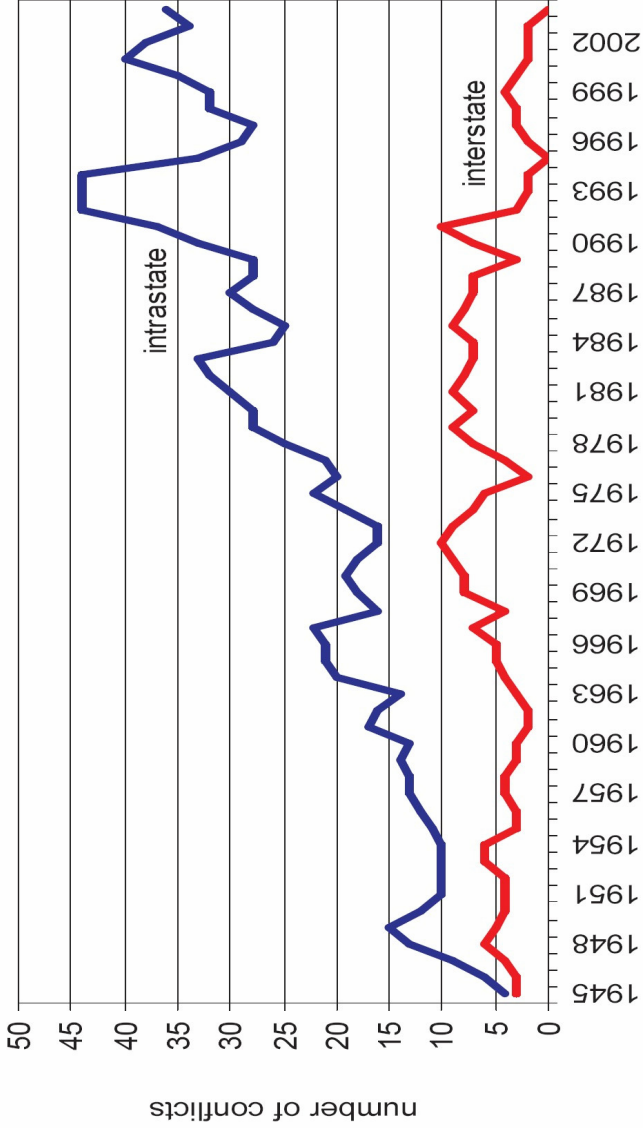
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## **Annex**

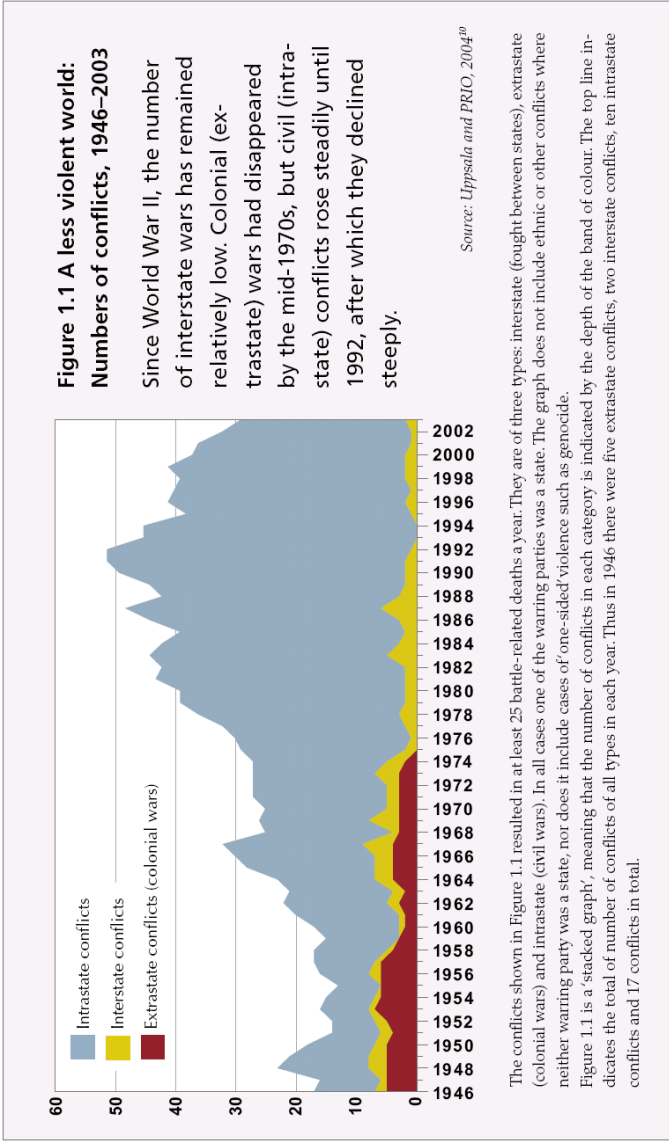




**Figure A 1: Number of high-intensity intrastate and interstate conflicts, according to HIIK Konfliktbarometer**

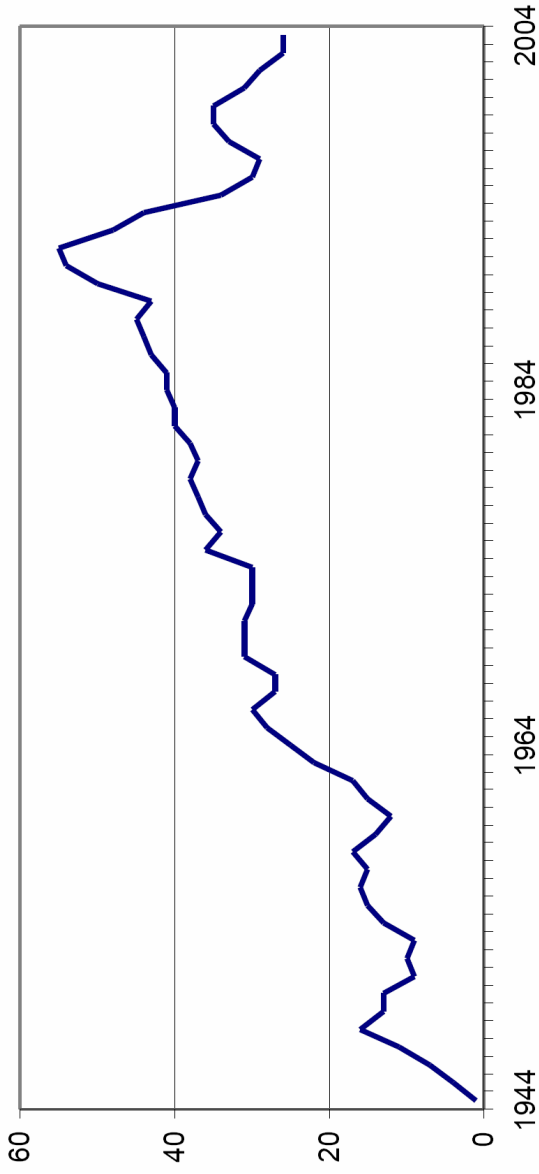


**Figure A 2: Number of armed conflicts, according to the *Human Security Report***



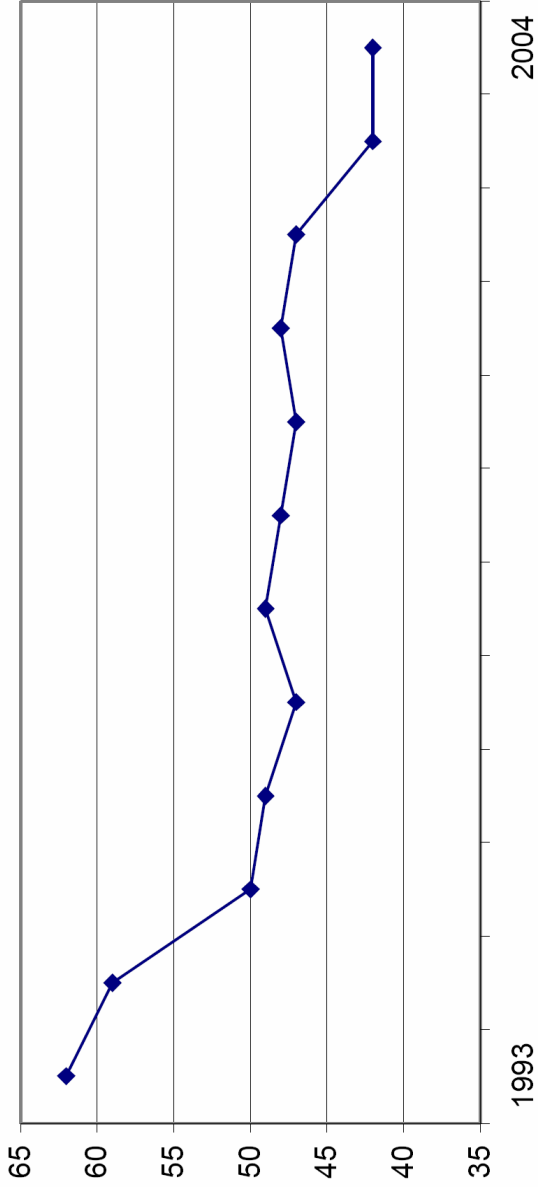
Source: Human Security Centre (2005, 23)

**Figure A 3: Number of wars, according to the Study Group on the Causes of War (AKUF)**



Source: AKUF (2004, 4)

**Figure A 4: Number of wars and armed conflicts, according to the Study Group on the Causes of War (AKUF)**



Source: AKUF (2004, 4)

## List of institutions contacted

The following organizations and institutions were contacted during the research project and made interviewees available, granted insight into documents or provided helpful information in other ways:

Armed Groups Project, University of Calgary;  
Auswärtiges Amt (German Foreign Office), Berlin;  
Berghof Foundation for Conflict Studies, Colombo;  
Berghof Forschungszentrum für konstruktive Konfliktbearbeitung (Berghof Research Centre for Constructive Conflict Management), Berlin;  
Bundesministerium der Verteidigung (German Ministry of Defence), Bonn;  
Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung (German Ministry for Economic Cooperation and Development), Berlin and Bonn;  
Centre d'Etude d'Afrique noire, Bordeaux;  
Centre for Humanitarian Dialogue, Geneva;  
Conciliation Resources, London;  
Department for International Development, London;  
Deutsche Gesellschaft für Technische Zusammenarbeit (German Agency for Technical Cooperation), Eschborn and country offices;  
Deutsche Welthungerhilfe (German Agro Action), Bonn;  
Deutscher Entwicklungsdienst (German Development Service, Bonn);  
Eidgenössisches Departement für auswärtige Angelegenheiten (Swiss Federal Department for Foreign Affairs), Berne;  
Evangelischer Entwicklungsdienst (Church Development Service), Bonn;  
Freie Universität Berlin, Osteuropa-Institut (Free University of Berlin, Institute for East-European Studies);  
Friedrich-Ebert-Stiftung (Friedrich Ebert Foundation), Berlin and country offices;  
Friedrich-Naumann-Stiftung (Friedrich Naumann Foundation), Potsdam and country offices  
GIGA Institut für Afrikakunde (German Institute of Global and Area Studies, Institute of African Affairs), Hamburg;  
Gruppe Friedensentwicklung (Working Group on Development and Peace), Bonn;  
Heinrich-Böll-Stiftung (Heinrich Böll Foundation), Berlin;  
Humboldt-Universität zu Berlin, Nachwuchsgruppe "Mikropolitik bewaffneter Gruppen" (Humboldt University Berlin, Young Scholar Group "Micropolitics of armed groups");

InWEnt – Internationale Weiterbildung und Entwicklung (Capacity Building International, Germany), Bonn;  
KfW-Entwicklungsbank (KfW Development Bank), Frankfurt;  
Konrad-Adenauer-Stiftung (Konrad Adenauer Foundation), Berlin and country offices;  
Peacebuilding Research and Advice, Berne;  
Programme d'Appui au Développement socio-économique pour la Paix en Casamance, Ziguinchor;  
Stiftung Wissenschaft und Politik (German Institute for International and Security Affairs), Berlin;  
Swissaid, Berne;  
Weltfriedensdienst;  
Zentrum für Entwicklungsforschung an der Universität Bonn, Gruppe "Governance and Conflict" (Center for Development Research, University of Bonn, Governance and Conflict Group).