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Research Report

Reasoning with rebels: International NGOs' approaches to engaging armed groups

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Stiftung Wissenschaft und Politik
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and Security Affairs



Claudia Hofmann

Reasoning with Rebels

International NGOs' Approaches to
Engaging Armed Groups

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Table of Contents

5	Problems and Recommendations
7	Introduction
10	INGOs as Conflict Managers?
10	Agents and Examples of Conflict Resolution Approaches
14	Agents and Examples of Norm Diffusion Approaches
20	Strengths and Weaknesses of INGOs in International Conflict Management
23	Cooperation between State Actors, International Organisations, and INGOs
23	Previous Cooperation in Germany
25	Options for State Actors
25	Supplementation of Official Policy
25	Responsibility for Distinct Policy Components
26	Developing Policies and Providing Early Warning
27	Conclusions and Recommendations
28	Abbreviations

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Reasoning with Rebels
International NGOs' Approaches to
Engaging Armed Groups

International organisations face significant challenges in their efforts to resolve and transform contemporary conflicts, one of the greatest being the involvement of non-state armed groups including rebels, militias, paramilitaries, and warlords. Where such actors are involved, the need to maintain national stability often precludes any concessions and thus prevents any real progress towards a solution to the conflict. Other issues such as the legitimacy of both the ruling government and the armed groups have raised the stakes for talks between them. The lack of constructive approaches to dealing with armed groups in conflict, however, has led to numerous situations of stalemate in which conflicts between governments and armed rebel groups appear irresolvable. In these cases, international non-governmental organisations (INGOs) are ever more frequently offering an innovative forum for dialogue with armed groups.

INGOs use a range of options to interact with armed groups: ad hoc contacts and agreements as well as long-term cooperation, which provides them with personnel security, access to the local population, and a means to promote peace processes. Specialised INGOs have attempted to engage non-state armed groups directly and actively in both official and unofficial capacities. Their aim is to facilitate, mediate, and negotiate peace processes between the armed group and either the population or the government. These INGOs offer independent options for dialogue and discussion, “good offices,” specialist support in technical issues, capacity-building, and in some cases even monitoring of agreements. For example, in 2002, the Swiss INGO Centre for Humanitarian Dialogue successfully mediated a cessation of hostilities agreement between the parties to conflict in Indonesia, and attempted to monitor compliance with the agreement. Other INGOs focus on persuasion as a means to change the armed actors’ violent behaviour. They advocate adherence to and dissemination of international humanitarian norms, such as human rights and the ban on anti-personnel landmines, and campaign for establishing these norms as behavioural guidelines applying to all sides in conflict situations. The INGO Geneva Call, for instance, works to persuade

armed groups to abide by the international landmines regime.

Up to now, there has been no systematic appraisal of the methods, achievements, benefits, and limitations used by INGOs in their direct dealings with armed actors, particularly in comparison with more traditional approaches. What INGOs undoubtedly offer is a means of overcoming stalemates by introducing new actors, new techniques, and new rules to violent situations in which civilian organisations have come up against their limits. A comparative analysis of the different approaches of specialised INGOs toward engaging armed actors reveals substantial differences in the capacities, capabilities, and conditions required for their success as well as in the goals of their engagements. Consequently, each approach and actor demonstrates its own unique strengths and weaknesses, as well as different potentials for constructive cooperation with states and international organisations in successfully engaging armed actors.

To date, however, state actors and international organisations have failed to exploit this potential for collaboration and cooperation with INGOs, instead focusing on more traditional forms of interaction. The German inter-ministerial action plan “Civilian Crisis Prevention, Conflict Resolution and Post-Conflict Peace-Building” (2004), for instance, has effectively limited its own impact by excluding non-state armed actors from measures supported by the action plan and by restricting government collaboration with INGOs to information exchange and financial support. On the European level, international bodies such as the European Commission’s Conflict Prevention and Crisis Management Unit and the Peacebuilding Partnership limit their impact by excluding INGOs’ experience and knowledge about armed actors from the development, formulation, and implementation of concepts of operations and operation plans.

States and international organisations need to recognize the contribution that INGOs can make to their policies and priorities. With their unique capabilities, INGOs can facilitate official policy-making, assume responsibility over certain policy components, help to develop policies, and provide early warning of potential failures. To the extent possible, states and international organisations should consider awarding limited mandates to specialised INGOs to discuss individual issues with armed groups and extending unofficial support to selected INGOs in engaging armed actors. With greater support from the inter-

national community, INGOs’ contributions could become more substantial and could complement other ongoing efforts to change the behaviour of armed groups. By understanding the individual strengths and weaknesses of INGOs, as well as their different goals and practices, it could become possible to combine approaches to overcome the weaknesses of individual approaches and to achieve a more comprehensive strategy for engaging non-state armed actors.

Introduction*

Present-day conflicts are characterised particularly by the activities of non-state armed groups, their use of violence against civilians in breach of international humanitarian law, and the presence of informal and criminal wartime economies.¹ Non-state armed actors maintain the potential for disturbing, undermining, and completely truncating state- and peace-building processes, provoking ongoing violence and fighting. Looking at the numbers of active non-state armed groups alone demonstrates how crucial the development of new constructive engagement strategies for non-state armed groups just may be.

In 2010, the Uppsala Conflict Data Program (UCDP) recorded 30 armed conflicts active in 25 locations worldwide.² None of these conflicts were between two or more governments; rather, all were fought between a government and a non-state armed actor. In seven of these conflicts, there was more than one non-state armed actor challenging the ruling government. Nine conflicts became internationalised, with one or both sides receiving troop support from other governments that actively participated in the conflict, representing the highest incidence of internationalised armed conflict since the end of the Second World War.³ Four armed conflicts – those in Afghanistan, Pakistan, Somalia, and Iraq – reached the intensity of war, causing at least 1,000 battle-related deaths, with the

conflict between the Afghan government and the Taliban causing more than 6,000 battle-related deaths. The conflict between the Sri Lankan government and the Tamil Tigers caused between 7,400 and 9,000 battle-related deaths between January and mid-May 2009 alone.⁴

In each of these conflicts, a government was confronted with one or more non-state armed actors challenging the state's monopoly of legitimate coercive force.⁵ The motives, strategies, and means used by armed groups in these confrontations may take myriad forms. Their objectives often include violently opposing or overthrowing the predominant political or economic power, avenging past injustice, defending or controlling resources, territory, or institutions, and promoting the interests of a particular ethnic or social group.⁶ Armed actors may have separatist tendencies, such as the LTTE (Liberation Tigers of Tamil Eelam or Tamil Tigers) that were active in northern Sri Lanka. Others are considered militant anti-system parties, such as the Maoists in Nepal, while yet others, such as the Janjaweed militias in Darfur, operate with the toleration and support of the government.⁷ Some non-state armed actors emphasise political and ideological objectives, whereas others pursue economic gains alone. A number of armed actors employ terrorist methods to spread fear among the population, such as the Lord's Resistance Army (LRA) in Uganda, while others find widespread support in the population and even perform quasi-state functions for their constituencies, such as Hamas and Fatah in the Occu-

* This paper is based on a research project funded by the German Foundation for Peace Research and conducted at the German Institute for International and Security Affairs and the University of Osnabrück ("Non-State Conflict Management. Opportunities and Limits of INGOs Engaging in Non-State Armed Groups", 2008–2011).

1 For a more detailed classification of types of INGOs see Claudia Hofmann and Ulrich Schneekener, "NGOs and Nonstate Armed Actors. Improving Compliance with International Norms", *USIP Special Report* 284 (Washington: United States Institute of Peace, 2011); and Claudia Hofmann and Ulrich Schneekener, "Verhaltensänderung durch Normdiffusion? Die Ansätze von IKRK und Geneva Call im Umgang mit bewaffneten Gruppen", *Die Friedens-Warte – Journal of International Peace and Organization* 85(4) (2010): 29–54.

2 Lotta Themnér and Peter Wallensteen, "Armed Conflict, 1946–2010", *Journal of Peace Research* 48(4) (2011): 525–36.

3 These cases are Afghanistan, Algeria, Iraq, Mauritania, Rwanda, Somalia, Uganda, USA's conflict with Al-Qaeda, and Yemen.

4 Lotta Harbom and Peter Wallensteen, "Armed Conflicts, 1946–2009", *Journal of Peace Research* 47(4) (2010): 501–09.

5 Pablo Policzer, "Neither Terrorists nor Freedom Fighters", paper presented at the International Studies Association Conference, Honolulu, Hawaii, 3–5 March 2005.

6 Rob Ricigliano (ed.), *Choosing to Engage: Armed Groups and Peace Processes (Accord 16)* (London: Conciliation Resources, 2005); Claude Bruderlein, *The Role of Non-State Actors in Building Human Security. The Case of Armed Groups in Intra-State Wars* (Geneva: Centre for Humanitarian Dialogue, 2000).

7 Jörn Grävingholt, Claudia Hofmann, and Stephan Klingebiel, *Development Cooperation and Non-state Armed Groups* (Bonn: German Development Institute, 2007), 22.

pied Palestinian Territories.⁸ This diversity of armed groups has posed an ongoing challenge to state actors and international organisations in developing systematic strategies for dealing with them.

The international community, and states and international organisations in particular, have developed a number of strategies for dealing with these conflicts and non-state armed groups. While these strategies, ranging from counterterrorism and counterinsurgency to containment, co-optation, and negotiation and mediation, have been successful in combating armed groups, they fall short of providing instruments to effectively engage them in the long run. Often such engagement is restricted by national commitments to international treaties, decisions of the UN Security Council, diplomatic customs between sovereign states, and other political considerations, such as the fear of legitimising armed actors. Other international actors, such as INGOs and private individuals (for example, elder statesmen, including influential international figures and retired high officials) have recently stepped up to help compensate for this limitation. They often have more freedom and flexibility in engaging armed actors and are able to find sustainable solutions to difficult issues and even negotiate complex peace agreements.

Two approaches in particular have been employed by such specialised INGOs to directly engage armed actors in the field: conflict resolution and norm diffusion (see Table 1). Conflict resolution approaches have aimed at facilitating dialogue between states and armed actors and at promoting peace processes through mediation and mediation support. These measures are intended to create constructive exchange between the parties to conflict, for instance, on reducing violence, implementing ceasefires, and negotiating peace agreements. INGOs in this field employ methods of unofficial diplomacy to create public pressure as well as opportunities for capacity-building and avenues for influencing the parties in conflict. Norm diffusion approaches have worked on

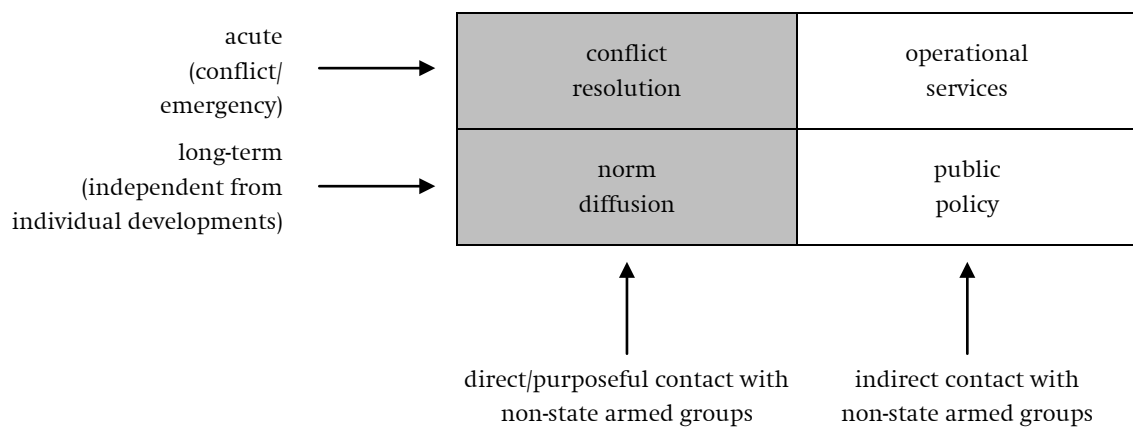
improving the dissemination of and general adherence to international norms among non-state armed actors with the goal of persuading armed actors to adapt and change their behaviour accordingly. Norm diffusion approaches are based on different forms of strategic communication as well as capacity building measures and knowledge transfer as means to bring an end to violent behaviour. Accordingly, the primary intent of such initiatives is not necessarily more peace, but rather less violence, particularly toward civilians, and, more generally the prevention of further erosion to international humanitarian law during conflicts. This engagement can, in turn, positively affect a beginning or ongoing peace process and, thus, contribute to constructive conflict management. INGOs benefit from their reputation as neutral and independent actors, even if this perception is not necessarily shared by all. This puts them in a fairly unique position to act as facilitators for certain issues and to communicate with non-state armed actors outside the existing political framework.

An appraisal of how INGOs are putting these approaches into practice will shed light on the different methods and the basic conditions and factors that affect their success. This comparative perspective will in turn make it possible to assess the strengths and weaknesses of INGOs in constructively dealing with non-state armed actors,⁹ and to comprehensively evaluate the benefits of their work for state actors and international organisations.

⁸ Hofmann and Schneckener, “NGOs and Nonstate Armed Actors” (see note 1): 1–2; and Grävingholt, Hofmann, and Klingebiel, *Development Cooperation and Non-state Armed Groups* (see note 7), 22. See also Ulrich Schneckener, “Fragile Statehood. Armed Non-State Actors and Security Governance”, in: Alan Bryden and Marina Caparini (eds.), *Private Actors and Security Governance* (Berlin: Lit, 2006), 25–28, and Paul Kingston and Ian S. Spears (eds.), *States-Within-States: Incipient Political Entities in the Post-Cold War Era* (New York: Palgrave MacMillan, 2004).

⁹ The case selection has been made to demonstrate variance, for example, in capacities, existing environments, access, and the instruments and methods or strategies chosen. The goal is to examine quite different organisations and their interactions with non-state armed groups in order to draw general conclusions about the types of actors – without going into the specifics of each individual case.

Table 1
Differences of INGOs in Approaching Armed Groups Directly and Indirectly



INGOs as Conflict Managers?

The main objective INGOs pursue in dealing with armed actors is typically to reduce the violence and instability armed groups cause, particularly to civilians during and after conflict. In doing so, they seek solutions to conflicts (conflict resolution approaches) and promote adherence to international norms that protect civilians and combatants through dialogue (norm diffusion approaches). Independent of their immediate success, such dialogue may become a starting point for future processes as well.

In their efforts, specialised INGOs can benefit from a number of aspects of conflict situations that may facilitate their constructive interchange with armed actors. Discussions during quieter phases of a conflict, when the intensity of violence is low, tend to be more productive than during more violent phases, when an armed actor's potential gains from increased violence are higher than the perceived gains from mediation and negotiation. Similarly, the earlier in a conflict INGOs are able to make contact with armed actors, the sooner they will be able to build a relationship. If the armed actor sees its grievances being addressed, it may refrain from higher levels of violence in favour of dialogue. In protracted conflicts, early engagement with armed actors can prevent situations from re-escalating, before the host government restricts access to the armed groups and their areas of operation. INGOs' efforts to build relationships with armed actors can often make productive use of existing channels of communication, such as processes of dialogue, mediation, and negotiation, as well as settlements – even when these had failed previously.

Agents and Examples of Conflict Resolution Approaches

INGOs and civil society organisations active in conflict resolution are in direct contact with the parties to conflict, whether in an official or an unofficial role, and they share the aim of facilitating, mediating, and negotiating peace processes. In doing so, they have to choose between two distinct roles: either engaging as direct mediators between the parties to the conflict, or supporting an official mediator through advice and

logistical support or by carrying out supplementary tasks. Their activities in conflict management are often driven by the assumption that in conflict, any kind of dialogue based on humanitarian principles is constructive and benefits a current or future political agreement. They also assume that the efforts of private organisations and individuals – such as elder statesmen, influential political figures, and retired high officials – have the capacity to facilitate official negotiations in the short or long term.

In this field of activity, INGOs have a range of options at their disposal. They frequently offer “good offices” (based on their reputation and connections to high-level diplomats and politicians) for fostering dialogue and discussion, formally as well as informally. They mobilise humanitarian, diplomatic, and political support for talks to increase both the pressure on the parties to engage in dialogue and the benefits they stand to gain from dialogue. They provide parties to conflict with expertise on technical questions and facilitate aid from specialised organisations, for example, in mine clearance, project-specific financial support, and logistical support. They recommend possible courses of action to decision-makers in the region as well as donors and intervening governments and carry out strategic planning for effective intervention. They support the education of local civil society organisations and the general public to promote active and constructive participation in peace processes. They conduct monitoring activities – for instance, during elections – and analyses of progress in conflict transformation. Through their long-term relationships to influential individuals, INGOs are able to collect useful indicators and early warning signs in the conflict process, and to undertake fact-finding and verification missions. Through a combination of these efforts, INGOs attempt to break down the hardened lines of conflict and achieve progress towards agreements and resolutions.

The activities of the Centre for Humanitarian Dialogue and the Carter Center provide examples illustrating both the achievements and the shortcomings and limitations of such INGOs' work. Both organisations offer “good offices” aimed at supporting mediation and negotiation processes between armed groups

and governments and, when the situation allows, act as direct mediators in these processes. They are representative examples of the work done by INGOs in the field of conflict resolution.¹⁰

The Centre for Humanitarian Dialogue (HDC) is a non-governmental organisation that offers mediation services and mediation support to state and non-state actors involved in international conflicts and disputes (see Table 2, p. 12). It builds relationships with the highest levels of the parties to conflict and attempts to negotiate a resolution to the conflict. HDC's greatest assets in these efforts are its flexibility, its ability to adapt to new situations, and its confidentiality. As a small organisation with good connections in the international arena (through its staff members, many of whom have worked previously for international organisations and national governments), it is able to accommodate requests and bring in actors that may be beneficial to a resolution, while otherwise acting in secrecy. Its biggest limitation, however, is its need to be backed by traditional international players, such as states and international organisations, to assure the implementation of negotiated agreements, as illustrated by its engagement with the Free Aceh Movement (Gerakan Aceh Merdeka, GAM) in Aceh, Indonesia (1999–2003).

In late 1999, factors in internal Indonesian politics had led to a situation that weakened hardliners on both sides, the government and the GAM, creating circumstances under which, for the first time, mediation between them became an option. The involvement of a small, relatively unknown organisation such as HDC, coming from a country with a neutral reputation, seemed promising for bringing new commitment into the process, while keeping the issue an internal affair as much as possible. HDC had established good contacts to the highest levels of Indonesian politics, communicating its desire to help with dialogue.¹¹ As a result, “[i]n November 1999 Indo-

nesia's president, Abdurrahman Wahid, suggested to HDC that they work to solve the conflict in Aceh.”¹² By 2000, the Centre had established an ongoing dialogue between the government of Indonesia and the GAM in the format of joint meetings in Switzerland as well as in Aceh. In May 2000, the parties to the conflict signed an agreement to a six-month “humanitarian pause” in Aceh, which allowed for the secure delivery of humanitarian assistance to the local population. Despite a return to violence after the pause, dialogue was maintained, and a number of joint committees between the government and the GAM continued with representatives of the two parties. In response to the continuing challenges, HDC introduced a number of internationally known mediation advisors (or “wise men”) into the process.¹³ They attended all future talks in Aceh and Jakarta on behalf of the HDC. Additionally, the “Gang of Four” – consisting of the European Union, the Norwegian government, the United States, and the World Bank – began to get involved in the HDC-led process in the same year. In December 2002, the parties to the conflict signed a Cessation of Hostilities Agreement (COHA) in Geneva, which provided for the establishment of a tripartite monitoring mission to oversee its implementation. Under the auspices of the Centre for Humanitarian Dialogue, the government of Indonesia permitted fifty active international military monitors from Norway, Thailand, and the Philippines to oversee the monitoring mission. However, disagreements between the government and the GAM increased over subsequent months (especially over the issue of demilitarisation), and a meeting of the Joint Council, the highest dispute resolution mechanism in the process, in Tokyo in May 2003 failed to resolve the issues. The situation escalated and martial law was declared in Aceh shortly after the end of the Tokyo meeting, bringing the Centre for Humanitarian Dialogue's engagement in Aceh to a permanent end.

Despite the ultimate failure of the agreement between the GAM and the Indonesian government, the Centre for Humanitarian Dialogue contributed to a

10 Detailed insight into the workings of the INGOs was gained during several rounds of interviews with representatives of the Centre for Humanitarian Dialogue, the Carter Center, Geneva Call, and the International Committee of the Red Cross in 2009 and 2010. Furthermore, initial results and general findings were discussed with representatives of these INGOs as well as academics and other experts in the field during a workshop on 4–5 March 2010 at the German Institute for International and Security Affairs (SWP) in Berlin, Germany.

11 Konrad Huber, “The HDC in Aceh: Promises and Pitfalls of INGO Mediation and Implementation”, *Policy Studies* 9 (2004): 20.

12 Timo Kivimäki and David Gorman, *Non-Governmental Actors in Peace Processes. The Case of Aceh* (Geneva: Centre for Humanitarian Dialogue, 2008), 8.

13 These were Harvard Senior Fellow William Ury, retired US General Anthony Zinni, Former Foreign Minister of Yugoslavia Budimir Loncar, Former Foreign Minister of Thailand Surin Pitsuan, British parliamentarian Lord Eric Avebury, and Prof. Hurst Hannum, Professor of International Law at the Fletcher School, Tufts University.

Table 2
Centre for Humanitarian Dialogue: Basic Information

Headquarters	Geneva, Switzerland
Field Offices	Singapore and Kenya (regional), Philippines, Somalia, and Timor-Leste
Founded in	August 2009
Form of Organisation	foundation under the Swiss Civil Code
Mission	generating favourable conditions “for the creation of a universal and multi-sectoral dialogue on humanitarian issues,” improving the understanding of crises and conflicts, and processing the practical experience in the field
Executive Director	David Harland
Staff	approximately 20 in Geneva, approximately 70 worldwide
Funders	Australia (AusAID), Canada, Denmark, Ireland, the Netherlands, Norway, Sweden, Switzerland, the United Kingdom (Department for International Development, DFID; Foreign and Commonwealth Office, FCO), the City of Geneva, the MacArthur Foundation, Dyncorp, TOTAL, the Danish Refugee Agency, and the Dutch and British embassies in Manila, among others
Budget	17,110,550 Swiss francs in total (approximately €11,938,000) (in 2008)

resolution of the conflict in Aceh in two distinct ways: Firstly, it launched a process of dialogue and negotiation between the two parties, which had been gridlocked for a long period before the engagement. Secondly, it opened the door for international intervention and demonstrated the opportunities and possibilities that such intervention could provide. Arguably, both contributions paved the way for much of the peace process that finally took place in 2004 after a deadly tsunami struck the country. It created a history of negotiation and dialogue between the parties to the conflict as well as formal structures and agreements that could be built upon in the renewed negotiations.¹⁴ The final peace talks were again facilitated by an INGO, this time the Finnish Crisis Management Initiative (CMI) under the leadership of former Finnish President Martti Ahtisaari, and resulted in the signing of a final peace agreement in August 2005.

Similarly, the Carter Center aims at fostering dialogue between parties to conflict where previous

exchanges have not been constructive. The Center offers high-level mediation services to both states and non-state armed actors with the aim of resolving conflicts (see Table 3). The organisation is headed by elder statesman and Nobel Peace Prize laureate Jimmy Carter, whose international stature enables the organisation to gain access and ensure mediation on the highest political level. The approach of the Center relies on his persona and clout, as well as on the earnestness and willingness of the parties to conflict to find a mediated solution. Thus, the Center’s key strength is Carter’s own international reputation as a man of integrity, which allows him to mediate from a point of neutrality but to pressure parties to move in the “right” direction. However, the organisation’s approach fails if Carter’s status is not accepted or is perceived as irrelevant and not beneficial, as seen in his engagement with the Sudan People’s Liberation Army/Movement (SPLA/M) and the Lord’s Resistance Army (LRA) between 1989 and 2003.

Shortly after Colonel Omar al-Bashir’s bloodless military coup in Sudan, the Carter Center attempted mediation in Nairobi between Bashir and the SPLA/M, which sought to establish a democratic Sudan, with it

¹⁴ HD Centre, “Aceh, Indonesia: Activities”, 2010, <http://www.hdcentre.org/projects/aceh-indonesia/activities?tokyo-joint-council-may-2003>.

Table 3
Carter Center: Basic Information

Headquarters	Atlanta, Georgia, US
Field Offices	subject to the Center's project work and changing accordingly
Founded in	1982
Form of Organisation	charitable organisation under US law
Mission	mediating conflicts and facilitating dialogue with the aim of easing tensions; assisting regional organisations in building conflict resolution capacities; contributing to the implementation of peace agreements
President and CEO	John Hardman
Staff	175 employees, only six of whom are associated with the Conflict Resolution Program
Funders	United States Agency for International Development (USAID), the UK Department for International Development (DFID), the governments of Norway, Sweden, and the Netherlands, and other governmental and multilateral actors
Budget	\$3.5 million (approximately €2.9 million) (Conflict Resolution Program, in 2007)

as the leading party in control of the southern areas of the country. Although talks were broken off after only five days over the imposition of Sharia and emergency laws, the Center remained in close personal contact with the leadership of the two parties. In 1995, Carter and his Center again attempted to mediate between the parties to the conflict, and this time achieved a ceasefire that would allow health workers to access areas in which the Guinea worm disease and river blindness were endemic. This mediation was facilitated by the fact that Dr John Garang, leader of the SPLA/M, held a quasi-legitimate status within the US. As a result, meetings were held relatively frequently in Sudan as well as in the US, making communication comparatively easy. The ceasefire lasted for six months. The Carter Center had hoped that it would lead to the resumption of official peace talks between the government of Sudan and the SPLA/M. Although this did not happen, the Center was invited back into the country in 1999 and was asked to mediate talks between Sudan and Uganda to assist in restoring diplomatic relations between the two countries. Relations had previously been broken off due to Sudan's alleged support for the LRA, a sectarian religious and military group that aimed at overthrowing the Ugandan government. However, due to unreliable and

slow communication between the Carter Center and Joseph Kony, leader of the LRA, and to the failure of a confidence-building measure (an arrangement for Kony to meet with his parents), Kony soon refused to actively participate in any form of mediation. In total, he participated in only three meetings with the Center but sent high-ranking officials to others. A large number of meetings with Kony had to be cancelled, and he proved to be an unreliable mediation partner overall. To address this challenge, the Carter Center provided Kony with a phone that could only dial specific numbers in order to prevent any misuse, but communications did not improve. Garang of the SPLA/M, who had been in close contact with President Yoweri Kaguta Museveni of Uganda rather than with the Carter Center, had failed entirely to respond to the Center's invitation to participate in the mediation process. Accordingly, pre-negotiations as well as the mediation led by Jimmy Carter only took place between representatives of Sudan and Uganda, and eventually also with the presidents of both countries, Omar Hassan Ahmad al-Bashir and Yoweri Museveni.¹⁵ The relatively

¹⁵ The Nairobi Agreement, between the presidents of Sudan and Uganda, was reached within a day of talking to both presidents, expressing the mutual commitment of the parties to

formal structure and setting of the negotiations, as provided by the Carter Center, and the understanding of what could be gained from them corresponded more closely with the interests of the two governments than with those of the armed groups.

Nevertheless, the Carter Center continued trying to initiate dialogue between the government of Uganda and the LRA. In their efforts, the Carter Center cooperated with representatives of the United Nations Children's Fund (UNICEF), Uganda's Acholi community, and the governments of Sudan, Uganda, Canada, Egypt, and Libya.¹⁶ Finally, in 2003, the Center decided to cease its efforts, concluding that no progress could be made in the current constellation. Talks with the SPLA/M were taken up again in 2002, when Carter met with President Bashir in Khartoum and SPLA/M leaders, primarily SPLM deputy chairman and key negotiator for the South, Salva Kiir, in Rumbek in South-Western Sudan. Shortly after this visit, Garang also met with Carter at the Carter Center in Atlanta for further talks. However, by this time, a peace initiative led by the Intergovernmental Authority on Development (IGAD), begun in 1994 and supported by partners and a consortium of donor countries (including the US), had become the focus of the peace process for both the government in Khartoum and the SPLA/M, so that the Carter Center did not get involved directly.¹⁷ The negotiations, conducted by General Lazarus Sumbeiywo of Kenya, eventually led to the 2005 Comprehensive Peace Agreement (CPA) between the government in Sudan and the SPLA/M in Naivasha, Kenya, and did not involve any participation from the Center.

Overall, the examples of the Centre for Humanitarian Dialogue and the Carter Center reveal the flexibility that INGOs possess in engaging armed groups and accommodating their non-state nature, including their type of leadership, their sometimes loose form of organisation, their possible lack of stable headquar-

ters, as well as their interest and potential gain from a dialogue process.

Agents and Examples of Norm Diffusion Approaches

INGOs and civil society organisations active in the norm diffusion field campaign for the adherence to and diffusion of international humanitarian norms, such as universal human rights and the ban on landmines. They call for the widespread adoption of these norms as general standards of international politics and for the strengthening of international humanitarian law. They engage in dialogue with armed troops, police, and security forces as well as non-state armed actors, often over a long period of time, to increase knowledge about existing norms. Additionally, they observe the implementation of norms through monitoring and verification processes.

INGOs use three main behavioural and implementation mechanisms, for which they often rely on the support of other local, regional, and international organisations and which they often use in combination: social pressure, persuasion, and negotiation. Firstly, INGOs create social pressure on the relevant actors by challenging their conduct and promoting support for international norms in the international community. In case of a violation of an international norm, INGOs often publish this information internationally in an attempt to pressure third-party actors into denouncing perpetrators and threatening their isolation from the international community, for example, through the suspension of diplomatic, military, and economic cooperation and, in the case of non-state armed actors, the increase of sanctions against them. The INGOs sampled here decide strategically when to use their knowledge to pressure armed groups and when it appears more promising to their cause to retain a group's trust.¹⁸ At the same time, INGOs increase the incentives for adherence to international norms by arguing that a change of behaviour will increase the acceptance and status of the actors and strengthen their image internationally. Secondly, INGOs interact with armed actors directly and give them persuasive arguments for adherence to international norms. In campaigns, workshops,

stop supporting forces against each other's governments and to re-establish full diplomatic relations between them. The Carter Center was asked to remain engaged and oversee the implementation process. It did so by convening various ministerial and security meetings to explain and re-negotiate smaller issues.

¹⁶ Carter Center, "Uganda", 2010, <http://cartercenter.org/countries/uganda.html>.

¹⁷ Carter Center, "Africa Trip Report: March 2002. By Jimmy Carter, 2 March 2002", 2010, <http://cartercenter.org/news/documents/doc449.html>.

¹⁸ The ICRC is a notable exception in this area, as, by principle, they do not make violations public so as to maintain the trust of the armed group.

and facilitated meetings with experts, INGOs publicise their “better arguments” and illustrate different avenues of action. Thirdly, INGOs bargain with armed groups using incentives such as technical support (for example, with regard to de-mining, explosive ordnance disposal, mine risk education, and victim assistance) that will be provided to them once they have adopted the norm in question.

Two organisations active in the norm-diffusion field, Geneva Call and the International Committee of the Red Cross, illustrate this approach.¹⁹

Geneva Call is a non-governmental organisation that focuses primarily on engaging non-state armed actors in adhering to a universal ban on anti-personnel landmines (see Table 4, p. 16). The organisation purposefully seeks contact with non-state armed groups to build dialogue on the issue with them. It employs arguments tailored to the particular actor in order to persuade them of the dangers of landmines and the benefits of adhering to a ban. Its issue-oriented outlook avoids sensitive international issues and provides a basis for less politically loaded agreements. While showing considerable success to date, Geneva Call relies on the assistance of specialised organisations, in particular when implementing agreements, and oftentimes does not have the capacity to monitor the compliance of non-state armed actors.

In order to persuade non-state armed actors to adhere to the mine ban, Geneva Call has developed the “Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action,” which allows non-state armed actors to formally observe norms similar to those entailed in the state-only 1997 Ottawa Treaty. Under this Deed, the non-state armed actor agrees to:

- ▶ adhere to a total ban on anti-personnel mines
- ▶ cooperate in and undertake stockpile destruction, mine clearance, victim assistance, mine awareness, and various other forms of mine action
- ▶ allow and cooperate in the monitoring and verification of their commitment by Geneva Call and other independent international and national organisations
- ▶ issue the necessary orders and directives to the commanders and fighters for the implementation and enforcement of the commitment

- ▶ treat their commitment as part of a broader principled obligation to the ideal of humanitarian norms, particularly of international humanitarian law and human rights
- ▶ contribute to the respect of international humanitarian law and human rights in field practice.

Additionally, Article 6 of the Deed states that the signing of the Deed does not alter the legal status of the non-state armed actor, pursuant to Common Article 3 of the Geneva Conventions.²⁰

The Deed itself is most commonly seen as a unilateral declaration by the armed actor, with Geneva Call and the Government of the Republic and Canton of Geneva serving as witnesses. It is signed by an individual representing and acting in the name of the non-state armed group.

However, during negotiations with a non-state armed actor, Geneva Call relies first and foremost on the actor’s cooperation. It either must already be willing to ban anti-personnel landmines and asking for the assistance of an international INGO in implementing a change in behaviour, or it must be willing to at least enter into dialogue with Geneva Call on the matter. There are several reasons why non-state armed actors may take one or the other of these positions:

- ▶ to improve the quality of life in the territory they control
- ▶ to enable mine action programmes
- ▶ to protect their constituency, as well as their rank and file
- ▶ to improve stability in their region
- ▶ to confirm that the actor is respected and being taken seriously by an international (non-governmental) actor, coming from an internationally highly respected country (“Swiss factor”)

²⁰ The case has been made that such declarations, whether or not they are written and witnessed and even in the absence of a specific provision to that effect, could be considered binding under international law and, therefore, a source of obligation. However, how rights and duties could be defined and defended legally (for example, in front of a court), without the willingness and commitment of the armed actor, remains uncertain. See Jan Klabbers, “(I Can’t Get No) Recognition: Subjects Doctrine and the Emergence of Non-State Actors”, in Martti Koskeniemi, Jarna Petman, and Jan Klabbers (eds.), *Nordic Cosmopolitanism. Essays in International Law for Martti Koskeniemi* (Leiden: Nijhoff, 2003), 351–69, as quoted in Andrew Clapham, “The Rights and Responsibilities of Armed Non-State Actors: The Legal Landscape & Issues Surrounding Engagement”, *Geneva Academy of International Humanitarian Law and Human Rights Working Paper*, 2010, at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1569636&download=yes (29 April 2009), 19–20.

¹⁹ See Hofmann and Schneckener, “Verhaltensänderung durch Normdiffusion?” (see note 1); and Hofmann and Schneckener, “NGOs and Nonstate Armed Actors” (see note 1).

Table 4
Geneva Call: Basic Information

Headquarters	Geneva, Switzerland
Field Offices	None
Founded in	2000
Form of Organisation	foundation under the Swiss Civil Code
Mission	engaging armed non-State actors towards compliance with the norms of international humanitarian law and human rights law
President	Elisabeth Decrey Warner
Staff	approximately 25
Funders	Swiss Federal Department of Foreign Affairs (Political Division IV), the Swedish International Development Cooperation Agency (SIDA), the Republic and Canton of Geneva, the Australian Agency for International Development (AusAID), the British Department for International Development (DFID), and the European Commission
Budget	two million Swiss francs (approximately €1.5 million) (in 2008)

- ▶ to demonstrate their ability to uphold the principles of international humanitarian law and, consequently, their aspiration to build an international reputation and gain respect (“self-appropriation”)
- ▶ to recognize the relatively limited military utility of anti-personnel mines, which may indiscriminately wound, maim, and kill enemies, their constituencies as well as their own fighters, and harm their military capacity.

An example of the potential as well as the difficulties inherent in Geneva Call’s work is its engagement of Kurdish Groups in Iran, Iraq, and Turkey. Geneva Call engages multiple Kurdish groups in these three countries. It engages Iraqi groups that have now become part of the government, as well as Iranian groups; however, their main engagement takes place with the Kurdistan Workers’ Party (Partîya Karkerên Kurdistan, PKK) in Turkey.

In Iraq, a delegation from Geneva Call, with a technical advisor and mine action specialist provided by the Swiss Foundation for Mine Action (FSD), first travelled to Northern Iraq in August 2002. The trip was preceded by 13 months of dialogue with the two groups representing Kurdistan’s two regional governments – the Patriotic Union of Kurdistan (PUK) of Jalal Talabani and the Kurdistan Democratic Party (KDP) of Massoud Barzani in France. In addition to the two

groups signing the Deed, Geneva Call also gained a unilateral declaration from the Democratic Party of Iranian Kurdistan to join in a ban on the production, stockpiling, and use of anti-personnel landmines. Adhering to their commitment, both signatories showed no evidence of having used anti-personnel landmines since the outbreak of war in 2003.

In a proactive unilateral initiative, the PKK Presidential Council in Turkey, in a 2002 letter to Geneva Call, communicated its readiness to commit to a total ban on anti-personnel landmines. In 2005, the People’s Congress (KONGRA-GEL) informed Geneva Call that the PKK’s armed wing, the People’s Defence Force (Hêzên Parastina Gel, HPG), was ready to ban anti-personnel landmines and to start a mine ban process in the territory controlled by the group. However, having been informed of the developments by Geneva Call, the government of Turkey decided to prohibit interaction between Geneva Call and the armed group by effecting a travel ban on the INGO, “arguing that this [an engagement with the Kurdish groups] would give legitimacy to a group that it officially considers as a ‘terrorist’ organization.”²¹ This lack of facilitation by Turkey

²¹ Geneva Call, “Engaging Armed Non-State Actors in a Landmine Ban. The Geneva Call Progress Report (2000–2007)”, 2010, <http://www.genevacall.org/resources/research/fresearch/2001-2010/gc-2007-progress-report.pdf>, 11.

has made communication with the groups as well as meetings with the armed actor to discuss a mine ban more complicated. Nevertheless, KONGRA-GEL and HPG decided to sign the Deed in Geneva (with visas issued by the Swiss government) and Iraqi Kurdistan, respectively, in July 2006. It has been difficult ever since for Geneva Call to ensure compliance with its monitoring commitments. As the INGO cannot engage in monitoring due to the travel ban, it assembled a network of local actors to collect data on the actor's adherence to the mine ban. Geneva Call relies on the constituency of PKK/KONGRA-GEL/HPG and on affected communities to pressure the armed group to pursue implementation and provide support for victims. The INGO analyses and cross-checks the reports with other international organisations, human rights organisations, and the Turkish and Kurdish media on the landmine situation in the country. In 2008, Geneva Call submitted a detailed analysis of mine use allegations to HPG, which responded that it only used command-detonated improvised explosive devices (IEDs) in attacks on security personnel during military operations. The organisation admitted that this had led to occasional collateral civilian casualties. HPG also demanded a verification mission in response to the allegations, which currently cannot be carried out due to Turkish government imposed restrictions. Despite these setbacks, Geneva Call facilitated the destruction of 770 anti-personnel landmines collected by the HAW PAR mine action organisation active in PKK/KONGRA-GEL/HPG operational territory in Iraqi Kurdistan. Additionally, Geneva Call has continually maintained pressure on the PKK to end their practice of abduction and kidnapping with reference to the Deed's basis in international humanitarian and human rights law, which contains provisions on abductions and kidnappings.²²

The International Committee of the Red Cross (ICRC) is an internationally mandated private organisation that performs numerous functions for the protection of civilians in conflict (see Table 5).²³ Among its tasks is the dissemination of knowledge on interna-

tional humanitarian law to all actors in a given conflict, including non-state armed actors. In doing so, it also employs strategic argumentation to persuade non-state armed actors to comply with humanitarian norms. It is supported in its work by the international commitment to international humanitarian law and the organisation's mandate to protect the victims of international and internal armed conflicts as defined in the Geneva Conventions. At the same time, the ICRC works independently without the general backing of state actors and has virtually no means of monitoring the success of its work.

Generally, the ICRC employs three mechanisms for increasing recognition of international humanitarian law in non-international armed conflicts.²⁴ Firstly, it uses a range of legal tools to provide a foundation for legal accountability. These comprise special agreements, unilateral declarations, the inclusion of humanitarian law in codes of conduct in ceasefires and peace agreements, and the granting of amnesty to those implicated in violence. They provide all actors in a conflict with the opportunity to make an "express commitment" to international humanitarian norms, affirming and strengthening the respect of the parties for their obligations under international law.²⁵ For non-state armed actors, these legal tools represent a unique means of expressing a commitment to abide by international humanitarian legal norms – an opportunity that is otherwise unavailable to them. Expressing this commitment not only provides the leadership of the armed group with a sense of self-determination and responsibility, but also prevents them from feeling "above" international law since they are not allowed to sign or accede to the respective international treaties. Whatever an armed group's motivation, a declaration constitutes a commitment to the Geneva Conventions. For the ICRC, express commitments from armed actors may come about through previous engagements with the actor, and they may also form the basis for future interactions to address follow-up actions or violations of the law. Furthermore, they may provide a starting point as well as leverage for dialogue with the armed group on international norms. After receiving an express commitment, the ICRC will acknowledge it and encourage

²² In the Deed, the signatory is "[a]ccepting that international humanitarian law and human rights apply to and oblige all parties to armed conflicts." See Geneva Call, "Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action", 2010, preamble.

²³ Legally, the ICRC is a private association formed under the Swiss Civil Code. Internationally, however, the ICRC enjoys the status of a legal entity under international humanitarian law and is, therefore, different from conventional INGOs.

²⁴ International Committee of the Red Cross (ICRC), *Increasing Respect for International Humanitarian Law in Non-International Armed Conflicts* (Geneva: ICRC, 2008).

²⁵ Ibid., 27.

Table 5
International Committee of the Red Cross: Basic Information

Headquarters	Geneva, Switzerland
Field Offices	engages non-state armed groups in approximately 30 countries
Founded in	1863, internationally mandated by the 1949 Geneva Conventions and their Additional Protocols
Form of Organisation	civil organisation
Mission	takes measures to ensure respect for, to promote, to reaffirm and even to clarify international humanitarian law
Director-General	Yves Daccord
Staff	97 million volunteers, 11,000 local employees, 1,400 specialised staff and delegates, and around 800 staff at the organisation's headquarters in Geneva
Funders	states party to the Geneva Conventions, national Red Cross and Red Crescent Societies, supranational organisations (for example the European Commission), funds from private sources and income from securities
Budget	983.2 million Swiss francs (€685.7 million) (for all field activities in 2010)

and assist the armed group in implementing the provisions contained in the declaration.

The second mechanism represents the central element of the ICRC's activities. It follows the premise that rules and regulations need to become an integral part of actors' behaviour in military operations if violations are to be avoided. Generally, the process begins with communicating the existing humanitarian regulations since armed groups cannot be assumed to have comprehensive knowledge on international law or on what these provisions imply on an operational level. Accordingly, information dissemination is the first step where the dissemination of humanitarian regulations is concerned.

The third mechanism employed by the International Committee is that of "strategic argumentation," which it utilises in dialogue with non-state armed groups as a method of persuading them to adhere to international humanitarian norms by providing arguments for doing so. The following arguments have been put forward by the International Committee of the Red Cross when engaging armed groups.²⁶

- ▶ International humanitarian norms may preserve military interests. They were originally developed by military commanders, accounting for the balanced consideration of military needs and humanitarian interests. For instance, it is in a commander's interest to have well-disciplined troops and a functioning command structure.
- ▶ Additionally, if the actor develops a reputation for treating prisoners of war well, opposing forces might surrender more readily.
- ▶ While reciprocity is not a necessary condition for the application of international humanitarian law, non-state armed actors might be persuaded by the argument that their members will be treated well by the other side if they treat their own prisoners in a similar manner.
- ▶ Adherence to international humanitarian law might improve their reputation, both on the international as well as on the local level among their allies and constituencies. Additionally, the actor may gain a "moral high ground" that could lead to political gains.

²⁶ Ibid., 30–31.

- ▶ Humanitarian norms, as stipulated in international humanitarian law, often have roots in the values, ethics, and morality of various cultures and traditions. Referring to similarities between the norms of the respective culture and those codified in international humanitarian law may increase the incentives for compliance.
- ▶ Violations of international humanitarian law may be disadvantageous in the long run. They might damage the actor's reputation, reduce support, and even lead to public ostracism, whereas compliance might be beneficial. Moreover, the actor's legitimacy among those whom it seeks to govern in the future might be harmed. Additionally, adherence to international humanitarian norms may help facilitate post-conflict reconciliation.
- ▶ The recent developments in the prosecution of violations of international law during conflict, such as the establishment of the International Criminal Tribunal for the former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), and the International Criminal Court (ICC), have strengthened the legal framework in a way that makes international prosecution of violations more likely.
- ▶ The adherence to international humanitarian law may save resources, especially by keeping important infrastructures intact.

As an example, in the Philippines, the ICRC conducts workshops and training sessions, promotes dialogue on specific violations, and carries out regular follow-ups with military and police forces in their respective academies in the capital as well as in the field to promote international humanitarian law. Similar measures are pursued with non-state armed actors in their territories. With regard to the latter groups, the main focus of training is on distinguishing between civilians and combatants. The training sessions provide practical examples illustrating the theoretical distinction between the two types of actors in order to make the difference clearer, more understandable, and more applicable to practical situations. An example would be as simple as explaining that checkpoints should not be positioned in front of civilian dwellings. For the higher-level leadership, these issues are addressed in a more extensive and in-depth manner, covering the relevant theoretical principles and the structure of international humanitarian law and human rights law.

The primary contributions of both of the aforementioned norm-diffusion-oriented INGOs are their efforts at promoting the dissemination and wider application of international humanitarian and human rights law in general and the universal acceptance of a landmine ban in particular. Yet without the initial cooperation of the leadership of armed actors, both INGOs run into difficulties. Ad hoc agreements might still be a means of assisting the wounded or elderly in specific situations (such as in the Republika Srpska), but these do not change behaviour in principle.

Strengths and Weaknesses of INGOs in International Conflict Management

The strengths of INGOs in engaging non-state armed actors are substantial. INGOs that are active in this field are not subject to the same diplomatic constraints and commitments that apply to state actors and international organisations.²⁷ In this sense, their interactions with armed actors have potentially lower consequences with regard to the status of armed actors and the credibility of their grievances, as well as the sovereignty, legitimacy, and authority of the host state. Moreover, the perceived independence of INGOs from the control of other entities, particularly national governments, often increases their credibility among armed actors: they are seen as removed from any interests in strategic power, resources, and business that are attributed to other intervening actors. Procedurally, INGOs are also often assumed to be more flexible and more principled in their engagement than intervening state actors and international organisations. They tend to be small in size with a more informal organisational structure that allows them to be flexible and to react quickly to changing circumstances. They are often able to accommodate ad hoc meetings with armed actors and to maintain contact with them. Particularly the small network-type form of organisation appears to be an advantage as it avoids the feedback loop entailed by a larger hierarchical organisation, resulting in lengthy periods of coordination before being able to proceed in communication or mediation processes with armed actors. In this sense, INGOs have the capacity to avoid delays in the process, when crucial momentum may be lost.

Moreover, members of INGOs are more readily perceived as “altruistic.” Because of this perception of independence and the lack of a “state bias,” INGOs are often viewed by armed groups as being more sincere and dedicated to achieving a sustainable resolution to the conflict, and more interested in considering the demands and preferences of the parties to the conflict than in maintaining the status quo. Three characteristics in particular affirm this view of INGOs among

non-state armed actors. Firstly, the INGOs in question do not offer “take it or leave it” solutions but instead attempt to tailor options to the particular conflict and the parties at hand. This can be seen in the Centre for Humanitarian Dialogue’s negotiation between the government of Indonesia and the GAM, in which they attempted to acknowledge both the security concerns of the government and those of the armed actor. It is also evident in the Carter Center’s approach to mediation in Sudan and Uganda, in which the Center sought to include all stakeholders in the peace process. Further examples are Geneva Call’s strategic use of reasoning when persuading armed groups to cease from using landmines, and the ICRC’s efforts to promote adherence to international law by means of rational argumentation. Thus, while INGOs may have their own preferences – in the resolution to peace processes as well as in the application of international norms – they do not have any form of leverage to pressure the parties in conflict to accept these. Consequently, their only means of facilitating agreements is to find some viable middle ground between the parties.

Secondly, due to this lack of tangible leverage, it is crucial that dialogue, cooperation, and concessions form the basis of INGO-led mediation and negotiation processes. The case may be different if a powerful state actor is involved, which may, implicitly or explicitly, compel the parties to agree to a compromise. The peace negotiations of the Centre for Humanitarian Dialogue and the Carter Center provide a striking example of this: the Roadmap for Peace was a plan to resolve the Israeli-Palestinian conflict that was proposed by the United States, the European Union, Russia, and the United Nations.

Thirdly, in order to gain a position of trust among the parties to conflict that allows INGOs to facilitate, mediate, negotiate, counsel, and persuade, they rely on their individual reputation and personal integrity. The Centre for Humanitarian Dialogue strives to employ individuals with experience in government-level negotiations in order to maintain a reputation as knowledgeable, competent, and trustworthy, and the Carter Center relies heavily on the experience and clout of former President Jimmy Carter. Geneva Call

²⁷ It is important to recognise that with regard to personal relationships perception may become more important than factual conditions. This perception by armed groups is different for individual INGOs.

and the ICRC work to build relationships with armed groups in order to gain their trust and esteem. Again, with no tangible leverage to put pressure on the parties to conflict, INGOs rely on the personal reputation of their staff as well as on the institutional integrity of their organisation. Accordingly, it often takes INGOs a considerable amount of time to build the personal and often informal relationships to exert some level of influence on armed groups and their leaders. Such relationships are often built on empathy and an understanding of the issues at hand. Swiss organisations in particular, such as the Centre for Humanitarian Dialogue, Geneva Call, and the ICRC, also often benefit from a distinct “Swiss factor” that lends them a degree of confidence and trust based on the constructive role that Switzerland has played in past international negotiations, as well as based on the country’s historical neutrality.

A further advantage in INGOs’ negotiations with armed actors is the relative lack of attention that is currently paid to their efforts by state actors, international organisations, and the media. Accordingly, they are subject to less pressure to succeed in the sense of producing concrete agreements. Instead, they are able to build long-term relationships with armed actors, to focus on key issues rather than entire peace processes, and to address humanitarian concerns alongside issues of peace and security. The Carter Center, for instance, has been able to negotiate short-term ceasefires that have allowed for the eradication of specific illnesses. It has also been able to facilitate the necessary technical help needed to carry out health missions, and has sought to use this opportunity to extend ceasefires and begin long-term negotiations.

Armed actors face a relatively low entry threshold to INGO-led mediation, and have little to lose by pulling out of negotiations early. This may make them more likely to give dialogue a try. INGOs, on the other hand, put their reputation and credibility on the line in every engagement with armed actors; damage to their reputation may fundamentally endanger their position with the individual armed actor and with others as well. As a safeguard, INGOs can use their often solid base in local civil society to put pressure on some groups to continue the process. Depending on the degree of confidentiality in the process, they can also inform the public about current developments and thus reveal spoiling behaviour. Moreover, they can incorporate a wider range of stakeholders into the process, including unofficial actors such as diaspora groups and other civil society actors that may create

additional pressure on the parties and make potential agreements more sustainable.

Nonetheless, INGOs also display a number of shortcomings. Firstly, their lack of resources usually requires them to request international assistance at one point or another, provoking questions about the feasibility of INGO-led mediation and negotiation, especially considering the often protracted and sometimes complicated nature of such processes. Additionally, without the resources to sustain personal contacts in the field on a long-term basis, a commitment by the parties to the process may be difficult to maintain. Even in cases where these initial obstacles were overcome and an INGO-brokered agreement was reached – as in Aceh, Indonesia, in 2003 – the implementation and monitoring of the commitments in the agreement surpassed the capacities of the INGO. In Aceh, international peacekeepers supported the Centre for Humanitarian Dialogue when it encountered problems in implementing the peace agreement and lacked the resources and status to impose sanctions to keep the parties engaged in the process. Additionally, the INGO required additional support from experts in the field and in academia. Even in smaller projects, INGOs often lack the necessary personnel and financial backing, particularly when their work is financed through project-specific funding (Carter Center, Centre for Humanitarian Dialogue, and Geneva Call) as opposed to a fixed annual budget (ICRC). In these cases, INGOs’ lack of resources and capacities often requires them to rely on external partners, such as local civil society organisations, local governments, and third countries.

Secondly, INGOs’ credibility, legitimacy, and mandate for engaging armed actors have on some occasions been called fundamentally into question. Their lack of supervision by an international body and the difficulties outside observers encounter in monitoring their engagements with armed actors have increased some fears that INGOs can be instrumentalised by armed actors. Such concerns led Turkey to impose a travel ban on Geneva Call inside of the country to prevent it from engaging with the PKK.

Thirdly and most prominently, INGOs’ ability to effectively influence the behaviour of both state and non-state actors has been called into question. Particularly the duration of their engagement on long-term projects, for example, in establishing contacts and building relationships, has been the subject of much scrutiny. Where they have failed in establishing reliable contacts with higher-level officials, INGOs have

often proceeded to mediate and negotiate with lower-level personnel, raising further questions about the sustainability of these processes. Moreover, the fragility of the personal, individual, and empathetic relationships between the INGO staff and representatives of armed groups has raised serious security concerns for INGO personnel and particularly for local staff, who are usually among the first victims in cases of retaliation.

Cooperation between State Actors, International Organisations, and INGOs

In some cases, state actors and INGOs have found ways to benefit from each other's efforts, for example, by exchanging information about specific conflicts and key actors. In others, states have been able to put strategic pressure on the parties to conflict at opportune moments in INGO-led negotiations. Particularly Jimmy Carter, with his close links to current and past US administrations, has been able to use his privileges, access, and connections to facilitate the mediation and negotiation efforts of the Carter Center. Other INGOs have provided for a transfer of projects to more experienced authorities, state actors, and international organisations. For example, the Centre for Humanitarian Dialogue brought in a group of internationally known mediation advisors, a number of state actors (the European Union, the Norwegian government, and the United States), and an international organisation (the World Bank) in the negotiations in Aceh, Indonesia, in 2001, when it felt that such support was beneficial to the process. Other INGOs receive ongoing financial and strategic support from a variety of countries. Notably, Geneva Call not only receives financial support from the Swiss government but is also a key element in the government's strategy against anti-personnel landmines and unexploded ordnance (UXO).²⁸ Finally, some INGOs have established standing offices with international organisations. For instance, the Religious Society of Friends, popularly known as the Quakers, a faith-based private organisation, maintains representations to the United Nations in Geneva and New York. The offices serve two main purposes: Firstly, they represent the work done by Quakers and their local partners in the field and facilitate contacts between local Quaker groups and UN representatives. Secondly, they provide a platform for the advancement of issues not yet on the international agenda at the UN and in informal forums.

Yet while these initiatives make a contribution to improving individual state and non-state approaches, they remain selective. In order to mutually reinforce state and non-state approaches, building on their

respective strengths and advantages, cooperation has to become more systematic and operationalised. Accordingly, an advantageous relationship between state and non-state actors would include the support of individual INGO projects but would extend this to sustained operational coordination and cooperation.

Previous Cooperation in Germany

While such support, oftentimes financial in nature, is life-sustaining for the work of INGOs, funding tends to focus on population-centric INGO projects. For instance, the inter-ministerial action plan "Civilian Crisis Prevention, Conflict Resolution and Post-Conflict Peace-Building," introduced by the German government in 2004, focuses its support for NGOs on the development of civil society initiatives through its own activities or by empowering local partners.²⁹ Here, it refers to existing programmes such as "peace-keeping measures" (FEM) and the Fund for Peace-building Institutions and Peace Initiatives (Peace Fund), which fund NGO projects on civilian conflict management methods and reconciliation as well as conflict- and gender-sensitive rehabilitation and reconstruction measures to strengthen civil society. However, the measures in the action plan to increase the integration of NGOs fall short on two accounts.

Firstly, they refer solely to international treaties, to which armed groups cannot accede, thereby implicitly restricting the plan's actionability by preventing the possibility of directly engaging armed groups. The action plan's chapter on non-proliferation, disarmament, arms control, and arms export control, for instance, cites conventions such as the "Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction," and the "United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects." However, it makes no mention of how state

²⁸ Swiss Federal Department of Foreign Affairs, *Mines*, 2012, <http://www.eda.admin.ch/eda/en/home/topics/peasec/sec/armcon/nonpro/mine.html>.

²⁹ German Federal Government, *Action Plan "Civilian Crisis Prevention, Conflict Resolution and Post-Conflict Peace-Building"* (Berlin: Auswärtiges Amt, 2004), 67–68.

actors or NGOs may engage non-state armed groups to promote the enforcement of these norms and conventions, despite the often deliberate use of anti-personnel landmines and small arms and light weapons by armed groups against civilians during armed conflicts.³⁰ Thus, while intended to help find permanent solutions to conflicts and to promote mechanisms for non-violent conflict management, the action plan provides no concrete initiatives to involve all parties to contemporary conflicts in a solution.

Second, the measures introduced in the action plan fail to anchor crisis prevention as a cross-sectoral political task on a societal level. The Advisory Board for Civilian Crisis Prevention, established through the 2004 action plan as a consultative body composed of members of academia and NGOs, criticised in its 2008 opinion on the Second Report on the Implementation of the Action Plan the lack of coordination with civil society on civilian crisis prevention, conflict resolution, and post-conflict peacebuilding and the failure to utilize the advisory board's expertise.³¹ Particularly the latter view seems to have been confirmed by the complete absence of an advisory opinion on the recent "Third Report on the Implementation of the Action Plan." Moreover, the German Platform for Peaceful Conflict Management, in its 2010 opinion on the Third Report, railed against an increasing neglect of the contributions of civil society in favour of "networked security," a comprehensive understanding of security that builds on the interplay between military and non-military instruments and puts the two on par with each other. In this sense, the action plan conforms to a recent trend in international conflict prevention and management, reasserting the capabilities and experience of military actors in asymmetric warfare at the expense of purely civilian approaches.

The guiding principles of contemporary German foreign policy, however, rest on the higher priority of civilian approaches over military engagement in

achieving peaceful conflict resolution. While military force remains a necessary option, it is a weapon of last resort.³² Accordingly, the German government reaffirms that conflict settlement endeavours should be primarily civilian in nature.³³ Moreover, the "Comprehensive Concept of the Federal Government on Civilian Crisis Prevention, Conflict Resolution and Post-Conflict Peace-Building" explicitly stresses the incorporation of NGOs as far as possible.³⁴ In this respect, the action plan is a unique instrument to institutionally anchor communication and coordination in the work of state actors and NGOs.³⁵ However, the potential of actively including NGOs in the government's civilian policies is far from exhausted.

³⁰ The conventions refer the matter of enforcement either to the state level, requiring state action under appropriate national law against armed groups and individuals, or require all parties to apply the relevant prohibitions and restrictions. For more information on the impact of conventional weapons, see International Campaign to Ban Landmines, <http://www.icbl.org/index.php/icbl/Universal/MBT/Non-State-Armed-Groups>, and Small Arms Survey, <http://www.smallarmssurvey.org/?id=300>.

³¹ Beirat "Zivile Krisenprävention", *Zivilgesellschaftliche Perspektiven zum Aktionsplan* (Berlin: Auswärtiges Amt, 2008), 2.

³² Speech by Guido Westerwelle, Member of the Bundestag and Federal Minister for Foreign Affairs at the German Council on Foreign Relations Berlin, 21 October 2010, <http://www.auswaertiges-amt.de/EN/Infoservice/Presse/Reden/2010/101021-BM-dgap-grundsatzrede.html?nn=599884>.

³³ German Federal Government, *Action Plan* (see note 29), 10.

³⁴ Gesamtkonzept der Bundesregierung: "Zivile Krisenprävention, Konfliktlösung und Friedenskonsolidierung", <http://www.cpti.ws/conf/02/ger/zusatz/gesamtkonzept.pdf>.

³⁵ Beirat "Zivile Krisenprävention", *Zivilgesellschaftliche Perspektiven zum Aktionsplan* (see note 31), 2.

Options for State Actors

In recognition of the challenges that state actors face in contemporary humanitarian emergencies, the formal inclusion of INGOs into conflict prevention and management strategies appears prudent. INGOs present three distinct opportunities and degrees to which such coordination may take place, as exemplified by the four organisations examined above: INGOs may supplement an official policy, they may assume complete but distinct components of that policy, and they may induce certain policies and provide early warning.

Supplementation of Official Policy

To complement official policies, state actors and international organisations may fund specific projects by INGOs that support their engagement in a particular country. Moreover, states and international organisations may provide funding that is not earmarked for a specific project and may be allocated freely by the INGO, thereby supporting the INGO and its activities – often worldwide – as a whole. In coordination with a state or international organisation's policies, such funding for projects and INGOs should be complementary in that the projects address issues or communities that are not directly addressed by that state or international organisation but that correspond to the aims of its general policies. Furthermore, state actors and international organisations may employ the expertise of INGOs in developing policy both nationally and internationally. INGOs' expertise and experience regarding specific issues and countries may help in developing and formulating political tasks, lobbying for support from national and international civil society groups, and supporting the implementation of the task. In this sense, INGOs may be involved and invested in a policy process from the very beginning and may facilitate the state and international organisation's activities considerably. Additionally, INGOs and research organisations may support the development and formulation of prevention strategies with their expertise, experiences, and resources. So far, state actors and international organisations have employed the four organisations

examined above only infrequently and sporadically in these capacities. However, there has been no functioning institutionalisation of these processes. With regard to international negotiations in particular, the support and expertise of the Centre for Humanitarian Dialogue has been employed on two prominent occasions: Kofi Annan's Panel Secretariat requested support by the Centre during its activities in Kenya;³⁶ and the Norwegian government employs the Centre's expertise and knowledge in its mediation activities in the Philippines.³⁷

Responsibility for Distinct Policy Components

Where state actors and international organisations face obstacles in their work, INGOs may be in a position to assume responsibility for complete but distinct components of an official policy and, thus, complement national and international policy efforts with their own work. Particularly where the resolution of the problem is heavily dependent on the cooperation of a non-state armed actor, INGOs can be mandated by states and international organisations specifically to engage armed actors on the issue. The International Committee of the Red Cross is a case in point as it has a standing international mandate to ensure humanitarian protection, provide assistance for victims of armed conflict and other situations of violence, take action in response to emergencies, and promote respect for international humanitarian law and its implementation by armed actors. Another example is the cooperation and coordination between

³⁶ In 2008, a Panel of Eminent African Personalities, chaired by former UN Secretary-General Kofi Annan, and also including Graça Machel and Former President of Tanzania Benjamin Mkapa, was mandated by the African Union to mediate in the conflict between President Kibaki and Hon. Odinga following the contested national election of December 2007.

³⁷ The Norwegian government has been acting as a third-party facilitator to peace talks between the government of the Philippines and the National Democratic Front (NDF) since February 2004. The NDF negotiates on behalf of the Communist Party of the Philippines (CPP) and the New People's Army (NPA).

the Swiss government and Geneva Call regarding Switzerland's strategy to eliminate the use of anti-personnel landmines and other explosive remnants of war. As part of its official strategy, the Swiss government partners with the INGO specifically to engage armed groups in efforts against landmines. In a manner of speaking, it "delegates" the direct engagement of armed groups – otherwise an obstacle – to Geneva Call, and thus addresses an aspect of the problem that would remain otherwise unresolved. Other INGOs, such as the Centre for Humanitarian Dialogue and the Carter Center, have engaged armed groups in negotiations and mediations without official mandates but supported by government briefings and expert consultants from international organisations.

Developing Policies and Providing Early Warning

States and international organisations may use the practical experience of INGOs to gain in-depth knowledge on situations on the ground, for example with regard to the security situation of civilians, imminent risks, and windows of opportunity for the engagement of armed groups. Here, INGOs are often able to provide wide-ranging information as well as early warning. Moreover, particularly specialised INGOs may be in a position to bring about constructive dialogue processes with armed actors that, at a more mature stage, may offer an opportunity for talks on high political levels. For instance, the Carter Center's long-standing efforts to build a peace process in Northern Uganda were handed over to Betty Bigombe, the United States Agency for International Development (USAID), and the Northern Uganda Peace Initiative (NUPI) in 2003. In 2007, Geneva Call received access to the stockpiles under the control of the United Somali Congress/Somali National Alliance (USC/SNA) (approximately 3,500 anti-personnel landmines and anti-tank mines) and facilitated contact with the African Union (AU) for their destruction. The successful cooperation between the armed group and the international organisation may serve as a trust-building measure and benefit future interactions. The International Committee of the Red Cross frequently negotiates prisoner exchanges, which may serve as a precursor to serious negotiations.

However, while state actors and international organisations have frequently made use of the expertise and capabilities of INGOs for support, they have ne-

glected to fully utilize INGOs' unique ability to assume responsibility for specific functions and to push for progress, particularly in engagement with armed groups. Strategic partnerships between state actors, international organisations, and INGOs may improve broader efforts at resolving conflict by better exploiting the different capacities of the various actors involved. To do so, however, the respective programmes have to be initiated and followed through over the long term.

Conclusions and Recommendations

The German inter-ministerial action plan “Civilian Crisis Prevention, Conflict Resolution and Post-Conflict Peace-Building” and its fundamental recognition of the potential contribution of INGOs provides the basis for closer coordination and cooperation between state actors and INGOs. It demonstrates an active understanding of INGOs’ project work and expresses the intention to support their efforts. At the same time, it gives a very narrow picture of INGOs’ fields of activity and an oversimplified view of how state actors may support and benefit from their work. Particularly with regard to the engagement of non-state armed groups, institutionalised strategic partnerships between state actors, international organisations, and INGOs represent a source of mutual reinforcement and an opportunity for productive task- and burden-sharing that remains largely untapped up to the present day. As a result, state actors and international organisations need to reconsider the value of employing INGOs to assist them in directly engaging armed groups in line with official strategies to achieve specific goals. Additionally, state actors and international organisations need to find ways to institutionalise and anchor regular consultations with INGOs across sectors and on a continuing basis.

In particular, state actors and international organisations would benefit considerably from reassessing the potential of INGOs in contributing to official policy, in assuming responsibility for complete but distinct components of specific policies, and in pushing for implementation of policies and providing early warning.

Funding from state actors and international organisations remains an important contribution to INGOs’ work. State actors should maintain these contributions to individual projects but should also consider giving specific INGOs more general financial support. This would allow INGOs to react more freely to conditions and opportunities on the ground. For instance, it would allow them to involve armed groups in projects on conflict management, reconciliation, conflict- and gender-sensitive rehabilitation, and reconstruction, potentially increasing the positive impact on affected populations and on civil society in general.

The closer involvement of INGOs in national and international policy development would not only make a substantial contribution to official policy but would also encourage INGOs to support specific policies through lobbying and implementation initiatives. This would simplify coordination between state actors, international organisations, and INGOs and facilitate cooperation. For instance, INGOs could then more easily and appropriately apply official policy on specific issues in their engagement with armed groups.

States and international organisations should be aware of the capabilities of specialised INGOs in supporting official negotiations. They could often provide logistical assistance more quickly than national bureaucratic structures, and could furthermore facilitate communication with armed actors thanks to their flexibility and smaller and often network-type organisation. In conflicts where multiple armed actors are involved, INGOs could serve as mediators to groups not included in the negotiation process that would otherwise act as peace spoilers.

State actors and international organisations should encourage individual INGOs to continue and increase their efforts at engaging specific armed actors. Firstly, constructive engagement may alleviate armed actors’ concerns regarding serious peace negotiations. Secondly, long-term engagement may facilitate the development of functioning communication structures, which encourage adherence to codes of behaviour by all actors involved and may increase the coherence of future peace negotiations. Thirdly, constructive engagement may lead to the transformation of an armed group into a legitimate political actor. In this respect, engagement between INGOs and armed actors, and especially improved behaviour of the armed actor over a period of time, may provide state actors and international organisations with an entry point for peace negotiations, without creating the political signal that they are rewarding violence.

State actors and international organisations should consider awarding limited mandates to specialised INGOs to purposefully address individual issues with armed groups. Such a mandate would not speak to the legitimacy of the armed actors or of their grievances;

instead, it would acknowledge the imperative of involving armed groups in achieving resolution to issues such as landmines, child soldiers, and the protection of civilians in conflict, and would make these issues an integral component of national and international policies. Here, state actors and international organisations could call upon INGOs to work in line with their official policy on an issue. At the same time, INGOs could maintain their impartiality (and the accompanying advantages) by focusing on single issues rather than advocating broader policies or the interests of states and international organisations.

Similar steps should be taken on a European level to assure constructive communication and coordination between EU policy institutions and INGOs. Appropriate bodies, such as the Committee for Civilian Aspects of Crisis Management (CIVCOM) as well as the Political and Security Committee (PSC), the European Commission's Conflict Prevention and Crisis Management Unit, and the European Parliament's Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, need to include INGOs as partners in the development, formulation, and implementation of political tasks including the conceptual development of operations and operation plans. The Instrument for Stability, and particularly the Peacebuilding Partnership, present strategic and operational opportunities in this regard, as do the existing INGO networks, such as the European Peacebuilding Liaison Office (EPLO) and the Global Partnership for the Prevention of Armed Conflict (GPPAC). Or alternatively, state actors and international organisations should consider extending unofficial support to selected INGOs in engaging armed actors by providing briefings on actors and situations on the ground, clarifying official government policies, promoting compliance with INGOs or at least supporting their coordination role, and facilitating a more coordinated overall approach towards armed groups.

Overall, state actors, international organisations, and INGOs need to work more closely to develop a comprehensive concept of conflict prevention, conflict resolution, and engagement of non-state armed actors, based in a culture of task- and burden-sharing that will make it possible to begin addressing global issues in their entirety.

Abbreviations

AU	African Union
AusAID	Australian Agency for International Development
CIVCOM	Committee for Civilian Aspects of Crisis Management
CMI	Crisis Management Initiative
CMO	civil-military operation
COHA	Cessation of Hostilities Agreement
CPA	Comprehensive Peace Agreement
CPP	Communist Party of the Philippines
DFID	Department for International Development
EPLO	European Peacebuilding Liaison Office
FCO	Foreign and Commonwealth Office
FEM	Friedenserhaltende Maßnahmen (peacekeeping measures)
FSD	Swiss Foundation for Mine Action
GAM	Gerakan Aceh Merdeka
GPPAC	Global Partnership for the Prevention of Armed Conflict
HDC	Henri Dunant Centre (Centre for Humanitarian Dialogue; Geneva)
HPG	Hêzên Parastina Gel
ICC	International Criminal Court
ICRC	International Committee of the Red Cross
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
IED	improvised explosive device
IGAD	Intergovernmental Authority on Development
INGO	international non-governmental organisation
KDP	Kurdistan Democratic Party
KONGRA-GEL	Kongra Gelê Kurdistan (People's Congress Kurdistan)
LRA	Lord's Resistance Army
LTTE	Liberation Tigers of Tamil Eelam
NDF	National Democratic Front (Philippines)
NGO	Nongovernmental Organisation
NPA	New People's Army (Philippines)
NUPI	Northern Uganda Peace Initiative
PKK	Partiya Karkerên Kurdistan
PSC	Political and Security Committee (EU)
PUK	Patriotic Union of Kurdistan
SIDA	Swedish International Development Cooperation Agency
SPLA/M	Sudan People's Liberation Army/Movement
UCDP	Uppsala Conflict Data Program
UN	United Nations
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development
USC/SNA	United Somali Congress/Somali National Alliance
UXO	unexploded ordnance