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1 | 2012

A Time to Fight, and a Time to Talk? Negotiability of Armed Groups

Philipp Lustenberger

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Negotiability of Armed Groups

Philipp Lustenberger

About the Author

Philipp Lustenberger holds an M.A. in Conflict
Management from the School of Advanced
International Studies, Johns Hopkins University. He
worked in Colombia and Sudan, and has done
research in Mindanao, Philippines.

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Executive Summary

This working paper develops a framework to analyze the circumstances under which non-state armed groups recognize a conflict as negotiable. The concept of negotiability disaggregates ripeness theory to focus on the perspective of one party. For negotiability to be given, a critical mass within the group must perceive a negotiated solution as desirable, legitimate and achievable. Rather than a single and linear decision, the transformation towards negotiability is an evolving and potentially reversible process involving the participation of different actors within a group.

The paper argues that intra-group processes mediate the perception of negotiability and that third-party engagement may contribute to fostering the group's view that 'a time to talk' has come. Based on a review of literature and a series of interviews with experienced mediation practitioners, the paper seeks to provide some insights on how to engage with armed groups.

The analytical framework in this paper presents two factors that must be present for an armed group to move towards negotiability: First, the group needs to perceive an irredeemable and painful status quo, the 'hurting stalemate', pushing them away from the combative strategy and, therefore, making negotiations desirable. Push factors are shaped by the interaction of the military, political and economic dimensions of the conflict. Second, the armed group must sense the prospect of a satisfactory agreement, the 'way out', pulling them towards negotiations. Without the perception of negotiations as a legitimate and achievable alternative, an armed group might suffer from a painful deadlock, but it has no viable alternative to the continuation of violence. Three interconnected elements define the pull factors: a peace process has to be compatible with the group's worldview and interests; the group requires some basic confidence in the government as a negotiating partner; and the group must have some trust in the negotiation process.

For an armed group to turn towards negotiability, a critical mass within the group must perceive the push and pull factors appropriately. Although internal structures and processes are unique to each group, certain general dynamics to make sense of decision-making are distinguished.

Recognizing that third parties may foster negotiability, the working paper suggests an approach to prepare an effective engagement strategy. Without discarding the merits of a more forceful approach, the paper concentrates on persuasive means of engagement. Acting on the armed group's perceptions, third parties can convince the rebels of the futility of continued armed struggle and the attractiveness of a negotiated exit. This type of approach works mostly through backchannel engagement and through the promotion of a process of moderation, re-assessment, as well as confidence and capacity building.

Zusammenfassung

Dieses Working Paper entwickelt ein Modell zur Analyse der Umstände, unter welchen nichtstaatliche bewaffnete Gruppen einen Konflikt als verhandelbar ansehen. Das Konzept der sogenannten „Negotiability" basiert auf der „Ripeness"-Theorie und konzentriert sich dabei auf die Perspektive *einer* Konfliktpartei. Damit Negotiability gegeben ist, muss eine kritische Masse innerhalb einer Gruppe die verhandelte Konfliktlösung als wünschenswert, legitim und erreichbar erachten. Der Übergang zur Verhandlungsbereitschaft ist kein linearer Entscheidungsprozess, sondern eine umkehrbare Entwicklung, welche die Teilnahme verschiedener Akteure innerhalb der Gruppe beinhaltet.

Dieses Paper argumentiert, dass Prozesse innerhalb der Gruppe die Wahrnehmung der Verhandlungsbereitschaft definieren und dass der Einbezug Dritter die Einsicht, wonach der Zeitpunkt für Verhandlungen gekommen ist, fördern kann. Basierend auf einer Literaturstudie und einer Reihe von Interviews mit erfahrenen Mediatoren, versucht dieses Working Paper Einblicke in den Umgang mit bewaffneten Gruppen zu geben.

Das in diesem Paper vorgestellte analytische Modell bezieht sich auf zwei Faktoren, welche für das Entstehen der Verhandlungsbereitschaft in einer bewaffneten Gruppe gegeben sein müssen: Erstens, muss die Gruppe einen unabänderlichen und schmerzhaften Status quo wahrnehmen, die „schädigende Pattsituation", die sie von der kämpferischen Strategie abbringt und dadurch Verhandlungen wünschenswert macht. Diese Push-Faktoren werden von der Interaktion der militärischen, politischen und wirtschaftlichen Dimensionen des Konflikts geformt. Zweitens, muss die bewaffnete Gruppe die Aussicht auf eine zufriedenstellende Vereinbarung erkennen, den „Ausweg", der sie an den Verhandlungstisch bringt. Wenn Verhandlungen nicht als legitime und mögliche Alternative wahrgenommen werden, hat eine bewaffnete Gruppe keine valable Alternative zur Fortsetzung der Gewalt, auch wenn die militärische Vorgehensweise nicht erfolgsversprechend ist. Drei miteinander verbundene Elemente definieren die Pull-Faktoren: ein Friedensprozess muss mit der Weltanschauung und den Interessen der Gruppe kompatibel sein; die Gruppe benötigt ein Grundvertrauen in die Regierung als Verhandlungspartnerin; und die Gruppe muss dem Verhandlungsprozess ausreichend Vertrauen entgegen bringen.

Damit sich eine bewaffnete Gruppe an den Verhandlungstisch setzt, muss eine kritische Masse innerhalb der Gruppe die Push und Pull-Faktoren entsprechend beurteilen. Um Entscheidungsprozesse zu erklären, werden bestimmte allgemeine Dynamiken unterschieden, obwohl interne Strukturen und Prozesse für jede Gruppe einzigartig sind.

Mit der Erkenntnis, dass Dritte die Verhandlungsbereitschaft fördern können, schlägt das Working Paper einen Ansatz für die Vorbereitung einer effektiven Vorgehensweise vor. Ohne die Vorzüge eines zwingenden Ansatzes ausser Acht zu lassen, konzentriert sich das Paper auf Mittel der Überzeugung. Durch das Einwirken auf die Wahrnehmung der bewaffneten Gruppe, können Drittparteien die Rebellen von der Zwecklosigkeit der Fortführung ihres bewaffneten Kampfes überzeugen und die Attraktivität eines Ausstiegs über Verhandlungen darlegen. Diese Art des Ansatzes entfaltet seine Wirkung hauptsächlich über die Nutzung inoffizieller Kommunikationskanäle (backchannel engagement), dem Fördern eines Mässigungsprozesses, Neubewertungen (re-assessment) sowie Vertrauensbildung (confidence building) und dem Aufbau von Kapazitäten (capacity building).

Résumé

Ce « *working paper* » propose un cadre analytique permettant de mieux comprendre les circonstances qui amènent les groupes armés non étatiques à décider qu'un conflit est négociable. Le concept de négociabilité désagrège la théorie du « conflit mûr » pour se concentrer sur le point de vue d'une partie au conflit. Pour que le choix de la négociabilité prévale, il doit y avoir une claire majorité dans le groupe qui estime qu'une solution négociée est désirable, légitime et réalisable. On observe que la transformation vers la négociabilité est un processus qui évolue plutôt qu'une simple décision linéaire. Elle peut aussi changer en fonction de la participation de différents acteurs dans le groupe.

Ce « *working paper* » argumente que les processus internes aux groupes façonnent la perception de négociabilité et que l'engagement d'un parti tiers peut contribuer à renforcer l'idée que le temps est venu de négocier au sein du groupe. Basé sur une revue de la littérature et sur une série d'entretiens avec des médiateurs expérimentés, le papier cherche à donner quelques pistes sur la manière de travailler avec les groupes armés sur ces questions.

Le cadre théorique de ce « *working paper* » révèle deux points clé pour qu'un groupe armé se dirige vers le choix de négocier. Tout d'abord, le groupe doit percevoir « une impasse douloureuse » qui l'éloigne de son choix stratégique de lutte armée et qui rend la solution négociée une option désirable. Les facteurs poussant les parties vers la négociation sont conditionnés par l'interaction entre les dimensions militaires, politiques et économiques du conflit. Deuxièmement, le groupe armé doit sentir la possibilité d'un accord satisfaisant, c'est-à-dire une « issue possible » qui l'encourage à la négociation. Si la solution négociée n'est ni perçue comme légitime ni comme une alternative réaliste, les groupes armés peuvent souffrir dans une situation d'impasse mais néanmoins ne pas avoir d'alternatives à la continuation de la lutte armée. Trois éléments interconnectés définissent les facteurs qui rendent la négociation attrayante: le processus de paix doit être compatible avec les vues et intérêts du groupe armé; les groupes armés doivent avoir un minimum de confiance dans le gouvernement comme partenaire de négociation ainsi que dans le processus de négociation lui-même.

Pour que le groupe armé choisisse la voie de la négociation, la majorité du groupe doit bien percevoir les facteurs les poussant vers la négociation ainsi que ceux qui rendent la négociation attrayante. Bien que les structures internes et les processus soient uniques à chaque groupe, on observe certaines dynamiques communes sur la façon dont se prennent les décisions.

En soulignant que les partis tiers peuvent faciliter la voie de la négociation, ce « *working paper* » suggère une approche pour préparer l'engagement vers cette voie. Sans dénigrer les mérites d'une approche contraignante, ce « *working paper* » se concentre plutôt sur les moyens persuasifs face aux groupes armés. En travaillant sur la perception d'un groupe armé, un parti tiers peut le convaincre de la futilité de la continuation la lutte armée et de l'attrait d'une solution négociée. Ce type d'approche fonctionne surtout par un engagement discret et par la promotion d'un processus de modération et de réévaluation ainsi que par le renforcement de la confiance et des capacités.

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Introduction

From 1940 until the end of the Cold War, military victory was the dominant mode of ending civil war, but in the 1990s negotiated settlements became as frequent as military victories. Hence, despite their original intent to redress grievances through violence, armed groups regularly engage in negotiations (Toft, 2009). This working paper focuses on non-state armed groups and explores the conditions that must apply for these groups to renege on the armed struggle and engage in peace negotiations.

The paper develops a framework to analyze the circumstances under which an armed group recognizes the conflict as negotiable. The objective of the framework is to explain when a rebel group is genuinely willing to consider negotiations, not when negotiations begin or when they reach a successful agreement. Therefore, negotiations to simply manage defeat or victory are not included. Developing the concept of negotiability, the paper disaggregates ripeness theory to focus on the perspective of one party. Negotiability for armed groups is present when a critical mass within the group considers a negotiated solution as desirable, legitimate and achievable. For this to happen, the rebels must perceive a push away from the combative strategy as well as a pull towards negotiations. Rather than a single and linear decision, the transformation towards negotiability is an evolving and potentially reversible process. The working paper argues that the subjective perceptions of the push and pull factors are mediated by intra-group processes and that third-party engagement may have an impact on fostering negotiability.

Given the arguments and evidence presented, this paper maintains that the concept of negotiability has particular relevance for mediation practitioners. A better understanding of negotiability allows third parties to engage with armed groups in a more purposeful way to facilitate their shift from violence to cooperation. With the appropriate approach, third parties may contribute to fostering the group's perception that 'a time to talk' has come. In this context, the paper also seeks to provide mediation practitioners with some insights for devising strategies to engage with armed groups.

Developing a framework bears the risk of overgeneralizing highly complex social phenomena. Thus, it is important to note at the outset that this working paper presents an analytical framework that can structure reflection on the subject, but that is not a substitute for a thorough understanding of individual groups and conflicts.

The paper draws on a review of relevant literature as well as on the insights from a series of interviews with experienced mediation practitioners. During the research for this paper, the author conducted semi-structured interviews with thirteen mediation practitioners from governments, the United Nations as well non-governmental and faith-based organizations. Most of these practitioners have extensive first-hand experience of engaging with armed groups and supporting negotiations in the context of intrastate conflicts. The interviews were conducted in person or over the phone. The insights gained from these interviews inspired the arguments as well as the structure of this paper. Direct quotes from the interviews are used to highlight important aspects of how armed groups operate and what third parties can do to foster negotiability. For confidentiality purposes the quotes are made anonymous and do not refer to particular mediation processes.

The reader of this paper will notice that the framework includes elements of rational choice theory as well as constructivist arguments. Negotiability includes a cost-benefit analysis, wherein the group evaluates the option of perpetuating armed conflict against that of a potential agreement. However, this analysis is filtered by social perception and value judgment. The push and pull factors can be perceived in different ways, and the group members' worldview will necessarily play a role as they consider the legitimacy of negotiations. For this reason, the paper examines both the impact of material factors of the conflict and the subjective perceptions of the armed groups in order to build the analytical framework. While such a theoretical synthesis might not satisfy adherents of methodological purity, this middle ground attempts to capture the reality of the complex dynamics involved in the decision to engage in negotiations.

The working paper is structured as follows: Part I addresses a number of conceptual issues, such as the definition and the characteristics of armed groups, ripeness theory and the concept of negotiability. Part II builds the analytical framework for negotiability. Three cases are used to illustrate particular aspects of the framework: the Provisional Irish Republican Army (IRA) prior to the Belfast Agreement in 1998; the *Fuerzas Armadas Revolucionarias de Colombia* (FARC) with regard to the 1998-2002 negotiations; and the Moro Islamic Liberation Front (MILF) up to the temporary breakdown of the peace process in 2008. Part III discusses the role of third parties and Part IV proposes different means of how these third parties can contribute to fostering negotiability.

1 Negotiability and Armed Groups

Before analyzing in more detail the conditions that make armed groups open to negotiations, it is important to delineate the subject of analysis and define key concepts. Hence, this chapter first develops a definition for armed groups and explores the advantages of a composite actor approach. Building on a short overview of the theory of ripeness, the chapter then illustrates the concept of negotiability.

1.1 Defining Armed Groups

Assigning a particular label to a group entails the risk of oversimplifying. Gerald Seymour's (2007) quote 'One man's terrorist is another man's freedom fighter' draws attention to the potential ideological component inherent in the act of attaching names to armed groups. Any particular term has the ability to distort the group's purpose, activities, local relevance and ideology (Bhatia, 2005). Attempting to avoid normative statements, this working paper uses the terms 'armed group', 'rebel group' and 'insurgent' interchangeably, defining them as non-state actors that use armed action to challenge the authority of the state. Hence, these groups can be described as existing outside effective government control and using armed violence as a means to a political end (Conciliation Resources, 2009). Considering only armed groups that explicitly defy the authority of the state, either through rebellion or resistance, the paper excludes criminal organizations as well as paramilitary groups in collusion with the state (Whitfield, 2010, p. 5). Although the delimitation between political and criminal intent may be blurred at times, it is nevertheless useful to consider the motives which go beyond the pursuit of material benefits.

While such a broad definition reflects the diversity of armed groups, there is a risk of excessive generalization when analyzing these groups. To avoid simplified conclusions, each group must be understood within its own socio-political environment. Cronin (2009) argues that an armed group's inherent logic can only be understood through an examination of its history and nature, including "the breadth of its constituency, the cause it pursues, and the degree to which members deem violence to be advancing that cause" (p. 42). Thus is order to understand and build on the rebels' logic, it is important to consider their discourse as well as their actions.

Incentives to negotiate are different for armed groups than for states. Rebel groups generally stand to gain from negotiations, be it legitimacy, time and access to official structures, or resources, while the government usually has to renounce some authority and may wish to avoid appearing weak when agreeing to negotiate (Svensson, 2007; Melin & Svensson, 2009). In addition, both sets of actors have different capacities and legitimacy. Armed groups might hold significant parts of the territory and execute government-like functions, but, in most cases, they do not have historically built bureaucracies and control over large infrastructure.

1.2 Armed Groups as Composite Actors

Many observers of armed conflict, and even scholars, often simplistically refer to rebel groups as coherent entities. While most armed groups, to whom the above definition applies, exhibit a degree of organizational structure, there are important internal dynamics that condition their decisions and actions. Although these groups may engage in rational strategic behavior, they rarely function as unitary actors (Cronin, 2009).

As a result of the unstable conflict environment, rebels do not benefit from perfect information about their own capabilities and the intentions of their adversary. Together with differences in interests and views, the lack of clarity stimulates diverging interpretations within the group. Rebels are often torn and compete over the question of whether to talk or to fight. Furthermore, they are subject to collective action challenges – both when confronting the government on the battlefield and at the negotiation table (Lilja, 2010).

Pearlman (2010) warns that the assumption of a unitary actor with coherent preferences fails to account for the strategically inefficient or suboptimal use of violence. It may be useful to treat the group as a unitary actor for some purposes, for example when analyzing the military balance of a conflict, but this viewpoint should not divert from the fact that different actors and factions within the armed groups might have different perceptions and interests. By taking into account intra-group dynamics, this paper diverts from the assumption that groups act in a coherent and purposeful manner to achieve a well-defined set of goals. Instead, it adopts a composite actor approach that analyzes a group's approach to negotiations as an evolving process in which different actors participate. For analytical purposes, the question of 'why an armed group decides to negotiate' must be disaggregated to "who within that movement does the choosing and how their choices influence those of others within their own community" (Pearlman, 2010, p. 198).

1.3 Ripeness Theory

The literature on conflict management emphasizes the idea of a conflict being 'ripe' for resolution. According to ripeness theory, parties are only willing to seek a negotiated exit when certain conditions are in place. While ripeness theory cannot predict the occurrence of negotiations, it attempts to explain "why, and therefore when, parties to a conflict are susceptible to their own or others' efforts to turn the conflict toward resolution through negotiations" (Zartman, 2008, p. 232). Therefore, ripeness does not inevitably lead to a peaceful resolution of the conflict, but it presents an opportunity to initiate a peace process.

Conflicting parties have two basic strategic options for which they weigh the costs and benefits: the continuation of armed struggle and the attempt to resolve the conflict through negotiations (Zartman & Faure, 2011). Only when the conflicting party perceives that the net gains from a negotiated settlement exceed the opportunity costs, will it become open to seriously engaging in peace negotiations. When parties find themselves locked in an increasingly undesirable conflict, they are more inclined to seek an alternative policy such as negotiations, but they must still perceive a real opportunity in the negotiated agreement before they will genuinely seek negotiations.

Hence, according to Zartman (2008), a ripe moment requires two elements: the conflicting parties' perception of a 'mutually hurting stalemate' as well as the sense of a 'way out' through negotiations. Both of these elements necessarily include perceptions of the rebel group. There might be material referents of a mutually hurting stalemate, but it is only if the parties *perceive* the deadlock as well as the associated pain, that they will be receptive to alternatives to armed struggle. Similarly, the 'way out' refers to the parties' subjective *sense* that a negotiated solution is possible (Zartman & de Soto, 2010). In reality, the distinction between material and subjective indicators is not always evident, but the conceptual differentiation is helpful when analyzing a conflict and seeking ways to promote a peace process. Given that an armed group's conflict assessment is necessarily influenced by their perceptions, it is important for mediation practitioners to understand the dynamics that affect these perceptions.

1.4 Negotiability

Negotiability is an attempt to disaggregate ripeness theory by focusing on one actor. The concept of negotiability defines a situation in which a critical mass within a particular conflicting party considers negotiations as a desirable, legitimate and achievable alternative to armed struggle. Rather than a linear process or an explicit choice at one particular moment in time, negotiability represents an evolving social process involving the participation of different actors within a group (Pearlman 2010). An armed group can, at one point, genuinely consider the conflict negotiable, but as circumstances change, negotiability might be reversed.

The basic concept of negotiability applies for all parties to a conflict. A ripe moment, and for that matter a negotiated solution, can only occur when all parties perceive the conflict as negotiable.

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Nonetheless, the circumstances under which an armed group will seek negotiations are somewhat different from those of a state. By considering carefully the perspective of armed groups, this paper attempts to contribute to the understanding of their perceptions when faced with the choice of whether to fight or to talk.

Conceptually, negotiability is different from negotiations. Even when an armed group deems the conflict negotiable, negotiations may not necessarily occur, for example because the government is not willing to engage in negotiations. Also, armed groups might engage in negotiations for purely tactical reasons, to gain time or to acquire legitimacy, without considering negotiations as a viable strategic option. However, rebels might begin negotiations without seriously considering the conflict negotiable, but as a result of the process they may alter their perceptions in favor of negotiability.

Stressing the difficulty of determining a particular group's motivation, a mediation practitioner stated: "What is challenging to ascertain is why they are coming to the table, not whether or not they are coming at all".[1] As motivations are difficult to assess, this working paper proposes a differentiated framework to analyze the group's approach to negotiations. Any non-state armed group can be situated on a spectrum of strategic positions, with a violent strategy at one end, and full cooperation with the government on the other. Thus, it is possible to distinguish three broad strategic positions (McCartney, 2005): First, *militancy* prevails when the group perceives violence as the only option and does not engage in cooperation with the opponent. Second, a *mixed* position is given when the armed group believes in the primacy of armed action but engages in cooperative behavior. This may be the case, for example, when rebels seek a pause in combat, which would allow them to recover and prepare for renewed fighting, or when under international or regional pressure to negotiate. Third, a position of *negotiability* implies that the armed group ultimately recognized political negotiations as the primary strategic option. However, even when a critical mass within the group considers the conflict negotiable, the group may still use violence for tactical purposes or as a result of internal splits.

It is important to note that negotiability is not a static concept. As long as armed groups are subject to the militant paradigm, armed groups will not be willing to open the door to negotiations. However, when the appropriate conditions apply, the group will seek to discover what they can attain by cooperating. With a mixed strategy, the rebels might take a step forward to see what they are able to get at the negotiating table. While negotiability is not a prerequisite for negotiations, the fact that the group members engage in some cooperative behavior with the government presupposes some deeper change in their assessment of the conflict. The decision to genuinely seek a negotiated exit can take place ahead of the official negotiations with the government or during negotiations that have erstwhile been initiated for tactical reasons. A group's experience of engaging with the government will influence their decision of whether to move further towards cooperation or to return to more violence. Although in most cases rebels keep their options open by simultaneously conducting a military campaign and preparing for negotiations, this paper argues that negotiability is more than an *ad hoc* decision. It is because of this that it is possible to develop the framework which will be outlined in the following section.

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[1] Interview with mediation practitioner, 3 August 2011/a

2 Analytical Framework for Negotiability

Two factors must be present for a rebel group to move towards negotiability: First, the group needs to perceive an irredeemable and painful status quo, the 'hurting stalemate', pushing them away from the combative strategy. The push away from the armed struggle makes negotiations desirable. Second, there has to be the prospect of a satisfactory agreement, the 'way out', pulling the armed group into negotiations. This pull shapes the perception of the negotiated exit as a legitimate and achievable alternative to the violent struggle. For analysis of the push and pull factors, it is essential to evaluate the material conditions on the ground as well as the armed group's perceptions.

The intra-group perspective is important when looking at the rebels' perceptions. According to Lounsbery and Cook (2011), "a conflict is only ripe for negotiations when a sufficient number of people on each side are willing to compromise to avoid further bloodshed" (p. 74). Individuals and factions within the armed group might assess the material conditions in different ways and, therefore, draw diverging conclusions with regards to negotiability. For the rebels to consider the conflict as negotiable, a critical mass within the armed group must perceive the push and pull factors in a way that makes cooperation more desirable.

Push factors are shaped by the interaction of the (i) military, (ii) political and (iii) economic dimensions of the conflict. It is important to analyze whether these dimensions add up to create a sufficient push away from the armed struggle. Correspondingly, three conditions determine the pull factors: (i) the compatibility of the peace process with the worldviews and political objectives of the group, (ii) the confidence in the government, and (iii) the trust in the negotiation process. Constructing the analytical framework, the following sections thus provide a detailed discussion of the push and pull factors and then examine the impact of different intra-group dynamics on the rebels' approach to negotiations.
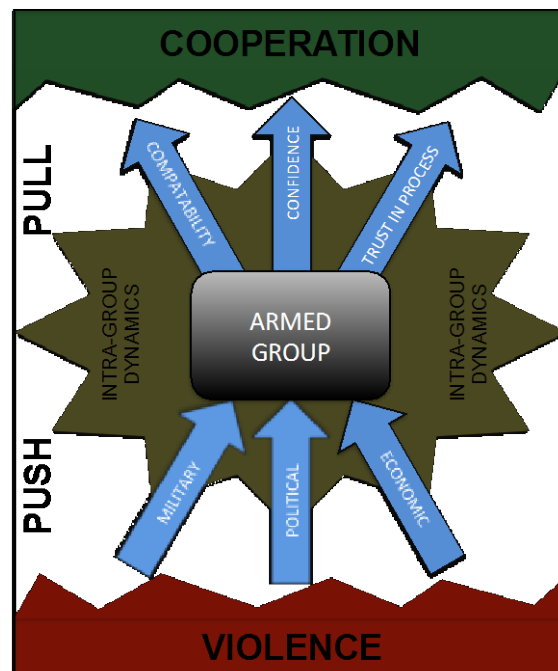
2.1 Push Factors

Almost by definition, armed groups are established on the premise that the use of force is essential to achieve their ends. The group has taken the decision to engage in an armed struggle in order to rebel against the status quo. As long as the rebels believe that their objectives can be achieved through the use of force, they will have little incentive to negotiate. Thus, regardless of the insurgency's goals, the susceptibility to negotiations presupposes some change in their strategic assessment of the conflict. When they are painfully locked into a conflict and are unable to escalate the violence to win a victory at an acceptable cost, the rebels are more receptive to considering alternatives to armed struggle (Zartman, 2008). Therefore, the stalemate, stipulating that the violent strategy will not succeed in achieving the maximalist goal of military triumph, and the associated hurt, which makes the current situation uncomfortable, are the central components of the push factor.

In the literature on civil wars, there has been a growing realization that one-dimensional explanations are insufficient to discern complex phenomena. Wennmann (2009) illustrates that the interaction of the political, military and economic dimensions of the conflict shapes the incentive structures of armed groups. While the stalemate is primarily defined in military terms, the perception of pain is multifaceted and can be felt on the battleground, on the political front and in the wallet. The multidimensional character of a particular group's perceptions requires a profound understanding of how the military, political and economic aspects of the armed struggle relate to each other. A mediation practitioner summarized the implications as follows: "When groups are being well funded and well supported, and when they have access to weapons, when they feel that they have the support of their own communities, and that they are making military gains, there is considerably less cause to talk".[2]

Discussing the different dimensions that contribute to the push factor, it is important to note that not a single dimension, but the cumulative effect of these dimension defines the push away from the armed conflict. For each dimension, this working paper proposes a number of questions that should provide some insight into the rebels' perceptions of the hurting stalemate. Each question requires a careful distinction between material referents and subjective perceptions.

2.1.1 Military dimension

As long as a rebel group believes that the conflict can still be won through military means, the group is unlikely to consider negotiations as a possible alternative. Vice versa, if they have little hope of achieving a military victory, they are more likely to negotiate. This means that they are locked into a stalemate. Although political and economic matters play a role, the prospect of victory, or the lack thereof, is largely based on military considerations. While most armed groups are founded on the premise that they can achieve their objectives through violent means, the experience of military engagement may prove its futility. Zartman (2008) associates the stalemate with a plateau, "a flat and unending terrain without relief" (p. 232). A stalemate usually implies that no significant shifts in the military balance between the adversaries are occurring. In this regard, the failure to be able to escalate violence towards a victory contributes to the perception of the stalemate.

However, even if a military victory is not possible on objective grounds, meaning that it is unrealistic that the armed group will achieve its overall goals through the force of arms, the armed group may still continue to pursue a militant strategy. There are three possible explanations: First, the rebels may not perceive that there is an impasse because they have an exaggerated assessment of their own military potential. Second, without the sense that a negotiated settlement is possible, the group

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[2] Interview with mediation practitioner, 3 August 2011/a

is left with no alternative to the armed struggle. Finally, if the stalemate is not sufficiently painful for the group, they may not perceive the need to reconsider their strategy.

The military hurt associated with the stalemate centers on casualties, the loss of military installations and equipment, and the failure to recruit reliable combatants. Again, the appreciation of the military cost is largely subjective. For example, some commanders might consider severe casualties an acceptable sacrifice for a larger good, while others deem the escalating violence as detrimental for their group. Even when the group is sufficiently strong to resist the government, fatigue and despair among combatants often provide impetus for strategic reassessment.

The following questions help to assess the military dimension of negotiability:

- *Is a military victory still possible?*

- *Are any significant shifts in the military balance occurring?*

- *Have there been attempts to escalate a way out of the stalemate?*

- *Does the group experience significant and/or increasing casualties or losses of military equipment? Does the group have the possibility to recruit reliable combatants? Are there elements of fatigue and despair among the combatants?*

2.1.2 Political dimension

Rebel groups are political actors whose logic goes beyond the mere realization of military activities. Therefore, political considerations can constitute a push away from violence. For many groups, the political consequences may even be more important for the assessment of the status quo than the military balance. In general, groups with a strong political rationale for interacting with the local population and the international community are more likely to consider negotiations as an alternative, because they give more weight to the sociopolitical repercussions of the violence. Common political considerations that work in favor of negotiations are increases in civilian causalities among the group's constituency, pressure from the local population or the international community, and increased competition from other groups.

Rebel groups are affected by two contradicting dynamics. On the one hand, rebel groups endeavor to build and maintain legitimacy among their rank-and-file, within the larger social setting as well as in the international arena. Legitimacy requires a certain belief by the target audience in the 'rightness' of the group's objectives and actions. A mediation practitioner describes the rebels' quest for legitimacy as follows: "Most armed groups want to become the new government, so they are interested in gaining legitimacy. They want to show to their constituency that they are taking care of the population under their control, and they have an interest to engage with credible international actors".[3]

Like any other social actor, rebel groups are loss adverse. Therefore, the loss of legitimacy and political support, or the fear thereof, pushes them away from a militant strategy. Cronin (2008) finds that "groups are more likely to compromise if their popular support is waning" (p. 6). A group might be loosing support because the local population deems the violence unbearable and looses confidence in the armed struggle. Hence, rebel groups with a strong local support base are susceptible to pressures emanating from its constituency. Rebel group may also be concerned about the fate of civilians, incorporating the suffering of civilians into their own perception of pain. However, when a group feels that the continuation of the armed struggle is politically beneficial, it

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[3] Interview with mediation practitioner, 9 August 2011

will be less likely to consider alternatives to the violent strategy. Sometimes the constituency is more militant than the leadership. In this case, the leaders might hold back on negotiations until they can bring their constituents along. According to a mediator practitioner, "When the constituency does not see the armed struggle as an alternative, they can exert pressure on the group; but there are also situations when the group's elite is more moderate and they must find ways to bring the constituency along".[4]

The quest for appeal at the international level often originates from the group's need for political and in some cases economic support. Furthermore, most rebel groups are instinctively aware of the broader historic context in which they operate. Popular ideas about the state, economics, and human aspirations have an impact on the rebels' assessment of the local conflict. Groups whose cause is no longer in the ascendancy on the international stage are more likely to perceive a lack of utility of an armed struggle (Cronin, 2008). While not a sufficient condition for negotiations, pressure from international actors or a changing international context therefore has an impact on negotiability. Nonetheless, external pressure does not always work in favor of negotiations. Some states use armed groups as proxies in their quest to destabilize another country. It is important to ask 'who' has an influence on the armed group and 'how' this influence may affect the group's conflict assessment.

On the other hand, a violent strategy counters legitimacy, as it fosters a disconnection between a rebel group and the local population as well as the international community. The practice of violence tends to have a de-legitimizing effect (Schlichte, 2009). Rebels might originally have maintained strong ties with the local population, but their isolated existence as combatants, repressive tactics and financial self-sufficiency may lead to an increased detachment from its support base. Furthermore, if armed groups subsist in social contexts in which they are not deeply rooted, they do not have a relationship with the population that is close enough to allow them to collect the information needed for selective violence. Hence, there is an incentive to use indiscriminate violence in order to establish control (Kalyvas, 2006). This alienates the group even further. Evidently, if the group functions in a disconnected manner from the local population, the civilian cost of violence and local pressure for negotiations have far less impact. Groups that are isolated from public support are less like to renege on armed violence (Conciliation Resources, 2009).

The interaction of these dynamics, the delegitimizing effect of violence on the one hand and the quest to build legitimacy on the other, is decisive. Thus, the way in which armed groups engage with their sociopolitical context indicates how painful the group might consider the current situation to be. In the words of a mediation practitioner: "A group that retains a lot of soft power is more amendable to negotiations than a group that relies largely on hard power".[5]

In addition to these dynamics, the number of competing rebel groups also has an impact on the group's political calculus. A multiparty setting provides groups, especially weaker groups, with incentives to negotiate. These groups might prefer to be the first signatory to an agreement in order to avoid increased government reprisals after other groups have laid down their arms, and to ensure inclusion in any peace dividends (Nilsson, 2010).

The following questions help to assess the political dimension of negotiability:

- *Does the group have broad support among the local population? If yes, does the group's constituency suffer from the ongoing conflict? Does the local population support a militant strategy?*

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[4] Interview with mediation practitioner, 5 August 2011

[5] Interview with mediation practitioner, 2 August 2011

- *Does the group seek recognition and support at the international level? If yes, is there pressure from international actors to end the conflict?*

- *Does the group face competition from other armed groups? If yes, what is the group's relative political and military strength compared to the other groups?*

2.1.3 Economic dimension

The economic dimension of the push factor pertains to the means through which armed groups finance their operations and the extent to which resource-generating activities affect the group's interests and reasoning. Groups are pushed away from a violent strategy when they face financial difficulties and have no economic stake in the continuation of the violence.

The relative importance of the armed groups' economic motives has been subject to intense debate among scholars and practitioners. Based on the empirical results of their widely discussed study, Collier and Hoeffler (2001) argue that economic variables related to the viability of rebellion provide significant explanatory power. Accordingly, civil war is a function of greed, fueled by the abundance of natural resources and the relatively low life chances of potential rebels. In turn, they consider that political 'grievances' are insignificant to explain the existence of armed groups. This argument has since been questioned repeatedly on empirical and methodological grounds (Arnson and Zartman, 2005; Weinstein, 2007; O'Leary and Silke, 2007; Boix, 2008). These critiques state that political motivations do matter for understanding the emergence and perpetuation of insurgencies, and thus suggest that a more convincing model for the study of armed rebellion considers both political motivation and opportunity (Boix, 2008).

Rebels need some form of reliable financing and support to sustain armed struggle against the government. Some groups may transform into semi-criminal enterprises, engaged in drug trafficking and other criminal activities with the aim of supporting the armed action. Since rebel groups are illegal they are likely to finance themselves by illegal means (O'Leary and Silke, 2007). However, combat-specific moral and organizational structures cannot be upheld exclusively by material incentives. Sustained insurgencies require more than financial rewards to recruit and retain their rank-and-file. Rents can even hamper the political and military success of a group, as they are determined by shorter-term aims and may cause tensions with the support base (Gutiérrez Sanín, 2008).

While greed alone does not govern rebels' motivation, economic factors still have an important impact. Opportunities and constraints of financing affect armed groups' strategy and organization (Weinstein, 2007, p. 34-53). Most rebel groups rely on various sources to finance their activities and adjust in case a particular method becomes inoperative. As economic structures and incentives change during a war, so do the ways in which rebel groups maintain themselves (Schlichte, 2009, p. 117). Production of agricultural goods and the extortion of diaspora groups are means of financing insurgencies, as are lootable resources, criminal activities or external assistance (Walter, 2009, p. 248). Nevertheless, Schlichte (2009) cautions: "Even rich endowments cannot prevent armed groups' failure if they do not exercise control over the delegitimizing effect of violence" (p. 142).

Wennmann (2009) finds that self-financing conflicts are less prone to peace agreements. In such a scenario, a stalemate can be mutually beneficial rather than mutually hurting; ceasefires or peace agreements might even compromise profit-seeking activities. According to Zartman (2004) 'soft, stable, and self-serving stalemate' does not create sufficient pain and pressure for the potentially risky option of a negotiated solution. Moreover, armed groups that adopt violent predatory and rent-seeking practices experience delegitimization, which in turn alienates them further from their political support bases (Schlichte, 2009).

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In general, a rebel group with multiple sources of financing and a high degree of financial self-sufficiency feels less desire to engage in a peace process. Furthermore, when armed groups have developed rent-seeking behavior over the course of the conflict, they are less interested in a negotiated solution (Wennmann, 2009; Dudouet, 2010). On the other hand, lacking financial means to sustain a military strategy pushes the group away from militancy towards more cooperative means.

The following questions help to assess the economic dimension of negotiability:

- *Is the group able to generate resources to sustain the combative strategy? Are there rising financial costs of the conflict?*

- *Is the group financially self-sufficient? Does it rely on a foreign sponsor?*

- *Does the group have multiple sources of financing? Are these sources sustainable?*

- *Does the group exhibit strong rent-seeking behavior?*

Box 1: Moro Islamic Liberation Front (MILF) – A strong push away from an unpromising armed struggle

Concentrated in central Mindanao in the southern Philippines, the MILF is the country's largest rebel movement. With significant public support in its areas of deployment, the group has a military capacity of an estimated 12,000 combatants (Santos & Santos, 2010). Its main sources of funding are *zakat* collection (obligatory alms of Muslims) and extortion. Other sources include some foreign sponsors, remittances from overseas workers, smuggling activities, and diversion of funds from Islamic NGOs (Santos & Santos, 2010; ICG, 2008). Without access to large reservoirs of lootable resources, the group's sources of financing remain limited.

Since its establishment in the mid-1980s, the MILF has alternated between armed struggle and negotiations with the Philippine government. Several periods of large-scale hostilities with the government, in particular in 2000, 2003 and 2008, reinforced the realization within the MILF that "it can neither win nor be defeated militarily" (Santos, 2010, p. 77). The MILF leadership also recognized that continued hostilities mainly result in suffering among Muslim communities in its heartland. Maintaining close links with these communities, the MILF has also been strongly influenced by the hope of a large majority of the Moro population for a political solution (Cook & Collier, 2006). Moreover, the post-9/11 discourse on terrorism affected the group's calculus, demonstrating the need to clearly dissociate itself from terrorist groups and tactics to avoid international condemnation and aggression from U.S. operatives (Taylor, 2010).

Despite backlashes in the peace process and some internal dissent, the MILF remains committed to negotiating an end to the conflict. Hence, aware of its limited resources and the vulnerability of its constituencies, the MILF perceives a strong push away from an unpromising armed struggle.

2.2 Pull Factors

Negotiations require personal contact and cooperation with the opponent, political openness, and some ideological flexibility, all of which armed groups tend to reject at the moment of their establishment (McCartney, 2004). Without the perception of negotiations as a workable option, an armed group might suffer from a painful deadlock, but it has no viable alternative to the continuation of violence. In addition to the realization that the armed struggle is detrimental, the

rebels must therefore recognize negotiations with the enemy as a potential way out. The hurting stalemate "is the necessary if insufficient condition of negotiations" (Zartman, 2008, p. 236). To produce a negotiated settlement, a hurting stalemate needs to be accompanied by pull factors. The following section considers three interconnected elements that must to be in place for an armed group to consider a negotiated exit legitimate and achievable: A peace process has to be compatible with the group's worldview and interests, and the group requires some basic confidence in the government as a negotiating partner as well as trust in the negotiation process.

2.2.1 Compatibility

When a group does not see a potential peace agreement to be in line with its basic interests, it will not seriously pursue a negotiated solution. It is not a case of whether a rebel group perceives that all of its goals will be met in a peace agreement, but rather that it is able to perceive negotiations as a legitimate action and have a sense that its interests can be addressed in a satisfactory way at the negotiating table. Often a change in perception can bring compatibility, but "when the basic interests of the conflicting parties are too far apart, negotiation may not make sense".[6]

Stuck in an armed struggle, ideologically committed and demonizing their enemy, armed groups are often unable to conceive of negotiations as an alternative (Ashour, 2007). Rebel movements often adhere to worldviews that frame the conflict in structural terms, centered on inequalities regarding the distribution of wealth and power between the center and its peripheries. Such an analysis commonly postulates the need for regime change through the use of force, excluding the possibility of negotiations with the government. A process of ideological moderation is thus required for the group members to give negotiations a chance. This process of moderation, or de-radicalization, should include a shift in the underlying assumptions of the group so they can appreciate potential gains to be made from negotiations (McCartney, 2004; Haysom, 2005).

Moderation requires internal debate. However, the lowering of barriers to negotiations is a long-term process that varies considerably depending on the characters of the group's leaders and the nature of the group. A precise analysis of this potentially reversible process is very difficult for outsiders and needs to be gauged as it progresses (Zartman & Faure, 2011, pp. 283-284). From an external perspective, the group's moderation might be observed through the prevalence of a positive vision for the future, instead of a negative concept about what they do not want to happen (McCartney, 2005).

Even when a group is not categorically opposed to talks with the government, it must also sense that its political objectives may be advanced in a peace process. Negotiations can only become an alternative when the rebels perceive their objectives to be negotiable. A complete revision of the rebels' motivations is neither possible nor necessary, but some flexibility is required for the paradigm shift towards negotiability to occur (Beaulieu, 2010). As compatibility naturally includes a strong element of perception, the analysis in this regard must consider the distinction between the interests and the positions of the group (Fisher & Ury, 1981). While long held positions are often not conducive to a peace process, the underlying interests might still be addressed satisfactorily in the talks. Only when the rebels reconsider their positions, might they be able to see that their objectives can be compatible with a peace process. For example, a group that claims independence might not consider negotiations as a promising way to achieve their goal. However, autonomy arrangements might be a possible topic in negotiations with the government. While a dogmatic position is static and therefore not conducive to negotiations, a political argumentation allows for more flexibility in reassessing long-held positions. Alvaro de Soto argues: "If a group is quintessentially political, then

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[6] Interview with mediation practitioner, 5 August 2011

the armed bit is really almost technical. And, if they do not have a political logic, there is not much to negotiate about."[7]

When analyzing a group's approach to negotiations, it is important to not only look at the group as a whole, but to also consider the needs and fears of individual members. The personal interests of the group's leaders play a role in any negotiations with the government. A mediation practitioner highlights this point: "Commanders are worried about the image of their group and their image as political leaders".[8] Besides reputational issues, there are various other interests: the desire for a certain lifestyle, economic interests, political ambitions, and the avoidance of legal prosecution. In most cases, at least some of these interests can be addressed as part of a peace process. Considering political realities on the national and international level, however, certain personal interests, such as a blanket amnesty for war crimes, may not be negotiable. While International efforts to promote accountability for war crimes, crimes against humanity and genocide, as well as legal proscription of suspected terrorist organizations, might deter armed groups from committing crimes, they may also inhibit a transformation towards negotiability (Bell 2006). Proscription regimes can even fuel radicalism by strengthening hard-liners within the group (Dudouet, 2007). On similar lines, a mediation practitioner warns: "The labeling of terror groups is counterproductive for negotiations, because once you are labeled as a terrorist, you have nothing to loose".[9] Generally, as insurgent leaders consider possible negative consequences for themselves when contemplating the decision to negotiate, they are more likely to engage in negotiations when they see that their future personal situation is open to discussion (Zartman & Alfredson, 2010).

The following questions help to assess the compatibility of rebels' worldviews with negotiations:

- *Is the prospective framework for negotiations with the government compatible with the basic tenants of the group's worldview?*

- *Can the group's principal political objectives be addressed in a satisfactory way in negotiations?*

- *Has there been a moderation of goals or a dropping of preconditions for negotiations? Does the armed group recognize the government's needs and aims?*

- *How are rebel leaders' personal needs affected by peace negotiations?*

Box 2: Provisional Irish Republican Army (IRA) – Gradually changing positions
Established in December 1969, the Provisional IRA became the strongest Irish republican paramilitary organization. After the group restored a ceasefire in July 1997, Sinn Féin, its political wing, was admitted into all-party negotiations that concluded in the Belfast/Good Friday Agreement of 1998.
Although many Irish Republicans were gradually loosing hope in a military victory during the 1980s, at first they did not perceive negotiations as a promising option either. They knew that the group's principal political objective, to remove Northern Ireland from the United Kingdom and to realize a united Ireland, could not be achieved in peace negotiations with London. As a result of its militant history, the IRA considered negotiations as betrayal of their cause (Bell, 2000).

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[7] Interview with Alvaro de Soto, 8 August 2011

[8] Interview with mediation practitioner, 3 August 2011/b

[9] Interview with mediation practitioner, 9 August 2011

Hence, the endgame in Northern Ireland required a long process of changed perceptions, during which the British appear less and less evil, and the need for cooperation with the Protestant Unionists was recognized. Over time, the Republicans began properly to assess the full recalcitrance of Unionists toward the idea of a unitary Ireland as well as the increasing indifference in the newly prosperous Ireland (Bell, 2000; Moloney, 2002).

Secret negotiations were spearheaded by Sinn Féin and supported by some members of the IRA's Army Council, but the slowly emerging consensus within the larger IRA lagged behind (Bell, 2000). In 1988, the Army Council took the undisclosed decision to relax its demand for a rapid withdrawal of British troops. Also, the categorical resistance to a ceasefire was slowly abandoned. Prior to the 1994 ceasefire, elements within the IRA managed to put in place a convincing political strategy, which by then was consistent with the movement's basic analysis (McCartney, 2004). During this period, Sinn Féin gradually replaced the IRA as the Republican's preferred means of struggle (O'Leary, 2007, p. 220).

The ambiguity of the peace process permitted a phased reassessment of the conflict and long-held doctrines (Moloney, 2002). Eventually "political agents inside and outside the republican movement persuaded sufficient IRA leaders, volunteers and prisoners that a peace process […] was the best way to advance the IRA's objectives" (O'Leary, 2007, p. 221). Marjorie "Mo" Mowlam (2005), the British negotiator, explains that Sinn Féin had to consult regularly with the broader movement to assure support for its decisions.

Recognizing the futility of a painful armed struggle, Republican leaders were willing to look for viable alternatives. However, dogmatic positions had to be changed and the militant rank-and-file persuaded that the negotiations were the right path to take. Only when the positions became compatible with a negotiated exit did they feel that there was a sufficient pull towards negotiations.

2.2.2 Confidence in the government's willingness and capacity

Mistrust is an intrinsic feature in the interaction between conflicting parties. However, a minimum level of confidence is required for any party to consider the conflict negotiable. Confidence goes beyond the ideological compatibility of negotiations discussed above. While the armed groups must consider cooperation in line with their worldview, they must also sense that the government is willing to negotiate in good faith and has the capacity to implement a possible agreement (Lounsbery & Cook, 2011).

Because of the prevalence of deceiving maneuvers in civil wars, rebels are never completely confident in the government's willingness to solve the conflict peacefully. Looking at information problems, Walter (2009a) finds that it is more difficult for armed groups to acknowledge the government's commitment in situations of power asymmetries and when third-party intervention is unlikely. Especially when the rebel's constituency is weak in relation to the overall population, the group fears that the government will exploit a collaborative strategy. They tend to be suspicious regarding the government's strategy, which translates into the assumption that the government uses the negotiations to weaken the armed component of the rebel movement. The rebels are also mindful of the government's inherent interest in preserving sovereignty. In separatist conflicts in particular, armed groups are aware of the strategic incentives of governments to be tough in order to deter potential future challengers (Walter, 2009b).

Moreover, the legacy of previous bad faith negotiations is an important barrier to the group's perception of negotiability (Haysom, 2005, p. 86). Rebels are prone to incorporate negative past experiences when analyzing the government's strategy and future behavior. When previous negotiations have broken down or a peace agreement has not been implemented satisfactorily,

rebels will likely attribute responsibility to the government and, therefore, be more hesitant to commence a new peace process.

Despite the obvious difficulties, rebel groups that recognize a push away from the armed conflict search for reassurance that the other side has also moved away from a 'winning mentality' (McCartney, 2004). They often aspire to a situation in which they have sufficient political and military clout to negotiate. Essentially, they are looking for signs that the government recognizes the damage caused by the present situation and shares with them a basic understanding of what the conflict is about. The way the government reaches out to the population is particularly important in this respect. Moreover, confidence-building measures, such as the unilateral release of prisoners or other humanitarian acts, provide the armed group with a reference point (Mason & Siegfried, forthcoming 2012). A genuine and credible conciliatory gesture, signaling the government's willingness to talk, can be an important gesture for increasing the trustworthiness of the other side (Mitchell, 2007). Also, "a message is credible depending on who it is delivered from. For example, when more high-level representatives of the executive branch and the armed forces join the process, the messages become more credible. The public image of the government is more at stake when high-level representatives are involved".[10]

Similarly, rebels see recognition by the government and the international community as an important prerequisite for negotiations. For them, recognition is an essential step towards the acknowledgement of their grievances and, as such, it builds some confidence towards the enemy. Recognition signals to the armed group that the potential government negotiators will consider them as a party at the negotiating table and are willing to discuss the group's political goals.

Beyond the willingness of the government to negotiate, the rebels evaluate their counterparts' capacity to implement a potential agreement. The balance of power within the government side is essential for the rebel group to build confidence. For example, even when the head of the government is genuinely interested in a negotiated exit, opposition from economic or military elites can still jeopardize a peace agreement. Armed groups therefore emphasize the government's ability to deter potential spoilers within its own ranks (DeRouen et al., 2010).

The following questions help to assess the confidence factor of negotiability:

- *Does the government have an interest in reaching a sustainable peace agreement? Does the government have an incentive to deter potential future challengers?*

- *Does the government recognize the armed group as a legitimate interlocutor?*

- *Is there a history of failed negotiations?*

- *Is the government sufficiently strong and representative to engage in negotiations and to implement a peace agreement? Can the government control potential spoilers within its own ranks?*

- *Is there a commitment from the international community to help implement a possible peace agreement?*

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[10] Interview with mediation practitioner, 26 July 2011/a

Box 3: Fuerzas Armadas Revolucionarias de Colombia (FARC) – Perceiving a negotiated solution as suicide

Between 1998 and 2002, the FARC negotiated with the government under President Andrés Pastrana, but with continuous interruptions and violent incidents, the process hardly made any headway. While the FARC formally committed to the negotiations, it remained questionable whether the group had genuinely considered the conflict negotiable. In February 2002, peace talks collapsed when the FARC hijacked an airplane with the President of the Senate Peace Commission.

A coalition of rural self-defense forces at its origin, the FARC became the country's strongest insurgent group, gradually transforming into an ideological peasant guerrilla movement with the aim of overthrowing the 'oligarchic state' and implementing far-reaching socio-economic reforms (Chernick, 2007). In 1989, the FARC officially recognized a negotiated settlement as a possibility. The group's objective of taking political power at the national level, which could not realistically be addressed in negotiations, was not altered. Remarkably consistent in its demands, there were little signs of moderation in the run-up to the negotiations (Chernick, 2009). Not appointing a permanent negotiation team, the FARC showed little confidence in negotiations.

Many in the FARC believed that an agreement ending with their disarmament was the equivalent of signing a suicide pact (ICG, 2002, p. 27). Previous efforts to moderate their means had failed: As a result of a ceasefire agreement in 1984, the FARC established a political wing, the *Unión Patriótica*, whose members were virtually exterminated by paramilitary forces. The memory of the *Unión Patriótica* remained a powerful disincentive for the FARC to engage in a serious peace process.

The FARC leaders might have trusted President Pastrana, but the group also saw him as isolated, without the capacity to bring the elites and the armed forces along (Castro Ruz, 2008). In view of the continuous presence of the paramilitary threat and the government's negotiations with the United States to significantly increase military aid, the FARC distrusted its opponent's willingness to solve the conflict by means of negotiations (Chernick, 2009).

With a relatively comfortable financial situation and largely alienated from the local population, the group made an exaggerated assessment of their military capacity (González Posso, 2009). In the absence of a strong push way from its militant logic and a meaningful pull into a more cooperative strategy, the conclusion is apparent that the FARC did not genuinely engaged in negotiations to end the conflict.

2.2.3 Trust in the negotiation process

Negotiations entail risks for armed groups. Rebels often believe that cooperation with the opponent is futile and potentially undermines the armed struggle (Conciliation Resources, 2009). A mediation practitioner argues: "Armed groups are used to concentrating on military matters and they are initially quite at unease with the idea of negotiation. They have the feeling that they are being brought into something they do not know".[11] Rebels are often concerned about being pulled into an unacceptable agreement, thereby compromising their fundamental principles and losing support. Thus, armed groups will only engage in negotiations if they are assured that they will retain some control of the process (McCartney, 2004).

Typically, rebels have less experience and expertise in diplomatic affairs and negotiations than the government. As a result, they may not understand the structure, pace and process of negotiations. Gorman and le Sage (2008) argue that this lack of capacity fosters mistrust with regards to peaceful conflict resolution. Consequently, rebels are more likely to engage when they know the process and are aware of their negotiation skills (Haysom, 2005, p. 89). Specific expertise on relevant issues,

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[11] Interview with mediation practitioner, 26 July 2011/b

such as power sharing or the administration of natural resources, also increases trust in the negotiating process.

The educational background of the group's leaders affects their perception of the negotiation process: "Rebel leaders who are well educated are more likely to be confident about their ability to reach a satisfactory agreement in complex negotiations".[12] Another mediation practitioner states it in the following way: "A good commander on the ground is not necessarily a good negotiator".[13]

Furthermore, "logistical and security concerns are an important factor for a group to attend peace negotiations".[14] The rebels are worried about the security of their representatives during the negotiating process and about the logistics of maintaining contact between the negotiators and the rest of the group. Only when the rebels feel comfortable with the logistical arrangements will they be willing to participate in negotiations.

The following questions serve to assess trust in the negotiation process:

- *Does the group have representative interlocutors who could play a leading role in the peace process?*

- *Does the group have previous experience in diplomatic affairs and negotiations?*

- *Are there significant power asymmetries between the armed group and the government?*

- *Has the group engaged in preparations for negotiations?*

- *What is the educational background of group leaders?*

- *Does the group have clearly formulated political objectives?*

2.3 Intra-Group Processes

For an armed group to turn towards negotiability, momentum must be built within the group. Material referents of a hurting stalemate might be in place, but negotiability is only given when a sufficient number of decision-makers perceive the push and pull factors as favoring negotiations, allowing them to bring their rank-and-file along. Applying a composite actor approach, it is important to take into account the nature of the group as well as its decision-making dynamics. A mediation practitioner observes: "The toughest negotiations are not so much about reaching an understanding with the other side at the negotiating table; it is usually about getting everybody on board who needs to be on board".[15]

Armed groups face similar problems of communication, coordination and funding as other actors. However, some of the dynamics originate in the fact that they employ violence as a means to attaining power (Schlichte, 2009). Although internal structures and processes are unique to each group, certain general dynamics can be distinguished to make sense of decision-making. While

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[12] Interview with mediation practitioner, 23 August 2011

[13] Interview with mediation practitioner, 26 July 2011/b

[14] Interview with mediation practitioner, 3 August 2011/b

[15] Interview with mediation practitioner, 2 August 2011

gathering information about intra-group processes and interpreting them is not an easy task, the general patterns described below provide some insights into the forces at work.

2.3.1 Decision-making structures

Based on their ideology and the contextual constraints, armed groups develop specific organizational arrangements. A group's structure gives an indication of the relationship between leaders and followers. These structures shape the possibilities for internal debate and determine the processes of decision-making. Shifts in the approach towards negotiations seldom depend on a single individual, but on "the balance of arguments […] that at any one time favor the analysis of one or other group within the movement" (McCartney, 2004). However, the decision-making structure guides this balance of arguments and the prospect of cognitive change within the group.

McCartney (2004) distinguishes three broad categories of decision-making processes: an individual with absolute authority, like Prabhakaran, the deceased leader of the Liberation Tigers of Tamil Eelam (LTTE); a corporate leadership with supreme authority for policy decisions, as in the case of the IRA Army Council or the FARC Secretariat; and a decentralized structure, where operational units have direct responsibility for their action. However, groups with a strong central authority usually include some mechanisms for consultation with their members, allowing for different perspectives to compete for influence, and decentralized organizations have some policy guidance from the center. Thus interactions are never exclusively 'top-down' or 'bottom-up' (Pearlman, 2010, p. 202).

Armed groups endeavor to ensure that lines of authority within the group are clear and respected. They usually require members to emphasize loyalty and to pledge allegiance to the movement's cause, while at the same time enforcing strict internal discipline. Challenges to the leadership or its strategic direction are usually repressed. Moreover, the decision-making structures are often closed and sustained interaction with outsiders is prevented. Therefore, rebels are prone to 'groupthink', which poses the danger that potentially erroneous assessments and misjudgments are reinforced among the members (Janis, 1972). This affects their analysis of the context and may obstruct the rational assessment of strategic options.

However, for a transformation towards negotiability to take place, there needs to be some flexibility. Only when elements within the group can question the assumptions that have guided the group's strategy, will there be a possibility of change (McCartney, 2004). In general, the more open the decision-making structures are, the more likely it is that the group will assesses the push and full factors in a pragmatic and objective manner. A change towards more flexible and open structures tends to be gradual, triggered by internal changes and supported through interaction with outsiders.

2.3.2 Strength of leadership

Rebel leaders encounter immense challenges in building a momentum for strategic reassessment within a group. Philipson (2005) argues that rebel leaders have more flexibility in their decision-making than governments, because they are not constrained by rule-bound bureaucracies and internal and international accountability. Nevertheless, as a result of ideological rigidity and closed decision-making structures, the leadership might find it difficult to present unpalatable realities and strategic changes to their rank-and-file.

Cooperation and negotiations with the adversary are more risky in the case of leadership competition within the group. A mediation practitioner comments: "One thing that I have often seen in these processes is that it can come down to personality politics. Petty things can be a serious hindrance for the unity of the group".[16] Political and economic interests vary among different group

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[16] Interview with mediation practitioner, 3 August 2011/a

members. When defining a strategy vis-à-vis the government, rebel leaders are likely to be bargaining over the classic 'who gets what, when, and how' (Pearlman, 2010, p. 202).

In order to move towards negotiability, the group requires leaders that have the legitimacy and the authority to advocate for a strategic shift. While a strong leadership can inhibit the group from considering negotiations as an alternative, the strength of leadership is also an important condition for consolidating the willingness to negotiate (Beaulieu, 2010). Softliners often find it more difficult to "carry the body politic into a change of policy" (Zartman & de Soto, 2010, p. 15), as they are more vulnerable to charges of selling out to the enemy. A strong leadership is able to persuade their followers and neutralize internal spoilers who disrupt efforts in favor of negotiability. When there is leadership competition, it is important to look at the different interests and arguments, as well as the relative power of the different actors within the group.

2.3.3 Change of leadership

The replacement of a hardliner within the leadership might indicate the group's recognition of negotiability. When group members sense a push away from the armed conflict, they are more likely to advocate for a leader representing a more moderate policy. A more moderate leader can also be at the origin of the transformation towards negotiability. Hence, a change of leadership can both be a sign of a strategic shift within the group and a factor promoting such a shift.

In certain cases, the presence of a militant leader may be the primary obstacle to negotiability. Therefore, the death or replacement of this leader can increase the likelihood of negotiations. Yet, the change of leadership may also result in a more diffuse organization, lacking a strong leader to promote negotiations. New leaders, even if they are more moderate, often adopt antagonistic stances in order to consolidate their position within the group before attempting to steer the group towards negotiations. It is thus important to analyze the reasons behind strategic changes in armed groups, with a particular focus on the constraints and opportunities encountered by the new leadership.

2.3.4 Fragmentation

Armed groups face particular collective action challenges when trying to accommodate different positions. Intra-group fragmentation is commonly viewed as an obstacle to negotiations (Nathan, 2006). The transformation towards negotiability entails risks related to information asymmetries and commitment challenges at the intra-group level (Lilja, 2010, p. 22). Discord over the question of negotiability can even lead to the splintering of rebel groups into factions that support the negotiations and those that do not. Thus, leaders are naturally cautious about advocating for a paradigm change, and this affects their own approach to negotiations (McCartney, 2005, p. 32).

While consolidation is important for both armed struggle and negotiations, these processes are not necessarily the same. The conduct of military struggle requires the mobilization of constituents who are in some form dissatisfied with the status quo, whereas negotiations demand the followers' confidence that their leaders can bring about positive change. Leaders or factions arguing in favor of negotiations are likely to encounter spoilers within their groups, who may articulate maximalist goals, the need for a higher level of security, and a complete disbelief in the other side (Stedman, 1997). A small number of internal spoilers can thus disrupt engagement processes. The challenge of negotiability is to arrive at a situation where the majority of members support the negotiation strategy, while at the same time deterring opponents of negotiations (Lilja, 2010; Cunningham, 2006).

A strategic shift towards negotiations is most probable when the group has a robust organizational structure. When armed groups are strong and cohesive, they can enforce compliance with their constituents (Cronin, 2008; Dudouet, 2010). Weak and fractured movements, on the other hand, may not be able to seize possibilities for negotiations.

2.3.5 Internal communication

The possibility of sustaining internal communication is important for the transition towards negotiability. Building a critical mass for negotiations requires debate among the group leaders as well as between the leaders and their rank-and-file (Haysom, 2005). A mediation practitioner explains: "The advice that I always give to rebel groups is that they must continue to consult with people that disagree with them and continue these lines of communication within their own structures".[17] However, in a certain geographic and political environment, the group might lack the organizational and technological means to maintain continuous internal communication, which in turn may inhibit debates that are necessary for a shift towards negotiability. In particular, when the group operates in remote and dispersed locations, government forces with technological superiority over the rebels may disturb means of communication.

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[17] Interview with mediation practitioner, 3 August 2011/a

3   The Role of Third Parties

As an evolving social process, negotiability is influenced by internal as well as external factors. Third parties can have an important role in fostering negotiability. This chapter thus discusses the relationship between third-party efforts and the rebels' perception of negotiability. Against this background, it suggests a general approach for how to prepare an effective engagement strategy.

3.1   Third-Party Engagement and Negotiability

In negotiation theory third parties are not considered direct participants in the negotiations, but their role is to assist the conflicting parties in reaching an agreement (Hopmann, 1996). Nevertheless, third-party engagement is an important previous step to official negotiations: "Mediation is not the six months of the Addis talks or the forty-one days in Kenya. It is a lot of the stuff that happens before that".[18]

For the purpose of this paper, engagement is defined as the interaction between third parties and armed groups with the goal of conversing, carrying messages, advising and facilitating (Whitfield, 2010). Apart from the formal mediator that usually engages rebel groups around official negotiations, there are other third parties, including local civil society, non-governmental organizations, international organizations and states, that can get involved outside the context of formal talks with the aim of stimulating negotiability. Third-party engagement with armed groups takes place prior to and during formal negotiations.

Negotiability should not be considered a precondition for engagement. In fact, "engagement with the outside world is almost always a healthy thing for armed groups".[19] Nevertheless, third parties must be aware that armed groups might seek engagement for purely tactical reasons, in which case third-party actors need to be careful not to promote a peace process that is doomed to fail. A mediation practitioner emphasizes this point: "Our default position is 'we will always engage', because engaging is different from negotiating. Engagement means meeting the actor and trying to understand if they are interested in negotiations. It does not hurt. Though, if they are very malicious and they want to exploit the process, you have to decide whether you want to promote a negotiation process".[20] Stressing the importance and utility of early and continued engagement, another mediation practitioner argues: "Even if the group uses the engagement to gain time, third parties should maintain the contact. If you just wait until they are ready, you miss the entrance to the process. Through engagement with third parties, rebel groups might be pulled into the logic of negotiations".[21]

Engagement with armed actors is a delicate affair. A process must be carefully designed for it to support negotiability. Also, there are different styles of engagement. In certain cases, third parties use their power to compel the insurgents to negotiate, thus "pushing and pulling them away from conflict and into resolution" (Touval & Zartman, 2001, p. 436). The presence of a powerful third party that is willing to use its muscle in favor of a peace process can promote ripeness, but it can also make a peaceful resolution of the conflict more difficult by undermining the rebels' trust in a process. In this regard, it is important to note that external pressure can be critical but it is not a panacea for bringing armed groups to the negotiating table (Haysom, 2005, p. 86).

When the reservations of the conflict parties are not taken into account, a peace process can do more harm than good. Even a well-intended engagement can lead to a splintering of groups, which

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[18] Interview with mediation practitioner, 3 August 2011/a

[19] Interview with Alvaro de Soto, 8 August 2011

[20] Interview with mediation practitioner, 26 July 2011/a

[21] Interview with mediation practitioner, 5 August 2011

in turn may lead to an increase in the use of violence (Lounsbery & Cook, 2011). For example, in the case of the Abuja negotiations in 2005-06 between the Sudanese government and the Darfur rebels, externally imposed deadlines undermined the negotiation process and amplified the fragmentation of the rebel movements (Nathan, 2006). The legacy of failed negotiations or ineffective agreements may constitute serious impediments for future conflict resolution attempts.

Third-party involvement can also strengthen the rebels' resolve to pursue a combative strategy. It has been argued that armed groups factor in the possibility of international engagement, leading them to either increase armed action or stall negotiations in order to provoke third-party intervention (Kuperman 2008). A frequently cited example in this regard is the Kosovo Liberation Army in 1998-1999, whose attitudes were arguably influenced by their expectations of benefits accruing from international engagement (Whitefield, 2010, p. 12).

3.2 Preparing a Strategy of Engagement

In order for the delicate engagement with armed groups to have a positive impact on the resolution of the conflict, third parties must have a clear strategy. Prior to a substantive engagement with the groups, the third party must carry out a detailed evaluation of the material conditions and the subjective aspects affecting the group. Based on this evaluation, it is important to analyze how a particular actor can make a difference in promoting negotiability. The analysis must also take into account the role of other third parties to determine the added value as well as the potential for a coordinated approach.

The stages described below propose a number of sequential steps for the preparation of an engagement strategy. These steps are dynamic and they will typically be repeated periodically during an ongoing engagement process.

1. Assess material conditions of push and pull factors

Third parties need to understand the context in which they engage. Any engagement initiative must begin with a thorough analysis of the conflict environment to identify strategic points of intervention and avoid costly mistakes. The first step should focus on assessing the material conditions of the push and pull factors. Material indicators provide evidence for the existence of a stalemate and the pain associated with it, as well as for the likelihood of a way out. While it is important to keep in mind that in any given conflict it is difficult to differentiate subjective from material elements, a focus on the conditions on the ground is essential for the subsequent assessment of the armed group's perceptions (Zartman & de Soto, 2010).

This part of the analysis is based largely on publicly available information. As far as possible, the questions in the analytical framework should be answered from an objective point of view. With regard to the push factor, the military balance between the two parties, failed attempts of escalation, and the costs of military struggle are significant indicators. The crucial indicator of the pull factor is whether the government is willing to and capable of negotiating a peaceful resolution of the conflict. Comparing the group's worldview and objectives with the reality of a peace process, and assessing the actual capacity of the rebel group to manage a negotiation process can provide evidence.

2. Gather information about intra-group processes

As a second step, third parties must familiarize themselves with the armed group: "A good knowledge of the internal working of the group and their operating criteria is essential for an

effective engagement".[22] Another mediation practitioner adds: "It is important to have accurate information about what is going on inside the group. If a mediation team does not have this information, they might interpret certain behaviors in the wrong way".[23]

The general patterns of intra-group processes mentioned above can be helpful to build a better understanding. However, gathering information about intra-group dynamics is difficult. An outsider can study an armed group's history, its public statements and behaviors, but the mechanisms of decision-making might still remain opaque, especially when the third party does not yet have a trusted relationship with the rebels. Cooperation among different actors is important: "You need very good informants who can talk you through the ongoing dynamics and the inner working of the group, so you are not only getting the story that the rebels choose to tell you, but a more realistic picture".[24]

3. Assess the group's perceptions of push and pull factors

Based on the assessment of the material conditions and the information about intra-group dynamics, the third party can build an understanding of the armed group's perceptions. A careful evaluation of the armed group's official and unofficial statements is useful to get an idea of their views on the push and pull factors.

The group's actual perceptions are often hidden from the public because the group wants to avoid showing weaknesses. Armed groups rarely acknowledge their assessment of a stalemate and the distress they experience. Zartman and de Soto (2010) argue that official statements may still provide evidence of the group's perceptions. In order to assess this evidence, it is essential to be sensitive to the source, the tone and the wording of the statements. Slight changes in standard language, leaks, backchannel messages and trial balloons are important sources of information in this regard. The observer requires a "tuned ear and a sharp eye" (Zartman & de Soto, 2010) to catch the subjective indicators.

In private conversations with commanders, a third party may observe more direct indications of the commanders' discomfort with the prevailing circumstances as well as of their views on the future. Rather than asking for the group's motivation, a third party "should attempt to understand their logic and discover how they interpret certain signals".[25]

With regards to the perceptions of the pull factor, there needs to be some degree of awareness that concessions are an essential ingredient of a negotiated exit. In this respect, the formulation of extensive preconditions might be a sign that an armed group is not seriously considering negotiations. When a group has difficulties in establishing its priorities and exhibits a non-commitment attitude, the pull might not yet have fully come to bear. On the other hand, a re-formulation of the group's goals, the partial recognition of the other side's needs, or other cooperative advances are clear signs of negotiability. A mediation practitioner argues: "A partial sacrifices of the maximalist position is a strong demonstration of intent".[26]

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[22] Interview with mediation practitioner, 4 August 2011

[23] Interview with mediation practitioner, 3 August 2011/b

[24] Interview with mediation practitioner, 3 August 2011/a

[25] Interview with mediation practitioner, 5 August 2011

[26] Interview with mediation practitioner, 4 August 2011

4. Examine the engagement, or potential engagement, of other third-party actors

When considering an engagement with an armed group, third parties must examine what other actors are doing. The lack of coordination between different third parties invites the rebel group to go 'forum shopping': they will look for the interlocutor that serves their purpose best. Competing efforts can have a negative effect on fostering negotiability (Svensson & Wallensteen, 2010).

Zartman and de Soto (2010) argue that multiple third parties "can reinforce each other, on the condition that they agree on a lead mediator and consult among themselves frequently" (p. 8). Coordination is imperative to avoid different initiatives undercutting each other. Different actors, from NGOs to large states, have different comparative advantages, which provide entry points for effective engagement: "Non-governmental actors are mostly better placed to maintain contact with rebel groups in the early phases of engagement. In later stages, there should be an effective division of labor between the main mediator and other third parties. For example, non-governmental actors can better engage in capacity-building activities, while the mediator risks loosing impartiality when offering assistance to one party".[27] Against this background, it is important that interested third parties consult with their peers before getting involved.

5. Analyze how the engagement can make a difference

The systematic assessment of the material and subjective indicators of negotiability serves as a basis for developing an engagement strategy. Taking into account the conflict environment and the presence of other initiatives, the third party must analyze whether it is able bring an added value to the situation. Third parties must also consider that their engagement may have negative consequences on the peaceful solution of the conflict: "The golden rule for the process is not to do harm".[28] To a certain degree, every engagement effort becomes a part of the conflict context. State mediators in particular need to be careful not to be driven by their own interests and the requirements of domestic public opinion. A mediation practitioner cautions: "Mediators need sufficient moral courage to be a honest broker".[29]

The engagement strategy must look at the opportunities provided by the conflict environment and the disposition of the rebel group. A mediation practitioner explains: "There are conflicts that are not fully ripe for conflict resolution attempts, but this does not mean that you cannot have backchannel engagement to try to tie things up. But you are at the mercy of the timing and the internal dynamics of the group".[30] There are moments in a conflict cycle when third-party engagement fails to produce movement toward negotiability: "When the level of violence is very high, there is no point in engaging. The rebels are occupied with the fighting and the level of trust is very low. It is better to initiate the engagement during lulls in the fighting".[31] From the outside, a waiting position might seem futile, but it is still important to maintain contact so as to tap into windows of opportunity when the context evolves: "In the more intractable conflicts, it is the job of the mediator not to go away".[32]

Interpersonal relations are central for third parties to have an added value in a process. Thus, a mediation practitioner observes: "The personal connection between the third-party representative and the members of the armed group is important. If they cannot sit down together at the table and

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[27] Interview with mediation practitioner, 30 August 2011

[28] Interview with mediation practitioner, 26 July 2011/b

[29] Interview with mediation practitioner, 3 August 2011/b

[30] Interview with mediation practitioner, 3 August 2011/a

[31] Interview with mediation practitioner, 9 August 2011

[32] Interview with mediation practitioner, 3 August 2011/a

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have drink or a cup of tea, their engagement will hardly be successful".[33] After all, the armed group will determine the pace of the engagement: "The design of the engagement depends on the commitment of the armed group. You can only talk about the substance if they are willing to do so".[34] Thus, a mediation practitioner suggests: "The most suitable is a continuous engagement by the same person or the same group of persons. A third-party actor requires time with the rebels in order to gain their trust and an understanding of their logic. This way, the same topics can be taken up again".[35]

An engagement strategy is also constrained by the third party's mandate. The mandate for engagement can be explicit, for example in the case of a Security Council resolution, or implicit based on the acquiescence of the parties. Thus, the mandate and the characteristics of the third-party actor are important factors in defining the type of engagement.

6. Engage directly with the group

When implementing an engagement strategy, the third party must continuously reassess the conflict environment and the changes in the rebels' perceptions. Engagement is a continuous and dynamic process: "Getting to the point where you engage with the group is one thing, but you must also sustain and deepen the dialogue".[36] Engaging with armed groups takes time: "I have been working with some groups for six or more months before there was some sign of change".[37] As the third party continues to assess the conflict and the intra-group dynamics, the strategy must be adapted to the changing context and, if necessary, even suspended.

While gaining the confidence of the group, the third party must be careful not to act with bias. A mediation practitioner warns: "It is important to ensure that you are not acting as a platform for a group that is trying to further destabilize a situation. It comes down to judgment and really knowing the conflict environment".[38] The mediator who sits at the negotiating table often requires a reality-check about the events on the ground: "Having a sounding board is absolutely critical".[39] Empathizing with the rebel group can be an important quality of a mediator, however, in order to acquire a good understanding of their logic, the third party must remain as objective as possible in its analysis.

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[33] Interview with mediation practitioner, 4 August 2011

[34] Interview with mediation practitioner, 26 July 2011/a

[35] Interview with mediation practitioner, 23 September 2011

[36] Interview with mediation practitioner, 23 August 2011

[37] Interview with mediation practitioner, 26 July 2011/b

[38] Interview with mediation practitioner, 3 August 2011/a

[39] Interview with mediation practitioner, 3 August 2011/a

4 Means to Foster Negotiability

It is often assumed that outside actors use their muscles to bring armed groups to the table and to impose an agreement upon them. Nevertheless, third parties dispose of a wide array of means to foster negotiability, including more subtle approaches that do not seek to sway the material structure of the conflict. Hopmann (1996) depicts the multiple roles for third parties along a continuum "ranging from relatively modest roles, that might best be played by relatively weak or neutral mediators, to roles that entail a much higher level of involvement and that probably only can be performed by powerful perhaps even partisan mediators" (p. 231). However, with the possible exception of certain regional or global powers, most third parties do not have the leverage to compel the conflict parties to change their behavior. Instead, these actors aim at convincing the parties to pursue their objectives by negotiating rather than by waging war.

Hence, the present chapter distinguishes two broad sets of approaches to fostering negotiability. The first consists of dialogue and facilitation, through which third parties persuade conflict parties to alter their perceptions. They thus work on the subjective elements of the push and pull factors, encouraging armed groups to negotiate, rather than forcing them to change their behavior. The second approach entails using diplomatic, financial and military means, through which third parties attempt to change the parties' incentive structures. The aim of this approach is essentially to affect the material referents of the push and pull factors. Without discarding the merits of a more forceful approach, in what follows, the working paper concentrates more on the first approach.

4.1 Encouraging Armed Groups to Negotiate

Social interaction with third parties can promote a reconsideration of the basic assumptions of the conflict (McCartney, 2004; Ashour 2007). Acting on the armed group's perceptions, third parties can convince the rebels of the futility of continued armed struggle and the attractiveness of a negotiated exit. This type of approach works mostly through backchannel engagement and fosters a process of moderation, re-assessment, as well as confidence and capacity building.

An approach that centers on the subjective conditions is limited when material referents of ripeness are not present. Persuasion may be inadequate when there is no evidence of a hurting stalemate and when the parties are completely unwilling to negotiate. Nevertheless, in reality the conditions on the ground are rarely clear-cut. The actual impediment to negotiation may be the parties' mistaken assumption that they can win the conflict by force. Thus, the various means of inducing cognitive change can constitute an act of ripening. Zartman and de Soto (2010) make a case that "mediation is 90 percent persuasion" (p. 8).

Taking into account the limits of encouragement, this section will proceed with discussing different means of influence, which in practice may constitute the overall strategy of engagement. The box (see box 4) provides a selection of different techniques for changing the perceptions of armed groups.

Box 4: Techniques for Persuasion

Asking rebel leaders to articulate their interest and to formulate their position: This technique may assist the rebels in noting inconsistencies between their objectives and their behaviors. It may also provide for alternative ideas to addressing their interests.

Conducting informal discussions about the national and international context: Without directly addressing sensitive subjects, such informal discussions may constitute a form of reality-check for the rebel groups.

Organizing workshops: In a workshop, the rebels can acquire the skills and expertise necessary for a successful negotiation process. Moreover, a workshop provides for an informal setting, where the rebels can build confidence with other people from their group and, potentially, also with government representatives.

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Providing examples from other conflicts: Providing examples from similar conflicts can help the armed groups to recognize that acceptable solutions are possible and have been beneficial for rebel movements in other contexts.

Brainstorming: Without committing to a particular solution, a brainstorming exercise allows the rebels to imagine a potential solution and to widen their horizon.

Suggesting possible ways out: When the members of the armed group are unable to perceive alternative options, the third party can attempt to stimulate their creativity by suggesting new ideas.

Promoting a coordinated approach of different third parties: When different national and international actors give the armed group the same feedback about the need to negotiate, the rebels may begin to take the advice serious.

Including broader constituencies: A creative way of reconnecting the group to their constituency might allow the rebels to become aware of the human cost of continued violence.

Bringing in people whom the group trusts: People who benefit from the group's confidence are able to have informal discussions and ask difficult questions.

Bringing in a person of moral authority: Armed groups are more likely to accept a compromise if it results from an appeal of conscience made by a person of moral authority (i.e. Nelson Mandela, Jimmy Carter).

Bringing in peers from other countries: Former rebels from other countries have the ability to induce a reality-check and to provide ideas about potential solutions.

4.1.1 Probing the conflict assessment

Frequently rebel groups fail to recognize the existence of a stalemate and to fully appreciate the extent of pain associated with it. That's why "armed groups quite often need a reality check".[40] In a purely communicative exercise, third parties may stimulate a pragmatic appreciation of facts on the ground. Such probing aims at enhancing the push away from a violent strategy. One mediation practitioner describes this as follows: "Engagement with outsiders helps armed groups to realize whether it is realistic to achieve their goals through the armed struggle".[41]

However, exploring an armed group's view of the conflict and their capabilities also includes risks: "It is a real challenge to work through the conflict assessment with the group, because you are dealing with sensitive military information. If you try too hard to get information, you can unravel their trust".[42] Dealing with such a delicate topic for the armed group requires sensitivity and a high level of confidence between the third-party actor and the rebels: "Rather than a formal discussion about the conflict, a person who has the confidence of the armed group is able to have human conversation with the rebels. They can talk about their aspirations, their families and their fallen comrades".[43] Diplomatic talent and strong skills of persuasion are crucial in this endeavor. Third parties must strike a balance between asking critical questions, on the one hand, and raising suspicion for interfering with sensitive subjects, on the other hand. A mediation practitioner empha-

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[40] Interview with mediation practitioner, 26 July 2011/b

[41] Interview with mediation practitioner, 26 July 2011/a

[42] Interview with mediation practitioner, 3 August 2011/a

[43] Interview with mediation practitioner, 3 August 2011/a

sizes this point: "Listening is important. The person engaging should show that he or she has an interest in learning from the rebel".[44] Changing a conflict assessment is a slow process: "One might have the impression that they do not really listen to what you are saying, but they do. Rebel leaders do take lessons from their engagement with third parties, although they will never give you an immediate reaction".[45]

While showing an understanding for the rebels' views, the third party should draw attention to the facts on the ground and encourage the group to reflect on the chances of winning as well as to evaluate the costs and losses associated with continued warfare. In discussions with armed groups, third parties may refer to the military, political and economic aspects of the push factor. Although the rebels will refrain from elaborating on the details of their operations, a general discussion on these dimensions might lead to a reassessment. An effective approach may include warning the rebels of the dire political consequences of their failure to reach an agreement: "A mediator can try to illustrate to the rebels the political cost of the armed struggle for the country and for their group".[46] Besides probing the conflict assessment through direct dialogue, third parties may also discreetly foster awareness of the hurting stalemate through relevant opinion leaders, media channels and Track-II efforts (Zartman & de Soto, 2010, p. 30).

Many armed groups feel that they can still achieve military victory, even if the situation on the ground is not conducive. Sometimes, rebels officially express their commitment to the militant strategy, but as they become aware of the stalemate, they gradually adapt their approach. In the words of a mediation practitioner: "Everybody says that they want to achieve a military victory. I do not see this as an obstacle. Ripeness has to come over time".[47] Another mediation practitioner describes the armed groups' logic as follows: "Rebel groups often see the armed struggle as the only way to achieve their objectives. For them, the argument that weapons are not effective is not persuasive. The question must be whether there are other valid options that can be tested".[48] Hence the reality-check on the push factor must also extend to the pull factor.

4.1.2 Promoting moderation

Trapped in the logic of militancy, armed groups often do not see a way out of armed struggle. Third-party efforts can stimulate a process of moderation, which might allow the rebel group to perceive the possibility of a negotiated solution: "In the beginning, armed groups only think about military victory, but when they see that there is a stalemate and they believe that this stalemate will drag on for a long time, they can be persuaded more easily to negotiate. They know what they want, but they need to realize that they cannot get everything they want".[49]

When a conflict has existed for a long time and takes on a deep, emotional intensity, cognitive change is extremely hard to bring about (Hopmann, 1996, p. 233). Deep-seated values are difficult to negotiate. However, simply accusing armed groups of radicalism is not effective: "Some people might need to blame the armed groups, but others need to engage them more constructively, trying to build a trustful relationship, so that at one point they are ready to listen to new ideas".[50] Persuasive backchannel engagement with rebels may contribute to lowering their ideological and psychological barriers that inhibit the perception of a negotiated solution (Haysom, 2005). However,

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[44] Interview with mediation practitioner, 9 August 2011

[45] Interview with mediation practitioner, 23 September 2011

[46] Interview with mediation practitioner, 23 August 2011

[47] Interview with mediation practitioner, 3 August 2011/b

[48] Interview with mediation practitioner, 5 August 2011

[49] Interview with mediation practitioner, 3 August 2011/b

[50] Interview with mediation practitioner, 2 August 2011

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a mediation practitioner warns: "It can be very dangerous to question the group's ideology. A third-party actor has to be modest in this regard. A comparison with other countries might be useful to circumvent direct probing".[51] Another practitioner suggests strengthening moderates within the groups: "In every group you will find some moderate voices. As a mediator, you can try to use those inside the group to help them through a process of moderation".[52]

Even when an armed group is not opposed to negotiation as a matter of principle, the rebels might find it difficult to sense the compatibility of their objective with a negotiated exit. As a matter of fact, "rebels often have the perception that the power comes only from the gun".[53] Their logic is to confront, not to compromise. One practitioner explains the difficult task for third parties: "No group that sees itself as the vanguard of political change is interested in giving up political power and sharing it with others. The challenge is how to help them to reframe their approach and to be open to new ideas and positive lessons".[54] Third parties can remind the rebels that arms are only one means to achieving a political goal, and help them to take their struggle from the battleground to the political realm.

In this regard, third parties may also induce the rebels to change their preferences by helping them see the problem in a new light. Through their engagement, "outsiders help [the armed groups] to articulate their interests clearly, to formulate their position, and to think through what the best way is to achieve their interests".[55] Although they will encounter resistance, outsiders should cautiously push for greater levels of detail in their discussion with the rebels. A mediation practitioner clarifies: "Many rebel leaders have the desire to explain their view of the conflict".[56] The process of explaining the political agenda to outsiders might help armed groups to recognize "the inconsistency between their program and their practice, and exposes possible routes for a negotiated solution" (Herbolzheimer, 2011). Such 'politicization' promotes the armed group's perception of compatibility. As the rebels often feel that any compromise is a slippery slope leading to the government's victory, mediators can foster an understanding that a peace process entails compromises from both sides. Correspondingly, a rebel group may also feel that making concessions at the suggestion of a mediator is less harmful to its reputation and future bargaining position than conceding to the adversary in direct negotiations (Zartman & Touval, 2001, p. 223).

Furthermore, third parties may identify acceptable outcomes, test salient solutions and air alternatives to widen the group's horizon. The goal is reframing the issues, so the conflict seems less stark. In this respect, "creativity is important to help the armed group imagine a possible end game".[57] Phrases like "What would you do if…?" or "Under what circumstances would you consider…?" are useful to stimulate the imagination of the group (Zartman & de Soto, 2010, p. 31). A mediation practitioner asserts: "It is important to help armed groups to understand what is needed to run a state or to administer natural resources. The groups will adopt more pragmatic positions when they have more expertise".[58]

Different methods are possible for inducing the perception of a way out, including direct engagement between rebel commanders and third-party actors and highlighting possible solutions through public channels of communication. As a mediation practitioner points out, a coordinated

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[51] Interview with mediation practitioner, 23 September 2011

[52] Interview with mediation practitioner, 3 August 2011/b

[53] Interview with mediation practitioner, 3 August 2011/b

[54] Interview with mediation practitioner, 2 August 2011

[55] Interview with mediation practitioner, 26 July 2011/a

[56] Interview with mediation practitioner, 5 August 2011

[57] Interview with mediation practitioner, 4 August 2011

[58] Interview with mediation practitioner, 30 August 2011

approach is of particular importance: "A number of people with a coordinated approach can help in even a very intractable conflict to change the minds of apparently very narrow-minded militants".[59]

4.1.3 Building confidence

A minimum of confidence in the government is required for negotiability. As an incremental process, "confidence is built through tangible and realistic evidence".[60] A third party should look for moments in the conflict cycle that provide fertile ground for confidence-building efforts. By helping the armed group to interpret gestures by the government, deliver credible messages and identify confidence-building measures, third parties take an important role in fostering the armed group's confidence vis-à-vis the government.

First and foremost, the third party may promote the group's understanding that their opponent is also their negotiation partner (Haysom, 2005, p. 86). In order to avoid misunderstanding and escalation, a credible third party actor has an important role in "help[ing] the group interpret the changes in the government's attitude and policy".[61] By encouraging them to understand the conflict from each other's point of view, third parties may assist the parties in developing empathy for the other's arguments and behaviors.

An essential role of any mediator is to keep the channels of communication open. Whereas the full sharing of information may produce fears of possible exploitation, a third-party facilitator can help the conflict parties to share basic information during the pre-negotiations phase (Hopmann, 1996). In an environment of distrust, outsiders can thus deliver credible messages from the government. Explaining the usefulness of communication in the early states of a process, a mediation practitioner asserts: "It helps if the commanders see that it is beneficial to have a channel even if they are not yet sitting at the table. Especially if they see some short-term progress, they may slowly change their approach to negotiations".[62]

Third parties can also identify "small steps that show to the other side that there is a change in attitude and that they can collaborate in some way".[63] Confidence-building measures go beyond the military field. Especially during pre-negotiations, non-binding social and humanitarian measures are more applicable, such as agreements over prisoner exchanges or joint sport and cultural events. Nevertheless, partial steps in the political and security field are also possible to avoid escalation triggered by misunderstanding or to create an atmosphere of trust in society (Mason & Siegfried, forthcoming). Most third parties cannot request confidence-building measures from the government or the rebel group, but they might subtly suggest ideas to either side.

Rather than addressing the root causes of conflict, these measures build confidence by establishing relationships, signaling positive intention and creating incentives to continue the engagement. Although confidence-building measures are generally low cost and low risk, tailor-made actions are more costly and less ambiguous than words, and therefore "more credible and more useful in helping [to] read the intentions of others" (Mason & Siegfried, forthcoming). Unilateral signals of good intention should develop into reciprocal actions and even preliminary agreements. For example, humanitarian agreements can serve as a door opener for discussions that will eventually lead to the overall resolution of the conflict (Petrasek, 2005). However, these measures are not a silver bullet. Confidence-building measures are useful when the lack of trust in the opponent is a major hindrance to negotiations, but they are not a replacement for the lack of a push away from

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[59] Interview with mediation practitioner, 2 August 2011

[60] Interview with mediation practitioner, 4 August 2011

[61] Interview with mediation practitioner, 2 August 2011

[62] Interview with mediation practitioner, 3 August 2011/a

[63] Interview with mediation practitioner, 26 July 2011/b

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the armed struggle. Wrongly designed and mediated, these measures can even be "misused as a stalling or cover-up tactic, or lead to biased impacts" (Mason & Siegfried, forthcoming).

4.1.4 Strengthening capacity

Excessive asymmetry between the government and the armed group serves as a deterrent to the rebels' perception of negotiability: "It does not make sense to negotiate when the knowledge and power difference between the conflicting parties is too big".[64] A mediation practitioner explains as follows: "Armed groups often need more support before and during a peace process, because they do not have as many financial, political and even intellectual resources as the government, and they also face the issue of legitimacy".[65] By building capacity for negotiations, third parties can enhance the rebels' trust in the negotiation process. These capacity-building efforts can range from building awareness and expertise to assisting the armed group to enter negotiations with a unified stance.

One reason why armed groups do not want to negotiate is that they do not know how negotiations work and what they can gain from them: "When they know what they are dealing with, they are in a better position to decide whether they want to negotiate or not".[66] Through workshops or other forms of training, representatives of the armed group can familiarize themselves with the idea of interest-based negotiations. Through the introduction of new ideas, skills and creativity, third parties can thus foster ripeness (United Nations, 2009). In this regard, "a mediator should help to create a critical and constructive attitude towards negotiations".[67] Nevertheless, it is also essential to promote trust during the negotiations process: "The mediator can maintain confidence in negotiations by explaining during each phase how the process works".[68] In addition to building negotiating skills, third parties can offer training on particular conflict issues, such as natural resources or power-sharing arrangements, in order to develop the group's expertise. The participants in the workshops may not be the decision-makers of the group, but their participation can make an important contribution to the formation of a critical mass within the group.

Because the participation in capacity-building exercises requires a level of openness toward a peace process, most of these measures take place at a stage when the rebel group has already developed a basic interest in a negotiated exit. A mediation practitioner puts the approach in perspective: "Once a group seriously considers negotiating, it helps to raise awareness about the functioning of negotiation processes and to build capacity for negotiations. But this usually comes at a later stage in the engagement. The capacity-building part is important, but not as important as the previous engagement".[69]

The cohesiveness of the rebel group also relates to their capacity to negotiate and therefore negotiability: A divided group will usually be more hesitant to enter a negotiation process. Alvaro de Soto asserts: "Rebel groups require periods of consultation before and during negotiations. If they are divided or even split into fractions, the negotiations will be more difficult".[70] Third parties can provide spaces, for example training workshops, for people from different factions with the aim of supporting intra-group confidence. Stressing a dilemma in this regard, a mediation practitioner explains: "Armed groups need to sit down together and make sure that they are as united as possible before they go into the talks. But for a third party, it is challenging to support this process.

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[64] Interview with mediation practitioner, 5 August 2011

[65] Interview with mediation practitioner, 2 August 2011

[66] Interview with mediation practitioner, 5 August 2011

[67] Interview with mediation practitioner, 2 August 2011

[68] Interview with mediation practitioner, 26 July 2011/b

[69] Interview with mediation practitioner, 26 July 2011/a

[70] Interview with Alvaro de Soto, 8 August 2011

When you put them all in the room, you might be just helping them to coordinate the next military move. As we do not know what is really going on within the group, we are at risk of being played. And you might be viewed as strengthening the position of the rebels. It is a calculated risk that third parties must assess on a case-by-case basis".[71] When it is impossible for third parties to provide space for within-group consultations, they can nonetheless advise rebel groups to continue to consult broadly within their own structures. Third parties must also be careful not to push groups to take a decision that they may not be ready to take given their internal dynamics.

Sometimes the leadership of the rebel movement does not adequately represent the supposed support base of the movement. When the constituency does not feel represented by negotiating leaders, splinters or spoilers may result. Third parties can play a modest role in assuring some representation of the broader constituency. A mediation practitioner suggests: "At the early stages of engagement, it is important to advise the groups about the importance of their constituencies and offer to assist them with connecting back. Third parties can be essential in finding creative ways of bringing in the constituency in a way that empowers them".[72]

4.1.5 Providing reassurance

Sometimes security and logistical concerns impede a rebel group from seriously considering negotiations with the government. In this respect, a third party can reassure the rebels of their safe and equal participation at the negotiating table. "When armed groups say no to negotiations, they are often worried about something. It is our job to address their fears and to provide support for talks. Of course, this support must be compatible with the context".[73] Supportive measures can include the presence during the negotiation of representatives of the international community and physical protection for rebel leaders at talks. An international presence makes it more difficult for the conflict parties to exploit the peace process and it therefore provides some form of assurance (Lounsbery & Cook, 2011, p. 74). Holding negotiations abroad is also a possibility: "The option of having dialogues and negotiations in a third country provides the group with a significant reassurance".[74]

4.2 Transforming the Incentive Structure of Armed Groups

In contrast to persuasive means of fostering negotiability, the active alteration of the rebels' incentive structures demands a more forceful third-party involvement. This is a role that can only be played by a powerful state or a coalition of states. While such an approach may have some merit when the material conditions of ripeness are not given, manipulation also bears the risk of rendering the conflict more intractable. By using leverage to manipulate the external environment, the third party becomes an active participant to the conflict (Hopmann, 1996, p. 240). It may also compromise a third party's ability to play the role of a mediator in the future.

Third parties can apply diplomatic, economic or military measures to influence the material referents of the push and pull factors. In essence, third parties may attempt to alter the incentive structure in a way that aggravates the consequences of a continued armed struggle and thus improves the prospect of a negotiated exit. With regards to the pull factor, third-party efforts can make negotiations more attractive by adding incentives to the peace process. Outside pressure on the government may also increase the rebels' confidence that the government will negotiate seriously.

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[71] Interview with mediation practitioner, 3 August 2011/a

[72] Interview with mediation practitioner, 3 August 2011/a

[73] Interview with mediation practitioner, 3 August 2011/b

[74] Interview with mediation practitioner, 23 August 2011

Furthermore, by engineering a hurting stalemate, powerful third parties can strengthen the push away from armed struggle (Zartman, 2008).

4.2.1 Providing incentives for negotiations

Economic measures can be particularly potent for increasing the attractiveness of a cooperative strategy. Selective inducements can provide tangible benefits that cause group members to moderate their belief and to acknowledge the benefit of a negotiated exit (Ashour, 2007). Third parties can induce concessions by compensating the armed group, mainly through the provision of political legitimacy and financial resources. Furthermore, offering a peace dividend can increase the value of negotiation. For example, these incentives are related to development programs or plans for disarmament, demobilization and reintegration of former combatants. However, economic benefits may also distract the parties from finding sustainable solutions that address the causes of armed conflict.

4.2.2 Engineering a hurting stalemate

Positive incentives do not stand out clearly unless they are contrasted with worse alternatives. A third party can limit the armed group's alternatives and therefore contribute to making the continued pursuit of armed struggle less attractive. Third parties can employ, or threaten to employ, military, political and financial measures or to withhold support in order to engineer a hurting stalemate (Conciliation Resources, 2009).

Politically, third parties can increase the cost of continued violence by indicating that its relations with the rebels will be affected if they do not pursue a negotiated exit to the conflict. For rebel groups with a desire to achieve international legitimacy, such a warning increases the cost of staying away from the negotiating table. However, the third party must be cognizant that ending its engagement with the armed group may make future engagements more difficult (Zartman & de Soto, 2010). Particularly effective pressure targets the sources of income of an armed group (Wennmann, p. 1129-1131). For example, the imposition of targeted sanctions may contribute to the perception of pain, thereby pushing a group away from continued armed struggle. Similarly, when third parties withhold resources, they may have a powerful impact on the rebels' perception of the push factors.

Military measures rarely include direct confrontation. However, withholding military support from the rebel group can contribute to their perception of negotiability. The main purpose of military measures is to keep the parties locked in a conflict stalemate, thereby creating a situation in which neither party feels strong enough to win the conflict, but at the same time they do not feel too weak to face the other party in negotiations (Zartman & de Soto, 2010). Nevertheless, the attempt to externally engineer a hurting stalemate can be problematic. Rather than creating a ripe moment, such a manipulative approach might add to the complexity and intensity of the armed conflict.

5   Conclusion

More than the material conditions of the conflict environment themselves, it is an armed group's perception of these conditions that determines its willingness to negotiate. For a group to see the conflict as negotiable, a critical mass within the group must perceive a push away from the armed struggle as well as a pull into negotiations. In this regard, the framework presented in this paper provides a tool to analyze the perceptions of a particular armed group.

As intra-group dynamics and exogenous events affect these perceptions, negotiability should not be seen as a firm label, but as a process that is influenced by factors internal and external to the group. It is therefore sensible not to categorically brand any particular group as negotiable or not. Rebel groups are often militant at the onset of armed conflict, but at another point they may recognize the conflict as negotiable. From the perspective of a third party interested in supporting the peaceful resolution of a conflict, this realization opens possibilities for non-intrusive forms of engagement.

When discussing third-party influence on the rebels' approach to negotiations, it is important to acknowledge that there are still a lot of unknowns regarding the logic of violence. Armed conflicts and negotiations are highly political activities; therefore, the reasoning that drives a group's decision-making is necessarily case-specific. Nevertheless, insights from practitioners and scholars have shown that third parties can have a positive impact on negotiability. With the right intention and the appropriate strategy, outsiders may affect the group's perception in a way that promotes their willingness to seek negotiations. While not providing clear-cut remedies, the framework in this paper may help with structuring the analysis that constitutes the basis for devising strategies for engagement.

A peace process is more than talks at the negotiating table – and negotiability is not necessarily a constant throughout this process. Third-party engagement can be essential in shaping and sustaining the rebels' sense that the conflict should and could be solved by cooperative means. In this regard, the paper has argued that persuasive means of engagement might often be more effective in the long-term than use of threats or punishment. A combination of persuasion and power diplomacy may lead to positive results in some cases, though the use of 'muscle' also risks destroying confidence in third parties and radicalizing a rebel group. In order to be effective, persuasive efforts need to focus on demonstrating the inconvenience of the armed struggle and enhancing the legitimacy and attractiveness of a negotiated solution. This reflection about non-coercive engagement is made against the backdrop of the apparent failure of exclusively repressive strategies that many governments have adopted in the wave of the War on Terror. Engaging a group, as opposed to isolating it, may not be the appropriate approach in all situations, but it should never be dismissed without a proper assessment of its potential.

Engagement with a rebel group might take years before the approach produces visible results. Cooperation among different third-party actors, domestic and international, enhances the effectiveness of engagement strategies. However, for engagement not to become an end in itself, third parties must continuously reassess their strategy. Lack of tangible progress is not necessarily an argument against engagement, but there are ethical and political limits to its utility. Inadequate approaches might prolong the violence instead of advancing a peaceful resolution. Engaging with rebels can also be problematic to the extent that it may be perceived as legitimizing a group that has committed serious war crimes. Hence, third parties must be aware that through their engagement they inevitably become part of the context; and they must make every effort to assess potential or actual harm, and to reality-check whether their approach is likely to have the desired effect.

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List of Interview Partners

Important parts of the working paper are based on insights gathered in interviews with the following mediation practitioners:

Alvaro de Soto
Former Senior Official at the United Nations

Darío Antonio Echeverri Gonzales
Secretary-General of the Colombian National Reconciliation Commission

Emilio Cassinello Aubán
Director-General of the Toledo International Center for Peace

Jean-Pierre Gontard
Former Emissary of the Swiss Federal Department of Foreign Affairs for Colombia

Jeffrey Mapendere
Member of the United Nations Standby Team of Mediation Experts

Julian Hottinger
Senior Mediation Expert with the Swiss Federal Department of Foreign Affairs

Katia Papagianni
Head of the Mediation Support Programme at the Centre for Humanitarian Dialogue

Kristian Herbolzheimer
Director of Philippines and Colombia Programmes at Conciliation Resources

Meredith Preston McGhie
Senior Programme Manager at the Centre for Humanitarian Dialogue

Murezi Michael
Head of Mediation Support at the Swiss Federal Department of Foreign Affairs

Raffaela Schiavello
Programme Officer Humanitarian Policy at the Swiss Federal Department of Foreign Affairs

Simon Manson
Senior Researcher at the Center for Security Studies, ETH Zurich

Jesús Albeiro Parra Solís
Delegate for Peace and Human Rights at the Dioceses of Quibdó, Colombia

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