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# PRACTICE SERIES

2

## Engaging with armed groups

Dilemmas & options for mediators

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“**hd**”

Centre for  
Humanitarian  
Dialogue

The Centre for Humanitarian Dialogue (HD Centre) is an independent mediation organisation dedicated to helping improve the global response to armed conflict. It attempts to achieve this by mediating between warring parties and providing support to the broader mediation community.

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# Foreword

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## **The Mediation Practice Series' overview**

The Mediation Practice Series (MPS) was initiated in 2008 as part of the HD Centre's efforts to support the broader mediation community. This series draws on feedback from mediators who tell us they and their teams often rely upon networks and ad hoc measures to assemble resources to support increasingly complex processes. They work on the basis of their own experience but lack insight into other peace processes. Their staff, both in the field and at their headquarters, also find themselves without adequate reference material, which hampers the improvement of mediation practice.

Based on the shared view that mediators often confront similar dilemmas although mediation differs widely across peace processes, the HD Centre has decided to produce a series of decision-making tools that draw upon the comparative experience of track one mediation processes.

Each publication in the series will give readers a concise and user-friendly overview of the relevant issues, key dilemmas and challenges that mediators face. It will also provide examples of how these dilemmas were addressed in the past, with a view to helping others prepare for the potential demands of ongoing and upcoming mediation processes.

Although these publications cannot replace practical experience, it is our hope that they can contribute to a more systematic learning process. The forthcoming publications in this series will be made freely available on the HD Centre's website and will be disseminated through our network and those of our partners.

Each publication is subject to a thorough peer review by practitioners and support staff with expertise in the relevant topics.

*Engaging with armed groups* is the second publication in this series. The author would like to thank the three anonymous peer reviewers for their helpful observations and suggestions. She would also like to thank the following individuals, whose comments and advice she drew on in the preparation of this paper: Barney Afako, Hiruy Amanuel, Luc Chounet-Cambas, David Gorman, Romain Grandjean, Tom Gregg, Martin Griffiths, Priscilla Hayner, Nicholas Haysom, Theo Murphy, Katia Papagianni, David Petrasek, Jonathan Powell, Kieran Prendergast and Francesc Vendrell. She remains responsible for any errors the text may still contain.

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# Engaging with armed groups

## Dilemmas & options for mediators

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### 1 Introduction

As mediators consider engagement with armed groups they face a variety of challenges and options – including whether it is wise to engage at all. This contribution to the Mediation Practice Series addresses engagement by those working toward peace processes which involve formal interaction between leaders. The focus is on the dilemmas, challenges and risks involved in a mediator's early contacts with an armed group and subsequent engagement as interlocutor, message-carrier, adviser and/or facilitator – all roles that may precede and accompany formal negotiation between parties to a conflict.<sup>1</sup>

The armed groups considered are those whose rebellion or resistance explicitly challenges the authority of the state, rather than the full spectrum of non-state armed groups (which would include criminal organisations and gangs, as well as paramilitary actors accountable to the state). The former claim their violence is rooted in legitimate self-defence against the infringement of their rights. Political in its origin – if at times criminal in its conduct – armed action is pursued as a means to a political end. While military pressure, or other actions by security forces, may be

necessary to counter it, in almost all cases a lasting resolution to the conflict will depend on some form of political accommodation or agreement.

Even within this definition, armed groups are characterised by their great diversity as well as the varied degree of threat which they represent to the state. Rebel forces organised as an army and capable of holding territory (the Sudan People’s Liberation Army or the People’s Liberation Army in Nepal) are distinct from broad political-military resistance movements such as Hamas and Hezbollah (the former, of course, has controlled Gaza since it won elections in 2006). Different again are smaller groups, such as the Irish Republican Army (IRA), or the Basque separatist group ETA, organised in cell structures to facilitate the planning of targeted acts of violence but with links to political surrogates; the broad range of ethnic-based armed groups in Africa and Asia struggling to assert control over populations, territory and/or resources; or interlinked groups such as Islamist militants active in Somalia and Yemen, Afghanistan and Pakistan, in some instances with ties to the international network of Al Qæda.

Such diversity accentuates the need to be wary of over-simplification or of relying too easily on general principles. With this in mind, the following five sections address the arguments for engagement with armed groups. They consider the question of who should engage, the challenges and risks involved, and the options available to mediators, before offering some brief conclusions. All acknowledge that the issue of engaging with a specific group will almost certainly turn on the particularities of that group, the nature of its insurgency and the context in which it operates.<sup>2</sup>



## 2 | Why engage?

Mediators considering involvement in efforts to prevent, resolve or mitigate the worst effects of armed conflict must first consider whether to engage with a particular armed group and, if so, how to do it effectively.

The intense period of peacemaking that accompanied the unravelling of the Cold War was characterised by mediators' open engagement with non-state armed groups. Engagement was facilitated by several factors: the relative coherence of the groups and entities that had emerged to contest the Cold War's proxy conflicts; patterns of state sponsorship which ensured that outside powers retained access and leverage over insurgent forces; a broad acceptance that it was the prerogative of the UN Secretary-General or other peacemakers to establish contact with groups formerly considered pariahs but now acknowledged as potential partners for peace; and the relative neglect of issues of accountability which facilitated peace processes even with actors such as the Khmer Rouge. An additional factor enabling engagement was the marked decline, after 1990, in opposition to intervention rooted in the rhetorical defense of sovereignty. This was a consequence both of the loss of such opposition's Soviet sponsor and the fact that China and other states sensitive on this issue were less vocal in this period than either before, or after.

*“I cannot think of an armed group with which I would not engage with in principle, although many in practice.”*

— Martin Griffiths,  
Centre for Humanitarian Dialogue

Al Qæda's attacks on the United States in September 2001 complicated the environment for peacemaking. Individual states and multilateral organisations dramatically increased their propensity to label or legally proscribe armed groups as “terrorist organisations.” States directly challenged by armed groups drew on international condemnation of terrorism to boost the legitimacy

# The FMLN and the UN in El Salvador

In November 1989 the largest offensive of the civil war between the broadly Marxist-Leninist Farabundo Martí National Liberation Front (FMLN) and the Government of El Salvador revealed a military stalemate that forced the parties into UN-mediated negotiations. These were facilitated by earlier contacts the UN had established with the FMLN through a highly capable individual who represented the organisation on human rights issues. He encouraged discussion with FMLN commanders in the margins of a meeting of the non-aligned movement held in Harare in 1988. In further consultations UN officials offered assurances to the FMLN of the Secretary-General's impartiality as a mediator, and distinction from the UN Security Council.

The United States did not question the UN's contacts with the FMLN but subsequently raised concern that the mediator, Alvaro de Soto, was partial to it. He countered by encouraging the US to meet with the FMLN itself. In time it did. A US Congressman and the US Ambassador travelled to a guerrilla camp within El Salvador before the conflict's end, and the US Ambassador to the UN quietly attended a meeting with the FMLN's General Command during the final stages of negotiations held in New York in late 1991. The US put important pressure on the Salvadoran Government to accept the peace agreement and became a firm supporter of its implementation.

of their efforts to quash them. The question of engagement grew more controversial, even as globalisation and a ready access to the media ensured that, at an operational level, armed groups and their representatives have never been easier to find or contact.

Arguments for engagement today are rooted in principle and pragmatism. They can be broadly summarised as follows :

- The persistence of armed conflict and a belief that **engaging armed groups is the preferred means to bring it to an end**, not least because military options against insurgents on their own rarely succeed in creating conditions that will foster sustainable peace.<sup>3</sup> Despite an overall trend toward a reduction of violence since the end of the Cold War, there were 36 active armed conflicts in 2009, all of them involving the state and one or more non-state armed groups – a rise of nearly one quarter since the early 2000s.<sup>4</sup>
- The imperative to **protect local populations from continuing violence**. Even in circumstances in which engagement may not lead to a resolution, it can address human rights and other humanitarian concerns, secure a presence in a conflict zone to monitor humanitarian conditions, and save lives.
- The need to ensure that those armed actors (or their representatives) who have had primary roles in pursuing the conflict and have the capacity to reach – or undermine – agreements that will facilitate its end, are included in processes towards peace and are present at the peace table. Armed groups may represent sizeable constituencies ; when they have grievances, and the ability to sustain armed action, they will have the ability to **spoil any settlement from which they are left out**.
- An opportunity to develop **a channel of communication** to an armed group. This has various benefits, even in circumstances in which a peace process seems remote. A channel may prove useful to defuse a crisis or emergency, or address

an issue such as a kidnapping, with discretion. If maintained by a third party rather than a government it also offers the possibility of deniability. Over time such a channel might be activated for the pre-negotiation of terms for meetings between the parties.

- A means to acquire **greater understanding** of the armed group and its motives and capacities for engagement. Greater understanding will provide the basis for analysis of the challenges and risks specific to engagement with each particular group. It may also allow the mediator to identify the group’s interests – as opposed to its public platforms – and thus the issues on which the group and government might find common ground.
- The opportunity **to build trust** with the armed group. The mediator may be able to encourage the group to reflect on entrenched positions and/or prevent its immersion in a logic that is a consequence of its isolation and pursuit of armed struggle. Such trust may allow the mediator to build an armed group’s **capacity for negotiation**, both in advance of, and in parallel to, peace talks – something that even governments will admit can contribute to the quality of any resulting agreement.

*“You can talk to terrorists, but you don’t have to agree with them.”*

Jonathan Powell, former Chief of Staff to UK Prime Minister Tony Blair

Yet engagement is not easy. There may be “no such thing as a bad conversation”, as was observed within a 2009 workshop held at the U.S. Institute of Peace on the subject of mediation with proscribed groups.<sup>5</sup> However, any conversation with an armed group is laden with implications. Reasons **not to engage** therefore cannot be dismissed lightly.<sup>6</sup> Different potential mediators will have different legal and political red lines, but the most common arguments against engagement revolve around the following:

- That **no form of engagement will have an impact** upon the behaviour of a group that is bent on violence and determined to maintain positions of implacable hostility to its enemies. This is a proposition that requires serious consideration. However, engagement need not constitute appeasement. There is no need to agree with an armed group and there are other benefits to be gained from exploratory contacts.
- That any form of **engagement with those who use violence to challenge state power risks strengthening them and will enhance their legitimacy** with their own constituents and on the international stage. This line of thinking received reinforcement in a June 2010 ruling of the U.S. Supreme Court which upheld the constitutionality of a federal law that makes it a crime to provide “material support” – defined to include “expert advice or assistance”, “training” and “services” and embracing the advocacy for human rights or peace – to those identified as foreign terrorist groups.<sup>7</sup>
- Conversely, that **democratic governments may face heated opposition to their engagement with armed groups**, whether through proxies or directly. It is difficult for governments to justify talks with those who are killing their citizens. It is also embarrassing, or worse, if the existence of talks emerges after a government has denied them. A government will not want to be perceived to be rewarding an armed group for its past violence, or give it perverse incentives for carrying on killing.
- That **war is a better solution**. A number of governments have drawn encouragement from what has been termed the “Sri Lanka option”: a tough military response, the refusal to countenance a political solution, and instead a conscious decision to wage war to destroy an armed group. As the International Crisis Group has argued, the model sets a dangerous precedent, not only for its violation of the most basic laws of war, but also for its failure to address most

drivers of Sri Lanka’s conflict, and its contribution to new sources of resentment.<sup>8</sup>

- That some armed groups – such as the Lord’s Resistance Army (LRA) in Uganda, or Democratic Liberation Forces of Rwanda (FDLR) in the eastern Democratic Republic of Congo (DRC) – disregard human rights and employ practices against civilian populations which mediators may find **too abusive to countenance**. However, there are many conflicts in which state actors are also culpable of human rights violations (as was clearly the case in Sri Lanka), and curbing, or halting, such practices must be the priority. For a mediator, it is probably neither possible nor useful to quantify “acceptable” or “unacceptable” levels of violations that might open the way to, or preclude, engagement.
- That armed groups factor in the possibility of international engagement and may either **increase armed action or stall in moving forwards toward peace** accordingly. Frequently cited examples of this include the Kosovo Liberation Army in 1998-1999 and rebel movements in Darfur whose attitudes to the 2006 negotiations in Abuja (and in some instances since then) were arguably conditioned by their varying expectations of the benefits that could accrue to them from international engagement.

Third parties who advocate engagement with rebel and resistance groups do so on the basis that the risks arising from engaging armed groups are outweighed by the prospects of achieving an end to the armed conflict. Their engagement is nevertheless predicated on a number of different assumptions. Some – most critically that the armed group has an interest in a substantive exchange with an external actor – will be quickly tested. The validity of others – that the armed group will actually negotiate (that is, articulate demands that lend themselves to rational, or at least reasoned, debate); or that the armed group can be encouraged to moderate its behaviour and demands, and through

# Dilemmas of talking to the Taliban

By mid-2010, talking about talking to the Taliban had become commonplace as doubts about the success of US-led counter-insurgency efforts mounted. But differences regarding what should be talked about, who should do the talking, how it should relate to the military logic of international engagement in Afghanistan and a broader process of regional reconciliation, remained rife. Since late 2001, when the Taliban were driven from power and established a safe-haven in Pakistan, they had neither been engaged in formal political terms nor developed a coherent set of political demands. Yet individual contacts from the Afghan Government and by others including representatives of Saudi Arabia, the UN, the ICRC and NGOs (in addition to Pakistan) had multiplied.

Challenges to the initiation of a political process stem from a lack of consensus on its objective. Persistent corruption continues to be a source of conflict. Distrust and differences on policy are present within, and between, the Afghan Government, the Taliban, the United States, and critical regional actors such as Pakistan, India, Iran, Saudi Arabia and Russia. Issues that divide them include: opposition to engagement with the Taliban by non-Pashtun Afghans; a combination of intensified military pressure from the US and wavering support of its NATO allies, affecting the Taliban's calculations of when to engage and how seriously; the continuing presence of Taliban leaders on the UN sanctions list; Pakistan's role; and the whole question of pre-conditions. The Taliban want sanctions lists lifted, prisoners released and Western troops out; the US and Saudi Arabia insist that the Taliban should break all ties to Al Qæda. These issues could conceivably be addressed within negotiations, but not in advance of them.

The situation calls for a graduated approach to sustained engagement with the Taliban and other insurgent groups, if not by the US then by others trusted by the US, the Afghan Government and the Taliban. In the absence of clarity on a desired end state for Afghanistan (or the process to reach it) more limited goals could include improved understanding of the Taliban and deepening engagement on humanitarian issues.

international exposure as well as expertise become more amenable to pursuing its goals by peaceful means – will only be ascertained in the course of an engagement.<sup>9</sup>

The complexity of these issues demands a clear-eyed assessment of the mediator’s own capacity and comparative advantages; careful analysis of the armed group (including its motives in contemplating engagement with an external actor); the challenges and risks involved in engaging it; and a detailed understanding of the varied options to do so. As Afghanistan demonstrates, the options before a potential mediator may be limited.

### 3 Engagement by whom?

The United Nations, regional organisations, individual states and private mediators engage with rebel and resistance groups with different capacities, visibility and leverage.<sup>10</sup> Their work may complement the channels that governments themselves maintain to armed groups they publicly hold to be pariahs (as was the case of the UK Government and the IRA). In other cases either no such channels exist, or domestic political sensitivities regarding “talking to terrorists” prohibit their utilisation for substantive or sustained engagement. In these cases, third party intermediaries will be required to establish contact between two or more parties and help explore whether conditions for a negotiation exist.

The asymmetry of conflict involving a government and one of more non-state armed groups as well as a state-centric international system have an impact on questions of which mediators may be best placed to engage with armed groups. This is particularly evident in the early stages of a process. The proliferation of terrorist lists maintained by individual states and multilateral organisations represents one set of constraints for engagement (this is not to deny positive impacts in some cases, including the pressure under which armed groups have been placed



# Private mediators and the GAM in Aceh

The HD Centre's involvement in Aceh dated back to late 1999 and its early focus on the prevention of humanitarian crises in the province. It conducted initial meetings with representatives of the Free Aceh Movement (GAM) in Malaysia and Sweden, while consulting key stakeholders in Jakarta and Aceh. The GAM was reluctant to meet face-to-face with representatives of the Government of Indonesia, but a first meeting eventually took place in early 2000 (The GAM was assured by the HD Centre that it was not formally "talking" to the Government, but just discussing humanitarian issues). The ensuing negotiations broke down five months after the signing of a Cessation of Hostilities Agreement (COHA) in December 2002, but had contributed to substantive shifts on the part of the GAM. Perhaps none was more significant than the GAM's recognition of the Government of Indonesia and acceptance that autonomy could be implemented in the COHA.

The GAM had welcomed the legitimacy which international involvement in its peace process, through the HD Centre, offered (even as the Indonesian Government had accepted the HD Centre only because its private status minimised the same legitimacy). However, it never hid its interest in a more high profile facilitator. The second engagement on Aceh was given impetus both by Indonesia's first direct elections for president in 2004, and the devastating tsunami that struck that December. Facilitated by Martti Ahtisaari and the Crisis Management Initiative, talks held in Helsinki began in early 2005. The GAM welcomed both Ahtisaari, as a former President of Finland, and the access to the European Union he brought to the process. Upon Ahtisaari's recommendation, it also accepted capacity-building from Switzerland. In these circumstances, the GAM dropped its demand for Acehnese independence, perhaps the critical element in allowing a peace agreement to be concluded in August 2005.

to abandon the military struggle). The lists impose no uniform limit on contacts with listed groups or individuals. However, as is discussed below, US citizens or those who come under US jurisdiction (including non-US nationals) may be prosecuted if they provide funds or other “material support” – which can be

*“Different kinds of mediation suggest different kinds of institutions; some require the resources and leverage that only governments or multi-lateral institutions can bring to bear, while in others powerlessness can be an asset, a basis for confidence and trust building.”*

Nicholas Haysom, Executive Office of the UN Secretary-General

construed to include mediation – to groups identified by the US Government as terrorist. Meanwhile, even those mediators who do not fear prosecution may find the question of their engagement with an armed group inhibited by the existence and incoherence of the proscription regimes.<sup>11</sup>

States, and multilateral bodies composed of states, have a bias towards power and in-built sympathies towards other states that long pre-date the existence of terrorist lists. They tend to assume that use of force by a non-state actor is illegitimate (particularly if, like India or Russia, they have active conflicts within their borders). They will understand that many governments will refuse to engage directly with

insurgent groups unless the latter first agree either to abandon the armed struggle, or at least to a cessation of hostilities. Non-state armed actors, meanwhile, struggle to gain access to the fora in which their conflicts will be discussed (such as the UN Security Council) and differ widely in their familiarity with the norms and practices of international diplomacy.

As a variety of mediators may be involved in a given peace process over a number of years, this places emphasis on the importance of sequencing. Different mediators will have different advantages at different stages of a peace process.

Similarly, questions of precedent and concerns about terrorism carry widely differing weight in different political contexts.

- **United Nations:** The UN Secretary-General and Security Council have different roles and responsibilities with regard to peacemaking. The UN Secretary-General engages in mediation and “good offices” whose legitimacy and impartiality are rooted in the UN Charter. These characteristics contribute to the fact that UN mediation remains attractive to many armed groups (others will question a Secretary-General’s ability to act independently of powerful states on the Security Council). State actors may shy away from the UN out of concern for issues of sovereignty and/or the difficulties inherent in involving the UN in a confidential process. In a case such as Nepal, however, discreet political work enabled UN officials to engage early with an insurgent group. In other circumstances, such as the eastern Democratic Republic of Congo, they have been called upon to facilitate complex talks between states and a variety of armed groups.
- **Regional organisations:** Regional and sub-regional organisations have the advantages of proximity to the conflict as well as knowledge of, and sometimes leverage over, conflict parties. However, their engagements may be subject to pressure from their larger member states; limited by issues of mandate and/or capacity; or distorted by the sponsorship of some armed groups by one, or more, of their members (sponsorship of an armed group by a neighbouring state is all too common and can render that group a tool of the foreign policy of its patron, and thus a force for regional, as well as local, instability).

*States, and multilateral bodies composed of states, have a bias towards power and sympathies towards other states that pre-date the existence of terrorist lists.*

- **Individual states:** Individual state mediators – from the United States to prominent regional actors such as Nigeria, South Africa, India, Indonesia, Malaysia, Saudi Arabia, Turkey and Qatar – are able to wield relative power and influence over conflict parties. However, their own interests in a conflict’s outcome, or concerns with the issue of terrorism, may inhibit their engagement with armed groups. In Europe, peacemaking has flourished in two states – Norway and Switzerland – that are not members of the European Union and are therefore not conditioned by its listing of terrorist entities.
- **Private mediators:** Independent international mediators include both private organisations and prestigious individuals. Although “weak” mediators, to the extent that they have to borrow leverage from others, private mediators engage with armed groups with particular advantages. They are small, flexible and independent, and can engage early (and with discretion) with groups others might consider pariahs, or not yet meriting attention. Their involvement is inherently less threatening to a government than that of an official actor, and carries with it the important attribute of deniability. However, they can also be dismissed from a process with no great political cost and will need to link up to official actors as mediation advances.

## 4 Identifying challenges and risks

For a mediator or facilitator decisions regarding whether, and how, to engage will be rooted in detailed analysis of the armed group as well as the broader context within which it is active. Is the struggle to take part in (or take over) the national government, secession, or for control of territory and resources within existing borders? Is the composition of the group determined by ethnicity, or in religious terms? To what extent are structures of command and control identifiable and accessible? (In some cases, as in Aceh, this may involve relations between field commanders and a more distant,

perhaps even exiled, leadership). Does the mediator understand a group's constituency and support base, the role played by women within the armed group, and its economic sustenance and/or interaction with the diaspora? (This is a critical issue in contexts as diverse as Somalia and Sri Lanka). What are the group's relations to other actors (sustainers and spoilers) active inside the conflict system and beyond it? Is there an outside state or states supporting/controlling the armed group? Particular attention will need to be paid to the strategic choices the group may be facing. Where does armed action fit in to a group's broader goals? What calculations will be involved in abandoning the military aspects of its struggle? What costs will it incur by engaging in talks?

Among the numerous issues that are likely to present themselves as **challenges**, the following stand out:

- **Interlocutors and decision-making:** A mediator's task will be greatly facilitated if his or her prospective interlocutor is an effective armed group, with good command and control and clear procedures of political decision-making (as the FMLN in El Salvador) or a charismatic leader with recognised authority (such as John Garang of the Sudanese People's Liberation Army, or indeed Gerry Adams of Sinn Fein). However, this will frequently not be the case. A mediator should therefore consider if he or she is able to develop an understanding of decision-making processes within the armed group and the extent to which interlocutors are legitimate representatives of its leadership. Do those at the negotiating table have authority, or at least report directly to those who do? (This was a concern regarding the Lord's Resistance Army team present at the negotiations in Juba, for example).

*Do those at the negotiation table have authority, or at least report directly to those who do?*

# Coping with pre-conditions on Hamas

Hamas' decision to take part in legislative elections for the Palestinian Authority in early 2006 represented a historic shift as well as an end to its suicide bombing campaign. Its victory took the West by surprise and initiated a period of economic and political isolation – intensified by Israel's blockade of the Gaza strip after the collapse of the unity Government in June 2007 – that has had disastrous economic and humanitarian consequences and jeopardised efforts towards peace.

The Quartet of the European Union, Russia, the UN and the US conditioned future assistance to a Palestinian Government upon that Government's "commitment to the principles of nonviolence, recognition of Israel, and acceptance of previous agreements and obligations".<sup>12</sup> These conditions were unacceptable to Hamas. The Quartet introduced no explicit pre-conditions on contacts with Hamas (and Russia has always maintained them), but both the US and the EU list Hamas as a terrorist group. While the EU list does not proscribe contacts (only funding), after Hamas' electoral victory in 2006 the European Council took the political decision to isolate Hamas further by cutting contact with it. In deference to pressure from the US, and in stark contrast to a traditional disposition to engage with any party deemed necessary for peace, the UN Secretary-General restricted political contact by the UN Special Coordinator for the Middle East Peace Process with Hamas. However, contact was allowed at the working level.

Since 2006, engagement with Hamas has remained in limbo. The Quartet position – and that of the United States within it – is unchanged (and Hamas is still there). A variety of mediators and/or would be mediators from the West – including Norway and Switzerland, former diplomats and NGOs – have pursued contact and opened channels to Hamas' leadership in Gaza and Damascus. Regional mediators, including both Turkey and Egypt, remain involved. Yet while the red lines of the major international players still hold, and without effective channels back to the United States and/or Israel, forward movement remains a distant prospect.

- **Fragmentation:** Fragmented groups, those groups without a recognised leader or command structure, present obvious challenges, not least because – as in the case of the multiple rebel movements in Darfur – one group may claim greater legitimacy than others and seek to veto participation. Fragmentation complicates the issue of regular access by the mediator as well as decision-making, and can invalidate the prospect of a ceasefire. Unsuccessful attempts to unify the groups in Darfur point to a need for alternative processes (such as the 2010 initiative to engage civil society) and a unification effort that combines support from a major power with detailed contextual knowledge of the various movements' internal dynamics.
- **State actor attitudes:** Deciding when, and where, to inform a government of early engagement with an armed group within its territory will be a delicate matter (except in circumstances, such as the UN found in Colombia from 1999–2002, when engagement with rebel groups is directly solicited by the Government). Are there other states (neighbours or regional powers) whose consent or support for engagement will be required? (As Norway secured from India during its involvement in Sri Lanka). If so, at what point to inform them and how? In cases with a particularly weak state actor – such as the Transitional Federal Government in Somalia – concerns about its fragility impact directly upon decisions regarding whether to engage with the armed resistance (Al Shabaab in this instance).
- **Gaining trust:** Winning the trust of an armed group may be a slow and difficult process, but is an essential element of a third party's involvement. Broad cultural and/or religious differences between the mediator and the armed group may constitute particular challenges. Anti-terrorist rhetoric, the perceived hostility of the West toward Islam, the invasion of Iraq and continuing conflict in the Middle East all, for example, may hinder engagement with Islamist groups by Western mediators conditioned – or perceived to be conditioned – by a

secular and internationalist approach. (The peace jirga held in Afghanistan in June 2010 concluded with a call for help from Muslim countries, including Saudi Arabia and Turkey).

- **Pre-conditions:** Rigid pre-conditions may not be an obstacle in the early phases of engagement (pre-negotiation), but will become so as parties move into “talks about talks”. Frequently such conditions – whether they are for an end to violence, a ceasefire, recognition of an occupying power, or the renouncing of secessionist goals – touch upon either the armed group’s primary source of leverage upon the process (its arms), or the core issue in contention. It should not surprise a potential mediator, or the armed group’s adversary, that the group in question will not be prepared to concede such issues at the beginning of a process.
- **Absence of a clear or “realistic” agenda:** A lack of clarity on what is wanted from a political process by the armed group, or the reiteration of maximalist but “impossible” goals (such as Al Qæda’s demands for the establishment of a new caliphate) both present obstacles to negotiations. Such obstacles need not necessarily preclude other forms of engagement that might help shift an armed group’s positions, or reach out to affiliates of the group in question with more localised concerns (such as Al Shabaab). However, in practice, the perception that there is “nothing to talk about” with an armed group represents one of the most frequent deterrents to engagement.

*“You can negotiate with someone who has a political agenda. The LRA does not have one.”*

Salva Kiir, First-Vice President of Sudan,  
President of the Government of Southern Sudan<sup>13</sup>

- **Competition:** The presence, or interest, of other potential mediators can complicate engagement with an armed group and overcrowd the mediation. In some cases – such as Darfur at different moments – it has not been just the rebels who do the “forum shopping”. There have been external actors, some



# The ICC and the LRA in conflict at the peace table

For many years the international community neglected the conflict between the Lord's Resistance Army (LRA), led by the enigmatic Joseph Kony, and the Government of Uganda with devastating consequences for the people of Northern Uganda. Peacemaking was pursued by the Ugandan politician Betty Bigombe, who received discreet support from the UN and a number of states. Her efforts ended in early 2005. By then, at the request of the Ugandan Government, the International Criminal Court had initiated an investigation into the situation. In July 2005, ICC judges issued sealed warrants for the arrest of Kony and four LRA commanders. They were unveiled in October that year.

A new peace process began in mid-2006 in Juba, at the instigation of the Government of Southern Sudan, facilitated by its Vice-President, Riek Machar, and actively supported by UN envoy, former President Joachim Chissano of Mozambique. This process represented a confrontation between two different forms of engagement with an armed group: one driven by peace and the other by justice. The parties reached agreement on the text of a comprehensive peace agreement, but the ICC arrest warrants hung heavily over them as Kony, and the other indicted commanders, refused to attend formal talks in Juba. The LRA was instead represented by exiled Acholi in the diaspora and others whose ability to speak for Kony was never fully validated.

Kony's refusal to sign the peace agreement ended the process. The experience demonstrated the challenges of a peace process in which personal incentives cannot be offered. The agreement proposed Ugandan criminal justice processes as an alternative to the ICC. However, with Kony's rejection of the deal and renewed military activity by the LRA, regional and international actors increasingly saw the LRA not as a legitimate political force, but as an armed band led by war criminals. In his final briefing to the Security Council in mid-2009, Chissano recommended a two-pronged strategy involving military action against the LRA as well as negotiations.

perceived as hostile, pursuing engagement with rebels in ways that have suggested that they have been “shopping” too (as some rebel groups have complained). Coordination of the various third parties may be possible. If not, hard choices regarding how to develop complementary roles, or even whether to persist in a mediation effort, may have to be taken.

- **Managing confidentiality:** Confidentiality is often a condition for engagement with an armed group for reasons of both security and political sensitivity, particularly in the early stages of a process. A government may also be reluctant to have it known that it has opened a channel to an armed group or that it has involved an external actor to do so. (Both were the case during the HD Centre’s facilitation of talks between the Spanish Government and ETA between 2005 and 2007, details of which the parties subsequently leaked to the press). Maintaining confidentiality can be a challenge but moving into a public process can be difficult too, especially in situations in which a government’s contacts with an armed group are contested by its political opposition and/or public opinion.
- **Questions of inclusion:** Mediators may find an armed group reluctant to countenance the involvement of others it fears may dilute its influence. The presence of a wide array of civil society and other stakeholders in negotiations is rarely practical, but a mediator can encourage a group to consider other forms of consultation. The mediator can also undertake them him or herself if the parties are unable to do so. Gender may be a particular challenge, not least because the great majority of leaders of armed groups are men. As trust is built, the mediator can inquire about the role of women and emphasise the importance of addressing gender issues in a peace process.
- **Accountability:** New demands for accountability – for non-state actors as well as state representatives - derive from the evolution of the international legal framework since the end of the Cold War. The International Criminal Court (ICC) and

a number of ad hoc tribunals have been established. The UN Secretary-General introduced guidelines for UN mediators that rule out their encouragement, or endorsement, of agreements that provide amnesties for those guilty of war crimes, crimes against humanity, genocide and gross human rights violations.<sup>14</sup> Other institutions, such as the EU, have also generally followed a policy of shunning amnesty for serious international crimes, in line with ICC obligations. These developments represent normative progress towards peace and justice, but, with amnesty a critical bargaining chip, they bring added responsibilities and challenges to those mediating between armed actors responsible for human rights abuses and atrocities.

Engagement also involves at least five areas of real **risk**. Two relate to impacts on the armed group: the risk of its legitimisation, and the unforeseen operational impacts that engagement may trigger. A further three involve possible consequences for the mediator or mediating organisation. Security is an obvious risk, but legal liability is now another. The third is the more nebulous question of partiality, which can have consequences for the mediator's continuing engagement in a particular conflict and, more generally, for the professional reputation of his or her organisation.

- **Legitimacy:** The fact that engagement with an armed group involves a degree of recognition that the group is a valid interlocutor is perhaps the primary political objection raised by many governments. Yet the only recognition explicitly given by a mediator is that the armed group is responsible for violence and ending violence therefore means engaging with it. The sensitivity of legitimising an armed group has been inflated by the war on terror and its attendant proscription regimes. Even in this environment, different mediators may be able to engage with different levels of visibility and resonance (a formal representative

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of the UN Secretary-General or Special Envoy of the United States has different connotations than a diplomat from a small state, more junior UN official or a representative of an NGO). More regular engagement with a wide variety of armed groups would help shift the argument away from the question of “talking to terrorists” to the more substantive issue of what it will be possible to talk to them about.

- **Unforeseen impacts:** Mediators embark on engagement with armed groups with large gaps in their knowledge of them and no control over a wide range of variables that may impact upon their behaviour. It is therefore not surprising that, on occasion, their engagement has unforeseen and undesirable impacts (of course, in other instances unforeseen impacts – including encouraging greater flexibility on the part of the armed group than was expected – may also be desirable). These may involve contribution to a spike in violence as rebel groups seek to increase military leverage over the political process. They also could include provocation of internal debates that reinforce hardliners, contributing to the splintering of groups, and/or facilitating a process that advances little in political terms but provides “cover” for the group to re-arm and re-position itself for a new military offensive.
- **Security:** Mediators interested in engaging with armed groups involved in “hot” phases of armed conflict, or living clandestinely, are initiating an activity with obvious security risks – both for themselves and their interlocutors. Different organisations will have different security protocols and conditions, but will need to calculate what constitutes an “acceptable” level of risk for their staff, as well as the responsibility they may be assuming for the travel and security of their interlocutors. Crossing international borders presents obvious challenges with regard to visas and border security, and will generally require assistance from the states concerned. Threats to non-state groups include security forces which may not be aware that a confidential political process is underway or of the movements required to facilitate it.

- **Legal issues:** Mediators face legal risks in two broad areas. The first relates to the post 9/11 counter-terrorist legislation upheld by the US Supreme Court in June 2010. A broad definition of “material support” (to include expert advice, assistance, services and personnel) opens up the possibility of prosecution for a wide range of activities consistent with engagement with an organisation designated as terrorist by the US Government, or with one that the individual concerned knows has engaged, or still engages, in terrorist activity. The material support statute is broad in its jurisdiction, applying to US citizens and residents, but also to non-US individuals “brought into or found in the United States” after an offense occurs.<sup>15</sup> A related issue is that, through engaging with armed groups, mediators are often dealing with actors who have been involved in major crimes. It is logical that prosecutors (including the ICC) may one day try to subpoena mediators. Mediators may be asked to testify, or to provide various kinds of information in relation to the armed group (such as cell phone numbers, structure and hierarchy). Alternatively, defense counsel might ask for information if a member of the armed group is charged and the mediator is deemed likely to have information relevant to the case. In neither circumstance have mediators so far faced legal consequences, but with nothing in the law to provide protection, the vulnerability is real.<sup>16</sup> Looking ahead, there may be grounds for arguing that mediators, like lawyers, might rely on the privileged nature of their conversations with armed groups as a bar to a subpoena or demand for disclosure.

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- **Partiality:** Mediators who work to develop the trust of armed groups risk being perceived as, or actually becoming, partial to their cause. This is in part a structural issue, in that mediators

# Norway and the LTTE

As facilitator of the peace process between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE), the Government of Norway struggled to counter the asymmetry between the parties. The violence of the methods pursued by the LTTE, in particular their mastery of suicide bombing and assassination of prominent political figures, led them to be excoriated by the international community as well as by the Sinhala-dominated Sri Lankan Government. They were also included on the US list of foreign terrorist organisations from 1997.

Many hours spent with the LTTE by Norway's special envoy, Erik Solheim, built their trust in Norway. A ceasefire was agreed in 2002. However, as progress stalled from mid-2003, the Norwegians came under increasing criticism for what was perceived as their partiality toward the Tigers. Over time they lost the confidence of the Sri Lankan Government. Norway regretted that other international actors were reluctant to engage with the LTTE because of the opportunity lost to develop mutual understanding. It argued against the EU's listing of the LTTE as a terrorist group in 2006 on the grounds that it would damage the peace process (EU monitors within the mission established to monitor the ceasefire were withdrawn from the country after the LTTE indicated that it no longer considered them to be neutral).

Overall, the proscription of the LTTE had mixed effects. The post 9/11 climate had arguably helped bring the Tigers to the table; it also drew attention to their foreign funding, allowing space for moderate diaspora Tamils to engage in a helpful fashion. However, it complicated the involvement of a Co-Chair group of donors (the European Union, Japan, Norway and the United States) which was established in 2003. Despite Norway's efforts, the other members' bias against a conflict party they primarily identified as terrorist proved counter-productive (a notable example was the exclusion of the LTTE from a donor conference held in Washington 2003) and fuelled differences between them.

who assume the role of a channel to the armed group are likely to develop a nuanced understanding of its grievances and demands. They may be called upon to explain them to official actors who do not engage with the armed groups themselves and can therefore risk appearing as their spokespersons. Beyond maintaining scrupulous attention to their own honesty as a broker – and seeking to illustrate to the state party that they are not partial to the armed group’s cause – mediators can encourage other actors to meet with an armed group to hear from its representatives directly.

## 5 Options

A mediator has a wide variety of options available as he or she considers engagement. These will vary according to the nature of the armed group in question, as well as the context within which it is operating. Some groups have quasi-diplomatic representation abroad and are relatively straightforward to contact. Others operate clandestinely, or only in remote, dangerous and shifting locations and are much more difficult to engage. In some cases humanitarian actors, or UN peacekeepers, have operational contacts with members of armed groups in fulfillment of their mandates. However, they may not be in a position to advise, or facilitate, the development of political engagement in case it compromises their own work. In other, less internationalised, contexts a mediator may be working in greater isolation, with his or her team tightly limited to interaction with group and government representatives.

In most, but not all, cases mediation will involve three distinct steps. These include establishing a confidential channel to exchange messages and information, and to build trust; beginning negotiations, perhaps still in secret talks, and establishing the idea of compromise in order to allow the parties to articulate their real, achievable goals; and a public process

towards a lasting agreement, frequently involving an increasingly broad and complex array of other actors. At different moments, the varied options for engagement will include:

- **Initial contacts:** Initial contacts with an armed group take a wide variety of forms. In some contexts a group may reach out to a mediator directly. (The UN is approached by armed groups with some regularity, frequently in circumstances in which it knows that its involvement would be unacceptable to the government concerned). In others, external actors have approached armed actors through intermediaries. These might include local journalists, human rights activists or religious leaders, as well as political actors or members of civil society who may have local level contacts with the group concerned. In some instances, the intermediaries develop into trusted partners in the mediation, in others the mediator (and intermediary) may find a sustained relationship too complex to maintain. Beyond the contacts themselves, early encounters with an armed group provide an opportunity for the mediator and armed group to explore the motivations and capacities of the other. The armed group may be “vetting” the mediator no less deliberately than the mediator is trying to build his or her understanding of the armed group.
- **Proxies, insider mediators, and track two:** In some contexts it is possible to identify formal or informal proxies through whom engagement can be pursued. In Northern Ireland, the British Government had long maintained a confidential channel to the IRA, but engaged in direct negotiations with Sinn Fein (which also represented the Republican movement in the talks chaired by former US Senator George Mitchell). This was facilitated by the authority wielded by Sinn Fein’s leaders, sympathy for the IRA among the Irish diaspora and in certain quarters in the US, and the British Government’s realisation of the benefits of strengthening Republicanism’s political expression. (It stands in contrast to policies adopted by the Spanish Government, which banned ETA’s political



# Engaging the Maoists in Nepal

Nepal's peace process was led and driven by Nepalis, although heavily conditioned by the influence of India. However, it also involved external actors who offered support to dialogue and negotiation. These included the HD Centre (2000–2006); the United Nations, which provided “good offices” from 2003, and whose presence grew in 2005 into an Office of the UN High Commissioner for Human Rights and, from 2007, a special political mission, the United Nations Mission in Nepal (UNMIN); the Carter Center (2004–2006); and a Swiss special adviser on peace-building from mid-2005.

All pursued initial contacts with the Communist Party of Nepal (Maoist) through a Nepali human rights activist and national peace facilitator. Once trust was established, external actors found the Maoists open to engagement and eager to learn from experience elsewhere. They particularly welcomed the early attention from the HD Centre and the involvement of the UN for the legitimacy they saw it giving their struggle. External engagement, although subordinate to national initiatives and decision-making, helped promote acceptance of dialogue in Nepal. It also prepared the way for UNMIN's assumption of responsibilities for the monitoring of arms and armies, as well as support to the electoral process.

Elections held in April 2008 propelled the Maoists into government as the largest party in Nepal's new Constituent Assembly. This was a surprise for many of the external actors involved (including India) and challenging in legal terms for the United States, which had included the Maoists on its “terrorist exclusion list” since 2003. The US Ambassador was precluded from direct meetings with Maoists, but was able to secure a waiver that allowed US officials to meet with Maoists holding public office. She also took measures to ensure that the US did not knowingly provide Maoists with “material support”. As this could be construed to include tea and coffee, breakfast meetings were held at the residence of the Norwegian ambassador.

surrogate Batasuna, and encouraged its inclusion on the EU’s terrorist list). Other forms of proxy engagement include insider mediators – individuals with the capacity to mediate among different factions within the conflict parties – or “track two” actors, who may meet quietly with delegates or associates of an armed group in advance of, and in parallel to, a more formal process. In some circumstances (Burundi, for example) extended contacts by NGOs contributed to the decision of an armed group to engage in a formal peace process.

- **Capacity-building:** Negotiations are necessarily high-risk, and their chances of success are improved by a level of self-confidence on the part of the parties. This is particularly true of armed groups, for whom capacity-building and training can be critical. They need to be comfortable with the process

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of negotiation, but also have knowledge of the issues to be negotiated (such as cease-fires), and their implications. Addressing root causes will almost always have constitutional dimensions. A mediator or facilitator can provide texts and materials for the parties’ consideration, or bring in experts on human rights, autonomy or other issues. However, sustained capacity-building (through meetings, workshops, facilitated dialogues and other methods) is frequently best performed by other actors and, at times, in locations other than that of the conflict theatre. In Sri Lanka, for example, Berghof Peace Support and

Switzerland, working at the request of the Norwegian facilitator, were both involved in efforts to strengthen the capacity of the major conflict stakeholders. In the Basque Country, the South African lawyer Brian Currin has worked with Batasuna to encourage its transition to the pursuit of its goals through purely political and democratic means.

- **Humanitarian engagement:** There are differences and tensions, but also similarities and synergies, between political and humanitarian mediation. Humanitarian mediation can open doors to armed groups not yet prepared to contemplate a political process. It can also create common ground on the basis of universal humanitarian norms (since 2008, for example, the HD Centre and the UN's Office for the Coordination of Humanitarian Affairs have held a series of workshops for Darfur's opposition movements to address issues such as safe humanitarian access, the protection of civilians and the rights of internally displaced persons). In a best case scenario, agreements reached can directly contribute to the alleviation of suffering whilst also building confidence in negotiation as a means to resolve differences. However, humanitarian mediation carries with it inherent risks. These include that humanitarian principles will be subordinated to political ends, or that an armed group will embark on a humanitarian process but either stall on commitments it undertakes within it and/or delay embarking on political engagement.
- **Political mediation and negotiations:** Mediators aspire to the facilitation and support of negotiations aimed at the political settlement of armed conflict. Such negotiations will be most effective when a mediator is entrusted with a clear lead of the mediation process, while the parties, of course, determine the negotiation's substantive outcome. But clearly a mediator's role may vary greatly, according to the trust and confidence he or she has been able to develop with representatives of the conflict parties in the pre-negotiation phase; the support sought by conflict party principals; and his or her own perception of the best needs of the process. In all cases the parity in status of the conflict parties will be delicate. It will generally be best to hold talks outside the state in conflict, even though the logistics involved in facilitating the travel and security of representatives of the rebel group are likely to be demanding.

- **The potential for de-listing:** During 2010 a gradual process of reform within UN sanctions regimes, as well as requests from the Afghan Government, contributed to the de-listing of some former Taliban officials, and others associated with the Taliban and Al Qæda, from the consolidated sanctions list established in 1999 pursuant to Security Council resolution 1267. Looking ahead, more attention could be given to the use of listing and de-listing mechanisms as incentives to dialogue. This would require a shift away from the conception of the terrorist lists in purely punitive terms as well as the introduction of practical steps to improve the transparency of designation processes. In particular, clear criteria and procedures for periodic review and de-listing, that take into account the evolution of conflict dynamics and actors, would need to be developed.<sup>17</sup>

*More attention could be given to the use of listing and de-listing mechanisms – in particular clear criteria and procedures for periodic review and de-listing – as incentives to dialogue.*

- **Pulling out:** Among the options for engagement is disengagement – pulling out. Inevitably an option of last resort, a credible threat of withdrawal is nevertheless a source of considerable leverage (conversely a mediator who will never leave may undermine the integrity of a mediation process). Reasons for disengagement might include an overcrowding of the mediation field; the mediator’s analysis that a process is taking shape in which his or her continued involvement is no longer required; a loss of confidence in the mediator by one, or more, of the conflict parties; or the mediator’s own assessment that the peace process is being used by the conflict parties for purposes other than the pursuit of peace (for example, re-arming or re-grouping for a new military offensive). Though disengagement may be difficult, a mediator should not find him or herself in the position of needing to sustain a failing process more badly than the conflict parties themselves.

## 6 | Conclusions

There are few areas of a mediation in which so many variables come into play as engaging with armed groups. A mediator's willingness and capacity to establish contacts and work with armed groups will be a question of both art and opportunity. An ability to do so may be rooted in the identity of the mediator – some will be more affected by concerns regarding engaging with those perceived or listed as “terrorists” than others – but will also encompass other elements. These include the unpredictable and, at times, opaque nature of the armed groups and their capacity for, and interest in, engaging with external third parties, as well as the positions and attitudes adopted by the state actors concerned.

Engagement with armed groups carries with it a variety of challenges and risks. Yet, when managed carefully and responsibly, its potential benefits far outweigh the costs of not engaging – and letting the conflict take its toll on civilian victims. The variety of options for engagement militates against a rejection of initial contacts solely because the maximum demands of a group are unacceptable. At the point of initial contact what is relevant is not so much what these end-stage demands might be, but whether engagement may lead to a substantive exchange on the issues at hand, opening the door to the possibility of future peace.

## Endnotes

- <sup>1</sup> A number of the dilemmas, challenges and risks encountered by mediators who seek to engage with armed groups also apply to humanitarian actors and organisations such as Geneva Call (dedicated to engaging non-state armed groups towards their compliance with the norms of international humanitarian and human rights law), whose work is not addressed within this publication.
- <sup>2</sup> This conclusion emerges strongly from previous publications on this issue, notably Robert Ricigliano (ed.), *Choosing to engage: armed groups and peace processes*, Accord 16 (London: Conciliation Resources, 2005)
- <sup>3</sup> Interviewed by The Guardian in May 2008, Sir Hugh Orde, then head of the Police Service in Northern Ireland, commented, "If somebody can show me any terrorism campaign where it has been policed out, I'd be happy to read about it, because I can't think of one." Vikram Dodd, "Time to talk to al-Qaida, senior police chief urges", *The Guardian*, 30 May, 2008
- <sup>4</sup> A little over a fifth of 2009's armed conflicts saw more than one rebel group challenging the government. Lotte Harbom and Peter Wallensteen, "Armed Conflicts, 1946-2009", *Journal of Peace Research*, 47/4, (2010)
- <sup>5</sup> Véronique Dudouet, "Mediating Peace with Proscribed Armed Groups", United States Institute for Peace, Special Report 239, (Washington: 2010)
- <sup>6</sup> See, for example, arguments put forward in John Bew et al., *Talking to Terrorists: Making Peace in Northern Ireland and the Basque Country*, (London: Hurst and Company, 2009), and Mitchell B. Reiss, *Negotiating with Evil: When to talk to Terrorists*, (E-book: Open Road Integrated Media, Brussels: 2010)
- <sup>7</sup> Supreme Court of the United States, Ruling 77, Docket N° 08-1498, "Holder, Attorney General, et al. v. Humanitarian Law Project et al.", 21 June 2010
- <sup>8</sup> International Crisis Group, "War Crimes in Sri Lanka", Crisis Group Asia Report N° 191, (Brussels: 2010)
- <sup>9</sup> On the question of assumptions see David Petrusek, "Armed Groups and Peace Processes – Pondering and Planning Engagement", Background paper, Centre for Humanitarian Dialogue Asian Mediators' Retreat, (Geneva: Centre for Humanitarian Dialogue, 2005)
- <sup>10</sup> The distinct role played by national mediators, and the real challenges and risks they assume are not addressed within this paper. On this subject see, for example, Simon Mason, "Insider Mediators: Exploring Their Key Role in Informal Peace Processes", (Berlin: Berghof Foundation for Peace Support, 2009)

- <sup>11</sup> Oliver Wils and Véronique Dudouet, “Challenges Facing Peacebuilders Engaging with Listed Groups”, (Berlin, Berghof Conflict Research and Berghof Peace Support, 2010); Andy Carl, “Viewpoint: Ending Civil Wars Just Got Harder”, accessed from the BBC World Service website, 29 June 2010
- <sup>12</sup> Quartet Statement, London, 30 January 2006
- <sup>13</sup> Speaking at the International Peace Institute, New York, 22 September 2010
- <sup>14</sup> United Nations Press Release, SG/SM/7257, Secretary-General Comments on Guidelines Issued to Envoys, 10 December 1999
- <sup>15</sup> United States Code, Title 18, §2339B, “Providing material support or resources to designated foreign terrorist organizations”, (d) Extraterritorial jurisdiction.
- <sup>16</sup> In the United States the more immediate effect is political; indeed there are several examples of individuals who have failed to receive congressional confirmation for political appointments because of their prior engagements with designated terrorists.
- <sup>17</sup> See Dudouet, “Mediating Peace with Proscribed Armed Groups”, on possible steps to reform proscription regimes.

# Further reading

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Andy Carl, “Viewpoint: Ending Civil Wars Just Got Harder”, accessed from the BBC World Service website, 29 June 2010

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Deborah Mancini-Griffoli and André Picot, *Humanitarian Negotiation: A handbook for securing access, assistance, and protection for civilians in armed conflict* (Geneva: Centre for Humanitarian Dialogue, 2004)

Gerard McHugh and Manuel Bessier, *Humanitarian Negotiations with Armed Groups: A Manual for Practitioners and Guidelines on Humanitarian Negotiations with Armed Groups* (New York: United Nations, Office for the Coordination of Humanitarian Affairs, 2006)

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